

# HB4314



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4314

by Rep. Thomas M. Bennett

### SYNOPSIS AS INTRODUCED:

See Index

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

LRB100 15650 RLC 30751 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 (Text of Section before amendment by P.A. 100-512 and  
8 100-517)

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

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

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

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

1           (d) Information and records held by the Department of  
2 Public Health and its authorized representatives relating  
3 to known or suspected cases of sexually transmissible  
4 disease or any information the disclosure of which is  
5 restricted under the Illinois Sexually Transmissible  
6 Disease Control Act.

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

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

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

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

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

25           (j) Information and data concerning the distribution  
26 of surcharge moneys collected and remitted by carriers

1 under the Emergency Telephone System Act.

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

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

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

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

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

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

1 Regional Transportation Authority under Section 2.11 of  
2 the Regional Transportation Authority Act or the St. Clair  
3 County Transit District under the Bi-State Transit Safety  
4 Act.

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

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

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

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

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

1 (v) Names and information of people who have applied  
2 for or received Firearm Owner's Identification Cards under  
3 the Firearm Owners Identification Card Act before the  
4 effective date of this amendatory Act of the 100th General  
5 Assembly or applied for or received a concealed carry  
6 license under the Firearm Concealed Carry Act, unless  
7 otherwise authorized by the Firearm Concealed Carry Act;  
8 and databases under the Firearm Concealed Carry Act,  
9 records of the Concealed Carry Licensing Review Board under  
10 the Firearm Concealed Carry Act, and law enforcement agency  
11 objections under the Firearm Concealed Carry Act.

12 (w) Personally identifiable information which is  
13 exempted from disclosure under subsection (g) of Section  
14 19.1 of the Toll Highway Act.

15 (x) Information which is exempted from disclosure  
16 under Section 5-1014.3 of the Counties Code or Section  
17 8-11-21 of the Illinois Municipal Code.

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

26 (z) Records and information provided to a fatality

1 review team or the Illinois Fatality Review Team Advisory  
2 Council under Section 15 of the Adult Protective Services  
3 Act.

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

6 (bb) Information which is or was prohibited from  
7 disclosure by the Juvenile Court Act of 1987.

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

11 (dd) Information that is prohibited from being  
12 disclosed under Section 45 of the Condominium and Common  
13 Interest Community Ombudsperson Act.

14 (ee) Information that is exempted from disclosure  
15 under Section 30.1 of the Pharmacy Practice Act.

16 (ff) Information that is exempted from disclosure  
17 under the Revised Uniform Unclaimed Property Act.

18 (gg) ~~(ff)~~ Information that is prohibited from being  
19 disclosed under Section 7-603.5 of the Illinois Vehicle  
20 Code.

21 (hh) ~~(ff)~~ Records that are exempt from disclosure under  
22 Section 1A-16.7 of the Election Code.

23 (ii) ~~(ff)~~ Information which is exempted from  
24 disclosure under Section 2505-800 of the Department of  
25 Revenue Law of the Civil Administrative Code of Illinois.

26 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,

1 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;  
2 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
3 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
4 8-28-17; 100-465, eff. 8-31-17; revised 11-2-17.)

5 (Text of Section after amendment by P.A. 100-517 but before  
6 amendment by P.A. 100-512)

7 Sec. 7.5. Statutory exemptions. To the extent provided for  
8 by the statutes referenced below, the following shall be exempt  
9 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  
24 to known or suspected cases of sexually transmissible  
25 disease or any information the disclosure of which is



1 restricted under the Illinois Sexually Transmissible  
2 Disease Control Act.

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

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

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

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

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

21 (j) Information and data concerning the distribution  
22 of surcharge moneys collected and remitted by carriers  
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25 or driver identification information compiled by a law  
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10 (n) Defense budgets and petitions for certification of  
11 compensation and expenses for court appointed trial  
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13 Crimes Litigation Act. This subsection (n) shall apply  
14 until the conclusion of the trial of the case, even if the  
15 prosecution chooses not to pursue the death penalty prior  
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19 Hazardous Substances Registry Act.

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21 investigation reports, surveys, schedules, lists, data, or  
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23 Regional Transportation Authority under Section 2.11 of  
24 the Regional Transportation Authority Act or the St. Clair  
25 County Transit District under the Bi-State Transit Safety  
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3           (r) Information prohibited from being disclosed by the  
4 Illinois School Student Records Act.

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6 under Section 5-108 of the Public Utilities Act.

7           (t) All identified or deidentified health information  
8 in the form of health data or medical records contained in,  
9 stored in, submitted to, transferred by, or released from  
10 the Illinois Health Information Exchange, and identified  
11 or deidentified health information in the form of health  
12 data and medical records of the Illinois Health Information  
13 Exchange in the possession of the Illinois Health  
14 Information Exchange Authority due to its administration  
15 of the Illinois Health Information Exchange. The terms  
16 "identified" and "deidentified" shall be given the same  
17 meaning as in the Health Insurance Portability and  
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22 team of experts under Brian's Law.

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24 for or received Firearm Owner's Identification Cards under  
25 the Firearm Owners Identification Card Act before the  
26 effective date of this amendatory Act of the 100th General

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2        license under the Firearm Concealed Carry Act, unless  
3        otherwise authorized by the Firearm Concealed Carry Act;  
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6        the Firearm Concealed Carry Act, and law enforcement agency  
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9        exempted from disclosure under subsection (g) of Section  
10       19.1 of the Toll Highway Act.

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22 (jj) ~~(ff)~~ Information and reports that are required to  
23 be submitted to the Department of Labor by registering day  
24 and temporary labor service agencies but are exempt from  
25 disclosure under subsection (a-1) of Section 45 of the Day  
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1 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,  
2 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;  
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24 be submitted to the Department of Labor by registering day  
25 and temporary labor service agencies but are exempt from  
26 disclosure under subsection (a-1) of Section 45 of the Day

1 and Temporary Labor Services Act.

2 (kk)~~(ff)~~ Information prohibited from disclosure under  
3 the Seizure and Forfeiture Reporting Act.

4 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,  
5 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;  
6 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
7 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
8 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,  
9 eff. 6-1-18; revised 11-2-17.)

10 Section 10. The Department of State Police Law of the Civil  
11 Administrative Code of Illinois is amended by changing Sections  
12 2605-45, 2605-300, and 2605-595 as follows:

13 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

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

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

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

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

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

1 criminal activity.

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

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

9 (6.5) (Blank). ~~Exercise the rights, powers, and duties~~  
10 ~~vested in the Department by the Firearm Owners~~  
11 ~~Identification Card Act.~~

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

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

16 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

17 Sec. 2605-300. Records; crime laboratories; personnel. To  
18 do the following:

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

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

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

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

3 (5) Establish general and field crime laboratories.

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

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

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

15 (Source: P.A. 98-63, eff. 7-9-13; 99-801, eff. 1-1-17.)

16 (20 ILCS 2605/2605-595)

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

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

24 (b) The Department of State Police may use moneys in the  
25 Fund to finance any of its lawful purposes, mandates,

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

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

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

18 (20 ILCS 2605/2605-120 rep.)

19 Section 15. The Department of State Police Law of the Civil  
20 Administrative Code of Illinois is amended by repealing Section  
21 2605-120.

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

1 (20 ILCS 2630/2.2)

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

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

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

24 (30 ILCS 105/6z-99)



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

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

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

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

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

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

23           (50 ILCS 710/1) (from Ch. 85, par. 515)

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

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

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

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

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

21 Section 35. The School Code is amended by changing Sections  
22 10-22.6, 10-27.1A and 34-8.05 as follows:

23 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

1 searches.

2 (a) To expel pupils guilty of gross disobedience or  
3 misconduct, including gross disobedience or misconduct  
4 perpetrated by electronic means, pursuant to subsection (b-20)  
5 of this Section, and no action shall lie against them for such  
6 expulsion. Expulsion shall take place only after the parents  
7 have been requested to appear at a meeting of the board, or  
8 with a hearing officer appointed by it, to discuss their  
9 child's behavior. Such request shall be made by registered or  
10 certified mail and shall state the time, place and purpose of  
11 the meeting. The board, or a hearing officer appointed by it,  
12 at such meeting shall state the reasons for dismissal and the  
13 date on which the expulsion is to become effective. If a  
14 hearing officer is appointed by the board, he shall report to  
15 the board a written summary of the evidence heard at the  
16 meeting and the board may take such action thereon as it finds  
17 appropriate. If the board acts to expel a pupil, the written  
18 expulsion decision shall detail the specific reasons why  
19 removing the pupil from the learning environment is in the best  
20 interest of the school. The expulsion decision shall also  
21 include a rationale as to the specific duration of the  
22 expulsion. An expelled pupil may be immediately transferred to  
23 an alternative program in the manner provided in Article 13A or  
24 13B of this Code. A pupil must not be denied transfer because  
25 of the expulsion, except in cases in which such transfer is  
26 deemed to cause a threat to the safety of students or staff in

1 the alternative program.

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

16 Any suspension shall be reported immediately to the parents  
17 or guardian of a pupil along with a full statement of the  
18 reasons for such suspension and a notice of their right to a  
19 review. The school board must be given a summary of the notice,  
20 including the reason for the suspension and the suspension  
21 length. Upon request of the parents or guardian the school  
22 board or a hearing officer appointed by it shall review such  
23 action of the superintendent or principal, assistant  
24 principal, or dean of students. At such review the parents or  
25 guardian of the pupil may appear and discuss the suspension  
26 with the board or its hearing officer. If a hearing officer is

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

16 (b-5) Among the many possible disciplinary interventions  
17 and consequences available to school officials, school  
18 exclusions, such as out-of-school suspensions and expulsions,  
19 are the most serious. School officials shall limit the number  
20 and duration of expulsions and suspensions to the greatest  
21 extent practicable, and it is recommended that they use them  
22 only for legitimate educational purposes. To ensure that  
23 students are not excluded from school unnecessarily, it is  
24 recommended that school officials consider forms of  
25 non-exclusionary discipline prior to using out-of-school  
26 suspensions or expulsions.

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

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

15 (b-20) Unless otherwise required by this Code,  
16 out-of-school suspensions of longer than 3 days, expulsions,  
17 and disciplinary removals to alternative schools may be used  
18 only if other appropriate and available behavioral and  
19 disciplinary interventions have been exhausted and the  
20 student's continuing presence in school would either (i) pose a  
21 threat to the safety of other students, staff, or members of  
22 the school community or (ii) substantially disrupt, impede, or  
23 interfere with the operation of the school. For purposes of  
24 this subsection (b-20), "threat to the safety of other  
25 students, staff, or members of the school community" and  
26 "substantially disrupt, impede, or interfere with the

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

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

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

25 A school district shall create a policy to facilitate the  
26 re-engagement of students who are suspended out-of-school,

1 expelled, or returning from an alternative school setting.

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

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

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

22 (d) The board may expel a student for a definite period of  
23 time not to exceed 2 calendar years, as determined on a  
24 case-by-case ~~case-by-case~~ basis. A student who is determined to  
25 have brought one of the following objects to school, any  
26 school-sponsored activity or event, or any activity or event



1 that bears a reasonable relationship to school shall be  
2 expelled for a period of not less than one year:

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

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

20 Expulsion or suspension shall be construed in a manner  
21 consistent with the Federal Individuals with Disabilities  
22 Education Act. A student who is subject to suspension or  
23 expulsion as provided in this Section may be eligible for a  
24 transfer to an alternative school program in accordance with  
25 Article 13A of the School Code.

26 (d-5) The board may suspend or by regulation authorize the

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

17 (e) To maintain order and security in the schools, school  
18 authorities may inspect and search places and areas such as  
19 lockers, desks, parking lots, and other school property and  
20 equipment owned or controlled by the school, as well as  
21 personal effects left in those places and areas by students,  
22 without notice to or the consent of the student, and without a  
23 search warrant. As a matter of public policy, the General  
24 Assembly finds that students have no reasonable expectation of  
25 privacy in these places and areas or in their personal effects  
26 left in these places and areas. School authorities may request

1 the assistance of law enforcement officials for the purpose of  
2 conducting inspections and searches of lockers, desks, parking  
3 lots, and other school property and equipment owned or  
4 controlled by the school for illegal drugs, weapons, or other  
5 illegal or dangerous substances or materials, including  
6 searches conducted through the use of specially trained dogs.  
7 If a search conducted in accordance with this Section produces  
8 evidence that the student has violated or is violating either  
9 the law, local ordinance, or the school's policies or rules,  
10 such evidence may be seized by school authorities, and  
11 disciplinary action may be taken. School authorities may also  
12 turn over such evidence to law enforcement authorities.

13 (f) Suspension or expulsion may include suspension or  
14 expulsion from school and all school activities and a  
15 prohibition from being present on school grounds.

16 (g) A school district may adopt a policy providing that if  
17 a student is suspended or expelled for any reason from any  
18 public or private school in this or any other state, the  
19 student must complete the entire term of the suspension or  
20 expulsion in an alternative school program under Article 13A of  
21 this Code or an alternative learning opportunities program  
22 under Article 13B of this Code before being admitted into the  
23 school district if there is no threat to the safety of students  
24 or staff in the alternative program.

25 (h) School officials shall not advise or encourage students  
26 to drop out voluntarily due to behavioral or academic

1 difficulties.

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

6 (j) Subsections (a) through (i) of this Section shall apply  
7 to elementary and secondary schools, charter schools, special  
8 charter districts, and school districts organized under  
9 Article 34 of this Code.

10 (k) The expulsion of children enrolled in programs funded  
11 under Section 1C-2 of this Code is subject to the requirements  
12 under paragraph (7) of subsection (a) of Section 2-3.71 of this  
13 Code.

14 (Source: P.A. 99-456, eff. 9-15-16; 100-105, eff. 1-1-18;  
15 revised 9-22-17.)

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

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

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

23 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,  
24 eff. 7-27-15; 99-642, eff. 7-28-16.)

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

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

10 For the purposes of this Section:

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

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

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

23 "Physician", "clinical psychologist", and "qualified  
24 examiner" have the meanings ascribed to them in the Mental  
25 Health and Developmental Disabilities Code ~~has the meaning~~  
26 ~~ascribed to it in Section 1.1 of the Firearm Owners~~

1 ~~Identification Card Act.~~

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

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

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

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

14 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

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

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

1 "Delegate agency" means a unit of local government or  
2 health department approved by the Department to carry out the  
3 provisions of this Act.

4 "Department" means the Department of Public Health.

5 "Director" means the Director of Public Health.

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

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

11 "Exposed surface" means any interior or exterior surface of  
12 a regulated facility.

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

25 "Lead abatement" means any approved work practices that  
26 will permanently eliminate lead exposure or remove the

1 lead-bearing substances in a regulated facility. The  
2 Department shall establish by rule which work practices are  
3 approved or prohibited for lead abatement.

4 "Lead abatement contractor" means any person or entity  
5 licensed by the Department to perform lead abatement and  
6 mitigation.

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

11 "Lead abatement worker" means any person employed by a lead  
12 abatement contractor and licensed by the Department to perform  
13 lead abatement and mitigation.

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

18 "Lead-bearing substance" means any item containing or  
19 coated with lead such that the lead content is more than  
20 six-hundredths of one percent (0.06%) lead by total weight; or  
21 any dust on surfaces or in furniture or other nonpermanent  
22 elements of the regulated facility; or any paint or other  
23 surface coating material containing more than five-tenths of  
24 one percent (0.5%) lead by total weight (calculated as lead  
25 metal) in the total non-volatile content of liquid paint; or  
26 lead-bearing substances containing greater than one milligram



1 per square centimeter or any lower standard for lead content in  
2 residential paint as may be established by federal law or rule;  
3 or more than 1 milligram per square centimeter in the dried  
4 film of paint or previously applied substance; or item or dust  
5 on item containing lead in excess of the amount specified in  
6 the rules authorized by this Act or a lower standard for lead  
7 content as may be established by federal law or rule.

8 "Lead-bearing substance" does not include firearm ammunition  
9 or components as defined by Section 2-7.1 of the Criminal Code  
10 of 2012 ~~the Firearm Owners Identification Card Act.~~

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

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

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

21 "Lead inspector" means an individual who has been trained  
22 by a Department-approved training program and is licensed by  
23 the Department to conduct lead inspections; to sample for the  
24 presence of lead in paint, dust, soil, and water; and to  
25 conduct compliance investigations.

26 "Lead mitigation" means the remediation, in a manner

1 described in Section 9, of a lead hazard so that the  
2 lead-bearing substance does not pose an immediate health hazard  
3 to humans.

4 "Lead poisoning" means the condition of having blood lead  
5 levels in excess of those considered safe under State and  
6 federal rules.

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

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

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

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

1 "Owner" means any person, who alone, jointly, or severally  
2 with others:

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

5 (b) Has charge, care, or control of the regulated  
6 facility as owner or agent of the owner, or as executor,  
7 administrator, trustee, or guardian of the estate of the  
8 owner.

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

14 "Regulated facility" means a residential building or child  
15 care facility.

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

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

21 (430 ILCS 65/Act rep.)

22 Section 60. The Firearm Owners Identification Card Act is  
23 repealed.

24 Section 65. The Firearm Concealed Carry Act is amended by

1 changing Sections 25, 30, 40, 70, 80, and 105 as follows:

2 (430 ILCS 66/25)

3 Sec. 25. Qualifications for a license.

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

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

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

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

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

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

24 (4) is not the subject of a pending arrest warrant,  
25 prosecution, or proceeding for an offense or action that

1           could lead to disqualification to own or possess a firearm;  
2           (5) has not been in residential or court-ordered  
3           treatment for alcoholism, alcohol detoxification, or drug  
4           treatment within the 5 years immediately preceding the date  
5           of the license application; and  
6           (6) has completed firearms training and any education  
7           component required under Section 75 of this Act.  
8           (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

9           (430 ILCS 66/30)

10          Sec. 30. Contents of license application.

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

19          (b) The application shall contain the following:

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

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

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

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

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

25                 (A) a felony;

26                 (B) a misdemeanor involving the use or threat of

1 physical force or violence to any person within the 5  
2 years preceding the date of the application; or

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

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

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

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

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

26 (10) a photocopy of any certificates or other evidence

1 of compliance with the training requirements under this  
2 Act.

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

4 (430 ILCS 66/40)

5 Sec. 40. Non-resident license applications.

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

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

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

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

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

25 (A) is eligible under federal law and the laws of



1 his or her state or territory of residence to own or  
2 possess a firearm;

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

7 (C) understands Illinois laws pertaining to the  
8 possession and transport of firearms; and

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

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

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

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

1 the Department shall ensure that the applicant would meet the  
2 eligibility criteria under State law to possess a firearm ~~to~~  
3 ~~obtain a Firearm Owner's Identification card~~ if he or she was a  
4 resident of this State.

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

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

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

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

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

21 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-78,  
22 eff. 7-20-15.)

23 (430 ILCS 66/70)

24 Sec. 70. Violations.

25 (a) A license issued or renewed under this Act shall be

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

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

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

25           (d) A licensee shall not carry a concealed firearm while  
26    under the influence of alcohol, other drug or drugs,

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

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

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

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

1 from being subjected to penalties for violations other than  
2 those specified in this Act.

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

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

1 ~~this subsection (h) shall surrender his or her concealed carry~~  
2 ~~license as provided for in subsection (g) of this Section.~~

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

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

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

17 (430 ILCS 66/80)

18 Sec. 80. Certified firearms instructors.

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

23 (b) A person who is not a certified firearms instructor  
24 shall not teach applicant training courses or advertise or  
25 otherwise represent courses they teach as qualifying their

1 students to meet the requirements to receive a license under  
2 this Act. Each violation of this subsection is a business  
3 offense with a fine of at least \$1,000 per violation.

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

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

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

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

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

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

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

21 (A) certification from a law enforcement agency;

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

24 (C) certification from a firearm instructor  
25 qualification course offered by the Illinois Law  
26 Enforcement Training Standards Board; or

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

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

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

11 (430 ILCS 66/105)

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



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

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

4 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

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

24 No hunting license shall be issued to any person born on or

1 after January 1, 1980 unless he presents the person authorized  
2 to issue the license evidence that he has held a hunting  
3 license issued by the State of Illinois or another state in a  
4 prior year, or a certificate of competency as provided in this  
5 Section. Persons under 16 years of age may be issued a Lifetime  
6 Hunting or Sportsmen's Combination License as provided under  
7 Section 20-45 of the Fish and Aquatic Life Code but shall not  
8 be entitled to hunt unless they have a certificate of  
9 competency as provided in this Section and they shall have the  
10 certificate in their possession while hunting.

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

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

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

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

26 Nonresidents may be issued a nonresident hunting license

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

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

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

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

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

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

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

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

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

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

24           (520 ILCS 5/3.2a) (from Ch. 61, par. 3.2a)

25           Sec. 3.2a. Every person holding any license, permit or

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

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

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

13 (705 ILCS 105/27.3a)

14 Sec. 27.3a. Fees for automated record keeping, probation  
15 and court services operations, State and Conservation Police  
16 operations, and e-business programs.

17 1. The expense of establishing and maintaining automated  
18 record keeping systems in the offices of the clerks of the  
19 circuit court shall be borne by the county. To defray such  
20 expense in any county having established such an automated  
21 system or which elects to establish such a system, the county  
22 board may require the clerk of the circuit court in their  
23 county to charge and collect a court automation fee of not less  
24 than \$1 nor more than \$25 to be charged and collected by the

1 clerk of the court. Such fee shall be paid at the time of  
2 filing the first pleading, paper or other appearance filed by  
3 each party in all civil cases or by the defendant in any  
4 felony, traffic, misdemeanor, municipal ordinance, or  
5 conservation case upon a judgment of guilty or grant of  
6 supervision, provided that the record keeping system which  
7 processes the case category for which the fee is charged is  
8 automated or has been approved for automation by the county  
9 board, and provided further that no additional fee shall be  
10 required if more than one party is presented in a single  
11 pleading, paper or other appearance. Such fee shall be  
12 collected in the manner in which all other fees or costs are  
13 collected.

14 1.1. Starting on July 6, 2012 (the effective date of Public  
15 Act 97-761) and pursuant to an administrative order from the  
16 chief judge of the circuit or the presiding judge of the county  
17 authorizing such collection, a clerk of the circuit court in  
18 any county that imposes a fee pursuant to subsection 1 of this  
19 Section shall also charge and collect an additional \$10  
20 operations fee for probation and court services department  
21 operations.

22 This additional fee shall be paid by the defendant in any  
23 felony, traffic, misdemeanor, local ordinance, or conservation  
24 case upon a judgment of guilty or grant of supervision, except  
25 such \$10 operations fee shall not be charged and collected in  
26 cases governed by Supreme Court Rule 529 in which the bail

1 amount is \$120 or less.

2 1.2. With respect to the fee imposed and collected under  
3 subsection 1.1 of this Section, each clerk shall transfer all  
4 fees monthly to the county treasurer for deposit into the  
5 probation and court services fund created under Section 15.1 of  
6 the Probation and Probation Officers Act, and such monies shall  
7 be disbursed from the fund only at the direction of the chief  
8 judge of the circuit or another judge designated by the Chief  
9 Circuit Judge in accordance with the policies and guidelines  
10 approved by the Supreme Court.

11 1.5. Starting on June 1, 2014, a clerk of the circuit court  
12 in any county that imposes a fee pursuant to subsection 1 of  
13 this Section, shall charge and collect an additional fee in an  
14 amount equal to the amount of the fee imposed pursuant to  
15 subsection 1 of this Section, except the fee imposed under this  
16 subsection may not be more than \$15. This additional fee shall  
17 be paid by the defendant in any felony, traffic, misdemeanor,  
18 or local ordinance case upon a judgment of guilty or grant of  
19 supervision. This fee shall not be paid by the defendant for  
20 any violation listed in subsection 1.6 of this Section.

21 1.6. Starting on June 1, 2014, a clerk of the circuit court  
22 in any county that imposes a fee pursuant to subsection 1 of  
23 this Section shall charge and collect an additional fee in an  
24 amount equal to the amount of the fee imposed pursuant to  
25 subsection 1 of this Section, except the fee imposed under this  
26 subsection may not be more than \$15. This additional fee shall



1 be paid by the defendant upon a judgment of guilty or grant of  
2 supervision for a violation under the State Parks Act, the  
3 Recreational Trails of Illinois Act, the Illinois Explosives  
4 Act, the Timber Buyers Licensing Act, the Forest Products  
5 Transportation Act, ~~the Firearm Owners Identification Card~~  
6 ~~Act~~, the Environmental Protection Act, the Fish and Aquatic  
7 Life Code, the Wildlife Code, the Cave Protection Act, the  
8 Illinois Exotic Weed Act, the Illinois Forestry Development  
9 Act, the Ginseng Harvesting Act, the Illinois Lake Management  
10 Program Act, the Illinois Natural Areas Preservation Act, the  
11 Illinois Open Land Trust Act, the Open Space Lands Acquisition  
12 and Development Act, the Illinois Prescribed Burning Act, the  
13 State Forest Act, the Water Use Act of 1983, the Illinois  
14 Veteran, Youth, and Young Adult Conservation Jobs Act, the  
15 Snowmobile Registration and Safety Act, the Boat Registration  
16 and Safety Act, the Illinois Dangerous Animals Act, the Hunter  
17 and Fishermen Interference Prohibition Act, the Wrongful Tree  
18 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,  
19 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of  
20 the Illinois Vehicle Code, or Section 48-3 or 48-10 of the  
21 Criminal Code of 2012.

22 1.7. Starting on the 30th day after the effective date of  
23 this amendatory Act of the 99th General Assembly, a clerk of  
24 the circuit court in any county that imposes a fee pursuant to  
25 subsection 1 of this Section shall also charge and collect an  
26 additional \$9 e-business fee. The fee shall be paid at the time

1 of filing the first pleading, paper, or other appearance filed  
2 by each party in all civil cases, except no additional fee  
3 shall be required if more than one party is presented in a  
4 single pleading, paper, or other appearance. The fee shall be  
5 collected in the manner in which all other fees or costs are  
6 collected. The fee shall be in addition to all other fees and  
7 charges of the clerk, and assessable as costs, and may be  
8 waived only if the judge specifically provides for the waiver  
9 of the e-business fee. The fee shall not be charged in any  
10 matter coming to the clerk on a change of venue, nor in any  
11 proceeding to review the decision of any administrative  
12 officer, agency, or body.

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

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

1 related to the automation of court records, including hardware,  
2 software, research and development costs and personnel related  
3 thereto, provided that the expenditure is approved by the clerk  
4 of the court and by the chief judge of the circuit court or his  
5 designate.

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

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

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

1 Director of State Police with a report of the use of these  
2 fees.

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

8 8. With respect to the fee imposed under subsection 1.7 of  
9 this Section, the clerk shall remit the fee to the State  
10 Treasurer within one month after receipt for deposit into the  
11 Supreme Court Special Purposes Fund. Unless otherwise  
12 authorized by this Act, the moneys deposited into the Supreme  
13 Court Special Purposes Fund under this subsection are not  
14 subject to administrative charges or chargebacks under Section  
15 20 of the State Treasurer Act.

16 (Source: P.A. 98-375, eff. 8-16-13; 98-606, eff. 6-1-14;  
17 98-1016, eff. 8-22-14; 99-859, eff. 8-19-16.)

18 Section 80. The Criminal Code of 2012 is amended by  
19 changing Sections 2-7.1, 2-7.5, 12-3.05, 16-0.1, 17-30, 24-1,  
20 24-1.1, 24-1.6, 24-1.8, 24-2, 24-3, 24-3B, 24-3.1, 24-3.2,  
21 24-3.4, 24-3.5, 24-4.1, and 24-9 and adding Section 24-4.5 as  
22 follows:

23 (720 ILCS 5/2-7.1)

24 Sec. 2-7.1. Firearm ~~"Firearm"~~ and ~~"firearm~~ ammunition".

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

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

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

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

14 (720 ILCS 5/2-7.5)

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

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

24 (1.1) any pneumatic gun, spring gun, paint ball gun, or B-B  
25 gun which expels breakable paint balls containing washable

1 marking colors;

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

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

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

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

16 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

17 Sec. 12-3.05. Aggravated battery.

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

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

24 (2) Causes severe and permanent disability, great  
25 bodily harm, or disfigurement by means of a caustic or

1 flammable substance, a poisonous gas, a deadly biological  
2 or chemical contaminant or agent, a radioactive substance,  
3 or a bomb or explosive compound.

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

11 (i) performing his or her official duties;

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

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

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

18 (5) Strangles another individual.

19 (b) Offense based on injury to a child or person with an  
20 intellectual disability. A person who is at least 18 years of  
21 age commits aggravated battery when, in committing a battery,  
22 he or she knowingly and without legal justification by any  
23 means:

24 (1) causes great bodily harm or permanent disability or  
25 disfigurement to any child under the age of 13 years, or to  
26 any person with a severe or profound intellectual

1           disability; or

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

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

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

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

16                  (2) A person who is pregnant or has a physical  
17          disability.

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

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

26                          (i) performing his or her official duties;



1           (ii) battered to prevent performance of his or her  
2           official duties; or

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

5           (5) A judge, emergency management worker, emergency  
6           medical services personnel, or utility worker:

7           (i) performing his or her official duties;

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

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

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

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

17          (8) A taxi driver on duty.

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

22          (10) A person authorized to serve process under Section  
23          2-202 of the Code of Civil Procedure or a special process  
24          server appointed by the circuit court while that individual  
25          is in the performance of his or her duties as a process  
26          server.

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

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

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

9           (2) Discharges a firearm, other than a machine gun or a  
10          firearm equipped with a silencer, and causes any injury to  
11          a person he or she knows to be a peace officer, community  
12          policing volunteer, person summoned by a police officer,  
13          fireman, private security officer, correctional  
14          institution employee, or emergency management worker:

15                 (i) performing his or her official duties;

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

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

20          (3) Discharges a firearm, other than a machine gun or a  
21          firearm equipped with a silencer, and causes any injury to  
22          a person he or she knows to be emergency medical services  
23          personnel:

24                 (i) performing his or her official duties;

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

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

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

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

11          (6) 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 peace officer, community policing volunteer,  
14          person summoned by a police officer, fireman, private  
15          security officer, correctional institution employee or  
16          emergency management worker:

17                 (i) performing his or her official duties;

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

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

22          (7) Discharges a machine gun or a firearm equipped with  
23          a silencer, and causes any injury to a person he or she  
24          knows to be emergency medical services personnel:

25                 (i) performing his or her official duties;

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

1 official duties; or

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

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

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

13 (1) Uses a deadly weapon other than by discharge of a  
14 firearm, or uses an air rifle as defined in Section  
15 24.8-0.1 of this Code.

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

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

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

25 (g) Offense based on certain conduct. A person commits  
26 aggravated battery when, other than by discharge of a firearm,

1 he or she does any of the following:

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

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

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

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

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

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

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

10           Aggravated battery under subdivision (a)(5) is a Class 1  
11           felony if:

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

14                   (B) the person caused great bodily harm or permanent  
15                   disability or disfigurement to the other person while  
16                   committing the offense; or

17                   (C) the person has been previously convicted of a  
18                   violation of subdivision (a)(5) under the laws of this  
19                   State or laws similar to subdivision (a)(5) of any other  
20                   state.

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

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

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

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

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

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

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

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

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

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

2 "Building or other structure used to provide shelter" has  
3 the meaning ascribed to "shelter" in Section 1 of the Domestic  
4 Violence Shelters Act.

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

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

14 "Firearm" has the meaning provided under Section 2-7.5 of  
15 this Code ~~1.1 of the Firearm Owners Identification Card Act,~~  
16 and does not include an air rifle as defined by Section  
17 24.8-0.1 of this Code.

18 "Machine gun" has the meaning ascribed to it in Section  
19 24-1 of this Code.

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

22 "Strangle" means intentionally impeding the normal  
23 breathing or circulation of the blood of an individual by  
24 applying pressure on the throat or neck of that individual or  
25 by blocking the nose or mouth of that individual.

26 (Source: P.A. 98-369, eff. 1-1-14; 98-385, eff. 1-1-14; 98-756,



1 eff. 7-16-14; 99-143, eff. 7-27-15; 99-816, eff. 8-15-16.)

2 (720 ILCS 5/16-0.1)

3 Sec. 16-0.1. Definitions. In this Article, unless the  
4 context clearly requires otherwise, the following terms are  
5 defined as indicated:

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

9 "Coin-operated machine" includes any automatic vending  
10 machine or any part thereof, parking meter, coin telephone,  
11 coin-operated transit turnstile, transit fare box, coin  
12 laundry machine, coin dry cleaning machine, amusement machine,  
13 music machine, vending machine dispensing goods or services, or  
14 money changer.

15 "Communication device" means any type of instrument,  
16 device, machine, or equipment which is capable of transmitting,  
17 acquiring, decrypting, or receiving any telephonic,  
18 electronic, data, Internet access, audio, video, microwave, or  
19 radio transmissions, signals, communications, or services,  
20 including the receipt, acquisition, transmission, or  
21 decryption of all such communications, transmissions, signals,  
22 or services provided by or through any cable television, fiber  
23 optic, telephone, satellite, microwave, radio, Internet-based,  
24 data transmission, or wireless distribution network, system or  
25 facility; or any part, accessory, or component thereof,

1 including any computer circuit, security module, smart card,  
2 software, computer chip, electronic mechanism or other  
3 component, accessory or part of any communication device which  
4 is capable of facilitating the transmission, decryption,  
5 acquisition or reception of all such communications,  
6 transmissions, signals, or services.

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

23 "Communication service provider" means: (1) any person or  
24 entity providing any communication service, whether directly  
25 or indirectly, as a reseller, including, but not limited to, a  
26 cellular, paging or other wireless communications company or

1 other person or entity which, for a fee, supplies the facility,  
2 cell site, mobile telephone switching office or other equipment  
3 or communication service; (2) any person or entity owning or  
4 operating any cable television, fiber optic, satellite,  
5 telephone, wireless, microwave, radio, data transmission or  
6 Internet-based distribution network, system or facility; and  
7 (3) any person or entity providing any communication service  
8 directly or indirectly by or through any such distribution  
9 system, network or facility.

10 "Computer" means a device that accepts, processes, stores,  
11 retrieves or outputs data, and includes but is not limited to  
12 auxiliary storage and telecommunications devices connected to  
13 computers.

14 "Continuing course of conduct" means a series of acts, and  
15 the accompanying mental state necessary for the crime in  
16 question, irrespective of whether the series of acts are  
17 continuous or intermittent.

18 "Delivery container" means any bakery basket of wire or  
19 plastic used to transport or store bread or bakery products,  
20 any dairy case of wire or plastic used to transport or store  
21 dairy products, and any dolly or cart of 2 or 4 wheels used to  
22 transport or store any bakery or dairy product.

23 "Document-making implement" means any implement,  
24 impression, template, computer file, computer disc, electronic  
25 device, computer hardware, computer software, instrument, or  
26 device that is used to make a real or fictitious or fraudulent

1 personal identification document.

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

3 (1) An electronic funds transfer card.

4 (2) A credit card.

5 (3) A debit card.

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

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

16 (A) Obtaining money, cash refund or credit  
17 account, credit, goods, services, or any other thing of  
18 value.

19 (B) Certifying or guaranteeing to a person or  
20 business the availability to the device holder of funds  
21 on deposit to honor a draft or check payable to the  
22 order of that person or business.

23 (C) Providing the device holder access to a deposit  
24 account for the purpose of making deposits,  
25 withdrawing funds, transferring funds between deposit  
26 accounts, obtaining information pertaining to a

1           deposit account, or making an electronic funds  
2           transfer.

3           "Full retail value" means the merchant's stated or  
4           advertised price of the merchandise. "Full retail value"  
5           includes the aggregate value of property obtained from retail  
6           thefts committed by the same person as part of a continuing  
7           course of conduct from one or more mercantile establishments in  
8           a single transaction or in separate transactions over a period  
9           of one year.

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

20          "Library card" means a card or plate issued by a library  
21          facility for purposes of identifying the person to whom the  
22          library card was issued as authorized to borrow library  
23          material, subject to all limitations and conditions imposed on  
24          the borrowing by the library facility issuing such card.

25          "Library facility" includes any public library or museum,  
26          or any library or museum of an educational, historical or

1 eleemosynary institution, organization or society.

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

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

22 "Manufacture or assembly of an unlawful communication  
23 device" means to make, produce or assemble an unlawful  
24 communication or wireless device or to modify, alter, program  
25 or reprogram a communication or wireless device to be capable  
26 of acquiring, disrupting, receiving, transmitting, decrypting,

1 or facilitating the acquisition, disruption, receipt,  
2 transmission or decryption of, a communication service without  
3 the express consent or express authorization of the  
4 communication service provider, or to knowingly assist others  
5 in those activities.

6 "Master sound recording" means the original physical  
7 object on which a given set of sounds were first recorded and  
8 which the original object from which all subsequent sound  
9 recordings embodying the same set of sounds are directly or  
10 indirectly derived.

11 "Merchandise" means any item of tangible personal  
12 property, including motor fuel.

13 "Merchant" means an owner or operator of any retail  
14 mercantile establishment or any agent, employee, lessee,  
15 consignee, officer, director, franchisee, or independent  
16 contractor of the owner or operator. "Merchant" also means a  
17 person who receives from an authorized user of a payment card,  
18 or someone the person believes to be an authorized user, a  
19 payment card or information from a payment card, or what the  
20 person believes to be a payment card or information from a  
21 payment card, as the instrument for obtaining, purchasing or  
22 receiving goods, services, money, or anything else of value  
23 from the person.

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

26 "Online" means the use of any electronic or wireless device

1 to access the Internet.

2 "Payment card" means a credit card, charge card, debit  
3 card, or any other card that is issued to an authorized card  
4 user and that allows the user to obtain, purchase, or receive  
5 goods, services, money, or anything else of value from a  
6 merchant.

7 "Person with a disability" means a person who suffers from  
8 a physical or mental impairment resulting from disease, injury,  
9 functional disorder or congenital condition that impairs the  
10 individual's mental or physical ability to independently  
11 manage his or her property or financial resources, or both.

12 "Personal identification document" means a birth  
13 certificate, a driver's license, a State identification card, a  
14 public, government, or private employment identification card,  
15 a social security card, a license issued under the Firearm  
16 Concealed Carry Act ~~firearm owner's identification card~~, a  
17 credit card, a debit card, or a passport issued to or on behalf  
18 of a person other than the offender, or any document made or  
19 issued, or falsely purported to have been made or issued, by or  
20 under the authority of the United States Government, the State  
21 of Illinois, or any other state political subdivision of any  
22 state, or any other governmental or quasi-governmental  
23 organization that is of a type intended for the purpose of  
24 identification of an individual, or any such document made or  
25 altered in a manner that it falsely purports to have been made  
26 on behalf of or issued to another person or by the authority of



1 one who did not give that authority.

2 "Personal identifying information" means any of the  
3 following information:

4 (1) A person's name.

5 (2) A person's address.

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

7 (4) A person's telephone number.

8 (5) A person's driver's license number or State of  
9 Illinois identification card as assigned by the Secretary  
10 of State of the State of Illinois or a similar agency of  
11 another state.

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

13 (7) A person's public, private, or government  
14 employer, place of employment, or employment  
15 identification number.

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

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

19 (10) The number assigned to a person's credit or debit  
20 card, commonly known as a "Visa Card", "MasterCard",  
21 "American Express Card", "Discover Card", or other similar  
22 cards whether issued by a financial institution,  
23 corporation, or business entity.

24 (11) Personal identification numbers.

25 (12) Electronic identification numbers.

26 (13) Digital signals.

1           (14) User names, passwords, and any other word, number,  
2           character or combination of the same usable in whole or  
3           part to access information relating to a specific  
4           individual, or to the actions taken, communications made or  
5           received, or other activities or transactions of a specific  
6           individual.

7           (15) Any other numbers or information which can be used  
8           to access a person's financial resources, or to identify a  
9           specific individual, or the actions taken, communications  
10          made or received, or other activities or transactions of a  
11          specific individual.

12          "Premises of a retail mercantile establishment" includes,  
13          but is not limited to, the retail mercantile establishment; any  
14          common use areas in shopping centers; and all parking areas set  
15          aside by a merchant or on behalf of a merchant for the parking  
16          of vehicles for the convenience of the patrons of such retail  
17          mercantile establishment.

18          "Public water, gas, or power supply, or other public  
19          services" mean any service subject to regulation by the  
20          Illinois Commerce Commission; any service furnished by a public  
21          utility that is owned and operated by any political  
22          subdivision, public institution of higher education or  
23          municipal corporation of this State; any service furnished by  
24          any public utility that is owned by such political subdivision,  
25          public institution of higher education, or municipal  
26          corporation and operated by any of its lessees or operating

1 agents; any service furnished by an electric cooperative as  
2 defined in Section 3.4 of the Electric Supplier Act; or  
3 wireless service or other service regulated by the Federal  
4 Communications Commission.

5 "Publish" means to communicate or disseminate information  
6 to any one or more persons, either orally, in person, or by  
7 telephone, radio or television or in writing of any kind,  
8 including, without limitation, a letter or memorandum,  
9 circular or handbill, newspaper or magazine article or book.

10 "Radio frequency identification device" means any  
11 implement, computer file, computer disc, electronic device,  
12 computer hardware, computer software, or instrument that is  
13 used to activate, read, receive, or decode information stored  
14 on a RFID tag or transponder attached to a personal  
15 identification document.

16 "RFID tag or transponder" means a chip or device that  
17 contains personal identifying information from which the  
18 personal identifying information can be read or decoded by  
19 another device emitting a radio frequency that activates or  
20 powers a radio frequency emission response from the chip or  
21 transponder.

22 "Reencoder" means an electronic device that places encoded  
23 information from the magnetic strip or stripe of a payment card  
24 onto the magnetic strip or stripe of a different payment card.

25 "Retail mercantile establishment" means any place where  
26 merchandise is displayed, held, stored or offered for sale to

1 the public.

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

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

11 "Sound or audio visual recording" means any sound or audio  
12 visual phonograph record, disc, pre-recorded tape, film, wire,  
13 magnetic tape or other object, device or medium, now known or  
14 hereafter invented, by which sounds or images may be reproduced  
15 with or without the use of any additional machine, equipment or  
16 device.

17 "Theft detection device remover" means any tool or device  
18 specifically designed and intended to be used to remove any  
19 theft detection device from any merchandise.

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

23 "Unidentified sound or audio visual recording" means a  
24 sound or audio visual recording without the actual name and  
25 full and correct street address of the manufacturer, and the  
26 name of the actual performers or groups prominently and legibly

1 printed on the outside cover or jacket and on the label of such  
2 sound or audio visual recording.

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

15 "Unlawful communication device" means any electronic  
16 serial number, mobile identification number, personal  
17 identification number or any communication or wireless device  
18 that is capable of acquiring or facilitating the acquisition of  
19 a communication service without the express consent or express  
20 authorization of the communication service provider, or that  
21 has been altered, modified, programmed or reprogrammed, alone  
22 or in conjunction with another communication or wireless device  
23 or other equipment, to so acquire or facilitate the  
24 unauthorized acquisition of a communication service. "Unlawful  
25 communication device" also means:

26 (1) any phone altered to obtain service without the

1 express consent or express authorization of the  
2 communication service provider, tumbler phone, counterfeit  
3 or clone phone, tumbler microchip, counterfeit or clone  
4 microchip, scanning receiver of wireless communication  
5 service or other instrument capable of disguising its  
6 identity or location or of gaining unauthorized access to a  
7 communications or wireless system operated by a  
8 communication service provider; and

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

26 "Vehicle" means a motor vehicle, motorcycle, or farm

1 implement that is self-propelled and that uses motor fuel for  
2 propulsion.

3 "Wireless device" includes any type of instrument, device,  
4 machine, or equipment that is capable of transmitting or  
5 receiving telephonic, electronic or radio communications, or  
6 any part of such instrument, device, machine, or equipment, or  
7 any computer circuit, computer chip, electronic mechanism, or  
8 other component that is capable of facilitating the  
9 transmission or reception of telephonic, electronic, or radio  
10 communications.

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

13 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

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

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

22 (b) Construction equipment identification defacement. A  
23 person commits construction equipment identification  
24 defacement when he or she knowingly changes, alters, removes,  
25 mutilates, or obliterates a permanently affixed serial number,

1 product identification number, part number, component  
2 identification number, owner-applied identification, or other  
3 mark of identification attached to or stamped, inscribed,  
4 molded, or etched into a machine or other equipment, whether  
5 stationary or mobile or self-propelled, or a part of such  
6 machine or equipment, used in the construction, maintenance, or  
7 demolition of buildings, structures, bridges, tunnels, sewers,  
8 utility pipes or lines, ditches or open cuts, roads, highways,  
9 dams, airports, or waterways or in material handling for such  
10 projects.

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

26 (c) Defacement of manufacturer's serial number or



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

11 (d) Sentence.

12 (1) A violation of subsection (a) of this Section is a  
13 Class 4 felony if the value of the appliance or appliances  
14 exceeds \$1,000 and a Class B misdemeanor if the value of  
15 the appliance or appliances is \$1,000 or less.

16 (2) A violation of subsection (b) of this Section is a  
17 Class A misdemeanor.

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

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

22 (f) Definitions. In this Section:

23 "Commercial context" means a continuing business  
24 enterprise conducted for profit by any person whose primary  
25 business is the wholesale or retail marketing of household  
26 appliances, or a significant portion of whose business or

1 inventory consists of household appliances kept or sold on a  
2 wholesale or retail basis.

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

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

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

16 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

20 (1) Sells, manufactures, purchases, possesses or  
21 carries any bludgeon, black-jack, slung-shot, sand-club,  
22 sand-bag, metal knuckles or other knuckle weapon  
23 regardless of its composition, throwing star, or any knife,  
24 commonly referred to as a switchblade knife, which has a  
25 blade that opens automatically by hand pressure applied to

1 a button, spring or other device in the handle of the  
2 knife, or a ballistic knife, which is a device that propels  
3 a knifelike blade as a projectile by means of a coil  
4 spring, elastic material or compressed gas; or

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

10 (3) Carries on or about his person or in any vehicle, a  
11 tear gas gun projector or bomb or any object containing  
12 noxious liquid gas or substance, other than an object  
13 containing a non-lethal noxious liquid gas or substance  
14 designed solely for personal defense carried by a person 18  
15 years of age or older; or

16 (4) Carries or possesses in any vehicle or concealed on  
17 or about his person except when on his land or in his own  
18 abode, legal dwelling, or fixed place of business, or on  
19 the land or in the legal dwelling of another person as an  
20 invitee with that person's permission, any pistol,  
21 revolver, stun gun or taser or other firearm, except that  
22 this subsection (a) (4) does not apply to or affect  
23 transportation of weapons that meet one of the following  
24 conditions:

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

26 (ii) are not immediately accessible; or

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

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

10 (5) Sets a spring gun; or

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

14 (7) Sells, manufactures, purchases, possesses or  
15 carries:

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

1 possession or under the control of a person;

2 (ii) any rifle having one or more barrels less than  
3 16 inches in length or a shotgun having one or more  
4 barrels less than 18 inches in length or any weapon  
5 made from a rifle or shotgun, whether by alteration,  
6 modification, or otherwise, if such a weapon as  
7 modified has an overall length of less than 26 inches;  
8 or

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

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

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

26 (9) Carries or possesses in a vehicle or on or about

1 his person any pistol, revolver, stun gun or taser or  
2 firearm or ballistic knife, when he is hooded, robed or  
3 masked in such manner as to conceal his identity; or

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

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

17 (ii) are not immediately accessible; or

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

23 (iv) are carried or possessed in accordance with  
24 the Firearm Concealed Carry Act by a person who has  
25 been issued a currently valid license under the Firearm  
26 Concealed Carry Act.

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

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

23           (12) (Blank); or

24           (13) Carries or possesses on or about his or her person  
25 while in a building occupied by a unit of government, a  
26 billy club, other weapon of like character, or other

1 instrument of like character intended for use as a weapon.  
2 For the purposes of this Section, "billy club" means a  
3 short stick or club commonly carried by police officers  
4 which is either telescopic or constructed of a solid piece  
5 of wood or other man-made material.

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

24 (c) Violations in specific places.

25 (1) A person who violates subsection 24-1(a)(6) or  
26 24-1(a)(7) in any school, regardless of the time of day or



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

23 (1.5) A person who violates subsection 24-1(a)(4),  
24 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
25 time of day or the time of year, in residential property  
26 owned, operated, or managed by a public housing agency or

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

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

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

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

1 package.

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

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

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

25 (e) Exemptions.

26 (1) Crossbows, Common or Compound bows and Underwater

1 Spearguns are exempted from the definition of ballistic  
2 knife as defined in paragraph (1) of subsection (a) of this  
3 Section.

4 (2) The provision of paragraph (1) of subsection (a) of  
5 this Section prohibiting the sale, manufacture, purchase,  
6 possession, or carrying of any knife, commonly referred to  
7 as a switchblade knife, which has a blade that opens  
8 automatically by hand pressure applied to a button, spring  
9 or other device in the handle of the knife, does not apply  
10 to a person who possesses a currently valid Firearm Owner's  
11 Identification Card previously issued in his or her name by  
12 the Department of State Police or to a person or an entity  
13 engaged in the business of selling or manufacturing  
14 switchblade knives.

15 (Source: P.A. 99-29, eff. 7-10-15; 100-82, eff. 8-11-17.)

16 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

17 Sec. 24-1.1. Unlawful use or possession of weapons by  
18 felons or persons in the custody of the Department of  
19 Corrections facilities.

20 (a) It is unlawful for a person to knowingly possess on or  
21 about his person or on his land or in his own abode or fixed  
22 place of business any weapon prohibited under Section 24-1 of  
23 this Act or any firearm or any firearm ammunition if the person  
24 has been convicted of a felony under the laws of this State or  
25 any other jurisdiction. This Section shall not apply if the

1 person has been granted relief under this subsection ~~by the~~  
2 ~~Director of the Department of State Police under Section 10 of~~  
3 ~~the Firearm Owners Identification Card Act.~~ A person prohibited  
4 from possessing a firearm under this subsection (a) may  
5 petition the Director of State Police for a hearing and relief  
6 from the prohibition, unless the prohibition was based upon a  
7 forcible felony, stalking, aggravated stalking, domestic  
8 battery, any violation of the Illinois Controlled Substances  
9 Act, the Methamphetamine Control and Community Protection Act,  
10 or the Cannabis Control Act that is classified as a Class 2 or  
11 greater felony, any felony violation of Article 24 of the  
12 Criminal Code of 1961 or the Criminal Code of 2012, or any  
13 adjudication as a delinquent minor for the commission of an  
14 offense that if committed by an adult would be a felony, in  
15 which case the person may petition the circuit court in writing  
16 in the county of his or her residence for a hearing and relief  
17 from the prohibition. The Director or court may grant the  
18 relief if it is established by the petitioner to the court's or  
19 Director's satisfaction that:

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

25 (2) the petitioner has not been convicted of a forcible  
26 felony under the laws of this State or any other

1       jurisdiction within 20 years of the filing of the petition,  
2       or at least 20 years have passed since the end of any  
3       period of imprisonment imposed in relation to that  
4       conviction;

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

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

11           (5) granting relief would not be contrary to federal  
12       law.

13       (b) It is unlawful for any person confined in a penal  
14 institution, which is a facility of the Illinois Department of  
15 Corrections, to possess any weapon prohibited under Section  
16 24-1 of this Code or any firearm or firearm ammunition,  
17 regardless of the intent with which he possesses it.

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

22       (d) The defense of necessity is not available to a person  
23 who is charged with a violation of subsection (b) of this  
24 Section.

25       (e) Sentence. Violation of this Section by a person not  
26 confined in a penal institution shall be a Class 3 felony for

1 which the person shall be sentenced to no less than 2 years and  
2 no more than 10 years. A second or subsequent violation of this  
3 Section shall be a Class 2 felony for which the person shall be  
4 sentenced to a term of imprisonment of not less than 3 years  
5 and not more than 14 years, except as provided for in Section  
6 5-4.5-110 of the Unified Code of Corrections. Violation of this  
7 Section by a person not confined in a penal institution who has  
8 been convicted of a forcible felony, a felony violation of  
9 Article 24 of this Code ~~or of the Firearm Owners Identification~~  
10 ~~Card Act~~, stalking or aggravated stalking, or a Class 2 or  
11 greater felony under the Illinois Controlled Substances Act,  
12 the Cannabis Control Act, or the Methamphetamine Control and  
13 Community Protection Act is a Class 2 felony for which the  
14 person shall be sentenced to not less than 3 years and not more  
15 than 14 years, except as provided for in Section 5-4.5-110 of  
16 the Unified Code of Corrections. Violation of this Section by a  
17 person who is on parole or mandatory supervised release is a  
18 Class 2 felony for which the person shall be sentenced to not  
19 less than 3 years and not more than 14 years, except as  
20 provided for in Section 5-4.5-110 of the Unified Code of  
21 Corrections. Violation of this Section by a person not confined  
22 in a penal institution is a Class X felony when the firearm  
23 possessed is a machine gun. Any person who violates this  
24 Section while confined in a penal institution, which is a  
25 facility of the Illinois Department of Corrections, is guilty  
26 of a Class 1 felony, if he possesses any weapon prohibited



1 under Section 24-1 of this Code regardless of the intent with  
2 which he possesses it, a Class X felony if he possesses any  
3 firearm, firearm ammunition or explosive, and a Class X felony  
4 for which the offender shall be sentenced to not less than 12  
5 years and not more than 50 years when the firearm possessed is  
6 a machine gun. A violation of this Section while wearing or in  
7 possession of body armor as defined in Section 33F-1 is a Class  
8 X felony punishable by a term of imprisonment of not less than  
9 10 years and not more than 40 years. The possession of each  
10 firearm or firearm ammunition in violation of this Section  
11 constitutes a single and separate violation.

12 (Source: P.A. 100-3, eff. 1-1-18.)

13 (720 ILCS 5/24-1.6)

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

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

17 (1) Carries on or about his or her person or in any  
18 vehicle or concealed on or about his or her person except  
19 when on his or her land or in his or her abode, legal  
20 dwelling, or fixed place of business, or on the land or in  
21 the legal dwelling of another person as an invitee with  
22 that person's permission, any pistol, revolver, stun gun or  
23 taser or other firearm; or

24 (2) Carries or possesses on or about his or her person,  
25 upon any public street, alley, or other public lands within

1 the corporate limits of a city, village or incorporated  
2 town, except when an invitee thereon or therein, for the  
3 purpose of the display of such weapon or the lawful  
4 commerce in weapons, or except when on his or her own land  
5 or in his or her own abode, legal dwelling, or fixed place  
6 of business, or on the land or in the legal dwelling of  
7 another person as an invitee with that person's permission,  
8 any pistol, revolver, stun gun or taser or other firearm;  
9 and

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

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

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

20 (B) the firearm, other than a pistol, revolver, or  
21 handgun, possessed was uncased, unloaded, and the  
22 ammunition for the weapon was immediately accessible  
23 at the time of the offense; or

24 (B-5) the pistol, revolver, or handgun possessed  
25 was uncased, unloaded, and the ammunition for the  
26 weapon was immediately accessible at the time of the

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

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

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

11 (E) the person possessing the weapon was engaged in  
12 a misdemeanor violation of the Cannabis Control Act, in  
13 a misdemeanor violation of the Illinois Controlled  
14 Substances Act, or in a misdemeanor violation of the  
15 Methamphetamine Control and Community Protection Act;  
16 or

17 (F) (blank); or

18 (G) the person possessing the weapon had an order  
19 of protection issued against him or her within the  
20 previous 2 years; or

21 (H) the person possessing the weapon was engaged in  
22 the commission or attempted commission of a  
23 misdemeanor involving the use or threat of violence  
24 against the person or property of another; or

25 (I) the person possessing the weapon was under 21  
26 years of age and in possession of a handgun, unless the

1 person under 21 is engaged in lawful activities under  
2 the Wildlife Code or described in subsection  
3 24-2(b)(1), (b)(3), or 24-2(f).

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

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

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

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

11 (ii) are not immediately accessible; or

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

17 (d) Sentence.

18 (1) Aggravated unlawful use of a weapon is a Class 4  
19 felony; a second or subsequent offense is a Class 2 felony  
20 for which the person shall be sentenced to a term of  
21 imprisonment of not less than 3 years and not more than 7  
22 years, except as provided for in Section 5-4.5-110 of the  
23 Unified Code of Corrections.

24 (2) (Blank). ~~Except as otherwise provided in~~  
25 ~~paragraphs (3) and (4) of this subsection (d), a first~~  
26 ~~offense of aggravated unlawful use of a weapon committed~~

1 ~~with a firearm by a person 18 years of age or older where~~  
2 ~~the factors listed in both items (A) and (C) or both items~~  
3 ~~(A-5) and (C) of paragraph (3) of subsection (a) are~~  
4 ~~present is a Class 4 felony, for which the person shall be~~  
5 ~~sentenced to a term of imprisonment of not less than one~~  
6 ~~year and not more than 3 years.~~

7 (3) Aggravated unlawful use of a weapon by a person who  
8 has been previously convicted of a felony in this State or  
9 another jurisdiction is a Class 2 felony for which the  
10 person shall be sentenced to a term of imprisonment of not  
11 less than 3 years and not more than 7 years, except as  
12 provided for in Section 5-4.5-110 of the Unified Code of  
13 Corrections.

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

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

23 (Source: P.A. 100-3, eff. 1-1-18; 100-201, eff. 8-18-17.)

24 (720 ILCS 5/24-1.8)

25 Sec. 24-1.8. Unlawful possession of a firearm by a street

1 gang member.

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

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

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

18 (b) Unlawful possession of a firearm by a street gang  
19 member is a Class 2 felony for which the person, if sentenced  
20 to a term of imprisonment, shall be sentenced to no less than 3  
21 years and no more than 10 years. A period of probation, a term  
22 of periodic imprisonment or conditional discharge shall not be  
23 imposed for the offense of unlawful possession of a firearm by  
24 a street gang member when the firearm was loaded or contained  
25 firearm ammunition and the court shall sentence the offender to  
26 not less than the minimum term of imprisonment authorized for

1 the Class 2 felony.

2 (c) For purposes of this Section:

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

6 "Street gang member" or "gang member" has the meaning  
7 ascribed to it in Section 10 of the Illinois Streetgang  
8 Terrorism Omnibus Prevention Act.

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

10 (720 ILCS 5/24-2)

11 Sec. 24-2. Exemptions.

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

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

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 while in the performance of their official duty, or while  
22 commuting between their homes and places of employment.

23 (3) Members of the Armed Services or Reserve Forces of  
24 the United States or the Illinois National Guard or the  
25 Reserve Officers Training Corps, while in the performance

1 of their official duty.

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

9 (5) Persons licensed as private security contractors,  
10 private detectives, or private alarm contractors, or  
11 employed by a private security contractor, private  
12 detective, or private alarm contractor agency licensed by  
13 the Department of Financial and Professional Regulation,  
14 if their duties include the carrying of a weapon under the  
15 provisions of the Private Detective, Private Alarm,  
16 Private Security, Fingerprint Vendor, and Locksmith Act of  
17 2004, while actually engaged in the performance of the  
18 duties of their employment or commuting between their homes  
19 and places of employment. A person shall be considered  
20 eligible for this exemption if he or she has completed the  
21 required 20 hours of training for a private security  
22 contractor, private detective, or private alarm  
23 contractor, or employee of a licensed private security  
24 contractor, private detective, or private alarm contractor  
25 agency and 20 hours of required firearm training, and has  
26 been issued a firearm control card by the Department of



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

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

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

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

19 (8) Persons employed by a financial institution as a  
20 security guard for the protection of other employees and  
21 property related to such financial institution, while  
22 actually engaged in the performance of their duties,  
23 commuting between their homes and places of employment, or  
24 traveling between sites or properties owned or operated by  
25 such financial institution, and who, as a security guard,  
26 is a member of a security force registered with the

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

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

26 (10) Persons who have been classified as peace officers

1           pursuant to the Peace Officer Fire Investigation Act.

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

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

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

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

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

26          (14) Manufacture, transportation, or sale of weapons

1 to persons authorized under subdivisions (1) through  
2 (13.5) of this subsection to possess those weapons.

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

8 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
9 24-1.6 do not apply to or affect any of the following:

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

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

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

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

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

26 (c) Subsection 24-1(a)(7) does not apply to or affect any

1 of the following:

2 (1) Peace officers while in performance of their  
3 official duties.

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

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

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

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

1 are within the lawful scope of a licensed manufacturing  
2 business described in this paragraph.

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

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

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

23 (7) A person possessing a rifle with a barrel or  
24 barrels less than 16 inches in length if: (A) the person  
25 has been issued a Curios and Relics license from the U.S.  
26 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)

1 the person is an active member of a bona fide, nationally  
2 recognized military re-enacting group and the modification  
3 is required and necessary to accurately portray the weapon  
4 for historical re-enactment purposes; the re-enactor is in  
5 possession of a valid and current re-enacting group  
6 membership credential; and the overall length of the weapon  
7 as modified is not less than 26 inches.

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

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

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

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

21 (1) 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 (2) Bonafide collectors of antique or surplus military  
25 ordnance.

26 (3) Laboratories having a department of forensic



1 ballistics, or specializing in the development of  
2 ammunition or explosive ordnance.

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

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

1 transportation, these devices shall be detached from any weapon  
2 or not immediately accessible.

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

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

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

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

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

20 (Source: P.A. 99-174, eff. 7-29-15; 100-201, eff. 8-18-17.)

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

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

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

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

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

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

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

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

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

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

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

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

1           shotgun, or other long gun to a resident registered  
2           competitor or attendee or non-resident registered  
3           competitor or attendee by any dealer licensed as a federal  
4           firearms dealer under Section 923 of the federal Gun  
5           Control Act of 1968 at competitive shooting events held at  
6           the World Shooting Complex sanctioned by a national  
7           governing body. For purposes of transfers or sales under  
8           subparagraph (5) of this paragraph (g), the Department of  
9           Natural Resources shall give notice to the Department of  
10          State Police at least 30 calendar days prior to any  
11          competitive shooting events at the World Shooting Complex  
12          sanctioned by a national governing body. The notification  
13          shall be made on a form prescribed by the Department of  
14          State Police. The sanctioning body shall provide a list of  
15          all registered competitors and attendees at least 24 hours  
16          before the events to the Department of State Police. Any  
17          changes to the list of registered competitors and attendees  
18          shall be forwarded to the Department of State Police as  
19          soon as practicable. The Department of State Police must  
20          destroy the list of registered competitors and attendees no  
21          later than 30 days after the date of the event. Nothing in  
22          this paragraph (g) relieves a federally licensed firearm  
23          dealer from the requirements of conducting a NICS  
24          background check through the Illinois Point of Contact  
25          under 18 U.S.C. 922(t). For purposes of this paragraph (g),  
26          "application" means when the buyer and seller reach an

1 agreement to purchase a firearm. For purposes of this  
2 paragraph (g), "national governing body" means a group of  
3 persons who adopt rules and formulate policy on behalf of a  
4 national firearm sporting organization.

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

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

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

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

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

17          (k) (Blank). ~~Sells or transfers ownership of a firearm~~  
18          ~~to a person who does not display to the seller or~~  
19          ~~transferor of the firearm either: (1) a currently valid~~  
20          ~~Firearm Owner's Identification Card that has previously~~  
21          ~~been issued in the transferee's name by the Department of~~  
22          ~~State Police under the provisions of the Firearm Owners~~  
23          ~~Identification Card Act; or (2) a currently valid license~~  
24          ~~to carry a concealed firearm that has previously been~~  
25          ~~issued in the transferee's name by the Department of State~~  
26          ~~Police under the Firearm Concealed Carry Act. This~~



1 ~~paragraph (k) does not apply to the transfer of a firearm~~  
2 ~~to a person who is exempt from the requirement of~~  
3 ~~possessing a Firearm Owner's Identification Card under~~  
4 ~~Section 2 of the Firearm Owners Identification Card Act.~~  
5 ~~For the purposes of this Section, a currently valid Firearm~~  
6 ~~Owner's Identification Card means (i) a Firearm Owner's~~  
7 ~~Identification Card that has not expired or (ii) an~~  
8 ~~approval number issued in accordance with subsection~~  
9 ~~(a 10) of subsection 3 or Section 3.1 of the Firearm Owners~~  
10 ~~Identification Card Act shall be proof that the Firearm~~  
11 ~~Owner's Identification Card was valid.~~

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

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

26 (1) Not being entitled to the possession of a firearm,

1           delivers the firearm, knowing it to have been stolen or  
2           converted. It may be inferred that a person who possesses a  
3           firearm with knowledge that its serial number has been  
4           removed or altered has knowledge that the firearm is stolen  
5           or converted.

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

16          (C) Sentence.

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

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

23                 (3) Any person convicted of unlawful sale or delivery  
24                 of firearms in violation of paragraph (a) of subsection (A)  
25                 commits a Class 2 felony.

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

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

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

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

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

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

23 (8) A person 18 years of age or older convicted of  
24 unlawful sale or delivery of firearms in violation of  
25 paragraph (a) or (i) of subsection (A), when the firearm  
26 that was sold or given to another person under 18 years of

1 age was used in the commission of or attempt to commit a  
2 forcible felony, shall be fined or imprisoned, or both, not  
3 to exceed the maximum provided for the most serious  
4 forcible felony so committed or attempted by the person  
5 under 18 years of age who was sold or given the firearm.

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

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

1 than 40 years if the delivery is of not less than 11 and  
2 not more than 20 firearms at the same time or within a 3  
3 year period. Any person convicted of unlawful sale or  
4 delivery of firearms in violation of paragraph (l) of  
5 subsection (A) commits a Class X felony for which he or she  
6 shall be sentenced to a term of imprisonment of not less  
7 than 6 years and not more than 50 years if the delivery is  
8 of not less than 21 and not more than 30 firearms at the  
9 same time or within a 4 year period. Any person convicted  
10 of unlawful sale or delivery of firearms in violation of  
11 paragraph (l) of subsection (A) commits a Class X felony  
12 for which he or she shall be sentenced to a term of  
13 imprisonment of not less than 6 years and not more than 60  
14 years if the delivery is of 31 or more firearms at the same  
15 time or within a 5 year period.

16 (D) For purposes of this Section:

17 "School" means a public or private elementary or secondary  
18 school, community college, college, or university.

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

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

1 subsection (A) of this Section may be commenced within 5 years  
2 after the commission of the offense defined in the particular  
3 paragraph.

4 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15;  
5 99-143, eff. 7-27-15; 99-642, eff. 7-28-16.)

6 (720 ILCS 5/24-3B)

7 Sec. 24-3B. Firearms trafficking.

8 (a) A person commits firearms trafficking when he or she  
9 ~~has not been issued a currently valid Firearm Owner's~~  
10 ~~Identification Card and knowingly:~~

11 (1) brings, or causes to be brought, into this State, a  
12 firearm or firearm ammunition for the purpose of sale,  
13 delivery, or transfer to any other person or with the  
14 intent to sell, deliver, or transfer the firearm or firearm  
15 ammunition to any other person; or

16 (2) brings, or causes to be brought, into this State, a  
17 firearm and firearm ammunition for the purpose of sale,  
18 delivery, or transfer to any other person or with the  
19 intent to sell, deliver, or transfer the firearm and  
20 firearm ammunition to any other person.

21 (a-5) This Section does not apply to:

22 (1) (blank); ~~a person exempt under Section 2 of the~~  
23 ~~Firearm Owners Identification Card Act from the~~  
24 ~~requirement of having possession of a Firearm Owner's~~  
25 ~~Identification Card previously issued in his or her name by~~

1 ~~the Department of State Police in order to acquire or~~  
2 ~~possess a firearm or firearm ammunition;~~

3 (2) a common carrier under subsection (i) of Section  
4 24-2 of this Code; or

5 (3) a non-resident who may lawfully possess a firearm  
6 in his or her resident state.

7 (b) Sentence.

8 (1) Firearms trafficking is a Class 1 felony for which  
9 the person, if sentenced to a term of imprisonment, shall  
10 be sentenced to not less than 4 years and not more than 20  
11 years.

12 (2) Firearms trafficking by a person who has been  
13 previously convicted of firearms trafficking, gunrunning,  
14 or a felony offense for the unlawful sale, delivery, or  
15 transfer of a firearm or firearm ammunition in this State  
16 or another jurisdiction is a Class X felony.

17 (Source: P.A. 99-885, eff. 8-23-16.)

18 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

19 Sec. 24-3.1. Unlawful possession of firearms and firearm  
20 ammunition.

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

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



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

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

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

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

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

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

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

26 For purposes of this paragraph "explosive bullet" means the

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

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

24 (1) when in the circuit court, the State's Attorney has  
25 been served with a written copy of the petition at least 30  
26 days before any hearing in the circuit court and at the

1 hearing the State's Attorney was afforded an opportunity to  
2 present evidence and object to the petition;

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

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

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

15 (5) granting relief would not be contrary to federal  
16 law.

17 (b) Sentence.

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

23 (c) Nothing in paragraph (1) of subsection (a) of this  
24 Section prohibits a person under 18 years of age from  
25 participating in any lawful recreational activity with a  
26 firearm such as, but not limited to, practice shooting at

1 targets upon established public or private target ranges or  
2 hunting, trapping, or fishing in accordance with the Wildlife  
3 Code or the Fish and Aquatic Life Code.

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

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

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

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

11 For purposes of this Section:

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

1 by federal law.

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

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

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

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

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

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

24 (1) Peace officers;

25 (2) Wardens, superintendents and keepers of prisons,  
26 penitentiaries, jails and other institutions for the

1 detention of persons accused or convicted of an offense;

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

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

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

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

10 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

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

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

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

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

24 (720 ILCS 5/24-3.5)

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

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

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

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

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

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

1 record form.

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

8 (e) Sentence.

9 (1) A person who commits the offense of unlawful  
10 purchase of a firearm:

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

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

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

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



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

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

4 (720 ILCS 5/24-4.1)

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

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

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

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

17 (1) the failure to report is due to an act of God, act  
18 of war, or inability of a law enforcement agency to receive  
19 the report;

20 (2) the person is hospitalized, in a coma, or is  
21 otherwise seriously physically or mentally impaired as to  
22 prevent the person from reporting; or

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

25 (d) Sentence. A person who violates this Section is guilty

1 of a petty offense for a first violation. A second or  
2 subsequent violation of this Section is a Class A misdemeanor.  
3 (Source: P.A. 98-508, eff. 8-19-13.)

4 (720 ILCS 5/24-4.5 new)

5 Sec. 24-4.5. Dial up system.

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

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

1 history record information files and those of the Federal  
2 Bureau of Investigation, including the National Instant  
3 Criminal Background Check System, and of the files of the  
4 Department of Human Services relating to mental health and  
5 developmental disabilities to obtain any felony conviction or  
6 patient hospitalization information which would disqualify a  
7 person from obtaining a firearm.

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

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

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

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

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

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

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

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

8 (720 ILCS 5/24-9)

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

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

19 (1) secured by a device or mechanism, other than the  
20 firearm safety, designed to render a firearm temporarily  
21 inoperable; or

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

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

1 (b) Sentence. A person who violates this Section is guilty  
2 of a Class C misdemeanor and shall be fined not less than  
3 \$1,000. A second or subsequent violation of this Section is a  
4 Class A misdemeanor.

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

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

9 (2) to any firearm obtained by a minor under the age of  
10 14 because of an unlawful entry of the premises by the  
11 minor or another person.

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

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

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

18 (720 ILCS 646/10)

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

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

22 "Anhydrous ammonia equipment" means all items used to  
23 store, hold, contain, handle, transfer, transport, or apply  
24 anhydrous ammonia for lawful purposes.

1 "Booby trap" means any device designed to cause physical  
2 injury when triggered by an act of a person approaching,  
3 entering, or moving through a structure, a vehicle, or any  
4 location where methamphetamine has been manufactured, is being  
5 manufactured, or is intended to be manufactured.

6 "Deliver" or "delivery" has the meaning provided in  
7 subsection (h) of Section 102 of the Illinois Controlled  
8 Substances Act.

9 "Director" means the Director of State Police or the  
10 Director's designated agents.

11 "Dispose" or "disposal" means to abandon, discharge,  
12 release, deposit, inject, dump, spill, leak, or place  
13 methamphetamine waste onto or into any land, water, or well of  
14 any type so that the waste has the potential to enter the  
15 environment, be emitted into the air, or be discharged into the  
16 soil or any waters, including groundwater.

17 "Emergency response" means the act of collecting evidence  
18 from or securing a methamphetamine laboratory site,  
19 methamphetamine waste site or other methamphetamine-related  
20 site and cleaning up the site, whether these actions are  
21 performed by public entities or private contractors paid by  
22 public entities.

23 "Emergency service provider" means a local, State, or  
24 federal peace officer, firefighter, emergency medical  
25 technician-ambulance, emergency medical  
26 technician-intermediate, emergency medical

1 technician-paramedic, ambulance driver, or other medical or  
2 first aid personnel rendering aid, or any agent or designee of  
3 the foregoing.

4 "Finished methamphetamine" means methamphetamine in a form  
5 commonly used for personal consumption.

6 "Firearm" has the meaning provided in Section 2-7.5 of the  
7 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~  
8 ~~Card Act.~~

9 "Manufacture" means to produce, prepare, compound,  
10 convert, process, synthesize, concentrate, purify, separate,  
11 extract, or package any methamphetamine, methamphetamine  
12 precursor, methamphetamine manufacturing catalyst,  
13 methamphetamine manufacturing reagent, methamphetamine  
14 manufacturing solvent, or any substance containing any of the  
15 foregoing.

16 "Methamphetamine" means the chemical methamphetamine (a  
17 Schedule II controlled substance under the Illinois Controlled  
18 Substances Act) or any salt, optical isomer, salt of optical  
19 isomer, or analog thereof, with the exception of  
20 3,4-Methylenedioxymethamphetamine (MDMA) or any other  
21 scheduled substance with a separate listing under the Illinois  
22 Controlled Substances Act.

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

1 "Methamphetamine manufacturing environment" means a  
2 structure or vehicle in which:

3 (1) methamphetamine is being or has been manufactured;

4 (2) chemicals that are being used, have been used, or  
5 are intended to be used to manufacture methamphetamine are  
6 stored;

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

9 (4) methamphetamine manufacturing waste is stored.

10 "Methamphetamine manufacturing material" means any  
11 methamphetamine precursor, substance containing any  
12 methamphetamine precursor, methamphetamine manufacturing  
13 catalyst, substance containing any methamphetamine  
14 manufacturing catalyst, methamphetamine manufacturing reagent,  
15 substance containing any methamphetamine manufacturing  
16 reagent, methamphetamine manufacturing solvent, substance  
17 containing any methamphetamine manufacturing solvent, or any  
18 other chemical, substance, ingredient, equipment, apparatus,  
19 or item that is being used, has been used, or is intended to be  
20 used in the manufacture of methamphetamine.

21 "Methamphetamine manufacturing reagent" means any  
22 substance other than a methamphetamine manufacturing catalyst  
23 that has been used, is being used, or is intended to be used to  
24 react with and chemically alter any methamphetamine precursor.

25 "Methamphetamine manufacturing solvent" means any  
26 substance that has been used, is being used, or is intended to



1 be used as a medium in which any methamphetamine precursor,  
2 methamphetamine manufacturing catalyst, methamphetamine  
3 manufacturing reagent, or any substance containing any of the  
4 foregoing is dissolved, diluted, or washed during any part of  
5 the methamphetamine manufacturing process.

6 "Methamphetamine manufacturing waste" means any chemical,  
7 substance, ingredient, equipment, apparatus, or item that is  
8 left over from, results from, or is produced by the process of  
9 manufacturing methamphetamine, other than finished  
10 methamphetamine.

11 "Methamphetamine precursor" means ephedrine,  
12 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,  
13 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical  
14 isomer, or salt of an optical isomer of any of these chemicals.

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

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

22 "Participate" or "participation" in the manufacture of  
23 methamphetamine means to produce, prepare, compound, convert,  
24 process, synthesize, concentrate, purify, separate, extract,  
25 or package any methamphetamine, methamphetamine precursor,  
26 methamphetamine manufacturing catalyst, methamphetamine

1 manufacturing reagent, methamphetamine manufacturing solvent,  
2 or any substance containing any of the foregoing, or to assist  
3 in any of these actions, or to attempt to take any of these  
4 actions, regardless of whether this action or these actions  
5 result in the production of finished methamphetamine.

6 "Person with a disability" means a person who suffers from  
7 a permanent physical or mental impairment resulting from  
8 disease, injury, functional disorder, or congenital condition  
9 which renders the person incapable of adequately providing for  
10 his or her own health and personal care.

11 "Procure" means to purchase, steal, gather, or otherwise  
12 obtain, by legal or illegal means, or to cause another to take  
13 such action.

14 "Second or subsequent offense" means an offense under this  
15 Act committed by an offender who previously committed an  
16 offense under this Act, the Illinois Controlled Substances Act,  
17 the Cannabis Control Act, or another Act of this State, another  
18 state, or the United States relating to methamphetamine,  
19 cannabis, or any other controlled substance.

20 "Standard dosage form", as used in relation to any  
21 methamphetamine precursor, means that the methamphetamine  
22 precursor is contained in a pill, tablet, capsule, caplet, gel  
23 cap, or liquid cap that has been manufactured by a lawful  
24 entity and contains a standard quantity of methamphetamine  
25 precursor.

26 "Unauthorized container", as used in relation to anhydrous

1 ammonia, means any container that is not designed for the  
2 specific and sole purpose of holding, storing, transporting, or  
3 applying anhydrous ammonia. "Unauthorized container" includes,  
4 but is not limited to, any propane tank, fire extinguisher,  
5 oxygen cylinder, gasoline can, food or beverage cooler, or  
6 compressed gas cylinder used in dispensing fountain drinks.  
7 "Unauthorized container" does not encompass anhydrous ammonia  
8 manufacturing plants, refrigeration systems where anhydrous  
9 ammonia is used solely as a refrigerant, anhydrous ammonia  
10 transportation pipelines, anhydrous ammonia tankers, or  
11 anhydrous ammonia barges.

12 (Source: P.A. 97-434, eff. 1-1-12.)

13 Section 90. The Code of Criminal Procedure of 1963 is  
14 amended by changing Sections 110-10, 112A-11.1, 112A-11.2,  
15 112A-14, and 112A-14.7 as follows:

16 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

17 Sec. 110-10. Conditions of bail bond.

18 (a) If a person is released prior to conviction, either  
19 upon payment of bail security or on his or her own  
20 recognizance, the conditions of the bail bond shall be that he  
21 or she will:

22 (1) Appear to answer the charge in the court having  
23 jurisdiction on a day certain and thereafter as ordered by  
24 the court until discharged or final order of the court;

1           (2) Submit himself or herself to the orders and process  
2 of the court;

3           (3) Not depart this State without leave of the court;

4           (4) Not violate any criminal statute of any  
5 jurisdiction;

6           (5) At a time and place designated by the court,  
7 surrender all firearms in his or her possession to a law  
8 enforcement officer designated by the court to take custody  
9 of and impound the firearms ~~and physically surrender his or~~  
10 ~~her Firearm Owner's Identification Card to the clerk of the~~  
11 ~~circuit court~~ when the offense the person has been charged  
12 with is a forcible felony, stalking, aggravated stalking,  
13 domestic battery, any violation of the Illinois Controlled  
14 Substances Act, the Methamphetamine Control and Community  
15 Protection Act, or the Cannabis Control Act that is  
16 classified as a Class 2 or greater felony, or any felony  
17 violation of Article 24 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012; the court may, however, forgo the  
19 imposition of this condition when the circumstances of the  
20 case clearly do not warrant it or when its imposition would  
21 be impractical; ~~if the Firearm Owner's Identification Card~~  
22 ~~is confiscated, the clerk of the circuit court shall mail~~  
23 ~~the confiscated card to the Illinois State Police;~~ all  
24 legally possessed firearms shall be returned to the person  
25 upon the charges being dismissed, or if the person is found  
26 not guilty, unless the finding of not guilty is by reason

1 of insanity; and

2 (6) At a time and place designated by the court, submit  
3 to a psychological evaluation when the person has been  
4 charged with a violation of item (4) of subsection (a) of  
5 Section 24-1 of the Criminal Code of 1961 or the Criminal  
6 Code of 2012 and that violation occurred in a school or in  
7 any conveyance owned, leased, or contracted by a school to  
8 transport students to or from school or a school-related  
9 activity, or on any public way within 1,000 feet of real  
10 property comprising any school.

11 Psychological evaluations ordered pursuant to this Section  
12 shall be completed promptly and made available to the State,  
13 the defendant, and the court. As a further condition of bail  
14 under these circumstances, the court shall order the defendant  
15 to refrain from entering upon the property of the school,  
16 including any conveyance owned, leased, or contracted by a  
17 school to transport students to or from school or a  
18 school-related activity, or on any public way within 1,000 feet  
19 of real property comprising any school. Upon receipt of the  
20 psychological evaluation, either the State or the defendant may  
21 request a change in the conditions of bail, pursuant to Section  
22 110-6 of this Code. The court may change the conditions of bail  
23 to include a requirement that the defendant follow the  
24 recommendations of the psychological evaluation, including  
25 undergoing psychiatric treatment. The conclusions of the  
26 psychological evaluation and any statements elicited from the

1 defendant during its administration are not admissible as  
2 evidence of guilt during the course of any trial on the charged  
3 offense, unless the defendant places his or her mental  
4 competency in issue.

5 (b) The court may impose other conditions, such as the  
6 following, if the court finds that such conditions are  
7 reasonably necessary to assure the defendant's appearance in  
8 court, protect the public from the defendant, or prevent the  
9 defendant's unlawful interference with the orderly  
10 administration of justice:

11 (1) Report to or appear in person before such person or  
12 agency as the court may direct;

13 (2) Refrain from possessing a firearm or other  
14 dangerous weapon;

15 (3) Refrain from approaching or communicating with  
16 particular persons or classes of persons;

17 (4) Refrain from going to certain described  
18 geographical areas or premises;

19 (5) Refrain from engaging in certain activities or  
20 indulging in intoxicating liquors or in certain drugs;

21 (6) Undergo treatment for drug addiction or  
22 alcoholism;

23 (7) Undergo medical or psychiatric treatment;

24 (8) Work or pursue a course of study or vocational  
25 training;

26 (9) Attend or reside in a facility designated by the

1 court;

2 (10) Support his or her dependents;

3 (11) If a minor resides with his or her parents or in a  
4 foster home, attend school, attend a non-residential  
5 program for youths, and contribute to his or her own  
6 support at home or in a foster home;

7 (12) Observe any curfew ordered by the court;

8 (13) Remain in the custody of such designated person or  
9 organization agreeing to supervise his release. Such third  
10 party custodian shall be responsible for notifying the  
11 court if the defendant fails to observe the conditions of  
12 release which the custodian has agreed to monitor, and  
13 shall be subject to contempt of court for failure so to  
14 notify the court;

15 (14) Be placed under direct supervision of the Pretrial  
16 Services Agency, Probation Department or Court Services  
17 Department in a pretrial bond home supervision capacity  
18 with or without the use of an approved electronic  
19 monitoring device subject to Article 8A of Chapter V of the  
20 Unified Code of Corrections;

21 (14.1) The court shall impose upon a defendant who is  
22 charged with any alcohol, cannabis, methamphetamine, or  
23 controlled substance violation and is placed under direct  
24 supervision of the Pretrial Services Agency, Probation  
25 Department or Court Services Department in a pretrial bond  
26 home supervision capacity with the use of an approved

1 monitoring device, as a condition of such bail bond, a fee  
2 that represents costs incidental to the electronic  
3 monitoring for each day of such bail supervision ordered by  
4 the court, unless after determining the inability of the  
5 defendant to pay the fee, the court assesses a lesser fee  
6 or no fee as the case may be. The fee shall be collected by  
7 the clerk of the circuit court, except as provided in an  
8 administrative order of the Chief Judge of the circuit  
9 court. The clerk of the circuit court shall pay all monies  
10 collected from this fee to the county treasurer for deposit  
11 in the substance abuse services fund under Section 5-1086.1  
12 of the Counties Code, except as provided in an  
13 administrative order of the Chief Judge of the circuit  
14 court.

15 The Chief Judge of the circuit court of the county may  
16 by administrative order establish a program for electronic  
17 monitoring of offenders with regard to drug-related and  
18 alcohol-related offenses, in which a vendor supplies and  
19 monitors the operation of the electronic monitoring  
20 device, and collects the fees on behalf of the county. The  
21 program shall include provisions for indigent offenders  
22 and the collection of unpaid fees. The program shall not  
23 unduly burden the offender and shall be subject to review  
24 by the Chief Judge.

25 The Chief Judge of the circuit court may suspend any  
26 additional charges or fees for late payment, interest, or



1 damage to any device;

2 (14.2) The court shall impose upon all defendants,  
3 including those defendants subject to paragraph (14.1)  
4 above, placed under direct supervision of the Pretrial  
5 Services Agency, Probation Department or Court Services  
6 Department in a pretrial bond home supervision capacity  
7 with the use of an approved monitoring device, as a  
8 condition of such bail bond, a fee which shall represent  
9 costs incidental to such electronic monitoring for each day  
10 of such bail supervision ordered by the court, unless after  
11 determining the inability of the defendant to pay the fee,  
12 the court assesses a lesser fee or no fee as the case may  
13 be. The fee shall be collected by the clerk of the circuit  
14 court, except as provided in an administrative order of the  
15 Chief Judge of the circuit court. The clerk of the circuit  
16 court shall pay all monies collected from this fee to the  
17 county treasurer who shall use the monies collected to  
18 defray the costs of corrections. The county treasurer shall  
19 deposit the fee collected in the county working cash fund  
20 under Section 6-27001 or Section 6-29002 of the Counties  
21 Code, as the case may be, except as provided in an  
22 administrative order of the Chief Judge of the circuit  
23 court.

24 The Chief Judge of the circuit court of the county may  
25 by administrative order establish a program for electronic  
26 monitoring of offenders with regard to drug-related and

1 alcohol-related offenses, in which a vendor supplies and  
2 monitors the operation of the electronic monitoring  
3 device, and collects the fees on behalf of the county. The  
4 program shall include provisions for indigent offenders  
5 and the collection of unpaid fees. The program shall not  
6 unduly burden the offender and shall be subject to review  
7 by the Chief Judge.

8 The Chief Judge of the circuit court may suspend any  
9 additional charges or fees for late payment, interest, or  
10 damage to any device;

11 (14.3) The Chief Judge of the Judicial Circuit may  
12 establish reasonable fees to be paid by a person receiving  
13 pretrial services while under supervision of a pretrial  
14 services agency, probation department, or court services  
15 department. Reasonable fees may be charged for pretrial  
16 services including, but not limited to, pretrial  
17 supervision, diversion programs, electronic monitoring,  
18 victim impact services, drug and alcohol testing, DNA  
19 testing, GPS electronic monitoring, assessments and  
20 evaluations related to domestic violence and other  
21 victims, and victim mediation services. The person  
22 receiving pretrial services may be ordered to pay all costs  
23 incidental to pretrial services in accordance with his or  
24 her ability to pay those costs;

25 (14.4) For persons charged with violating Section  
26 11-501 of the Illinois Vehicle Code, refrain from operating

1 a motor vehicle not equipped with an ignition interlock  
2 device, as defined in Section 1-129.1 of the Illinois  
3 Vehicle Code, pursuant to the rules promulgated by the  
4 Secretary of State for the installation of ignition  
5 interlock devices. Under this condition the court may allow  
6 a defendant who is not self-employed to operate a vehicle  
7 owned by the defendant's employer that is not equipped with  
8 an ignition interlock device in the course and scope of the  
9 defendant's employment;

10 (15) Comply with the terms and conditions of an order  
11 of protection issued by the court under the Illinois  
12 Domestic Violence Act of 1986 or an order of protection  
13 issued by the court of another state, tribe, or United  
14 States territory;

15 (16) Under Section 110-6.5 comply with the conditions  
16 of the drug testing program; and

17 (17) Such other reasonable conditions as the court may  
18 impose.

19 (c) When a person is charged with an offense under Section  
20 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
21 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012, involving a victim who is a minor under  
23 18 years of age living in the same household with the defendant  
24 at the time of the offense, in granting bail or releasing the  
25 defendant on his own recognizance, the judge shall impose  
26 conditions to restrict the defendant's access to the victim

1 which may include, but are not limited to conditions that he  
2 will:

- 3 1. Vacate the household.
- 4 2. Make payment of temporary support to his dependents.
- 5 3. Refrain from contact or communication with the child  
6 victim, except as ordered by the court.

7 (d) When a person is charged with a criminal offense and  
8 the victim is a family or household member as defined in  
9 Article 112A, conditions shall be imposed at the time of the  
10 defendant's release on bond that restrict the defendant's  
11 access to the victim. Unless provided otherwise by the court,  
12 the restrictions shall include requirements that the defendant  
13 do the following:

14 (1) refrain from contact or communication with the  
15 victim for a minimum period of 72 hours following the  
16 defendant's release; and

17 (2) refrain from entering or remaining at the victim's  
18 residence for a minimum period of 72 hours following the  
19 defendant's release.

20 (e) Local law enforcement agencies shall develop  
21 standardized bond forms for use in cases involving family or  
22 household members as defined in Article 112A, including  
23 specific conditions of bond as provided in subsection (d).  
24 Failure of any law enforcement department to develop or use  
25 those forms shall in no way limit the applicability and  
26 enforcement of subsections (d) and (f).

1 (f) If the defendant is admitted to bail after conviction  
2 the conditions of the bail bond shall be that he will, in  
3 addition to the conditions set forth in subsections (a) and (b)  
4 hereof:

5 (1) Duly prosecute his appeal;

6 (2) Appear at such time and place as the court may  
7 direct;

8 (3) Not depart this State without leave of the court;

9 (4) Comply with such other reasonable conditions as the  
10 court may impose; and

11 (5) If the judgment is affirmed or the cause reversed  
12 and remanded for a new trial, forthwith surrender to the  
13 officer from whose custody he was bailed.

14 (g) Upon a finding of guilty for any felony offense, the  
15 defendant shall physically surrender, at a time and place  
16 designated by the court, any and all firearms in his or her  
17 possession ~~and his or her Firearm Owner's Identification Card~~  
18 as a condition of remaining on bond pending sentencing.

19 (Source: P.A. 99-797, eff. 8-12-16.)

20 (725 ILCS 5/112A-11.1)

21 Sec. 112A-11.1. Procedure for determining whether certain  
22 misdemeanor crimes are crimes of domestic violence for purposes  
23 of federal law.

24 (a) When a defendant has been charged with a violation of  
25 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, the State  
2 may, at arraignment or no later than 45 days after arraignment,  
3 for the purpose of notification to the Department of State  
4 Police ~~Firearm Owner's Identification Card Office~~, serve on the  
5 defendant and file with the court a notice alleging that  
6 conviction of the offense would subject the defendant to the  
7 prohibitions of 18 U.S.C. 922(g)(9) because of the relationship  
8 between the defendant and the alleged victim and the nature of  
9 the alleged offense.

10 (b) The notice shall include the name of the person alleged  
11 to be the victim of the crime and shall specify the nature of  
12 the alleged relationship as set forth in 18 U.S.C.  
13 921(a)(33)(A)(ii). It shall also specify the element of the  
14 charged offense which requires the use or attempted use of  
15 physical force, or the threatened use of a deadly weapon, as  
16 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include  
17 notice that the defendant is entitled to a hearing on the  
18 allegation contained in the notice and that if the allegation  
19 is sustained, that determination and conviction shall be  
20 reported to the Department of State Police ~~Firearm Owner's~~  
21 ~~Identification Card Office~~.

22 (c) After having been notified as provided in subsection  
23 (b) of this Section, the defendant may stipulate or admit,  
24 orally on the record or in writing, that conviction of the  
25 offense would subject the defendant to the prohibitions of 18  
26 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.

1 922(g)(9) shall be deemed established for purposes of Section  
2 112A-11.2. If the defendant denies the applicability of 18  
3 U.S.C. 922(g)(9) as alleged in the notice served by the State,  
4 or stands mute with respect to that allegation, then the State  
5 shall bear the burden to prove beyond a reasonable doubt that  
6 the offense is one to which the prohibitions of 18 U.S.C.  
7 922(g)(9) apply. The court may consider reliable hearsay  
8 evidence submitted by either party provided that it is relevant  
9 to the determination of the allegation. Facts previously proven  
10 at trial or elicited at the time of entry of a plea of guilty  
11 shall be deemed established beyond a reasonable doubt and shall  
12 not be relitigated. At the conclusion of the hearing, or upon a  
13 stipulation or admission, as applicable, the court shall make a  
14 specific written determination with respect to the allegation.  
15 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

16 (725 ILCS 5/112A-11.2)

17 Sec. 112A-11.2. Notification to the Department of State  
18 Police ~~Firearm Owner's Identification Card Office~~ of  
19 determinations in certain misdemeanor cases. Upon judgment of  
20 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,  
21 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal  
22 Code of 2012 when the defendant has been determined, under  
23 Section 112A-11.1, to be subject to the prohibitions of 18  
24 U.S.C. 922(g)(9), the circuit court clerk shall include  
25 notification and a copy of the written determination in a

1 report of the conviction to the Department of State Police  
2 ~~Firearm Owner's Identification Card Office~~ to enable the office  
3 to report that determination to the Federal Bureau of  
4 Investigation and assist the Bureau in identifying persons  
5 prohibited from purchasing and possessing a firearm pursuant to  
6 the provisions of 18 U.S.C. 922.

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

8 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

9 Sec. 112A-14. Order of protection; remedies.

10 (a) (Blank).

11 (b) The court may order any of the remedies listed in this  
12 subsection. The remedies listed in this subsection shall be in  
13 addition to other civil or criminal remedies available to  
14 petitioner.

15 (1) Prohibition of abuse. Prohibit respondent's  
16 harassment, interference with personal liberty,  
17 intimidation of a dependent, physical abuse or willful  
18 deprivation, as defined in this Article, if such abuse has  
19 occurred or otherwise appears likely to occur if not  
20 prohibited.

21 (2) Grant of exclusive possession of residence.  
22 Prohibit respondent from entering or remaining in any  
23 residence, household, or premises of the petitioner,  
24 including one owned or leased by respondent, if petitioner  
25 has a right to occupancy thereof. The grant of exclusive



1 possession of the residence, household, or premises shall  
2 not affect title to real property, nor shall the court be  
3 limited by the standard set forth in Section 701 of the  
4 Illinois Marriage and Dissolution of Marriage Act.

5 (A) Right to occupancy. A party has a right to  
6 occupancy of a residence or household if it is solely  
7 or jointly owned or leased by that party, that party's  
8 spouse, a person with a legal duty to support that  
9 party or a minor child in that party's care, or by any  
10 person or entity other than the opposing party that  
11 authorizes that party's occupancy (e.g., a domestic  
12 violence shelter). Standards set forth in subparagraph  
13 (B) shall not preclude equitable relief.

14 (B) Presumption of hardships. If petitioner and  
15 respondent each has the right to occupancy of a  
16 residence or household, the court shall balance (i) the  
17 hardships to respondent and any minor child or  
18 dependent adult in respondent's care resulting from  
19 entry of this remedy with (ii) the hardships to  
20 petitioner and any minor child or dependent adult in  
21 petitioner's care resulting from continued exposure to  
22 the risk of abuse (should petitioner remain at the  
23 residence or household) or from loss of possession of  
24 the residence or household (should petitioner leave to  
25 avoid the risk of abuse). When determining the balance  
26 of hardships, the court shall also take into account

1 the accessibility of the residence or household.  
2 Hardships need not be balanced if respondent does not  
3 have a right to occupancy.

4 The balance of hardships is presumed to favor  
5 possession by petitioner unless the presumption is  
6 rebutted by a preponderance of the evidence, showing  
7 that the hardships to respondent substantially  
8 outweigh the hardships to petitioner and any minor  
9 child or dependent adult in petitioner's care. The  
10 court, on the request of petitioner or on its own  
11 motion, may order respondent to provide suitable,  
12 accessible, alternate housing for petitioner instead  
13 of excluding respondent from a mutual residence or  
14 household.

15 (3) Stay away order and additional prohibitions. Order  
16 respondent to stay away from petitioner or any other person  
17 protected by the order of protection, or prohibit  
18 respondent from entering or remaining present at  
19 petitioner's school, place of employment, or other  
20 specified places at times when petitioner is present, or  
21 both, if reasonable, given the balance of hardships.  
22 Hardships need not be balanced for the court to enter a  
23 stay away order or prohibit entry if respondent has no  
24 right to enter the premises.

25 (A) If an order of protection grants petitioner  
26 exclusive possession of the residence, or prohibits

1           respondent from entering the residence, or orders  
2           respondent to stay away from petitioner or other  
3           protected persons, then the court may allow respondent  
4           access to the residence to remove items of clothing and  
5           personal adornment used exclusively by respondent,  
6           medications, and other items as the court directs. The  
7           right to access shall be exercised on only one occasion  
8           as the court directs and in the presence of an  
9           agreed-upon adult third party or law enforcement  
10          officer.

11           (B) When the petitioner and the respondent attend  
12          the same public, private, or non-public elementary,  
13          middle, or high school, the court when issuing an order  
14          of protection and providing relief shall consider the  
15          severity of the act, any continuing physical danger or  
16          emotional distress to the petitioner, the educational  
17          rights guaranteed to the petitioner and respondent  
18          under federal and State law, the availability of a  
19          transfer of the respondent to another school, a change  
20          of placement or a change of program of the respondent,  
21          the expense, difficulty, and educational disruption  
22          that would be caused by a transfer of the respondent to  
23          another school, and any other relevant facts of the  
24          case. The court may order that the respondent not  
25          attend the public, private, or non-public elementary,  
26          middle, or high school attended by the petitioner,

1 order that the respondent accept a change of placement  
2 or change of program, as determined by the school  
3 district or private or non-public school, or place  
4 restrictions on the respondent's movements within the  
5 school attended by the petitioner. The respondent  
6 bears the burden of proving by a preponderance of the  
7 evidence that a transfer, change of placement, or  
8 change of program of the respondent is not available.  
9 The respondent also bears the burden of production with  
10 respect to the expense, difficulty, and educational  
11 disruption that would be caused by a transfer of the  
12 respondent to another school. A transfer, change of  
13 placement, or change of program is not unavailable to  
14 the respondent solely on the ground that the respondent  
15 does not agree with the school district's or private or  
16 non-public school's transfer, change of placement, or  
17 change of program or solely on the ground that the  
18 respondent fails or refuses to consent or otherwise  
19 does not take an action required to effectuate a  
20 transfer, change of placement, or change of program.  
21 When a court orders a respondent to stay away from the  
22 public, private, or non-public school attended by the  
23 petitioner and the respondent requests a transfer to  
24 another attendance center within the respondent's  
25 school district or private or non-public school, the  
26 school district or private or non-public school shall

1           have sole discretion to determine the attendance  
2           center to which the respondent is transferred. If the  
3           court order results in a transfer of the minor  
4           respondent to another attendance center, a change in  
5           the respondent's placement, or a change of the  
6           respondent's program, the parents, guardian, or legal  
7           custodian of the respondent is responsible for  
8           transportation and other costs associated with the  
9           transfer or change.

10           (C) The court may order the parents, guardian, or  
11           legal custodian of a minor respondent to take certain  
12           actions or to refrain from taking certain actions to  
13           ensure that the respondent complies with the order. If  
14           the court orders a transfer of the respondent to  
15           another school, the parents, guardian, or legal  
16           custodian of the respondent is responsible for  
17           transportation and other costs associated with the  
18           change of school by the respondent.

19           (4) Counseling. Require or recommend the respondent to  
20           undergo counseling for a specified duration with a social  
21           worker, psychologist, clinical psychologist, psychiatrist,  
22           family service agency, alcohol or substance abuse program,  
23           mental health center guidance counselor, agency providing  
24           services to elders, program designed for domestic violence  
25           abusers or any other guidance service the court deems  
26           appropriate. The court may order the respondent in any

1 intimate partner relationship to report to an Illinois  
2 Department of Human Services protocol approved partner  
3 abuse intervention program for an assessment and to follow  
4 all recommended treatment.

5 (5) Physical care and possession of the minor child. In  
6 order to protect the minor child from abuse, neglect, or  
7 unwarranted separation from the person who has been the  
8 minor child's primary caretaker, or to otherwise protect  
9 the well-being of the minor child, the court may do either  
10 or both of the following: (i) grant petitioner physical  
11 care or possession of the minor child, or both, or (ii)  
12 order respondent to return a minor child to, or not remove  
13 a minor child from, the physical care of a parent or person  
14 in loco parentis.

15 If the respondent is charged with abuse (as defined in  
16 Section 112A-3) of a minor child, there shall be a  
17 rebuttable presumption that awarding physical care to  
18 respondent would not be in the minor child's best interest.

19 (6) Temporary legal custody. Award temporary legal  
20 custody to petitioner in accordance with this Section, the  
21 Illinois Marriage and Dissolution of Marriage Act, the  
22 Illinois Parentage Act of 2015, and this State's Uniform  
23 Child-Custody Jurisdiction and Enforcement Act.

24 If the respondent is charged with abuse (as defined in  
25 Section 112A-3) of a minor child, there shall be a  
26 rebuttable presumption that awarding temporary legal

1 custody to respondent would not be in the child's best  
2 interest.

3 (7) Visitation. Determine the visitation rights, if  
4 any, of respondent in any case in which the court awards  
5 physical care or temporary legal custody of a minor child  
6 to petitioner. The court shall restrict or deny  
7 respondent's visitation with a minor child if the court  
8 finds that respondent has done or is likely to do any of  
9 the following: (i) abuse or endanger the minor child during  
10 visitation; (ii) use the visitation as an opportunity to  
11 abuse or harass petitioner or petitioner's family or  
12 household members; (iii) improperly conceal or detain the  
13 minor child; or (iv) otherwise act in a manner that is not  
14 in the best interests of the minor child. The court shall  
15 not be limited by the standards set forth in Section 607.1  
16 of the Illinois Marriage and Dissolution of Marriage Act.  
17 If the court grants visitation, the order shall specify  
18 dates and times for the visitation to take place or other  
19 specific parameters or conditions that are appropriate. No  
20 order for visitation shall refer merely to the term  
21 "reasonable visitation".

22 Petitioner may deny respondent access to the minor  
23 child if, when respondent arrives for visitation,  
24 respondent is under the influence of drugs or alcohol and  
25 constitutes a threat to the safety and well-being of  
26 petitioner or petitioner's minor children or is behaving in

1 a violent or abusive manner.

2 If necessary to protect any member of petitioner's  
3 family or household from future abuse, respondent shall be  
4 prohibited from coming to petitioner's residence to meet  
5 the minor child for visitation, and the parties shall  
6 submit to the court their recommendations for reasonable  
7 alternative arrangements for visitation. A person may be  
8 approved to supervise visitation only after filing an  
9 affidavit accepting that responsibility and acknowledging  
10 accountability to the court.

11 (8) Removal or concealment of minor child. Prohibit  
12 respondent from removing a minor child from the State or  
13 concealing the child within the State.

14 (9) Order to appear. Order the respondent to appear in  
15 court, alone or with a minor child, to prevent abuse,  
16 neglect, removal or concealment of the child, to return the  
17 child to the custody or care of the petitioner or to permit  
18 any court-ordered interview or examination of the child or  
19 the respondent.

20 (10) Possession of personal property. Grant petitioner  
21 exclusive possession of personal property and, if  
22 respondent has possession or control, direct respondent to  
23 promptly make it available to petitioner, if:

24 (i) petitioner, but not respondent, owns the  
25 property; or

26 (ii) the parties own the property jointly; sharing



1           it would risk abuse of petitioner by respondent or is  
2           impracticable; and the balance of hardships favors  
3           temporary possession by petitioner.

4           If petitioner's sole claim to ownership of the property  
5           is that it is marital property, the court may award  
6           petitioner temporary possession thereof under the  
7           standards of subparagraph (ii) of this paragraph only if a  
8           proper proceeding has been filed under the Illinois  
9           Marriage and Dissolution of Marriage Act, as now or  
10          hereafter amended.

11          No order under this provision shall affect title to  
12          property.

13          (11) Protection of property. Forbid the respondent  
14          from taking, transferring, encumbering, concealing,  
15          damaging or otherwise disposing of any real or personal  
16          property, except as explicitly authorized by the court, if:

17                 (i) petitioner, but not respondent, owns the  
18                 property; or

19                 (ii) the parties own the property jointly, and the  
20                 balance of hardships favors granting this remedy.

21          If petitioner's sole claim to ownership of the property  
22          is that it is marital property, the court may grant  
23          petitioner relief under subparagraph (ii) of this  
24          paragraph only if a proper proceeding has been filed under  
25          the Illinois Marriage and Dissolution of Marriage Act, as  
26          now or hereafter amended.

1           The court may further prohibit respondent from  
2           improperly using the financial or other resources of an  
3           aged member of the family or household for the profit or  
4           advantage of respondent or of any other person.

5           (11.5) Protection of animals. Grant the petitioner the  
6           exclusive care, custody, or control of any animal owned,  
7           possessed, leased, kept, or held by either the petitioner  
8           or the respondent or a minor child residing in the  
9           residence or household of either the petitioner or the  
10          respondent and order the respondent to stay away from the  
11          animal and forbid the respondent from taking,  
12          transferring, encumbering, concealing, harming, or  
13          otherwise disposing of the animal.

14          (12) Order for payment of support. Order respondent to  
15          pay temporary support for the petitioner or any child in  
16          the petitioner's care or custody, when the respondent has a  
17          legal obligation to support that person, in accordance with  
18          the Illinois Marriage and Dissolution of Marriage Act,  
19          which shall govern, among other matters, the amount of  
20          support, payment through the clerk and withholding of  
21          income to secure payment. An order for child support may be  
22          granted to a petitioner with lawful physical care or  
23          custody of a child, or an order or agreement for physical  
24          care or custody, prior to entry of an order for legal  
25          custody. Such a support order shall expire upon entry of a  
26          valid order granting legal custody to another, unless

1 otherwise provided in the custody order.

2 (13) Order for payment of losses. Order respondent to  
3 pay petitioner for losses suffered as a direct result of  
4 the abuse. Such losses shall include, but not be limited  
5 to, medical expenses, lost earnings or other support,  
6 repair or replacement of property damaged or taken,  
7 reasonable attorney's fees, court costs and moving or other  
8 travel expenses, including additional reasonable expenses  
9 for temporary shelter and restaurant meals.

10 (i) Losses affecting family needs. If a party is  
11 entitled to seek maintenance, child support or  
12 property distribution from the other party under the  
13 Illinois Marriage and Dissolution of Marriage Act, as  
14 now or hereafter amended, the court may order  
15 respondent to reimburse petitioner's actual losses, to  
16 the extent that such reimbursement would be  
17 "appropriate temporary relief", as authorized by  
18 subsection (a) (3) of Section 501 of that Act.

19 (ii) Recovery of expenses. In the case of an  
20 improper concealment or removal of a minor child, the  
21 court may order respondent to pay the reasonable  
22 expenses incurred or to be incurred in the search for  
23 and recovery of the minor child, including, but not  
24 limited to, legal fees, court costs, private  
25 investigator fees, and travel costs.

26 (14) Prohibition of entry. Prohibit the respondent

1 from entering or remaining in the residence or household  
2 while the respondent is under the influence of alcohol or  
3 drugs and constitutes a threat to the safety and well-being  
4 of the petitioner or the petitioner's children.

5 (14.5) Prohibition of firearm possession.

6 (A) A person who is subject to an existing order of  
7 protection~~7~~ issued under this Code may not lawfully  
8 possess firearms, stun guns, or tasers ~~weapons under~~  
9 ~~Section 8.2 of the Firearm Owners Identification Card~~  
10 ~~Act.~~

11 (B) Any firearms in the possession of the  
12 respondent, except as provided in subparagraph (C) of  
13 this paragraph (14.5), shall be ordered by the court to  
14 be turned over to a person who is not prohibited under  
15 State or federal law from possessing firearms ~~with a~~  
16 ~~valid Firearm Owner's Identification Card for~~  
17 ~~safekeeping. The court shall issue an order that the~~  
18 ~~respondent's Firearm Owner's Identification Card be~~  
19 ~~turned over to the local law enforcement agency, which~~  
20 ~~in turn shall immediately mail the card to the~~  
21 ~~Department of State Police Firearm Owner's~~  
22 ~~Identification Card Office for safekeeping.~~ The period  
23 of safekeeping shall be for the duration of the order  
24 of 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 respondent

1 at expiration of the order of protection.

2 (C) If the respondent is a peace officer as defined  
3 in Section 2-13 of the Criminal Code of 2012, the court  
4 shall order that any firearms used by the respondent in  
5 the performance of his or her duties as a peace officer  
6 be surrendered to the chief law enforcement executive  
7 of the agency in which the respondent is employed, who  
8 shall retain the firearms for safekeeping for the  
9 duration of the order of protection.

10 (D) Upon expiration of the period of safekeeping,  
11 if the firearms ~~or Firearm Owner's Identification Card~~  
12 cannot be returned to respondent because respondent  
13 cannot be located, fails to respond to requests to  
14 retrieve the firearms, or is not lawfully eligible to  
15 possess a firearm, upon petition from the local law  
16 enforcement agency, the court may order the local law  
17 enforcement agency to destroy the firearms, use the  
18 firearms for training purposes, or for any other  
19 application as deemed appropriate by the local law  
20 enforcement agency; or that the firearms be turned over  
21 to a third party who is lawfully eligible to possess  
22 firearms, and who does not reside with respondent.

23 (15) Prohibition of access to records. If an order of  
24 protection prohibits respondent from having contact with  
25 the minor child, or if petitioner's address is omitted  
26 under subsection (b) of Section 112A-5, or if necessary to

1 prevent abuse or wrongful removal or concealment of a minor  
2 child, the order shall deny respondent access to, and  
3 prohibit respondent from inspecting, obtaining, or  
4 attempting to inspect or obtain, school or any other  
5 records of the minor child who is in the care of  
6 petitioner.

7 (16) Order for payment of shelter services. Order  
8 respondent to reimburse a shelter providing temporary  
9 housing and counseling services to the petitioner for the  
10 cost of the services, as certified by the shelter and  
11 deemed reasonable by the court.

12 (17) Order for injunctive relief. Enter injunctive  
13 relief necessary or appropriate to prevent further abuse of  
14 a family or household member or to effectuate one of the  
15 granted remedies, if supported by the balance of hardships.  
16 If the harm to be prevented by the injunction is abuse or  
17 any other harm that one of the remedies listed in  
18 paragraphs (1) through (16) of this subsection is designed  
19 to prevent, no further evidence is necessary to establish  
20 that the harm is an irreparable injury.

21 (18) Telephone services.

22 (A) Unless a condition described in subparagraph  
23 (B) of this paragraph exists, the court may, upon  
24 request by the petitioner, order a wireless telephone  
25 service provider to transfer to the petitioner the  
26 right to continue to use a telephone number or numbers

1 indicated by the petitioner and the financial  
2 responsibility associated with the number or numbers,  
3 as set forth in subparagraph (C) of this paragraph. For  
4 purposes of this paragraph (18), the term "wireless  
5 telephone service provider" means a provider of  
6 commercial mobile service as defined in 47 U.S.C. 332.  
7 The petitioner may request the transfer of each  
8 telephone number that the petitioner, or a minor child  
9 in his or her custody, uses. The clerk of the court  
10 shall serve the order on the wireless telephone service  
11 provider's agent for service of process provided to the  
12 Illinois Commerce Commission. The order shall contain  
13 all of the following:

14 (i) The name and billing telephone number of  
15 the account holder including the name of the  
16 wireless telephone service provider that serves  
17 the account.

18 (ii) Each telephone number that will be  
19 transferred.

20 (iii) A statement that the provider transfers  
21 to the petitioner all financial responsibility for  
22 and right to the use of any telephone number  
23 transferred under this paragraph.

24 (B) A wireless telephone service provider shall  
25 terminate the respondent's use of, and shall transfer  
26 to the petitioner use of, the telephone number or

1 numbers indicated in subparagraph (A) of this  
2 paragraph unless it notifies the petitioner, within 72  
3 hours after it receives the order, that one of the  
4 following applies:

5 (i) The account holder named in the order has  
6 terminated the account.

7 (ii) A difference in network technology would  
8 prevent or impair the functionality of a device on  
9 a network if the transfer occurs.

10 (iii) The transfer would cause a geographic or  
11 other limitation on network or service provision  
12 to the petitioner.

13 (iv) Another technological or operational  
14 issue would prevent or impair the use of the  
15 telephone number if the transfer occurs.

16 (C) The petitioner assumes all financial  
17 responsibility for and right to the use of any  
18 telephone number transferred under this paragraph. In  
19 this paragraph, "financial responsibility" includes  
20 monthly service costs and costs associated with any  
21 mobile device associated with the number.

22 (D) A wireless telephone service provider may  
23 apply to the petitioner its routine and customary  
24 requirements for establishing an account or  
25 transferring a number, including requiring the  
26 petitioner to provide proof of identification,



1 financial information, and customer preferences.

2 (E) Except for willful or wanton misconduct, a  
3 wireless telephone service provider is immune from  
4 civil liability for its actions taken in compliance  
5 with a court order issued under this paragraph.

6 (F) All wireless service providers that provide  
7 services to residential customers shall provide to the  
8 Illinois Commerce Commission the name and address of an  
9 agent for service of orders entered under this  
10 paragraph (18). Any change in status of the registered  
11 agent must be reported to the Illinois Commerce  
12 Commission within 30 days of such change.

13 (G) The Illinois Commerce Commission shall  
14 maintain the list of registered agents for service for  
15 each wireless telephone service provider on the  
16 Commission's website. The Commission may consult with  
17 wireless telephone service providers and the Circuit  
18 Court Clerks on the manner in which this information is  
19 provided and displayed.

20 (c) Relevant factors; findings.

21 (1) In determining whether to grant a specific remedy,  
22 other than payment of support, the court shall consider  
23 relevant factors, including, but not limited to, the  
24 following:

25 (i) the nature, frequency, severity, pattern and  
26 consequences of the respondent's past abuse of the

1 petitioner or any family or household member,  
2 including the concealment of his or her location in  
3 order to evade service of process or notice, and the  
4 likelihood of danger of future abuse to petitioner or  
5 any member of petitioner's or respondent's family or  
6 household; and

7 (ii) the danger that any minor child will be abused  
8 or neglected or improperly removed from the  
9 jurisdiction, improperly concealed within the State or  
10 improperly separated from the child's primary  
11 caretaker.

12 (2) In comparing relative hardships resulting to the  
13 parties from loss of possession of the family home, the  
14 court shall consider relevant factors, including, but not  
15 limited to, the following:

16 (i) availability, accessibility, cost, safety,  
17 adequacy, location and other characteristics of  
18 alternate housing for each party and any minor child or  
19 dependent adult in the party's care;

20 (ii) the effect on the party's employment; and

21 (iii) the effect on the relationship of the party,  
22 and any minor child or dependent adult in the party's  
23 care, to family, school, church and community.

24 (3) Subject to the exceptions set forth in paragraph  
25 (4) of this subsection, the court shall make its findings  
26 in an official record or in writing, and shall at a minimum

1 set forth the following:

2 (i) That the court has considered the applicable  
3 relevant factors described in paragraphs (1) and (2) of  
4 this subsection.

5 (ii) Whether the conduct or actions of respondent,  
6 unless prohibited, will likely cause irreparable harm  
7 or continued abuse.

8 (iii) Whether it is necessary to grant the  
9 requested relief in order to protect petitioner or  
10 other alleged abused persons.

11 (4) (Blank).

12 (5) Never married parties. No rights or  
13 responsibilities for a minor child born outside of marriage  
14 attach to a putative father until a father and child  
15 relationship has been established under the Illinois  
16 Parentage Act of 1984 or under the Illinois Parentage Act  
17 of 2015 on and after the effective date of that Act. Absent  
18 such an adjudication, no putative father shall be granted  
19 temporary custody of the minor child, visitation with the  
20 minor child, or physical care and possession of the minor  
21 child, nor shall an order of payment for support of the  
22 minor child be entered.

23 (d) Balance of hardships; findings. If the court finds that  
24 the balance of hardships does not support the granting of a  
25 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
26 subsection (b) of this Section, which may require such

1 balancing, the court's findings shall so indicate and shall  
2 include a finding as to whether granting the remedy will result  
3 in hardship to respondent that would substantially outweigh the  
4 hardship to petitioner from denial of the remedy. The findings  
5 shall be an official record or in writing.

6 (e) Denial of remedies. Denial of any remedy shall not be  
7 based, in whole or in part, on evidence that:

8 (1) Respondent has cause for any use of force, unless  
9 that cause satisfies the standards for justifiable use of  
10 force provided by Article 7 of the Criminal Code of 2012;

11 (2) Respondent was voluntarily intoxicated;

12 (3) Petitioner acted in self-defense or defense of  
13 another, provided that, if petitioner utilized force, such  
14 force was justifiable under Article 7 of the Criminal Code  
15 of 2012;

16 (4) Petitioner did not act in self-defense or defense  
17 of another;

18 (5) Petitioner left the residence or household to avoid  
19 further abuse by respondent;

20 (6) Petitioner did not leave the residence or household  
21 to avoid further abuse by respondent;

22 (7) Conduct by any family or household member excused  
23 the abuse by respondent, unless that same conduct would  
24 have excused such abuse if the parties had not been family  
25 or household members.

26 (Source: P.A. 99-85, eff. 1-1-16; 100-199, eff. 1-1-18;

1 100-388, eff. 1-1-18; revised 10-10-17.)

2 (725 ILCS 5/112A-14.7)

3 Sec. 112A-14.7. Stalking no contact order; remedies.

4 (a) The court may order any of the remedies listed in this  
5 Section. The remedies listed in this Section shall be in  
6 addition to other civil or criminal remedies available to  
7 petitioner. A stalking no contact order shall order one or more  
8 of the following:

9 (1) prohibit the respondent from threatening to commit  
10 or committing stalking;

11 (2) order the respondent not to have any contact with  
12 the petitioner or a third person specifically named by the  
13 court;

14 (3) prohibit the respondent from knowingly coming  
15 within, or knowingly remaining within a specified distance  
16 of the petitioner or the petitioner's residence, school,  
17 daycare, or place of employment, or any specified place  
18 frequented by the petitioner; however, the court may order  
19 the respondent to stay away from the respondent's own  
20 residence, school, or place of employment only if the  
21 respondent has been provided actual notice of the  
22 opportunity to appear and be heard on the petition;

23 (4) prohibit the respondent from ~~possessing a Firearm~~  
24 ~~Owners Identification Card, or~~ possessing or buying  
25 firearms; and

1           (5) order other injunctive relief the court determines  
2           to be necessary to protect the petitioner or third party  
3           specifically named by the court.

4           (b) When the petitioner and the respondent attend the same  
5           public, private, or non-public elementary, middle, or high  
6           school, the court when issuing a stalking no contact order and  
7           providing relief shall consider the severity of the act, any  
8           continuing physical danger or emotional distress to the  
9           petitioner, the educational rights guaranteed to the  
10          petitioner and respondent under federal and State law, the  
11          availability of a transfer of the respondent to another school,  
12          a change of placement or a change of program of the respondent,  
13          the expense, difficulty, and educational disruption that would  
14          be caused by a transfer of the respondent to another school,  
15          and any other relevant facts of the case. The court may order  
16          that the respondent not attend the public, private, or  
17          non-public elementary, middle, or high school attended by the  
18          petitioner, order that the respondent accept a change of  
19          placement or program, as determined by the school district or  
20          private or non-public school, or place restrictions on the  
21          respondent's movements within the school attended by the  
22          petitioner. The respondent bears the burden of proving by a  
23          preponderance of the evidence that a transfer, change of  
24          placement, or change of program of the respondent is not  
25          available. The respondent also bears the burden of production  
26          with respect to the expense, difficulty, and educational

1 disruption that would be caused by a transfer of the respondent  
2 to another school. A transfer, change of placement, or change  
3 of program is not unavailable to the respondent solely on the  
4 ground that the respondent does not agree with the school  
5 district's or private or non-public school's transfer, change  
6 of placement, or change of program or solely on the ground that  
7 the respondent fails or refuses to consent to or otherwise does  
8 not take an action required to effectuate a transfer, change of  
9 placement, or change of program. When a court orders a  
10 respondent to stay away from the public, private, or non-public  
11 school attended by the petitioner and the respondent requests a  
12 transfer to another attendance center within the respondent's  
13 school district or private or non-public school, the school  
14 district or private or non-public school shall have sole  
15 discretion to determine the attendance center to which the  
16 respondent is transferred. If the court order results in a  
17 transfer of the minor respondent to another attendance center,  
18 a change in the respondent's placement, or a change of the  
19 respondent's program, the parents, guardian, or legal  
20 custodian of the respondent is responsible for transportation  
21 and other costs associated with the transfer or change.

22 (c) The court may order the parents, guardian, or legal  
23 custodian of a minor respondent to take certain actions or to  
24 refrain from taking certain actions to ensure that the  
25 respondent complies with the order. If the court orders a  
26 transfer of the respondent to another school, the parents,

1 guardian, or legal custodian of the respondent are responsible  
2 for transportation and other costs associated with the change  
3 of school by the respondent.

4 (d) The court shall not hold a school district or private  
5 or non-public school or any of its employees in civil or  
6 criminal contempt unless the school district or private or  
7 non-public school has been allowed to intervene.

8 (e) The court may hold the parents, guardian, or legal  
9 custodian of a minor respondent in civil or criminal contempt  
10 for a violation of any provision of any order entered under  
11 this Article for conduct of the minor respondent in violation  
12 of this Article if the parents, guardian, or legal custodian  
13 directed, encouraged, or assisted the respondent minor in the  
14 conduct.

15 (f) Monetary damages are not recoverable as a remedy.

16 (g) (Blank). ~~If the stalking no contact order prohibits the~~  
17 ~~respondent from possessing a Firearm Owner's Identification~~  
18 ~~Card, or possessing or buying firearms; the court shall~~  
19 ~~confiscate the respondent's Firearm Owner's Identification~~  
20 ~~Card and immediately return the card to the Department of State~~  
21 ~~Police Firearm Owner's Identification Card Office.~~

22 (Source: P.A. 100-199, eff. 1-1-18.)

23 Section 95. The Unified Code of Corrections is amended by  
24 changing Sections 5-4.5-110, 5-5-3, 5-5-3.2, and 5-6-3 as  
25 follows:



1 (730 ILCS 5/5-4.5-110)

2 (Section scheduled to be repealed on January 1, 2023)

3 Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH  
4 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

5 (a) DEFINITIONS. For the purposes of this Section:

6 "Firearm" has the meaning ascribed to it in Section  
7 2-7.5 of the Criminal Code of 2012 ~~1.1 of the Firearm~~  
8 ~~Owners Identification Card Act.~~

9 "Qualifying predicate offense" means the following  
10 offenses under the Criminal Code of 2012:

11 (A) aggravated unlawful use of a weapon under  
12 Section 24-1.6 or similar offense under the Criminal  
13 Code of 1961, when the weapon is a firearm;

14 (B) unlawful use or possession of a weapon by a  
15 felon under Section 24-1.1 or similar offense under the  
16 Criminal Code of 1961, when the weapon is a firearm;

17 (C) first degree murder under Section 9-1 or  
18 similar offense under the Criminal Code of 1961;

19 (D) attempted first degree murder with a firearm or  
20 similar offense under the Criminal Code of 1961;

21 (E) aggravated kidnapping with a firearm under  
22 paragraph (6) or (7) of subsection (a) of Section 10-2  
23 or similar offense under the Criminal Code of 1961;

24 (F) aggravated battery with a firearm under  
25 subsection (e) of Section 12-3.05 or similar offense

1 under the Criminal Code of 1961;

2 (G) aggravated criminal sexual assault under  
3 Section 11-1.30 or similar offense under the Criminal  
4 Code of 1961;

5 (H) predatory criminal sexual assault of a child  
6 under Section 11-1.40 or similar offense under the  
7 Criminal Code of 1961;

8 (I) armed robbery under Section 18-2 or similar  
9 offense under the Criminal Code of 1961;

10 (J) vehicular hijacking under Section 18-3 or  
11 similar offense under the Criminal Code of 1961;

12 (K) aggravated vehicular hijacking under Section  
13 18-4 or similar offense under the Criminal Code of  
14 1961;

15 (L) home invasion with a firearm under paragraph  
16 (3), (4), or (5) of subsection (a) of Section 19-6 or  
17 similar offense under the Criminal Code of 1961;

18 (M) aggravated discharge of a firearm under  
19 Section 24-1.2 or similar offense under the Criminal  
20 Code of 1961;

21 (N) aggravated discharge of a machine gun or a  
22 firearm equipped with a device designed or used for  
23 silencing the report of a firearm under Section  
24 24-1.2-5 or similar offense under the Criminal Code of  
25 1961;

26 (O) unlawful use of firearm projectiles under

1 Section 24-2.1 or similar offense under the Criminal  
2 Code of 1961;

3 (P) manufacture, sale, or transfer of bullets or  
4 shells represented to be armor piercing bullets,  
5 dragon's breath shotgun shells, bolo shells, or  
6 flechette shells under Section 24-2.2 or similar  
7 offense under the Criminal Code of 1961;

8 (Q) unlawful sale or delivery of firearms under  
9 Section 24-3 or similar offense under the Criminal Code  
10 of 1961;

11 (R) unlawful discharge of firearm projectiles  
12 under Section 24-3.2 or similar offense under the  
13 Criminal Code of 1961;

14 (S) unlawful sale or delivery of firearms on school  
15 premises of any school under Section 24-3.3 or similar  
16 offense under the Criminal Code of 1961;

17 (T) unlawful purchase of a firearm under Section  
18 24-3.5 or similar offense under the Criminal Code of  
19 1961;

20 (U) use of a stolen firearm in the commission of an  
21 offense under Section 24-3.7 or similar offense under  
22 the Criminal Code of 1961;

23 (V) possession of a stolen firearm under Section  
24 24-3.8 or similar offense under the Criminal Code of  
25 1961;

26 (W) aggravated possession of a stolen firearm

1 under Section 24-3.9 or similar offense under the  
2 Criminal Code of 1961;

3 (X) gunrunning under Section 24-3A or similar  
4 offense under the Criminal Code of 1961;

5 (Y) defacing identification marks of firearms  
6 under Section 24-5 or similar offense under the  
7 Criminal Code of 1961; and

8 (Z) armed violence under Section 33A-2 or similar  
9 offense under the Criminal Code of 1961.

10 (b) APPLICABILITY. For an offense committed on or after the  
11 effective date of this amendatory Act of the 100th General  
12 Assembly and before January 1, 2023, when a person is convicted  
13 of unlawful use or possession of a weapon by a felon, when the  
14 weapon is a firearm, or aggravated unlawful use of a weapon,  
15 when the weapon is a firearm, after being previously convicted  
16 of a qualifying predicate offense the person shall be subject  
17 to the sentencing guidelines under this Section.

18 (c) SENTENCING GUIDELINES.

19 (1) When a person is convicted of unlawful use or  
20 possession of a weapon by a felon, when the weapon is a  
21 firearm, and that person has been previously convicted of a  
22 qualifying predicate offense, the person shall be  
23 sentenced to a term of imprisonment within the sentencing  
24 range of not less than 7 years and not more than 14 years,  
25 unless the court finds that a departure from the sentencing  
26 guidelines under this paragraph is warranted under

1 subsection (d) of this Section.

2 (2) When a person is convicted of aggravated unlawful  
3 use of a weapon, when the weapon is a firearm, and that  
4 person has been previously convicted of a qualifying  
5 predicate offense, the person shall be sentenced to a term  
6 of imprisonment within the sentencing range of not less  
7 than 6 years and not more than 7 years, unless the court  
8 finds that a departure from the sentencing guidelines under  
9 this paragraph is warranted under subsection (d) of this  
10 Section.

11 (3) The sentencing guidelines in paragraphs (1) and (2)  
12 of this subsection (c) apply only to offenses committed on  
13 and after the effective date of this amendatory Act of the  
14 100th General Assembly and before January 1, 2023.

15 (d) DEPARTURE FROM SENTENCING GUIDELINES.

16 (1) At the sentencing hearing conducted under Section  
17 5-4-1 of this Code, the court may depart from the  
18 sentencing guidelines provided in subsection (c) of this  
19 Section and impose a sentence otherwise authorized by law  
20 for the offense if the court, after considering any factor  
21 under paragraph (2) of this subsection (d) relevant to the  
22 nature and circumstances of the crime and to the history  
23 and character of the defendant, finds on the record  
24 substantial and compelling justification that the sentence  
25 within the sentencing guidelines would be unduly harsh and  
26 that a sentence otherwise authorized by law would be

1 consistent with public safety and does not deprecate the  
2 seriousness of the offense.

3 (2) In deciding whether to depart from the sentencing  
4 guidelines under this paragraph, the court shall consider:

5 (A) the age, immaturity, or limited mental  
6 capacity of the defendant at the time of commission of  
7 the qualifying predicate or current offense, including  
8 whether the defendant was suffering from a mental or  
9 physical condition insufficient to constitute a  
10 defense but significantly reduced the defendant's  
11 culpability;

12 (B) the nature and circumstances of the qualifying  
13 predicate offense;

14 (C) the time elapsed since the qualifying  
15 predicate offense;

16 (D) the nature and circumstances of the current  
17 offense;

18 (E) the defendant's prior criminal history;

19 (F) whether the defendant committed the qualifying  
20 predicate or current offense under specific and  
21 credible duress, coercion, threat, or compulsion;

22 (G) whether the defendant aided in the  
23 apprehension of another felon or testified truthfully  
24 on behalf of another prosecution of a felony; and

25 (H) whether departure is in the interest of the  
26 person's rehabilitation, including employment or

1 educational or vocational training, after taking into  
2 account any past rehabilitation efforts or  
3 dispositions of probation or supervision, and the  
4 defendant's cooperation or response to rehabilitation.

5 (3) When departing from the sentencing guidelines  
6 under this Section, the court shall specify on the record,  
7 the particular evidence, information, factor or factors,  
8 or other reasons which led to the departure from the  
9 sentencing guidelines. When departing from the sentencing  
10 range in accordance with this subsection (d), the court  
11 shall indicate on the sentencing order which departure  
12 factor or factors outlined in paragraph (2) of this  
13 subsection (d) led to the sentence imposed. The sentencing  
14 order shall be filed with the clerk of the court and shall  
15 be a public record.

16 (e) This Section is repealed on January 1, 2023.

17 (Source: P.A. 100-3, eff. 1-1-18.)

18 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

19 Sec. 5-5-3. Disposition.

20 (a) (Blank).

21 (b) (Blank).

22 (c) (1) (Blank).

23 (2) A period of probation, a term of periodic imprisonment  
24 or conditional discharge shall not be imposed for the following  
25 offenses. The court shall sentence the offender to not less

1 than the minimum term of imprisonment set forth in this Code  
2 for the following offenses, and may order a fine or restitution  
3 or both in conjunction with such term of imprisonment:

4 (A) First degree murder where the death penalty is not  
5 imposed.

6 (B) Attempted first degree murder.

7 (C) A Class X felony.

8 (D) A violation of Section 401.1 or 407 of the Illinois  
9 Controlled Substances Act, or a violation of subdivision  
10 (c)(1.5) of Section 401 of that Act which relates to more  
11 than 5 grams of a substance containing fentanyl or an  
12 analog thereof.

13 (D-5) A violation of subdivision (c)(1) of Section 401  
14 of the Illinois Controlled Substances Act which relates to  
15 3 or more grams of a substance containing heroin or an  
16 analog thereof.

17 (E) (Blank).

18 (F) A Class 1 or greater felony if the offender had  
19 been convicted of a Class 1 or greater felony, including  
20 any state or federal conviction for an offense that  
21 contained, at the time it was committed, the same elements  
22 as an offense now (the date of the offense committed after  
23 the prior Class 1 or greater felony) classified as a Class  
24 1 or greater felony, within 10 years of the date on which  
25 the offender committed the offense for which he or she is  
26 being sentenced, except as otherwise provided in Section



1 40-10 of the Alcoholism and Other Drug Abuse and Dependency  
2 Act.

3 (F-3) A Class 2 or greater felony sex offense or felony  
4 firearm offense if the offender had been convicted of a  
5 Class 2 or greater felony, including any state or federal  
6 conviction for an offense that contained, at the time it  
7 was committed, the same elements as an offense now (the  
8 date of the offense committed after the prior Class 2 or  
9 greater felony) classified as a Class 2 or greater felony,  
10 within 10 years of the date on which the offender committed  
11 the offense for which he or she is being sentenced, except  
12 as otherwise provided in Section 40-10 of the Alcoholism  
13 and Other Drug Abuse and Dependency Act.

14 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of  
15 the Criminal Code of 1961 or the Criminal Code of 2012 for  
16 which imprisonment is prescribed in those Sections.

17 (G) Residential burglary, except as otherwise provided  
18 in Section 40-10 of the Alcoholism and Other Drug Abuse and  
19 Dependency Act.

20 (H) Criminal sexual assault.

21 (I) Aggravated battery of a senior citizen as described  
22 in Section 12-4.6 or subdivision (a) (4) of Section 12-3.05  
23 of the Criminal Code of 1961 or the Criminal Code of 2012.

24 (J) A forcible felony if the offense was related to the  
25 activities of an organized gang.

26 Before July 1, 1994, for the purposes of this

1 paragraph, "organized gang" means an association of 5 or  
2 more persons, with an established hierarchy, that  
3 encourages members of the association to perpetrate crimes  
4 or provides support to the members of the association who  
5 do commit crimes.

6 Beginning July 1, 1994, for the purposes of this  
7 paragraph, "organized gang" has the meaning ascribed to it  
8 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
9 Prevention Act.

10 (K) Vehicular hijacking.

11 (L) A second or subsequent conviction for the offense  
12 of hate crime when the underlying offense upon which the  
13 hate crime is based is felony aggravated assault or felony  
14 mob action.

15 (M) A second or subsequent conviction for the offense  
16 of institutional vandalism if the damage to the property  
17 exceeds \$300.

18 (N) (Blank). ~~A Class 3 felony violation of paragraph~~  
19 ~~(1) of subsection (a) of Section 2 of the Firearm Owners~~  
20 ~~Identification Card Act.~~

21 (O) A violation of Section 12-6.1 or 12-6.5 of the  
22 Criminal Code of 1961 or the Criminal Code of 2012.

23 (P) A violation of paragraph (1), (2), (3), (4), (5),  
24 or (7) of subsection (a) of Section 11-20.1 of the Criminal  
25 Code of 1961 or the Criminal Code of 2012.

26 (Q) A violation of subsection (b) or (b-5) of Section

1           20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
2           Code of 1961 or the Criminal Code of 2012.

3           (R) A violation of Section 24-3A of the Criminal Code  
4           of 1961 or the Criminal Code of 2012.

5           (S) (Blank).

6           (T) (Blank).

7           (U) A second or subsequent violation of Section 6-303  
8           of the Illinois Vehicle Code committed while his or her  
9           driver's license, permit, or privilege was revoked because  
10          of a violation of Section 9-3 of the Criminal Code of 1961  
11          or the Criminal Code of 2012, relating to the offense of  
12          reckless homicide, or a similar provision of a law of  
13          another state.

14          (V) A violation of paragraph (4) of subsection (c) of  
15          Section 11-20.1B or paragraph (4) of subsection (c) of  
16          Section 11-20.3 of the Criminal Code of 1961, or paragraph  
17          (6) of subsection (a) of Section 11-20.1 of the Criminal  
18          Code of 2012 when the victim is under 13 years of age and  
19          the defendant has previously been convicted under the laws  
20          of this State or any other state of the offense of child  
21          pornography, aggravated child pornography, aggravated  
22          criminal sexual abuse, aggravated criminal sexual assault,  
23          predatory criminal sexual assault of a child, or any of the  
24          offenses formerly known as rape, deviate sexual assault,  
25          indecent liberties with a child, or aggravated indecent  
26          liberties with a child where the victim was under the age

1 of 18 years or an offense that is substantially equivalent  
2 to those offenses.

3 (W) A violation of Section 24-3.5 of the Criminal Code  
4 of 1961 or the Criminal Code of 2012.

5 (X) A violation of subsection (a) of Section 31-1a of  
6 the Criminal Code of 1961 or the Criminal Code of 2012.

7 (Y) A conviction for unlawful possession of a firearm  
8 by a street gang member when the firearm was loaded or  
9 contained firearm ammunition.

10 (Z) A Class 1 felony committed while he or she was  
11 serving a term of probation or conditional discharge for a  
12 felony.

13 (AA) Theft of property exceeding \$500,000 and not  
14 exceeding \$1,000,000 in value.

15 (BB) Laundering of criminally derived property of a  
16 value exceeding \$500,000.

17 (CC) Knowingly selling, offering for sale, holding for  
18 sale, or using 2,000 or more counterfeit items or  
19 counterfeit items having a retail value in the aggregate of  
20 \$500,000 or more.

21 (DD) A conviction for aggravated assault under  
22 paragraph (6) of subsection (c) of Section 12-2 of the  
23 Criminal Code of 1961 or the Criminal Code of 2012 if the  
24 firearm is aimed toward the person against whom the firearm  
25 is being used.

26 (EE) A conviction for a violation of paragraph (2) of

1 subsection (a) of Section 24-3B of the Criminal Code of  
2 2012.

3 (3) (Blank).

4 (4) A minimum term of imprisonment of not less than 10  
5 consecutive days or 30 days of community service shall be  
6 imposed for a violation of paragraph (c) of Section 6-303 of  
7 the Illinois Vehicle Code.

8 (4.1) (Blank).

9 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
10 this subsection (c), a minimum of 100 hours of community  
11 service shall be imposed for a second violation of Section  
12 6-303 of the Illinois Vehicle Code.

13 (4.3) A minimum term of imprisonment of 30 days or 300  
14 hours of community service, as determined by the court, shall  
15 be imposed for a second violation of subsection (c) of Section  
16 6-303 of the Illinois Vehicle Code.

17 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
18 (4.9) of this subsection (c), a minimum term of imprisonment of  
19 30 days or 300 hours of community service, as determined by the  
20 court, shall be imposed for a third or subsequent violation of  
21 Section 6-303 of the Illinois Vehicle Code.

22 (4.5) A minimum term of imprisonment of 30 days shall be  
23 imposed for a third violation of subsection (c) of Section  
24 6-303 of the Illinois Vehicle Code.

25 (4.6) Except as provided in paragraph (4.10) of this  
26 subsection (c), a minimum term of imprisonment of 180 days

1 shall be imposed for a fourth or subsequent violation of  
2 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

3 (4.7) A minimum term of imprisonment of not less than 30  
4 consecutive days, or 300 hours of community service, shall be  
5 imposed for a violation of subsection (a-5) of Section 6-303 of  
6 the Illinois Vehicle Code, as provided in subsection (b-5) of  
7 that Section.

8 (4.8) A mandatory prison sentence shall be imposed for a  
9 second violation of subsection (a-5) of Section 6-303 of the  
10 Illinois Vehicle Code, as provided in subsection (c-5) of that  
11 Section. The person's driving privileges shall be revoked for a  
12 period of not less than 5 years from the date of his or her  
13 release from prison.

14 (4.9) A mandatory prison sentence of not less than 4 and  
15 not more than 15 years shall be imposed for a third violation  
16 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
17 Code, as provided in subsection (d-2.5) of that Section. The  
18 person's driving privileges shall be revoked for the remainder  
19 of his or her life.

20 (4.10) A mandatory prison sentence for a Class 1 felony  
21 shall be imposed, and the person shall be eligible for an  
22 extended term sentence, for a fourth or subsequent violation of  
23 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,  
24 as provided in subsection (d-3.5) of that Section. The person's  
25 driving privileges shall be revoked for the remainder of his or  
26 her life.

1           (5) The court may sentence a corporation or unincorporated  
2 association convicted of any offense to:

3           (A) a period of conditional discharge;

4           (B) a fine;

5           (C) make restitution to the victim under Section 5-5-6  
6 of this Code.

7           (5.1) In addition to any other penalties imposed, and  
8 except as provided in paragraph (5.2) or (5.3), a person  
9 convicted of violating subsection (c) of Section 11-907 of the  
10 Illinois Vehicle Code shall have his or her driver's license,  
11 permit, or privileges suspended for at least 90 days but not  
12 more than one year, if the violation resulted in damage to the  
13 property of another person.

14           (5.2) In addition to any other penalties imposed, and  
15 except as provided in paragraph (5.3), a person convicted of  
16 violating subsection (c) of Section 11-907 of the Illinois  
17 Vehicle Code shall have his or her driver's license, permit, or  
18 privileges suspended for at least 180 days but not more than 2  
19 years, if the violation resulted in injury to another person.

20           (5.3) In addition to any other penalties imposed, a person  
21 convicted of violating subsection (c) of Section 11-907 of the  
22 Illinois Vehicle Code shall have his or her driver's license,  
23 permit, or privileges suspended for 2 years, if the violation  
24 resulted in the death of another person.

25           (5.4) In addition to any other penalties imposed, a person  
26 convicted of violating Section 3-707 of the Illinois Vehicle

1 Code shall have his or her driver's license, permit, or  
2 privileges suspended for 3 months and until he or she has paid  
3 a reinstatement fee of \$100.

4 (5.5) In addition to any other penalties imposed, a person  
5 convicted of violating Section 3-707 of the Illinois Vehicle  
6 Code during a period in which his or her driver's license,  
7 permit, or privileges were suspended for a previous violation  
8 of that Section shall have his or her driver's license, permit,  
9 or privileges suspended for an additional 6 months after the  
10 expiration of the original 3-month suspension and until he or  
11 she has paid a reinstatement fee of \$100.

12 (6) (Blank).

13 (7) (Blank).

14 (8) (Blank).

15 (9) A defendant convicted of a second or subsequent offense  
16 of ritualized abuse of a child may be sentenced to a term of  
17 natural life imprisonment.

18 (10) (Blank).

19 (11) The court shall impose a minimum fine of \$1,000 for a  
20 first offense and \$2,000 for a second or subsequent offense  
21 upon a person convicted of or placed on supervision for battery  
22 when the individual harmed was a sports official or coach at  
23 any level of competition and the act causing harm to the sports  
24 official or coach occurred within an athletic facility or  
25 within the immediate vicinity of the athletic facility at which  
26 the sports official or coach was an active participant of the



1 athletic contest held at the athletic facility. For the  
2 purposes of this paragraph (11), "sports official" means a  
3 person at an athletic contest who enforces the rules of the  
4 contest, such as an umpire or referee; "athletic facility"  
5 means an indoor or outdoor playing field or recreational area  
6 where sports activities are conducted; and "coach" means a  
7 person recognized as a coach by the sanctioning authority that  
8 conducted the sporting event.

9 (12) A person may not receive a disposition of court  
10 supervision for a violation of Section 5-16 of the Boat  
11 Registration and Safety Act if that person has previously  
12 received a disposition of court supervision for a violation of  
13 that Section.

14 (13) A person convicted of or placed on court supervision  
15 for an assault or aggravated assault when the victim and the  
16 offender are family or household members as defined in Section  
17 103 of the Illinois Domestic Violence Act of 1986 or convicted  
18 of domestic battery or aggravated domestic battery may be  
19 required to attend a Partner Abuse Intervention Program under  
20 protocols set forth by the Illinois Department of Human  
21 Services under such terms and conditions imposed by the court.  
22 The costs of such classes shall be paid by the offender.

23 (d) In any case in which a sentence originally imposed is  
24 vacated, the case shall be remanded to the trial court. The  
25 trial court shall hold a hearing under Section 5-4-1 of the  
26 Unified Code of Corrections which may include evidence of the

1 defendant's life, moral character and occupation during the  
2 time since the original sentence was passed. The trial court  
3 shall then impose sentence upon the defendant. The trial court  
4 may impose any sentence which could have been imposed at the  
5 original trial subject to Section 5-5-4 of the Unified Code of  
6 Corrections. If a sentence is vacated on appeal or on  
7 collateral attack due to the failure of the trier of fact at  
8 trial to determine beyond a reasonable doubt the existence of a  
9 fact (other than a prior conviction) necessary to increase the  
10 punishment for the offense beyond the statutory maximum  
11 otherwise applicable, either the defendant may be re-sentenced  
12 to a term within the range otherwise provided or, if the State  
13 files notice of its intention to again seek the extended  
14 sentence, the defendant shall be afforded a new trial.

15 (e) In cases where prosecution for aggravated criminal  
16 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
17 Code of 1961 or the Criminal Code of 2012 results in conviction  
18 of a defendant who was a family member of the victim at the  
19 time of the commission of the offense, the court shall consider  
20 the safety and welfare of the victim and may impose a sentence  
21 of probation only where:

22 (1) the court finds (A) or (B) or both are appropriate:

23 (A) the defendant is willing to undergo a court  
24 approved counseling program for a minimum duration of 2  
25 years; or

26 (B) the defendant is willing to participate in a

1 court approved plan including but not limited to the  
2 defendant's:

3 (i) removal from the household;  
4 (ii) restricted contact with the victim;  
5 (iii) continued financial support of the  
6 family;

7 (iv) restitution for harm done to the victim;  
8 and

9 (v) compliance with any other measures that  
10 the court may deem appropriate; and

11 (2) the court orders the defendant to pay for the  
12 victim's counseling services, to the extent that the court  
13 finds, after considering the defendant's income and  
14 assets, that the defendant is financially capable of paying  
15 for such services, if the victim was under 18 years of age  
16 at the time the offense was committed and requires  
17 counseling as a result of the offense.

18 Probation may be revoked or modified pursuant to Section  
19 5-6-4; except where the court determines at the hearing that  
20 the defendant violated a condition of his or her probation  
21 restricting contact with the victim or other family members or  
22 commits another offense with the victim or other family  
23 members, the court shall revoke the defendant's probation and  
24 impose a term of imprisonment.

25 For the purposes of this Section, "family member" and  
26 "victim" shall have the meanings ascribed to them in Section

1 11-0.1 of the Criminal Code of 2012.

2 (f) (Blank).

3 (g) Whenever a defendant is convicted of an offense under  
4 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
5 11-14.3, 11-14.4 except for an offense that involves keeping a  
6 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
7 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
8 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
9 Criminal Code of 2012, the defendant shall undergo medical  
10 testing to determine whether the defendant has any sexually  
11 transmissible disease, including a test for infection with  
12 human immunodeficiency virus (HIV) or any other identified  
13 causative agent of acquired immunodeficiency syndrome (AIDS).  
14 Any such medical test shall be performed only by appropriately  
15 licensed medical practitioners and may include an analysis of  
16 any bodily fluids as well as an examination of the defendant's  
17 person. Except as otherwise provided by law, the results of  
18 such test shall be kept strictly confidential by all medical  
19 personnel involved in the testing and must be personally  
20 delivered in a sealed envelope to the judge of the court in  
21 which the conviction was entered for the judge's inspection in  
22 camera. Acting in accordance with the best interests of the  
23 victim and the public, the judge shall have the discretion to  
24 determine to whom, if anyone, the results of the testing may be  
25 revealed. The court shall notify the defendant of the test  
26 results. The court shall also notify the victim if requested by

1 the victim, and if the victim is under the age of 15 and if  
2 requested by the victim's parents or legal guardian, the court  
3 shall notify the victim's parents or legal guardian of the test  
4 results. The court shall provide information on the  
5 availability of HIV testing and counseling at Department of  
6 Public Health facilities to all parties to whom the results of  
7 the testing are revealed and shall direct the State's Attorney  
8 to provide the information to the victim when possible. A  
9 State's Attorney may petition the court to obtain the results  
10 of any HIV test administered under this Section, and the court  
11 shall grant the disclosure if the State's Attorney shows it is  
12 relevant in order to prosecute a charge of criminal  
13 transmission of HIV under Section 12-5.01 or 12-16.2 of the  
14 Criminal Code of 1961 or the Criminal Code of 2012 against the  
15 defendant. The court shall order that the cost of any such test  
16 shall be paid by the county and may be taxed as costs against  
17 the convicted defendant.

18 (g-5) When an inmate is tested for an airborne communicable  
19 disease, as determined by the Illinois Department of Public  
20 Health including but not limited to tuberculosis, the results  
21 of the test shall be personally delivered by the warden or his  
22 or her designee in a sealed envelope to the judge of the court  
23 in which the inmate must appear for the judge's inspection in  
24 camera if requested by the judge. Acting in accordance with the  
25 best interests of those in the courtroom, the judge shall have  
26 the discretion to determine what if any precautions need to be

1 taken to prevent transmission of the disease in the courtroom.

2 (h) Whenever a defendant is convicted of an offense under  
3 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
4 defendant shall undergo medical testing to determine whether  
5 the defendant has been exposed to human immunodeficiency virus  
6 (HIV) or any other identified causative agent of acquired  
7 immunodeficiency syndrome (AIDS). Except as otherwise provided  
8 by law, the results of such test shall be kept strictly  
9 confidential by all medical personnel involved in the testing  
10 and must be personally delivered in a sealed envelope to the  
11 judge of the court in which the conviction was entered for the  
12 judge's inspection in camera. Acting in accordance with the  
13 best interests of the public, the judge shall have the  
14 discretion to determine to whom, if anyone, the results of the  
15 testing may be revealed. The court shall notify the defendant  
16 of a positive test showing an infection with the human  
17 immunodeficiency virus (HIV). The court shall provide  
18 information on the availability of HIV testing and counseling  
19 at Department of Public Health facilities to all parties to  
20 whom the results of the testing are revealed and shall direct  
21 the State's Attorney to provide the information to the victim  
22 when possible. A State's Attorney may petition the court to  
23 obtain the results of any HIV test administered under this  
24 Section, and the court shall grant the disclosure if the  
25 State's Attorney shows it is relevant in order to prosecute a  
26 charge of criminal transmission of HIV under Section 12-5.01 or

1 12-16.2 of the Criminal Code of 1961 or the Criminal Code of  
2 2012 against the defendant. The court shall order that the cost  
3 of any such test shall be paid by the county and may be taxed as  
4 costs against the convicted defendant.

5 (i) All fines and penalties imposed under this Section for  
6 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
7 Vehicle Code, or a similar provision of a local ordinance, and  
8 any violation of the Child Passenger Protection Act, or a  
9 similar provision of a local ordinance, shall be collected and  
10 disbursed by the circuit clerk as provided under Section 27.5  
11 of the Clerks of Courts Act.

12 (j) In cases when prosecution for any violation of Section  
13 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
14 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
15 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
16 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
17 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
18 Code of 2012, any violation of the Illinois Controlled  
19 Substances Act, any violation of the Cannabis Control Act, or  
20 any violation of the Methamphetamine Control and Community  
21 Protection Act results in conviction, a disposition of court  
22 supervision, or an order of probation granted under Section 10  
23 of the Cannabis Control Act, Section 410 of the Illinois  
24 Controlled Substances Act, or Section 70 of the Methamphetamine  
25 Control and Community Protection Act of a defendant, the court  
26 shall determine whether the defendant is employed by a facility

1 or center as defined under the Child Care Act of 1969, a public  
2 or private elementary or secondary school, or otherwise works  
3 with children under 18 years of age on a daily basis. When a  
4 defendant is so employed, the court shall order the Clerk of  
5 the Court to send a copy of the judgment of conviction or order  
6 of supervision or probation to the defendant's employer by  
7 certified mail. If the employer of the defendant is a school,  
8 the Clerk of the Court shall direct the mailing of a copy of  
9 the judgment of conviction or order of supervision or probation  
10 to the appropriate regional superintendent of schools. The  
11 regional superintendent of schools shall notify the State Board  
12 of Education of any notification under this subsection.

13 (j-5) A defendant at least 17 years of age who is convicted  
14 of a felony and who has not been previously convicted of a  
15 misdemeanor or felony and who is sentenced to a term of  
16 imprisonment in the Illinois Department of Corrections shall as  
17 a condition of his or her sentence be required by the court to  
18 attend educational courses designed to prepare the defendant  
19 for a high school diploma and to work toward a high school  
20 diploma or to work toward passing high school equivalency  
21 testing or to work toward completing a vocational training  
22 program offered by the Department of Corrections. If a  
23 defendant fails to complete the educational training required  
24 by his or her sentence during the term of incarceration, the  
25 Prisoner Review Board shall, as a condition of mandatory  
26 supervised release, require the defendant, at his or her own



1 expense, to pursue a course of study toward a high school  
2 diploma or passage of high school equivalency testing. The  
3 Prisoner Review Board shall revoke the mandatory supervised  
4 release of a defendant who wilfully fails to comply with this  
5 subsection (j-5) upon his or her release from confinement in a  
6 penal institution while serving a mandatory supervised release  
7 term; however, the inability of the defendant after making a  
8 good faith effort to obtain financial aid or pay for the  
9 educational training shall not be deemed a wilful failure to  
10 comply. The Prisoner Review Board shall recommit the defendant  
11 whose mandatory supervised release term has been revoked under  
12 this subsection (j-5) as provided in Section 3-3-9. This  
13 subsection (j-5) does not apply to a defendant who has a high  
14 school diploma or has successfully passed high school  
15 equivalency testing. This subsection (j-5) does not apply to a  
16 defendant who is determined by the court to be a person with a  
17 developmental disability or otherwise mentally incapable of  
18 completing the educational or vocational program.

19 (k) (Blank).

20 (l) (A) Except as provided in paragraph (C) of subsection  
21 (l), whenever a defendant, who is an alien as defined by the  
22 Immigration and Nationality Act, is convicted of any felony or  
23 misdemeanor offense, the court after sentencing the defendant  
24 may, upon motion of the State's Attorney, hold sentence in  
25 abeyance and remand the defendant to the custody of the  
26 Attorney General of the United States or his or her designated

1 agent to be deported when:

2 (1) a final order of deportation has been issued  
3 against the defendant pursuant to proceedings under the  
4 Immigration and Nationality Act, and

5 (2) the deportation of the defendant would not  
6 deprecate the seriousness of the defendant's conduct and  
7 would not be inconsistent with the ends of justice.

8 Otherwise, the defendant shall be sentenced as provided in  
9 this Chapter V.

10 (B) If the defendant has already been sentenced for a  
11 felony or misdemeanor offense, or has been placed on probation  
12 under Section 10 of the Cannabis Control Act, Section 410 of  
13 the Illinois Controlled Substances Act, or Section 70 of the  
14 Methamphetamine Control and Community Protection Act, the  
15 court may, upon motion of the State's Attorney to suspend the  
16 sentence imposed, commit the defendant to the custody of the  
17 Attorney General of the United States or his or her designated  
18 agent when:

19 (1) a final order of deportation has been issued  
20 against the defendant pursuant to proceedings under the  
21 Immigration and Nationality Act, and

22 (2) the deportation of the defendant would not  
23 deprecate the seriousness of the defendant's conduct and  
24 would not be inconsistent with the ends of justice.

25 (C) This subsection (1) does not apply to offenders who are  
26 subject to the provisions of paragraph (2) of subsection (a) of

1 Section 3-6-3.

2 (D) Upon motion of the State's Attorney, if a defendant  
3 sentenced under this Section returns to the jurisdiction of the  
4 United States, the defendant shall be recommitted to the  
5 custody of the county from which he or she was sentenced.  
6 Thereafter, the defendant shall be brought before the  
7 sentencing court, which may impose any sentence that was  
8 available under Section 5-5-3 at the time of initial  
9 sentencing. In addition, the defendant shall not be eligible  
10 for additional earned sentence credit as provided under Section  
11 3-6-3.

12 (m) A person convicted of criminal defacement of property  
13 under Section 21-1.3 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012, in which the property damage exceeds  
15 \$300 and the property damaged is a school building, shall be  
16 ordered to perform community service that may include cleanup,  
17 removal, or painting over the defacement.

18 (n) The court may sentence a person convicted of a  
19 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
20 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
21 of 1961 or the Criminal Code of 2012 (i) to an impact  
22 incarceration program if the person is otherwise eligible for  
23 that program under Section 5-8-1.1, (ii) to community service,  
24 or (iii) if the person is an addict or alcoholic, as defined in  
25 the Alcoholism and Other Drug Abuse and Dependency Act, to a  
26 substance or alcohol abuse program licensed under that Act.

1           (o) Whenever a person is convicted of a sex offense as  
2 defined in Section 2 of the Sex Offender Registration Act, the  
3 defendant's driver's license or permit shall be subject to  
4 renewal on an annual basis in accordance with the provisions of  
5 license renewal established by the Secretary of State.

6           (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;  
7 99-143, eff. 7-27-15; 99-885, eff. 8-23-16; 99-938, eff.  
8 1-1-18.)

9           (730 ILCS 5/5-5-3.2)

10          Sec. 5-5-3.2. Factors in aggravation and extended-term  
11 sentencing.

12          (a) The following factors shall be accorded weight in favor  
13 of imposing a term of imprisonment or may be considered by the  
14 court as reasons to impose a more severe sentence under Section  
15 5-8-1 or Article 4.5 of Chapter V:

16               (1) the defendant's conduct caused or threatened  
17 serious harm;

18               (2) the defendant received compensation for committing  
19 the offense;

20               (3) the defendant has a history of prior delinquency or  
21 criminal activity;

22               (4) the defendant, by the duties of his office or by  
23 his position, was obliged to prevent the particular offense  
24 committed or to bring the offenders committing it to  
25 justice;

1           (5) the defendant held public office at the time of the  
2 offense, and the offense related to the conduct of that  
3 office;

4           (6) the defendant utilized his professional reputation  
5 or position in the community to commit the offense, or to  
6 afford him an easier means of committing it;

7           (7) the sentence is necessary to deter others from  
8 committing the same crime;

9           (8) the defendant committed the offense against a  
10 person 60 years of age or older or such person's property;

11           (9) the defendant committed the offense against a  
12 person who has a physical disability or such person's  
13 property;

14           (10) by reason of another individual's actual or  
15 perceived race, color, creed, religion, ancestry, gender,  
16 sexual orientation, physical or mental disability, or  
17 national origin, the defendant committed the offense  
18 against (i) the person or property of that individual; (ii)  
19 the person or property of a person who has an association  
20 with, is married to, or has a friendship with the other  
21 individual; or (iii) the person or property of a relative  
22 (by blood or marriage) of a person described in clause (i)  
23 or (ii). For the purposes of this Section, "sexual  
24 orientation" has the meaning ascribed to it in paragraph  
25 (0-1) of Section 1-103 of the Illinois Human Rights Act;

26           (11) the offense took place in a place of worship or on

1 the grounds of a place of worship, immediately prior to,  
2 during or immediately following worship services. For  
3 purposes of this subparagraph, "place of worship" shall  
4 mean any church, synagogue or other building, structure or  
5 place used primarily for religious worship;

6 (12) the defendant was convicted of a felony committed  
7 while he was released on bail or his own recognizance  
8 pending trial for a prior felony and was convicted of such  
9 prior felony, or the defendant was convicted of a felony  
10 committed while he was serving a period of probation,  
11 conditional discharge, or mandatory supervised release  
12 under subsection (d) of Section 5-8-1 for a prior felony;

13 (13) the defendant committed or attempted to commit a  
14 felony while he was wearing a bulletproof vest. For the  
15 purposes of this paragraph (13), a bulletproof vest is any  
16 device which is designed for the purpose of protecting the  
17 wearer from bullets, shot or other lethal projectiles;

18 (14) the defendant held a position of trust or  
19 supervision such as, but not limited to, family member as  
20 defined in Section 11-0.1 of the Criminal Code of 2012,  
21 teacher, scout leader, baby sitter, or day care worker, in  
22 relation to a victim under 18 years of age, and the  
23 defendant committed an offense in violation of Section  
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
25 11-14.4 except for an offense that involves keeping a place  
26 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,

1 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
2 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
3 of 2012 against that victim;

4 (15) the defendant committed an offense related to the  
5 activities of an organized gang. For the purposes of this  
6 factor, "organized gang" has the meaning ascribed to it in  
7 Section 10 of the Streetgang Terrorism Omnibus Prevention  
8 Act;

9 (16) the defendant committed an offense in violation of  
10 one of the following Sections while in a school, regardless  
11 of the time of day or time of year; on any conveyance  
12 owned, leased, or contracted by a school to transport  
13 students to or from school or a school related activity; on  
14 the real property of a school; or on a public way within  
15 1,000 feet of the real property comprising any school:  
16 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
17 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
18 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
19 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
20 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
21 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
22 Criminal Code of 2012;

23 (16.5) the defendant committed an offense in violation  
24 of one of the following Sections while in a day care  
25 center, regardless of the time of day or time of year; on  
26 the real property of a day care center, regardless of the

1 time of day or time of year; or on a public way within  
2 1,000 feet of the real property comprising any day care  
3 center, regardless of the time of day or time of year:  
4 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
5 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
6 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
7 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
8 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
9 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
10 Criminal Code of 2012;

11 (17) the defendant committed the offense by reason of  
12 any person's activity as a community policing volunteer or  
13 to prevent any person from engaging in activity as a  
14 community policing volunteer. For the purpose of this  
15 Section, "community policing volunteer" has the meaning  
16 ascribed to it in Section 2-3.5 of the Criminal Code of  
17 2012;

18 (18) the defendant committed the offense in a nursing  
19 home or on the real property comprising a nursing home. For  
20 the purposes of this paragraph (18), "nursing home" means a  
21 skilled nursing or intermediate long term care facility  
22 that is subject to license by the Illinois Department of  
23 Public Health under the Nursing Home Care Act, the  
24 Specialized Mental Health Rehabilitation Act of 2013, the  
25 ID/DD Community Care Act, or the MC/DD Act;

26 (19) the defendant was a federally licensed firearm



1 dealer and was previously convicted of a violation of  
2 subsection (a) of Section 3 of the Firearm Owners  
3 Identification Card Act before its repeal by this  
4 amendatory Act of the 100th General Assembly and has now  
5 committed ~~either a felony violation of the Firearm Owners~~  
6 ~~Identification Card Act or~~ an act of armed violence while  
7 armed with a firearm;

8 (20) the defendant (i) committed the offense of  
9 reckless homicide under Section 9-3 of the Criminal Code of  
10 1961 or the Criminal Code of 2012 or the offense of driving  
11 under the influence of alcohol, other drug or drugs,  
12 intoxicating compound or compounds or any combination  
13 thereof under Section 11-501 of the Illinois Vehicle Code  
14 or a similar provision of a local ordinance and (ii) was  
15 operating a motor vehicle in excess of 20 miles per hour  
16 over the posted speed limit as provided in Article VI of  
17 Chapter 11 of the Illinois Vehicle Code;

18 (21) the defendant (i) committed the offense of  
19 reckless driving or aggravated reckless driving under  
20 Section 11-503 of the Illinois Vehicle Code and (ii) was  
21 operating a motor vehicle in excess of 20 miles per hour  
22 over the posted speed limit as provided in Article VI of  
23 Chapter 11 of the Illinois Vehicle Code;

24 (22) the defendant committed the offense against a  
25 person that the defendant knew, or reasonably should have  
26 known, was a member of the Armed Forces of the United

1 States serving on active duty. For purposes of this clause  
2 (22), the term "Armed Forces" means any of the Armed Forces  
3 of the United States, including a member of any reserve  
4 component thereof or National Guard unit called to active  
5 duty;

6 (23) the defendant committed the offense against a  
7 person who was elderly or infirm or who was a person with a  
8 disability by taking advantage of a family or fiduciary  
9 relationship with the elderly or infirm person or person  
10 with a disability;

11 (24) the defendant committed any offense under Section  
12 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
13 of 2012 and possessed 100 or more images;

14 (25) the defendant committed the offense while the  
15 defendant or the victim was in a train, bus, or other  
16 vehicle used for public transportation;

17 (26) the defendant committed the offense of child  
18 pornography or aggravated child pornography, specifically  
19 including paragraph (1), (2), (3), (4), (5), or (7) of  
20 subsection (a) of Section 11-20.1 of the Criminal Code of  
21 1961 or the Criminal Code of 2012 where a child engaged in,  
22 solicited for, depicted in, or posed in any act of sexual  
23 penetration or bound, fettered, or subject to sadistic,  
24 masochistic, or sadomasochistic abuse in a sexual context  
25 and specifically including paragraph (1), (2), (3), (4),  
26 (5), or (7) of subsection (a) of Section 11-20.1B or

1 Section 11-20.3 of the Criminal Code of 1961 where a child  
2 engaged in, solicited for, depicted in, or posed in any act  
3 of sexual penetration or bound, fettered, or subject to  
4 sadistic, masochistic, or sadomasochistic abuse in a  
5 sexual context;

6 (27) the defendant committed the offense of first  
7 degree murder, assault, aggravated assault, battery,  
8 aggravated battery, robbery, armed robbery, or aggravated  
9 robbery against a person who was a veteran and the  
10 defendant knew, or reasonably should have known, that the  
11 person was a veteran performing duties as a representative  
12 of a veterans' organization. For the purposes of this  
13 paragraph (27), "veteran" means an Illinois resident who  
14 has served as a member of the United States Armed Forces, a  
15 member of the Illinois National Guard, or a member of the  
16 United States Reserve Forces; and "veterans' organization"  
17 means an organization comprised of members of which  
18 substantially all are individuals who are veterans or  
19 spouses, widows, or widowers of veterans, the primary  
20 purpose of which is to promote the welfare of its members  
21 and to provide assistance to the general public in such a  
22 way as to confer a public benefit;

23 (28) the defendant committed the offense of assault,  
24 aggravated assault, battery, aggravated battery, robbery,  
25 armed robbery, or aggravated robbery against a person that  
26 the defendant knew or reasonably should have known was a

1 letter carrier or postal worker while that person was  
2 performing his or her duties delivering mail for the United  
3 States Postal Service;

4 (29) the defendant committed the offense of criminal  
5 sexual assault, aggravated criminal sexual assault,  
6 criminal sexual abuse, or aggravated criminal sexual abuse  
7 against a victim with an intellectual disability, and the  
8 defendant holds a position of trust, authority, or  
9 supervision in relation to the victim; or

10 (30) the defendant committed the offense of promoting  
11 juvenile prostitution, patronizing a prostitute, or  
12 patronizing a minor engaged in prostitution and at the time  
13 of the commission of the offense knew that the prostitute  
14 or minor engaged in prostitution was in the custody or  
15 guardianship of the Department of Children and Family  
16 Services.

17 For the purposes of this Section:

18 "School" is defined as a public or private elementary or  
19 secondary school, community college, college, or university.

20 "Day care center" means a public or private State certified  
21 and licensed day care center as defined in Section 2.09 of the  
22 Child Care Act of 1969 that displays a sign in plain view  
23 stating that the property is a day care center.

24 "Intellectual disability" means significantly subaverage  
25 intellectual functioning which exists concurrently with  
26 impairment in adaptive behavior.

1 "Public transportation" means the transportation or  
2 conveyance of persons by means available to the general public,  
3 and includes paratransit services.

4 (b) The following factors, related to all felonies, may be  
5 considered by the court as reasons to impose an extended term  
6 sentence under Section 5-8-2 upon any offender:

7 (1) When a defendant is convicted of any felony, after  
8 having been previously convicted in Illinois or any other  
9 jurisdiction of the same or similar class felony or greater  
10 class felony, when such conviction has occurred within 10  
11 years after the previous conviction, excluding time spent  
12 in custody, and such charges are separately brought and  
13 tried and arise out of different series of acts; or

14 (2) When a defendant is convicted of any felony and the  
15 court finds that the offense was accompanied by  
16 exceptionally brutal or heinous behavior indicative of  
17 wanton cruelty; or

18 (3) When a defendant is convicted of any felony  
19 committed against:

20 (i) a person under 12 years of age at the time of  
21 the offense or such person's property;

22 (ii) a person 60 years of age or older at the time  
23 of the offense or such person's property; or

24 (iii) a person who had a physical disability at the  
25 time of the offense or such person's property; or

26 (4) When a defendant is convicted of any felony and the

1 offense involved any of the following types of specific  
2 misconduct committed as part of a ceremony, rite,  
3 initiation, observance, performance, practice or activity  
4 of any actual or ostensible religious, fraternal, or social  
5 group:

6 (i) the brutalizing or torturing of humans or  
7 animals;

8 (ii) the theft of human corpses;

9 (iii) the kidnapping of humans;

10 (iv) the desecration of any cemetery, religious,  
11 fraternal, business, governmental, educational, or  
12 other building or property; or

13 (v) ritualized abuse of a child; or

14 (5) When a defendant is convicted of a felony other  
15 than conspiracy and the court finds that the felony was  
16 committed under an agreement with 2 or more other persons  
17 to commit that offense and the defendant, with respect to  
18 the other individuals, occupied a position of organizer,  
19 supervisor, financier, or any other position of management  
20 or leadership, and the court further finds that the felony  
21 committed was related to or in furtherance of the criminal  
22 activities of an organized gang or was motivated by the  
23 defendant's leadership in an organized gang; or

24 (6) When a defendant is convicted of an offense  
25 committed while using a firearm with a laser sight attached  
26 to it. For purposes of this paragraph, "laser sight" has

1 the meaning ascribed to it in Section 26-7 of the Criminal  
2 Code of 2012; or

3 (7) When a defendant who was at least 17 years of age  
4 at the time of the commission of the offense is convicted  
5 of a felony and has been previously adjudicated a  
6 delinquent minor under the Juvenile Court Act of 1987 for  
7 an act that if committed by an adult would be a Class X or  
8 Class 1 felony when the conviction has occurred within 10  
9 years after the previous adjudication, excluding time  
10 spent in custody; or

11 (8) When a defendant commits any felony and the  
12 defendant used, possessed, exercised control over, or  
13 otherwise directed an animal to assault a law enforcement  
14 officer engaged in the execution of his or her official  
15 duties or in furtherance of the criminal activities of an  
16 organized gang in which the defendant is engaged; or

17 (9) When a defendant commits any felony and the  
18 defendant knowingly video or audio records the offense with  
19 the intent to disseminate the recording.

20 (c) The following factors may be considered by the court as  
21 reasons to impose an extended term sentence under Section 5-8-2  
22 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

23 (1) When a defendant is convicted of first degree  
24 murder, after having been previously convicted in Illinois  
25 of any offense listed under paragraph (c)(2) of Section  
26 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred

1           within 10 years after the previous conviction, excluding  
2           time spent in custody, and the charges are separately  
3           brought and tried and arise out of different series of  
4           acts.

5           (1.5) When a defendant is convicted of first degree  
6           murder, after having been previously convicted of domestic  
7           battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
8           (720 ILCS 5/12-3.3) committed on the same victim or after  
9           having been previously convicted of violation of an order  
10          of protection (720 ILCS 5/12-30) in which the same victim  
11          was the protected person.

12          (2) When a defendant is convicted of voluntary  
13          manslaughter, second degree murder, involuntary  
14          manslaughter, or reckless homicide in which the defendant  
15          has been convicted of causing the death of more than one  
16          individual.

17          (3) When a defendant is convicted of aggravated  
18          criminal sexual assault or criminal sexual assault, when  
19          there is a finding that aggravated criminal sexual assault  
20          or criminal sexual assault was also committed on the same  
21          victim by one or more other individuals, and the defendant  
22          voluntarily participated in the crime with the knowledge of  
23          the participation of the others in the crime, and the  
24          commission of the crime was part of a single course of  
25          conduct during which there was no substantial change in the  
26          nature of the criminal objective.



1           (4) If the victim was under 18 years of age at the time  
2 of the commission of the offense, when a defendant is  
3 convicted of aggravated criminal sexual assault or  
4 predatory criminal sexual assault of a child under  
5 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
6 of Section 12-14.1 of the Criminal Code of 1961 or the  
7 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

8           (5) When a defendant is convicted of a felony violation  
9 of Section 24-1 of the Criminal Code of 1961 or the  
10 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
11 finding that the defendant is a member of an organized  
12 gang.

13           (6) When a defendant was convicted of unlawful use of  
14 weapons under Section 24-1 of the Criminal Code of 1961 or  
15 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
16 a weapon that is not readily distinguishable as one of the  
17 weapons enumerated in Section 24-1 of the Criminal Code of  
18 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

19           (7) When a defendant is convicted of an offense  
20 involving the illegal manufacture of a controlled  
21 substance under Section 401 of the Illinois Controlled  
22 Substances Act (720 ILCS 570/401), the illegal manufacture  
23 of methamphetamine under Section 25 of the Methamphetamine  
24 Control and Community Protection Act (720 ILCS 646/25), or  
25 the illegal possession of explosives and an emergency  
26 response officer in the performance of his or her duties is

1 killed or injured at the scene of the offense while  
2 responding to the emergency caused by the commission of the  
3 offense. In this paragraph, "emergency" means a situation  
4 in which a person's life, health, or safety is in jeopardy;  
5 and "emergency response officer" means a peace officer,  
6 community policing volunteer, fireman, emergency medical  
7 technician-ambulance, emergency medical  
8 technician-intermediate, emergency medical  
9 technician-paramedic, ambulance driver, other medical  
10 assistance or first aid personnel, or hospital emergency  
11 room personnel.

12 (8) When the defendant is convicted of attempted mob  
13 action, solicitation to commit mob action, or conspiracy to  
14 commit mob action under Section 8-1, 8-2, or 8-4 of the  
15 Criminal Code of 2012, where the criminal object is a  
16 violation of Section 25-1 of the Criminal Code of 2012, and  
17 an electronic communication is used in the commission of  
18 the offense. For the purposes of this paragraph (8),  
19 "electronic communication" shall have the meaning provided  
20 in Section 26.5-0.1 of the Criminal Code of 2012.

21 (d) For the purposes of this Section, "organized gang" has  
22 the meaning ascribed to it in Section 10 of the Illinois  
23 Streetgang Terrorism Omnibus Prevention Act.

24 (e) The court may impose an extended term sentence under  
25 Article 4.5 of Chapter V upon an offender who has been  
26 convicted of a felony violation of Section 11-1.20, 11-1.30,

1 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
2 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
3 when the victim of the offense is under 18 years of age at the  
4 time of the commission of the offense and, during the  
5 commission of the offense, the victim was under the influence  
6 of alcohol, regardless of whether or not the alcohol was  
7 supplied by the offender; and the offender, at the time of the  
8 commission of the offense, knew or should have known that the  
9 victim had consumed alcohol.

10 (Source: P.A. 98-14, eff. 1-1-14; 98-104, eff. 7-22-13; 98-385,  
11 eff. 1-1-14; 98-756, eff. 7-16-14; 99-77, eff. 1-1-16; 99-143,  
12 eff. 7-27-15; 99-180, eff. 7-29-15; 99-283, eff. 1-1-16;  
13 99-347, eff. 1-1-16; 99-642, eff. 7-28-16.)

14 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

15 Sec. 5-6-3. Conditions of probation and of conditional  
16 discharge.

17 (a) The conditions of probation and of conditional  
18 discharge shall be that the person:

19 (1) not violate any criminal statute of any  
20 jurisdiction;

21 (2) report to or appear in person before such person or  
22 agency as directed by the court;

23 (3) refrain from possessing a firearm or other  
24 dangerous weapon where the offense is a felony or, if a  
25 misdemeanor, the offense involved the intentional or

1 knowing infliction of bodily harm or threat of bodily harm;

2 (4) not leave the State without the consent of the  
3 court or, in circumstances in which the reason for the  
4 absence is of such an emergency nature that prior consent  
5 by the court is not possible, without the prior  
6 notification and approval of the person's probation  
7 officer. Transfer of a person's probation or conditional  
8 discharge supervision to another state is subject to  
9 acceptance by the other state pursuant to the Interstate  
10 Compact for Adult Offender Supervision;

11 (5) permit the probation officer to visit him at his  
12 home or elsewhere to the extent necessary to discharge his  
13 duties;

14 (6) perform no less than 30 hours of community service  
15 and not more than 120 hours of community service, if  
16 community service is available in the jurisdiction and is  
17 funded and approved by the county board where the offense  
18 was committed, where the offense was related to or in  
19 furtherance of the criminal activities of an organized gang  
20 and was motivated by the offender's membership in or  
21 allegiance to an organized gang. The community service  
22 shall include, but not be limited to, the cleanup and  
23 repair of any damage caused by a violation of Section  
24 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
25 2012 and similar damage to property located within the  
26 municipality or county in which the violation occurred.

1           When possible and reasonable, the community service should  
2           be performed in the offender's neighborhood. For purposes  
3           of this Section, "organized gang" has the meaning ascribed  
4           to it in Section 10 of the Illinois Streetgang Terrorism  
5           Omnibus Prevention Act;

6           (7) if he or she is at least 17 years of age and has  
7           been sentenced to probation or conditional discharge for a  
8           misdemeanor or felony in a county of 3,000,000 or more  
9           inhabitants and has not been previously convicted of a  
10          misdemeanor or felony, may be required by the sentencing  
11          court to attend educational courses designed to prepare the  
12          defendant for a high school diploma and to work toward a  
13          high school diploma or to work toward passing high school  
14          equivalency testing or to work toward completing a  
15          vocational training program approved by the court. The  
16          person on probation or conditional discharge must attend a  
17          public institution of education to obtain the educational  
18          or vocational training required by this paragraph ~~clause~~  
19          (7). The court shall revoke the probation or conditional  
20          discharge of a person who wilfully fails to comply with  
21          this paragraph ~~clause~~ (7). The person on probation or  
22          conditional discharge shall be required to pay for the cost  
23          of the educational courses or high school equivalency  
24          testing if a fee is charged for those courses or testing.  
25          The court shall resentence the offender whose probation or  
26          conditional discharge has been revoked as provided in

1 Section 5-6-4. This paragraph ~~clause~~ (7) does not apply to  
2 a person who has a high school diploma or has successfully  
3 passed high school equivalency testing. This paragraph  
4 ~~clause~~ (7) does not apply to a person who is determined by  
5 the court to be a person with a developmental disability or  
6 otherwise mentally incapable of completing the educational  
7 or vocational program;

8 (8) if convicted of possession of a substance  
9 prohibited by the Cannabis Control Act, the Illinois  
10 Controlled Substances Act, or the Methamphetamine Control  
11 and Community Protection Act after a previous conviction or  
12 disposition of supervision for possession of a substance  
13 prohibited by the Cannabis Control Act or Illinois  
14 Controlled Substances Act or after a sentence of probation  
15 under Section 10 of the Cannabis Control Act, Section 410  
16 of the Illinois Controlled Substances Act, or Section 70 of  
17 the Methamphetamine Control and Community Protection Act  
18 and upon a finding by the court that the person is  
19 addicted, undergo treatment at a substance abuse program  
20 approved by the court;

21 (8.5) if convicted of a felony sex offense as defined  
22 in the Sex Offender Management Board Act, the person shall  
23 undergo and successfully complete sex offender treatment  
24 by a treatment provider approved by the Board and conducted  
25 in conformance with the standards developed under the Sex  
26 Offender Management Board Act;

1           (8.6) if convicted of a sex offense as defined in the  
2 Sex Offender Management Board Act, refrain from residing at  
3 the same address or in the same condominium unit or  
4 apartment unit or in the same condominium complex or  
5 apartment complex with another person he or she knows or  
6 reasonably should know is a convicted sex offender or has  
7 been placed on supervision for a sex offense; the  
8 provisions of this paragraph do not apply to a person  
9 convicted of a sex offense who is placed in a Department of  
10 Corrections licensed transitional housing facility for sex  
11 offenders;

12           (8.7) if convicted for an offense committed on or after  
13 June 1, 2008 (the effective date of Public Act 95-464) that  
14 would qualify the accused as a child sex offender as  
15 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
16 1961 or the Criminal Code of 2012, refrain from  
17 communicating with or contacting, by means of the Internet,  
18 a person who is not related to the accused and whom the  
19 accused reasonably believes to be under 18 years of age;  
20 for purposes of this paragraph (8.7), "Internet" has the  
21 meaning ascribed to it in Section 16-0.1 of the Criminal  
22 Code of 2012; and a person is not related to the accused if  
23 the person is not: (i) the spouse, brother, or sister of  
24 the accused; (ii) a descendant of the accused; (iii) a  
25 first or second cousin of the accused; or (iv) a step-child  
26 or adopted child of the accused;

1           (8.8) if convicted for an offense under Section 11-6,  
2           11-9.1, 11-14.4 that involves soliciting for a juvenile  
3           prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
4           of the Criminal Code of 1961 or the Criminal Code of 2012,  
5           or any attempt to commit any of these offenses, committed  
6           on or after June 1, 2009 (the effective date of Public Act  
7           95-983):

8                   (i) not access or use a computer or any other  
9                   device with Internet capability without the prior  
10                   written approval of the offender's probation officer,  
11                   except in connection with the offender's employment or  
12                   search for employment with the prior approval of the  
13                   offender's probation officer;

14                   (ii) submit to periodic unannounced examinations  
15                   of the offender's computer or any other device with  
16                   Internet capability by the offender's probation  
17                   officer, a law enforcement officer, or assigned  
18                   computer or information technology specialist,  
19                   including the retrieval and copying of all data from  
20                   the computer or device and any internal or external  
21                   peripherals and removal of such information,  
22                   equipment, or device to conduct a more thorough  
23                   inspection;

24                   (iii) submit to the installation on the offender's  
25                   computer or device with Internet capability, at the  
26                   offender's expense, of one or more hardware or software



1 systems to monitor the Internet use; and

2 (iv) submit to any other appropriate restrictions  
3 concerning the offender's use of or access to a  
4 computer or any other device with Internet capability  
5 imposed by the offender's probation officer;

6 (8.9) if convicted of a sex offense as defined in the  
7 Sex Offender Registration Act committed on or after January  
8 1, 2010 (the effective date of Public Act 96-262), refrain  
9 from accessing or using a social networking website as  
10 defined in Section 17-0.5 of the Criminal Code of 2012;

11 (9) if convicted of a felony or of any misdemeanor  
12 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
13 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
14 2012 that was determined, pursuant to Section 112A-11.1 of  
15 the Code of Criminal Procedure of 1963, to trigger the  
16 prohibitions of 18 U.S.C. 922(g)(9), physically surrender  
17 at a time and place designated by the court, ~~his or her~~  
18 ~~Firearm Owner's Identification Card~~ and any and all  
19 firearms in his or her possession. ~~The Court shall return~~  
20 ~~to the Department of State Police Firearm Owner's~~  
21 ~~Identification Card Office the person's Firearm Owner's~~  
22 ~~Identification Card;~~

23 (10) if convicted of a sex offense as defined in  
24 subsection (a-5) of Section 3-1-2 of this Code, unless the  
25 offender is a parent or guardian of the person under 18  
26 years of age present in the home and no non-familial minors

1 are present, not participate in a holiday event involving  
2 children under 18 years of age, such as distributing candy  
3 or other items to children on Halloween, wearing a Santa  
4 Claus costume on or preceding Christmas, being employed as  
5 a department store Santa Claus, or wearing an Easter Bunny  
6 costume on or preceding Easter;

7 (11) if convicted of a sex offense as defined in  
8 Section 2 of the Sex Offender Registration Act committed on  
9 or after January 1, 2010 (the effective date of Public Act  
10 96-362) that requires the person to register as a sex  
11 offender under that Act, may not knowingly use any computer  
12 scrub software on any computer that the sex offender uses;

13 (12) if convicted of a violation of the Methamphetamine  
14 Control and Community Protection Act, the Methamphetamine  
15 Precursor Control Act, or a methamphetamine related  
16 offense:

17 (A) prohibited from purchasing, possessing, or  
18 having under his or her control any product containing  
19 pseudoephedrine unless prescribed by a physician; and

20 (B) prohibited from purchasing, possessing, or  
21 having under his or her control any product containing  
22 ammonium nitrate; and

23 (13) if convicted of a hate crime involving the  
24 protected class identified in subsection (a) of Section  
25 12-7.1 of the Criminal Code of 2012 that gave rise to the  
26 offense the offender committed, perform public or

1 community service of no less than 200 hours and enroll in  
2 an educational program discouraging hate crimes that  
3 includes racial, ethnic, and cultural sensitivity training  
4 ordered by the court.

5 (b) The Court may in addition to other reasonable  
6 conditions relating to the nature of the offense or the  
7 rehabilitation of the defendant as determined for each  
8 defendant in the proper discretion of the Court require that  
9 the person:

10 (1) serve a term of periodic imprisonment under Article  
11 7 for a period not to exceed that specified in paragraph  
12 (d) of Section 5-7-1;

13 (2) pay a fine and costs;

14 (3) work or pursue a course of study or vocational  
15 training;

16 (4) undergo medical, psychological or psychiatric  
17 treatment; or treatment for drug addiction or alcoholism;

18 (5) attend or reside in a facility established for the  
19 instruction or residence of defendants on probation;

20 (6) support his dependents;

21 (7) and in addition, if a minor:

22 (i) reside with his parents or in a foster home;

23 (ii) attend school;

24 (iii) attend a non-residential program for youth;

25 (iv) contribute to his own support at home or in a  
26 foster home;

1 (v) with the consent of the superintendent of the  
2 facility, attend an educational program at a facility  
3 other than the school in which the offense was  
4 committed if he or she is convicted of a crime of  
5 violence as defined in Section 2 of the Crime Victims  
6 Compensation Act committed in a school, on the real  
7 property comprising a school, or within 1,000 feet of  
8 the real property comprising a school;

9 (8) make restitution as provided in Section 5-5-6 of  
10 this Code;

11 (9) perform some reasonable public or community  
12 service;

13 (10) serve a term of home confinement. In addition to  
14 any other applicable condition of probation or conditional  
15 discharge, the conditions of home confinement shall be that  
16 the offender:

17 (i) remain within the interior premises of the  
18 place designated for his confinement during the hours  
19 designated by the court;

20 (ii) admit any person or agent designated by the  
21 court into the offender's place of confinement at any  
22 time for purposes of verifying the offender's  
23 compliance with the conditions of his confinement; and

24 (iii) if further deemed necessary by the court or  
25 the Probation or Court Services Department, be placed  
26 on an approved electronic monitoring device, subject

1 to Article 8A of Chapter V;

2 (iv) for persons convicted of any alcohol,  
3 cannabis or controlled substance violation who are  
4 placed on an approved monitoring device as a condition  
5 of probation or conditional discharge, the court shall  
6 impose a reasonable fee for each day of the use of the  
7 device, as established by the county board in  
8 subsection (g) of this Section, unless after  
9 determining the inability of the offender to pay the  
10 fee, the court assesses a lesser fee or no fee as the  
11 case may be. This fee shall be imposed in addition to  
12 the fees imposed under subsections (g) and (i) of this  
13 Section. The fee shall be collected by the clerk of the  
14 circuit court, except as provided in an administrative  
15 order of the Chief Judge of the circuit court. The  
16 clerk of the circuit court shall pay all monies  
17 collected from this fee to the county treasurer for  
18 deposit in the substance abuse services fund under  
19 Section 5-1086.1 of the Counties Code, except as  
20 provided in an administrative order of the Chief Judge  
21 of the circuit court.

22 The Chief Judge of the circuit court of the county  
23 may by administrative order establish a program for  
24 electronic monitoring of offenders, in which a vendor  
25 supplies and monitors the operation of the electronic  
26 monitoring device, and collects the fees on behalf of

1 the county. The program shall include provisions for  
2 indigent offenders and the collection of unpaid fees.  
3 The program shall not unduly burden the offender and  
4 shall be subject to review by the Chief Judge.

5 The Chief Judge of the circuit court may suspend  
6 any additional charges or fees for late payment,  
7 interest, or damage to any device; and

8 (v) for persons convicted of offenses other than  
9 those referenced in clause (iv) above and who are  
10 placed on an approved monitoring device as a condition  
11 of probation or conditional discharge, the court shall  
12 impose a reasonable fee for each day of the use of the  
13 device, as established by the county board in  
14 subsection (g) of this Section, unless after  
15 determining the inability of the defendant to pay the  
16 fee, the court assesses a lesser fee or no fee as the  
17 case may be. This fee shall be imposed in addition to  
18 the fees imposed under subsections (g) and (i) of this  
19 Section. The fee shall be collected by the clerk of the  
20 circuit court, except as provided in an administrative  
21 order of the Chief Judge of the circuit court. The  
22 clerk of the circuit court shall pay all monies  
23 collected from this fee to the county treasurer who  
24 shall use the monies collected to defray the costs of  
25 corrections. The county treasurer shall deposit the  
26 fee collected in the probation and court services fund.

1           The Chief Judge of the circuit court of the county may  
2           by administrative order establish a program for  
3           electronic monitoring of offenders, in which a vendor  
4           supplies and monitors the operation of the electronic  
5           monitoring device, and collects the fees on behalf of  
6           the county. The program shall include provisions for  
7           indigent offenders and the collection of unpaid fees.  
8           The program shall not unduly burden the offender and  
9           shall be subject to review by the Chief Judge.

10           The Chief Judge of the circuit court may suspend  
11           any additional charges or fees for late payment,  
12           interest, or damage to any device.

13           (11) comply with the terms and conditions of an order  
14           of protection issued by the court pursuant to the Illinois  
15           Domestic Violence Act of 1986, as now or hereafter amended,  
16           or an order of protection issued by the court of another  
17           state, tribe, or United States territory. A copy of the  
18           order of protection shall be transmitted to the probation  
19           officer or agency having responsibility for the case;

20           (12) reimburse any "local anti-crime program" as  
21           defined in Section 7 of the Anti-Crime Advisory Council Act  
22           for any reasonable expenses incurred by the program on the  
23           offender's case, not to exceed the maximum amount of the  
24           fine authorized for the offense for which the defendant was  
25           sentenced;

26           (13) contribute a reasonable sum of money, not to

1 exceed the maximum amount of the fine authorized for the  
2 offense for which the defendant was sentenced, (i) to a  
3 "local anti-crime program", as defined in Section 7 of the  
4 Anti-Crime Advisory Council Act, or (ii) for offenses under  
5 the jurisdiction of the Department of Natural Resources, to  
6 the fund established by the Department of Natural Resources  
7 for the purchase of evidence for investigation purposes and  
8 to conduct investigations as outlined in Section 805-105 of  
9 the Department of Natural Resources (Conservation) Law;

10 (14) refrain from entering into a designated  
11 geographic area except upon such terms as the court finds  
12 appropriate. Such terms may include consideration of the  
13 purpose of the entry, the time of day, other persons  
14 accompanying the defendant, and advance approval by a  
15 probation officer, if the defendant has been placed on  
16 probation or advance approval by the court, if the  
17 defendant was placed on conditional discharge;

18 (15) refrain from having any contact, directly or  
19 indirectly, with certain specified persons or particular  
20 types of persons, including but not limited to members of  
21 street gangs and drug users or dealers;

22 (16) refrain from having in his or her body the  
23 presence of any illicit drug prohibited by the Cannabis  
24 Control Act, the Illinois Controlled Substances Act, or the  
25 Methamphetamine Control and Community Protection Act,  
26 unless prescribed by a physician, and submit samples of his



1 or her blood or urine or both for tests to determine the  
2 presence of any illicit drug;

3 (17) if convicted for an offense committed on or after  
4 June 1, 2008 (the effective date of Public Act 95-464) that  
5 would qualify the accused as a child sex offender as  
6 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
7 1961 or the Criminal Code of 2012, refrain from  
8 communicating with or contacting, by means of the Internet,  
9 a person who is related to the accused and whom the accused  
10 reasonably believes to be under 18 years of age; for  
11 purposes of this paragraph (17), "Internet" has the meaning  
12 ascribed to it in Section 16-0.1 of the Criminal Code of  
13 2012; and a person is related to the accused if the person  
14 is: (i) the spouse, brother, or sister of the accused; (ii)  
15 a descendant of the accused; (iii) a first or second cousin  
16 of the accused; or (iv) a step-child or adopted child of  
17 the accused;

18 (18) if convicted for an offense committed on or after  
19 June 1, 2009 (the effective date of Public Act 95-983) that  
20 would qualify as a sex offense as defined in the Sex  
21 Offender Registration Act:

22 (i) not access or use a computer or any other  
23 device with Internet capability without the prior  
24 written approval of the offender's probation officer,  
25 except in connection with the offender's employment or  
26 search for employment with the prior approval of the

1 offender's probation officer;

2 (ii) submit to periodic unannounced examinations  
3 of the offender's computer or any other device with  
4 Internet capability by the offender's probation  
5 officer, a law enforcement officer, or assigned  
6 computer or information technology specialist,  
7 including the retrieval and copying of all data from  
8 the computer or device and any internal or external  
9 peripherals and removal of such information,  
10 equipment, or device to conduct a more thorough  
11 inspection;

12 (iii) submit to the installation on the offender's  
13 computer or device with Internet capability, at the  
14 subject's expense, of one or more hardware or software  
15 systems to monitor the Internet use; and

16 (iv) submit to any other appropriate restrictions  
17 concerning the offender's use of or access to a  
18 computer or any other device with Internet capability  
19 imposed by the offender's probation officer; and

20 (19) refrain from possessing a firearm or other  
21 dangerous weapon where the offense is a misdemeanor that  
22 did not involve the intentional or knowing infliction of  
23 bodily harm or threat of bodily harm.

24 (c) The court may as a condition of probation or of  
25 conditional discharge require that a person under 18 years of  
26 age found guilty of any alcohol, cannabis or controlled

1 substance violation, refrain from acquiring a driver's license  
2 during the period of probation or conditional discharge. If  
3 such person is in possession of a permit or license, the court  
4 may require that the minor refrain from driving or operating  
5 any motor vehicle during the period of probation or conditional  
6 discharge, except as may be necessary in the course of the  
7 minor's lawful employment.

8 (d) An offender sentenced to probation or to conditional  
9 discharge shall be given a certificate setting forth the  
10 conditions thereof.

11 (e) Except where the offender has committed a fourth or  
12 subsequent violation of subsection (c) of Section 6-303 of the  
13 Illinois Vehicle Code, the court shall not require as a  
14 condition of the sentence of probation or conditional discharge  
15 that the offender be committed to a period of imprisonment in  
16 excess of 6 months. This 6-month ~~6-month~~ limit shall not  
17 include periods of confinement given pursuant to a sentence of  
18 county impact incarceration under Section 5-8-1.2.

19 Persons committed to imprisonment as a condition of  
20 probation or conditional discharge shall not be committed to  
21 the Department of Corrections.

22 (f) The court may combine a sentence of periodic  
23 imprisonment under Article 7 or a sentence to a county impact  
24 incarceration program under Article 8 with a sentence of  
25 probation or conditional discharge.

26 (g) An offender sentenced to probation or to conditional

1 discharge and who during the term of either undergoes mandatory  
2 drug or alcohol testing, or both, or is assigned to be placed  
3 on an approved electronic monitoring device, shall be ordered  
4 to pay all costs incidental to such mandatory drug or alcohol  
5 testing, or both, and all costs incidental to such approved  
6 electronic monitoring in accordance with the defendant's  
7 ability to pay those costs. The county board with the  
8 concurrence of the Chief Judge of the judicial circuit in which  
9 the county is located shall establish reasonable fees for the  
10 cost of maintenance, testing, and incidental expenses related  
11 to the mandatory drug or alcohol testing, or both, and all  
12 costs incidental to approved electronic monitoring, involved  
13 in a successful probation program for the county. The  
14 concurrence of the Chief Judge shall be in the form of an  
15 administrative order. The fees shall be collected by the clerk  
16 of the circuit court, except as provided in an administrative  
17 order of the Chief Judge of the circuit court. The clerk of the  
18 circuit court shall pay all moneys collected from these fees to  
19 the county treasurer who shall use the moneys collected to  
20 defray the costs of drug testing, alcohol testing, and  
21 electronic monitoring. The county treasurer shall deposit the  
22 fees collected in the county working cash fund under Section  
23 6-27001 or Section 6-29002 of the Counties Code, as the case  
24 may be. The Chief Judge of the circuit court of the county may  
25 by administrative order establish a program for electronic  
26 monitoring of offenders, in which a vendor supplies and

1 monitors the operation of the electronic monitoring device, and  
2 collects the fees on behalf of the county. The program shall  
3 include provisions for indigent offenders and the collection of  
4 unpaid fees. The program shall not unduly burden the offender  
5 and shall be subject to review by the Chief Judge.

6 The Chief Judge of the circuit court may suspend any  
7 additional charges or fees for late payment, interest, or  
8 damage to any device.

9 (h) Jurisdiction over an offender may be transferred from  
10 the sentencing court to the court of another circuit with the  
11 concurrence of both courts. Further transfers or retransfers of  
12 jurisdiction are also authorized in the same manner. The court  
13 to which jurisdiction has been transferred shall have the same  
14 powers as the sentencing court. The probation department within  
15 the circuit to which jurisdiction has been transferred, or  
16 which has agreed to provide supervision, may impose probation  
17 fees upon receiving the transferred offender, as provided in  
18 subsection (i). For all transfer cases, as defined in Section  
19 9b of the Probation and Probation Officers Act, the probation  
20 department from the original sentencing court shall retain all  
21 probation fees collected prior to the transfer. After the  
22 transfer, all probation fees shall be paid to the probation  
23 department within the circuit to which jurisdiction has been  
24 transferred.

25 (i) The court shall impose upon an offender sentenced to  
26 probation after January 1, 1989 or to conditional discharge

1 after January 1, 1992 or to community service under the  
2 supervision of a probation or court services department after  
3 January 1, 2004, as a condition of such probation or  
4 conditional discharge or supervised community service, a fee of  
5 \$50 for each month of probation or conditional discharge  
6 supervision or supervised community service ordered by the  
7 court, unless after determining the inability of the person  
8 sentenced to probation or conditional discharge or supervised  
9 community service to pay the fee, the court assesses a lesser  
10 fee. The court may not impose the fee on a minor who is placed  
11 in the guardianship or custody of the Department of Children  
12 and Family Services under the Juvenile Court Act of 1987 while  
13 the minor is in placement. The fee shall be imposed only upon  
14 an offender who is actively supervised by the probation and  
15 court services department. The fee shall be collected by the  
16 clerk of the circuit court. The clerk of the circuit court  
17 shall pay all monies collected from this fee to the county  
18 treasurer for deposit in the probation and court services fund  
19 under Section 15.1 of the Probation and Probation Officers Act.

20 A circuit court may not impose a probation fee under this  
21 subsection (i) in excess of \$25 per month unless the circuit  
22 court has adopted, by administrative order issued by the chief  
23 judge, a standard probation fee guide determining an offender's  
24 ability to pay. Of the amount collected as a probation fee, up  
25 to \$5 of that fee collected per month may be used to provide  
26 services to crime victims and their families.

1           The Court may only waive probation fees based on an  
2 offender's ability to pay. The probation department may  
3 re-evaluate an offender's ability to pay every 6 months, and,  
4 with the approval of the Director of Court Services or the  
5 Chief Probation Officer, adjust the monthly fee amount. An  
6 offender may elect to pay probation fees due in a lump sum. Any  
7 offender that has been assigned to the supervision of a  
8 probation department, or has been transferred either under  
9 subsection (h) of this Section or under any interstate compact,  
10 shall be required to pay probation fees to the department  
11 supervising the offender, based on the offender's ability to  
12 pay.

13           Public Act 93-970 ~~This amendatory Act of the 93rd General~~  
14 ~~Assembly~~ deletes the \$10 increase in the fee under this  
15 subsection that was imposed by Public Act 93-616. This deletion  
16 is intended to control over any other Act of the 93rd General  
17 Assembly that retains or incorporates that fee increase.

18           (i-5) In addition to the fees imposed under subsection (i)  
19 of this Section, in the case of an offender convicted of a  
20 felony sex offense (as defined in the Sex Offender Management  
21 Board Act) or an offense that the court or probation department  
22 has determined to be sexually motivated (as defined in the Sex  
23 Offender Management Board Act), the court or the probation  
24 department shall assess additional fees to pay for all costs of  
25 treatment, assessment, evaluation for risk and treatment, and  
26 monitoring the offender, based on that offender's ability to

1 pay those costs either as they occur or under a payment plan.

2 (j) All fines and costs imposed under this Section for any  
3 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
4 Code, or a similar provision of a local ordinance, and any  
5 violation of the Child Passenger Protection Act, or a similar  
6 provision of a local ordinance, shall be collected and  
7 disbursed by the circuit clerk as provided under Section 27.5  
8 of the Clerks of Courts Act.

9 (k) Any offender who is sentenced to probation or  
10 conditional discharge for a felony sex offense as defined in  
11 the Sex Offender Management Board Act or any offense that the  
12 court or probation department has determined to be sexually  
13 motivated as defined in the Sex Offender Management Board Act  
14 shall be required to refrain from any contact, directly or  
15 indirectly, with any persons specified by the court and shall  
16 be available for all evaluations and treatment programs  
17 required by the court or the probation department.

18 (l) The court may order an offender who is sentenced to  
19 probation or conditional discharge for a violation of an order  
20 of protection be placed under electronic surveillance as  
21 provided in Section 5-8A-7 of this Code.

22 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;  
23 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; revised 10-5-17.)

24 Section 100. The Stalking No Contact Order Act is amended  
25 by changing Section 80 as follows:



1 (740 ILCS 21/80)

2 Sec. 80. Stalking no contact orders; remedies.

3 (a) If the court finds that the petitioner has been a  
4 victim of stalking, a stalking no contact order shall issue;  
5 provided that the petitioner must also satisfy the requirements  
6 of Section 95 on emergency orders or Section 100 on plenary  
7 orders. The petitioner shall not be denied a stalking no  
8 contact order because the petitioner or the respondent is a  
9 minor. The court, when determining whether or not to issue a  
10 stalking no contact order, may not require physical injury on  
11 the person of the petitioner. Modification and extension of  
12 prior stalking no contact orders shall be in accordance with  
13 this Act.

14 (b) A stalking no contact order shall order one or more of  
15 the following:

16 (1) prohibit the respondent from threatening to commit  
17 or committing stalking;

18 (2) order the respondent not to have any contact with  
19 the petitioner or a third person specifically named by the  
20 court;

21 (3) prohibit the respondent from knowingly coming  
22 within, or knowingly remaining within a specified distance  
23 of the petitioner or the petitioner's residence, school,  
24 daycare, or place of employment, or any specified place  
25 frequented by the petitioner; however, the court may order

1 the respondent to stay away from the respondent's own  
2 residence, school, or place of employment only if the  
3 respondent has been provided actual notice of the  
4 opportunity to appear and be heard on the petition;

5 (4) prohibit the respondent from ~~possessing a Firearm~~  
6 ~~Owners Identification Card,~~ or possessing or buying  
7 firearms; and

8 (5) order other injunctive relief the court determines  
9 to be necessary to protect the petitioner or third party  
10 specifically named by the court.

11 (b-5) When the petitioner and the respondent attend the  
12 same public, private, or non-public elementary, middle, or high  
13 school, the court when issuing a stalking no contact order and  
14 providing relief shall consider the severity of the act, any  
15 continuing physical danger or emotional distress to the  
16 petitioner, the educational rights guaranteed to the  
17 petitioner and respondent under federal and State law, the  
18 availability of a transfer of the respondent to another school,  
19 a change of placement or a change of program of the respondent,  
20 the expense, difficulty, and educational disruption that would  
21 be caused by a transfer of the respondent to another school,  
22 and any other relevant facts of the case. The court may order  
23 that the respondent not attend the public, private, or  
24 non-public elementary, middle, or high school attended by the  
25 petitioner, order that the respondent accept a change of  
26 placement or program, as determined by the school district or

1 private or non-public school, or place restrictions on the  
2 respondent's movements within the school attended by the  
3 petitioner. The respondent bears the burden of proving by a  
4 preponderance of the evidence that a transfer, change of  
5 placement, or change of program of the respondent is not  
6 available. The respondent also bears the burden of production  
7 with respect to the expense, difficulty, and educational  
8 disruption that would be caused by a transfer of the respondent  
9 to another school. A transfer, change of placement, or change  
10 of program is not unavailable to the respondent solely on the  
11 ground that the respondent does not agree with the school  
12 district's or private or non-public school's transfer, change  
13 of placement, or change of program or solely on the ground that  
14 the respondent fails or refuses to consent to or otherwise does  
15 not take an action required to effectuate a transfer, change of  
16 placement, or change of program. When a court orders a  
17 respondent to stay away from the public, private, or non-public  
18 school attended by the petitioner and the respondent requests a  
19 transfer to another attendance center within the respondent's  
20 school district or private or non-public school, the school  
21 district or private or non-public school shall have sole  
22 discretion to determine the attendance center to which the  
23 respondent is transferred. In the event the court order results  
24 in a transfer of the minor respondent to another attendance  
25 center, a change in the respondent's placement, or a change of  
26 the respondent's program, the parents, guardian, or legal

1     custodian of the respondent is responsible for transportation  
2     and other costs associated with the transfer or change.

3           (b-6) The court may order the parents, guardian, or legal  
4     custodian of a minor respondent to take certain actions or to  
5     refrain from taking certain actions to ensure that the  
6     respondent complies with the order. In the event the court  
7     orders a transfer of the respondent to another school, the  
8     parents, guardian, or legal custodian of the respondent are  
9     responsible for transportation and other costs associated with  
10    the change of school by the respondent.

11          (b-7) The court shall not hold a school district or private  
12    or non-public school or any of its employees in civil or  
13    criminal contempt unless the school district or private or  
14    non-public school has been allowed to intervene.

15          (b-8) The court may hold the parents, guardian, or legal  
16    custodian of a minor respondent in civil or criminal contempt  
17    for a violation of any provision of any order entered under  
18    this Act for conduct of the minor respondent in violation of  
19    this Act if the parents, guardian, or legal custodian directed,  
20    encouraged, or assisted the respondent minor in such conduct.

21          (c) The court may award the petitioner costs and attorneys  
22    fees if a stalking no contact order is granted.

23          (d) Monetary damages are not recoverable as a remedy.

24          (e) If the stalking no contact order prohibits the  
25    respondent from ~~possessing a Firearm Owner's Identification~~  
26    Card, ~~or~~ possessing or buying firearms; the court shall

1 confiscate the respondent's firearms ~~Firearm Owner's~~  
2 ~~Identification Card~~ and immediately return the card to the  
3 ~~Department of State Police Firearm Owner's Identification Card~~  
4 ~~Office.~~

5 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;  
6 97-1131, eff. 1-1-13.)

7 Section 105. The Mental Health and Developmental  
8 Disabilities Confidentiality Act is amended by changing  
9 Section 12 as follows:

10 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

11 Sec. 12. (a) If the United States Secret Service or the  
12 Department of State Police requests information from a mental  
13 health or developmental disability facility, as defined in  
14 Section 1-107 and 1-114 of the Mental Health and Developmental  
15 Disabilities Code, relating to a specific recipient and the  
16 facility director determines that disclosure of such  
17 information may be necessary to protect the life of, or to  
18 prevent the infliction of great bodily harm to, a public  
19 official, or a person under the protection of the United States  
20 Secret Service, only the following information may be  
21 disclosed: the recipient's name, address, and age and the date  
22 of any admission to or discharge from a facility; and any  
23 information which would indicate whether or not the recipient  
24 has a history of violence or presents a danger of violence to

1 the person under protection. Any information so disclosed shall  
2 be used for investigative purposes only and shall not be  
3 publicly disseminated. Any person participating in good faith  
4 in the disclosure of such information in accordance with this  
5 provision shall have immunity from any liability, civil,  
6 criminal or otherwise, if such information is disclosed relying  
7 upon the representation of an officer of the United States  
8 Secret Service or the Department of State Police that a person  
9 is under the protection of the United States Secret Service or  
10 is a public official.

11 For the purpose of this subsection (a), the term "public  
12 official" means the Governor, Lieutenant Governor, Attorney  
13 General, Secretary of State, State Comptroller, State  
14 Treasurer, member of the General Assembly, member of the United  
15 States Congress, Judge of the United States as defined in 28  
16 U.S.C. 451, Justice of the United States as defined in 28  
17 U.S.C. 451, United States Magistrate Judge as defined in 28  
18 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or  
19 Supreme, Appellate, Circuit, or Associate Judge of the State of  
20 Illinois. The term shall also include the spouse, child or  
21 children of a public official.

22 (b) The Department of Human Services (acting as successor  
23 to the Department of Mental Health and Developmental  
24 Disabilities) and all public or private hospitals and mental  
25 health facilities are required, as hereafter described in this  
26 subsection, to furnish the Department of State Police only such

1 information as may be required for the sole purpose of  
2 determining whether an individual who may be or may have been a  
3 patient is disqualified because of that status from receiving  
4 or retaining a firearm under paragraph (4) of subsection (a) of  
5 Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~  
6 ~~Identification Card or falls within the federal prohibitors~~  
7 ~~under subsection (e), (f), (g), (r), (s), or (t) of Section 8~~  
8 ~~of the Firearm Owners Identification Card Act~~, or falls within  
9 the federal prohibitors in 18 U.S.C. 922(g) and (n). All  
10 physicians, clinical psychologists, or qualified examiners at  
11 public or private mental health facilities or parts thereof as  
12 defined in this subsection shall, in the form and manner  
13 required by the Department, provide notice directly to the  
14 Department of Human Services, or to his or her employer who  
15 shall then report to the Department, within 24 hours after  
16 determining that a person poses a clear and present danger to  
17 himself, herself, or others, or within 7 days after a person 14  
18 years or older is determined to be a person with a  
19 developmental disability by a physician, clinical  
20 psychologist, or qualified examiner as described in this  
21 subsection (b) ~~Section 1.1 of the Firearm Owners Identification~~  
22 ~~Card Act~~. If a person is a patient as described in clause  
23 (2) (A) (1) of the definition of "patient" in (2) (A) ~~Section 1.1~~  
24 ~~of the Firearm Owners Identification Card Act~~, this information  
25 shall be furnished within 7 days after admission to a public or  
26 private hospital or mental health facility or the provision of

1 services. Any such information disclosed under this subsection  
2 shall remain privileged and confidential, and shall not be  
3 redisclosed, except as required by clause (e)(2) of Section  
4 24-4.5 of the Criminal Code of 2012 ~~subsection (e) of Section~~  
5 ~~3.1 of the Firearm Owners Identification Card Act~~, nor utilized  
6 for any other purpose. The method of requiring the providing of  
7 such information shall guarantee that no information is  
8 released beyond what is necessary for this purpose. In  
9 addition, the information disclosed shall be provided by the  
10 Department within the time period established by Section 24-3  
11 of the Criminal Code of 2012 regarding the delivery of  
12 firearms. The method used shall be sufficient to provide the  
13 necessary information within the prescribed time period, which  
14 may include periodically providing lists to the Department of  
15 Human Services or any public or private hospital or mental  
16 health facility of ~~Firearm Owner's Identification Card~~  
17 applicants for firearm purchases on which the Department or  
18 hospital shall indicate the identities of those individuals who  
19 are to its knowledge disqualified from having a firearm ~~Firearm~~  
20 ~~Owner's Identification Card~~ for reasons described herein. The  
21 Department may provide for a centralized source of information  
22 for the State on this subject under its jurisdiction. The  
23 identity of the person reporting under this subsection shall  
24 not be disclosed to the subject of the report. For the purposes  
25 of this subsection, the physician, clinical psychologist, or  
26 qualified examiner making the determination and his or her



1 employer shall not be held criminally, civilly, or  
2 professionally liable for making or not making the notification  
3 required under this subsection, except for willful or wanton  
4 misconduct.

5 Any person, institution, or agency, under this Act,  
6 participating in good faith in the reporting or disclosure of  
7 records and communications otherwise in accordance with this  
8 provision or with rules, regulations or guidelines issued by  
9 the Department shall have immunity from any liability, civil,  
10 criminal or otherwise, that might result by reason of the  
11 action. For the purpose of any proceeding, civil or criminal,  
12 arising out of a report or disclosure in accordance with this  
13 provision, the good faith of any person, institution, or agency  
14 so reporting or disclosing shall be presumed. The full extent  
15 of the immunity provided in this subsection (b) shall apply to  
16 any person, institution or agency that fails to make a report  
17 or disclosure in the good faith belief that the report or  
18 disclosure would violate federal regulations governing the  
19 confidentiality of alcohol and drug abuse patient records  
20 implementing 42 U.S.C. 290dd-3 and 290ee-3.

21 For purposes of this subsection (b) only, the following  
22 terms shall have the meaning prescribed:

23 (1) (Blank).

24 (1.3) "Clear and present danger" has the meaning as  
25 defined in Section 6-103.3 of the Mental Health and  
26 Developmental Disabilities Code ~~1.1 of the Firearm Owners~~

1 ~~Identification Card Act.~~

2 (1.5) "Person with a developmental disability" 6-103.3  
3 of the Mental Health and Developmental Disabilities Code  
4 ~~has the meaning as defined in Section 1.1 of the Firearm~~  
5 ~~Owners Identification Card Act.~~

6 (2) "Patient" means (A) a person who voluntarily  
7 receives mental health treatment as an in-patient or  
8 resident of any public or private mental health facility,  
9 unless the treatment was solely for an alcohol abuse  
10 disorder and no other secondary substance abuse disorder or  
11 mental illness; or (B) a person who voluntarily receives  
12 mental health treatment as an out-patient or is provided  
13 services by a public or private mental health facility, and  
14 who poses a clear and present danger to himself, herself,  
15 or to others ~~has the meaning as defined in Section 1.1 of~~  
16 ~~the Firearm Owners Identification Card Act.~~

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

1 ~~to provide treatment of persons with mental illness has the~~  
2 ~~meaning as defined in Section 1.1 of the Firearm Owners~~  
3 ~~Identification Card Act.~~

4 (c) Upon the request of a peace officer who takes a person  
5 into custody and transports such person to a mental health or  
6 developmental disability facility pursuant to Section 3-606 or  
7 4-404 of the Mental Health and Developmental Disabilities Code  
8 or who transports a person from such facility, a facility  
9 director shall furnish said peace officer the name, address,  
10 age and name of the nearest relative of the person transported  
11 to or from the mental health or developmental disability  
12 facility. In no case shall the facility director disclose to  
13 the peace officer any information relating to the diagnosis,  
14 treatment or evaluation of the person's mental or physical  
15 health.

16 For the purposes of this subsection (c), the terms "mental  
17 health or developmental disability facility", "peace officer"  
18 and "facility director" shall have the meanings ascribed to  
19 them in the Mental Health and Developmental Disabilities Code.

20 (d) Upon the request of a peace officer or prosecuting  
21 authority who is conducting a bona fide investigation of a  
22 criminal offense, or attempting to apprehend a fugitive from  
23 justice, a facility director may disclose whether a person is  
24 present at the facility. Upon request of a peace officer or  
25 prosecuting authority who has a valid forcible felony warrant  
26 issued, a facility director shall disclose: (1) whether the

1 person who is the subject of the warrant is present at the  
2 facility and (2) the date of that person's discharge or future  
3 discharge from the facility. The requesting peace officer or  
4 prosecuting authority must furnish a case number and the  
5 purpose of the investigation or an outstanding arrest warrant  
6 at the time of the request. Any person, institution, or agency  
7 participating in good faith in disclosing such information in  
8 accordance with this subsection (d) is immune from any  
9 liability, civil, criminal or otherwise, that might result by  
10 reason of the action.

11 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,  
12 eff. 7-27-15; 99-642, eff. 7-28-16.)

13 Section 110. The Illinois Domestic Violence Act of 1986 is  
14 amended by changing Sections 210 and 214 as follows:

15 (750 ILCS 60/210) (from Ch. 40, par. 2312-10)

16 Sec. 210. Process.

17 (a) Summons. Any action for an order of protection, whether  
18 commenced alone or in conjunction with another proceeding, is a  
19 distinct cause of action and requires that a separate summons  
20 be issued and served, except that in pending cases the  
21 following methods may be used:

22 (1) By delivery of the summons to respondent personally  
23 in open court in pending civil or criminal cases.

24 (2) By notice in accordance with Section 210.1 in civil

1 cases in which the defendant has filed a general  
2 appearance.

3 The summons shall be in the form prescribed by Supreme  
4 Court Rule 101(d), except that it shall require respondent to  
5 answer or appear within 7 days. Attachments to the summons or  
6 notice shall include the petition for order of protection and  
7 supporting affidavits, if any, and any emergency order of  
8 protection that has been issued. The enforcement of an order of  
9 protection under Section 223 shall not be affected by the lack  
10 of service, delivery, or notice, provided the requirements of  
11 subsection (d) of that Section are otherwise met.

12 (b) Blank.

13 (c) Expedited service. The summons shall be served by the  
14 sheriff or other law enforcement officer at the earliest time  
15 and shall take precedence over other summonses except those of  
16 a similar emergency nature. Special process servers may be  
17 appointed at any time, and their designation shall not affect  
18 the responsibilities and authority of the sheriff or other  
19 official process servers. In counties with a population over  
20 3,000,000, a special process server may not be appointed if the  
21 order of protection grants the surrender of a child, the  
22 surrender of a firearm ~~or firearm owners identification card,~~  
23 or the exclusive possession of a shared residence.

24 (d) Remedies requiring actual notice. The counseling,  
25 payment of support, payment of shelter services, and payment of  
26 losses remedies provided by paragraphs 4, 12, 13, and 16 of

1 subsection (b) of Section 214 may be granted only if respondent  
2 has been personally served with process, has answered or has  
3 made a general appearance.

4 (e) Remedies upon constructive notice. Service of process  
5 on a member of respondent's household or by publication shall  
6 be adequate for the remedies provided by paragraphs 1, 2, 3, 5,  
7 6, 7, 8, 9, 10, 11, 14, 15, and 17 of subsection (b) of Section  
8 214, but only if: (i) petitioner has made all reasonable  
9 efforts to accomplish actual service of process personally upon  
10 respondent, but respondent cannot be found to effect such  
11 service and (ii) petitioner files an affidavit or presents  
12 sworn testimony as to those efforts.

13 (f) Default. A plenary order of protection may be entered  
14 by default as follows:

15 (1) For any of the remedies sought in the petition, if  
16 respondent has been served or given notice in accordance  
17 with subsection (a) and if respondent then fails to appear  
18 as directed or fails to appear on any subsequent appearance  
19 or hearing date agreed to by the parties or set by the  
20 court; or

21 (2) For any of the remedies provided in accordance with  
22 subsection (e), if respondent fails to answer or appear in  
23 accordance with the date set in the publication notice or  
24 the return date indicated on the service of a household  
25 member.

26 (Source: P.A. 99-240, eff. 1-1-16.)

1 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

2 Sec. 214. Order of protection; remedies.

3 (a) Issuance of order. If the court finds that petitioner  
4 has been abused by a family or household member or that  
5 petitioner is a high-risk adult who has been abused, neglected,  
6 or exploited, as defined in this Act, an order of protection  
7 prohibiting the abuse, neglect, or exploitation shall issue;  
8 provided that petitioner must also satisfy the requirements of  
9 one of the following Sections, as appropriate: Section 217 on  
10 emergency orders, Section 218 on interim orders, or Section 219  
11 on plenary orders. Petitioner shall not be denied an order of  
12 protection because petitioner or respondent is a minor. The  
13 court, when determining whether or not to issue an order of  
14 protection, shall not require physical manifestations of abuse  
15 on the person of the victim. Modification and extension of  
16 prior orders of protection shall be in accordance with this  
17 Act.

18 (b) Remedies and standards. The remedies to be included in  
19 an order of protection shall be determined in accordance with  
20 this Section and one of the following Sections, as appropriate:  
21 Section 217 on emergency orders, Section 218 on interim orders,  
22 and Section 219 on plenary orders. The remedies listed in this  
23 subsection shall be in addition to other civil or criminal  
24 remedies available to petitioner.

25 (1) Prohibition of abuse, neglect, or exploitation.

1 Prohibit respondent's harassment, interference with  
2 personal liberty, intimidation of a dependent, physical  
3 abuse, or willful deprivation, neglect or exploitation, as  
4 defined in this Act, or stalking of the petitioner, as  
5 defined in Section 12-7.3 of the Criminal Code of 2012, if  
6 such abuse, neglect, exploitation, or stalking 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 (A) If an order of protection grants petitioner  
13 exclusive possession of the residence, or prohibits  
14 respondent from entering the residence, or orders  
15 respondent to stay away from petitioner or other  
16 protected persons, then the court may allow respondent  
17 access to the residence to remove items of clothing and  
18 personal adornment used exclusively by respondent,  
19 medications, and other items as the court directs. The  
20 right to access shall be exercised on only one occasion  
21 as the court directs and in the presence of an  
22 agreed-upon adult third party or law enforcement  
23 officer.

24 (B) When the petitioner and the respondent attend  
25 the same public, private, or non-public elementary,  
26 middle, or high school, the court when issuing an order

1 of protection and providing relief shall consider the  
2 severity of the act, any continuing physical danger or  
3 emotional distress to the petitioner, the educational  
4 rights guaranteed to the petitioner and respondent  
5 under federal and State law, the availability of a  
6 transfer of the respondent to another school, a change  
7 of placement or a change of program of the respondent,  
8 the expense, difficulty, and educational disruption  
9 that would be caused by a transfer of the respondent to  
10 another school, and any other relevant facts of the  
11 case. The court may order that the respondent not  
12 attend the public, private, or non-public elementary,  
13 middle, or high school attended by the petitioner,  
14 order that the respondent accept a change of placement  
15 or change of program, as determined by the school  
16 district or private or non-public school, or place  
17 restrictions on the respondent's movements within the  
18 school attended by the petitioner. The respondent  
19 bears the burden of proving by a preponderance of the  
20 evidence that a transfer, change of placement, or  
21 change of program of the respondent is not available.  
22 The respondent also bears the burden of production with  
23 respect to the expense, difficulty, and educational  
24 disruption that would be caused by a transfer of the  
25 respondent to another school. A transfer, change of  
26 placement, or change of program is not unavailable to

1 the respondent solely on the ground that the respondent  
2 does not agree with the school district's or private or  
3 non-public school's transfer, change of placement, or  
4 change of program or solely on the ground that the  
5 respondent fails or refuses to consent or otherwise  
6 does not take an action required to effectuate a  
7 transfer, change of placement, or change of program.  
8 When a court orders a respondent to stay away from the  
9 public, private, or non-public school attended by the  
10 petitioner and the respondent requests a transfer to  
11 another attendance center within the respondent's  
12 school district or private or non-public school, the  
13 school district or private or non-public school shall  
14 have sole discretion to determine the attendance  
15 center to which the respondent is transferred. In the  
16 event the court order results in a transfer of the  
17 minor respondent to another attendance center, a  
18 change in the respondent's placement, or a change of  
19 the respondent's program, the parents, guardian, or  
20 legal custodian of the respondent is responsible for  
21 transportation and other costs associated with the  
22 transfer or change.

23 (C) The court may order the parents, guardian, or  
24 legal custodian of a minor respondent to take certain  
25 actions or to refrain from taking certain actions to  
26 ensure that the respondent complies with the order. In

1           the event the court orders a transfer of the respondent  
2           to another school, the parents, guardian, or legal  
3           custodian of the respondent is responsible for  
4           transportation and other costs associated with the  
5           change of school by the respondent.

6           (4) Counseling. Require or recommend the respondent to  
7           undergo counseling for a specified duration with a social  
8           worker, psychologist, clinical psychologist, psychiatrist,  
9           family service agency, alcohol or substance abuse program,  
10          mental health center guidance counselor, agency providing  
11          services to elders, program designed for domestic violence  
12          abusers or any other guidance service the court deems  
13          appropriate. The Court may order the respondent in any  
14          intimate partner relationship to report to an Illinois  
15          Department of Human Services protocol approved partner  
16          abuse intervention program for an assessment and to follow  
17          all recommended treatment.

18          (5) Physical care and possession of the minor child. In  
19          order to protect the minor child from abuse, neglect, or  
20          unwarranted separation from the person who has been the  
21          minor child's primary caretaker, or to otherwise protect  
22          the well-being of the minor child, the court may do either  
23          or both of the following: (i) grant petitioner physical  
24          care or possession of the minor child, or both, or (ii)  
25          order respondent to return a minor child to, or not remove  
26          a minor child from, the physical care of a parent or person

1           in loco parentis.

2           If a court finds, after a hearing, that respondent has  
3 committed abuse (as defined in Section 103) of a minor  
4 child, there shall be a rebuttable presumption that  
5 awarding physical care to respondent would not be in the  
6 minor child's best interest.

7           (6) Temporary allocation of parental responsibilities:  
8 significant decision-making. Award temporary  
9 decision-making responsibility to petitioner in accordance  
10 with this Section, the Illinois Marriage and Dissolution of  
11 Marriage Act, the Illinois Parentage Act of 2015, and this  
12 State's Uniform Child-Custody Jurisdiction and Enforcement  
13 Act.

14           If a court finds, after a hearing, that respondent has  
15 committed abuse (as defined in Section 103) of a minor  
16 child, there shall be a rebuttable presumption that  
17 awarding temporary significant decision-making  
18 responsibility to respondent would not be in the child's  
19 best interest.

20           (7) Parenting time. Determine the parenting time, if  
21 any, of respondent in any case in which the court awards  
22 physical care or allocates temporary significant  
23 decision-making responsibility of a minor child to  
24 petitioner. The court shall restrict or deny respondent's  
25 parenting time with a minor child if the court finds that  
26 respondent has done or is likely to do any of the

1 following: (i) abuse or endanger the minor child during  
2 parenting time; (ii) use the parenting time as an  
3 opportunity to abuse or harass petitioner or petitioner's  
4 family or household members; (iii) improperly conceal or  
5 detain the minor child; or (iv) otherwise act in a manner  
6 that is not in the best interests of the minor child. The  
7 court shall not be limited by the standards set forth in  
8 Section 603.10 of the Illinois Marriage and Dissolution of  
9 Marriage Act. If the court grants parenting time, the order  
10 shall specify dates and times for the parenting time to  
11 take place or other specific parameters or conditions that  
12 are appropriate. No order for parenting time shall refer  
13 merely to the term "reasonable parenting time".

14 Petitioner may deny respondent access to the minor  
15 child if, when respondent arrives for parenting time,  
16 respondent is under the influence of drugs or alcohol and  
17 constitutes a threat to the safety and well-being of  
18 petitioner or petitioner's minor children or is behaving in  
19 a violent or abusive manner.

20 If necessary to protect any member of petitioner's  
21 family or household from future abuse, respondent shall be  
22 prohibited from coming to petitioner's residence to meet  
23 the minor child for parenting time, and the parties shall  
24 submit to the court their recommendations for reasonable  
25 alternative arrangements for parenting time. A person may  
26 be approved to supervise parenting time only after filing

1 an affidavit accepting that responsibility and  
2 acknowledging accountability to the court.

3 (8) Removal or concealment of minor child. Prohibit  
4 respondent from removing a minor child from the State or  
5 concealing the child within the State.

6 (9) Order to appear. Order the respondent to appear in  
7 court, alone or with a minor child, to prevent abuse,  
8 neglect, removal or concealment of the child, to return the  
9 child to the custody or care of the petitioner or to permit  
10 any court-ordered interview or examination of the child or  
11 the respondent.

12 (10) Possession of personal property. Grant petitioner  
13 exclusive possession of personal property and, if  
14 respondent has possession or control, direct respondent to  
15 promptly make it available to petitioner, if:

16 (i) petitioner, but not respondent, owns the  
17 property; or

18 (ii) the parties own the property jointly; sharing  
19 it would risk abuse of petitioner by respondent or is  
20 impracticable; and the balance of hardships favors  
21 temporary possession by petitioner.

22 If petitioner's sole claim to ownership of the property  
23 is that it is marital property, the court may award  
24 petitioner temporary possession thereof under the  
25 standards of subparagraph (ii) of this paragraph only if a  
26 proper proceeding has been filed under the Illinois



1 Marriage and Dissolution of Marriage Act, as now or  
2 hereafter amended.

3 No order under this provision shall affect title to  
4 property.

5 (11) Protection of property. Forbid the respondent  
6 from taking, transferring, encumbering, concealing,  
7 damaging or otherwise disposing of any real or personal  
8 property, except as explicitly authorized by the court, if:

9 (i) petitioner, but not respondent, owns the  
10 property; or

11 (ii) the parties own the property jointly, and the  
12 balance of hardships favors granting this remedy.

13 If petitioner's sole claim to ownership of the property  
14 is that it is marital property, the court may grant  
15 petitioner relief under subparagraph (ii) of this  
16 paragraph only if a proper proceeding has been filed under  
17 the Illinois Marriage and Dissolution of Marriage Act, as  
18 now or hereafter amended.

19 The court may further prohibit respondent from  
20 improperly using the financial or other resources of an  
21 aged member of the family or household for the profit or  
22 advantage of respondent or of any other person.

23 (11.5) Protection of animals. Grant the petitioner the  
24 exclusive care, custody, or control of any animal owned,  
25 possessed, leased, kept, or held by either the petitioner  
26 or the respondent or a minor child residing in the

1 residence or household of either the petitioner or the  
2 respondent and order the respondent to stay away from the  
3 animal and forbid the respondent from taking,  
4 transferring, encumbering, concealing, harming, or  
5 otherwise disposing of the animal.

6 (12) Order for payment of support. Order respondent to  
7 pay temporary support for the petitioner or any child in  
8 the petitioner's care or over whom the petitioner has been  
9 allocated parental responsibility, when the respondent has  
10 a legal obligation to support that person, in accordance  
11 with the Illinois Marriage and Dissolution of Marriage Act,  
12 which shall govern, among other matters, the amount of  
13 support, payment through the clerk and withholding of  
14 income to secure payment. An order for child support may be  
15 granted to a petitioner with lawful physical care of a  
16 child, or an order or agreement for physical care of a  
17 child, prior to entry of an order allocating significant  
18 decision-making responsibility. Such a support order shall  
19 expire upon entry of a valid order allocating parental  
20 responsibility differently and vacating the petitioner's  
21 significant decision-making authority, unless otherwise  
22 provided in the order.

23 (13) Order for payment of losses. Order respondent to  
24 pay petitioner for losses suffered as a direct result of  
25 the abuse, neglect, or exploitation. Such losses shall  
26 include, but not be limited to, medical expenses, lost

1 earnings or other support, repair or replacement of  
2 property damaged or taken, reasonable attorney's fees,  
3 court costs and moving or other travel expenses, including  
4 additional reasonable expenses for temporary shelter and  
5 restaurant meals.

6 (i) Losses affecting family needs. If a party is  
7 entitled to seek maintenance, child support or  
8 property distribution from the other party under the  
9 Illinois Marriage and Dissolution of Marriage Act, as  
10 now or hereafter amended, the court may order  
11 respondent to reimburse petitioner's actual losses, to  
12 the extent that such reimbursement would be  
13 "appropriate temporary relief", as authorized by  
14 subsection (a) (3) of Section 501 of that Act.

15 (ii) Recovery of expenses. In the case of an  
16 improper concealment or removal of a minor child, the  
17 court may order respondent to pay the reasonable  
18 expenses incurred or to be incurred in the search for  
19 and recovery of the minor child, including but not  
20 limited to legal fees, court costs, private  
21 investigator fees, and travel costs.

22 (14) Prohibition of entry. Prohibit the respondent  
23 from entering or remaining in the residence or household  
24 while the respondent is under the influence of alcohol or  
25 drugs and constitutes a threat to the safety and well-being  
26 of the petitioner or the petitioner's children.

1 (14.5) Prohibition of firearm possession.

2 (a) Prohibit a respondent against whom an order of  
3 protection was issued from possessing any firearms  
4 during the duration of the order if the order:

5 (1) was issued after a hearing of which such  
6 person received actual notice, and at which such  
7 person had an opportunity to participate;

8 (2) restrains such person from harassing,  
9 stalking, or threatening an intimate partner of  
10 such person or child of such intimate partner or  
11 person, or engaging in other conduct that would  
12 place an intimate partner in reasonable fear of  
13 bodily injury to the partner or child; and

14 (3) (i) includes a finding that such person  
15 represents a credible threat to the physical  
16 safety of such intimate partner or child; or (ii)  
17 by its terms explicitly prohibits the use,  
18 attempted use, or threatened use of physical force  
19 against such intimate partner or child that would  
20 reasonably be expected to cause bodily injury.

21 ~~Any Firearm Owner's Identification Card in the~~  
22 ~~possession of the respondent, except as provided in~~  
23 ~~subsection (b), shall be ordered by the court to be~~  
24 ~~turned over to the local law enforcement agency. The~~  
25 ~~local law enforcement agency shall immediately mail~~  
26 ~~the card to the Department of State Police Firearm~~

1 ~~Owner's Identification Card Office for safekeeping.~~

2 The court shall issue a warrant for seizure of any  
3 firearm in the possession of the respondent, to be kept  
4 by the local law enforcement agency for safekeeping,  
5 except as provided in subsection (b). The period of  
6 safekeeping shall be for the duration of the order of  
7 protection. The firearm or firearms ~~and Firearm~~  
8 ~~Owner's Identification Card, if unexpired,~~ shall, at  
9 the respondent's request, be returned to the  
10 respondent at the end of the order of protection. It is  
11 the respondent's responsibility to notify the  
12 Department of State Police ~~Firearm Owner's~~  
13 ~~Identification Card Office.~~

14 (b) If the respondent is a peace officer as defined  
15 in Section 2-13 of the Criminal Code of 2012, the court  
16 shall order that any firearms used by the respondent in  
17 the performance of his or her duties as a peace officer  
18 be surrendered to the chief law enforcement executive  
19 of the agency in which the respondent is employed, who  
20 shall retain the firearms for safekeeping for the  
21 duration of the order of protection.

22 (c) Upon expiration of the period of safekeeping,  
23 if the firearms ~~or Firearm Owner's Identification Card~~  
24 cannot be returned to respondent because respondent  
25 cannot be located, fails to respond to requests to  
26 retrieve the firearms, or is not lawfully eligible to

1 possess a firearm, upon petition from the local law  
2 enforcement agency, the court may order the local law  
3 enforcement agency to destroy the firearms, use the  
4 firearms for training purposes, or for any other  
5 application as deemed appropriate by the local law  
6 enforcement agency; or that the firearms be turned over  
7 to a third party who is lawfully eligible to possess  
8 firearms, and who does not reside with respondent.

9 (15) Prohibition of access to records. If an order of  
10 protection prohibits respondent from having contact with  
11 the minor child, or if petitioner's address is omitted  
12 under subsection (b) of Section 203, or if necessary to  
13 prevent abuse or wrongful removal or concealment of a minor  
14 child, the order shall deny respondent access to, and  
15 prohibit respondent from inspecting, obtaining, or  
16 attempting to inspect or obtain, school or any other  
17 records of the minor child who is in the care of  
18 petitioner.

19 (16) Order for payment of shelter services. Order  
20 respondent to reimburse a shelter providing temporary  
21 housing and counseling services to the petitioner for the  
22 cost of the services, as certified by the shelter and  
23 deemed reasonable by the court.

24 (17) Order for injunctive relief. Enter injunctive  
25 relief necessary or appropriate to prevent further abuse of  
26 a family or household member or further abuse, neglect, or

1 exploitation of a high-risk adult with disabilities or to  
2 effectuate one of the granted remedies, if supported by the  
3 balance of hardships. If the harm to be prevented by the  
4 injunction is abuse or any other harm that one of the  
5 remedies listed in paragraphs (1) through (16) of this  
6 subsection is designed to prevent, no further evidence is  
7 necessary that the harm is an irreparable injury.

8 (18) Telephone services.

9 (A) Unless a condition described in subparagraph  
10 (B) of this paragraph exists, the court may, upon  
11 request by the petitioner, order a wireless telephone  
12 service provider to transfer to the petitioner the  
13 right to continue to use a telephone number or numbers  
14 indicated by the petitioner and the financial  
15 responsibility associated with the number or numbers,  
16 as set forth in subparagraph (C) of this paragraph. For  
17 purposes of this paragraph (18), the term "wireless  
18 telephone service provider" means a provider of  
19 commercial mobile service as defined in 47 U.S.C. 332.  
20 The petitioner may request the transfer of each  
21 telephone number that the petitioner, or a minor child  
22 in his or her custody, uses. The clerk of the court  
23 shall serve the order on the wireless telephone service  
24 provider's agent for service of process provided to the  
25 Illinois Commerce Commission. The order shall contain  
26 all of the following:

1 (i) The name and billing telephone number of  
2 the account holder including the name of the  
3 wireless telephone service provider that serves  
4 the account.

5 (ii) Each telephone number that will be  
6 transferred.

7 (iii) A statement that the provider transfers  
8 to the petitioner all financial responsibility for  
9 and right to the use of any telephone number  
10 transferred under this paragraph.

11 (B) A wireless telephone service provider shall  
12 terminate the respondent's use of, and shall transfer  
13 to the petitioner use of, the telephone number or  
14 numbers indicated in subparagraph (A) of this  
15 paragraph unless it notifies the petitioner, within 72  
16 hours after it receives the order, that one of the  
17 following applies:

18 (i) The account holder named in the order has  
19 terminated the account.

20 (ii) A difference in network technology would  
21 prevent or impair the functionality of a device on  
22 a network if the transfer occurs.

23 (iii) The transfer would cause a geographic or  
24 other limitation on network or service provision  
25 to the petitioner.

26 (iv) Another technological or operational



1           issue would prevent or impair the use of the  
2           telephone number if the transfer occurs.

3           (C) The petitioner assumes all financial  
4           responsibility for and right to the use of any  
5           telephone number transferred under this paragraph. In  
6           this paragraph, "financial responsibility" includes  
7           monthly service costs and costs associated with any  
8           mobile device associated with the number.

9           (D) A wireless telephone service provider may  
10          apply to the petitioner its routine and customary  
11          requirements for establishing an account or  
12          transferring a number, including requiring the  
13          petitioner to provide proof of identification,  
14          financial information, and customer preferences.

15          (E) Except for willful or wanton misconduct, a  
16          wireless telephone service provider is immune from  
17          civil liability for its actions taken in compliance  
18          with a court order issued under this paragraph.

19          (F) All wireless service providers that provide  
20          services to residential customers shall provide to the  
21          Illinois Commerce Commission the name and address of an  
22          agent for service of orders entered under this  
23          paragraph (18). Any change in status of the registered  
24          agent must be reported to the Illinois Commerce  
25          Commission within 30 days of such change.

26          (G) The Illinois Commerce Commission shall

1 maintain the list of registered agents for service for  
2 each wireless telephone service provider on the  
3 Commission's website. The Commission may consult with  
4 wireless telephone service providers and the Circuit  
5 Court Clerks on the manner in which this information is  
6 provided and displayed.

7 (c) Relevant factors; findings.

8 (1) In determining whether to grant a specific remedy,  
9 other than payment of support, the court shall consider  
10 relevant factors, including but not limited to the  
11 following:

12 (i) the nature, frequency, severity, pattern and  
13 consequences of the respondent's past abuse, neglect  
14 or exploitation of the petitioner or any family or  
15 household member, including the concealment of his or  
16 her location in order to evade service of process or  
17 notice, and the likelihood of danger of future abuse,  
18 neglect, or exploitation to petitioner or any member of  
19 petitioner's or respondent's family or household; and

20 (ii) the danger that any minor child will be abused  
21 or neglected or improperly relocated from the  
22 jurisdiction, improperly concealed within the State or  
23 improperly separated from the child's primary  
24 caretaker.

25 (2) In comparing relative hardships resulting to the  
26 parties from loss of possession of the family home, the

1 court shall consider relevant factors, including but not  
2 limited to the following:

3 (i) availability, accessibility, cost, safety,  
4 adequacy, location and other characteristics of  
5 alternate housing for each party and any minor child or  
6 dependent adult in the party's care;

7 (ii) the effect on the party's employment; and

8 (iii) the effect on the relationship of the party,  
9 and any minor child or dependent adult in the party's  
10 care, to family, school, church and community.

11 (3) Subject to the exceptions set forth in paragraph  
12 (4) of this subsection, the court shall make its findings  
13 in an official record or in writing, and shall at a minimum  
14 set forth the following:

15 (i) That the court has considered the applicable  
16 relevant factors described in paragraphs (1) and (2) of  
17 this subsection.

18 (ii) Whether the conduct or actions of respondent,  
19 unless prohibited, will likely cause irreparable harm  
20 or continued abuse.

21 (iii) Whether it is necessary to grant the  
22 requested relief in order to protect petitioner or  
23 other alleged abused persons.

24 (4) For purposes of issuing an ex parte emergency order  
25 of protection, the court, as an alternative to or as a  
26 supplement to making the findings described in paragraphs

1 (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
2 the following procedure:

3 When a verified petition for an emergency order of  
4 protection in accordance with the requirements of Sections  
5 203 and 217 is presented to the court, the court shall  
6 examine petitioner on oath or affirmation. An emergency  
7 order of protection shall be issued by the court if it  
8 appears from the contents of the petition and the  
9 examination of petitioner that the averments are  
10 sufficient to indicate abuse by respondent and to support  
11 the granting of relief under the issuance of the emergency  
12 order of protection.

13 (5) Never married parties. No rights or  
14 responsibilities for a minor child born outside of marriage  
15 attach to a putative father until a father and child  
16 relationship has been established under the Illinois  
17 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
18 the Illinois Public Aid Code, Section 12 of the Vital  
19 Records Act, the Juvenile Court Act of 1987, the Probate  
20 Act of 1975 ~~1985~~, the Revised Uniform Reciprocal  
21 Enforcement of Support Act, the Uniform Interstate Family  
22 Support Act, the Expedited Child Support Act of 1990, any  
23 judicial, administrative, or other act of another state or  
24 territory, any other Illinois statute, or by any foreign  
25 nation establishing the father and child relationship, any  
26 other proceeding substantially in conformity with the

1 Personal Responsibility and Work Opportunity  
2 Reconciliation Act of 1996 (Pub. L. 104-193), or where both  
3 parties appeared in open court or at an administrative  
4 hearing acknowledging under oath or admitting by  
5 affirmation the existence of a father and child  
6 relationship. Absent such an adjudication, finding, or  
7 acknowledgment ~~acknowledgement~~, no putative father shall  
8 be granted temporary allocation of parental  
9 responsibilities, including parenting time with the minor  
10 child, or physical care and possession of the minor child,  
11 nor shall an order of payment for support of the minor  
12 child be entered.

13 (d) Balance of hardships; findings. If the court finds that  
14 the balance of hardships does not support the granting of a  
15 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
16 subsection (b) of this Section, which may require such  
17 balancing, the court's findings shall so indicate and shall  
18 include a finding as to whether granting the remedy will result  
19 in hardship to respondent that would substantially outweigh the  
20 hardship to petitioner from denial of the remedy. The findings  
21 shall be an official record or in writing.

22 (e) Denial of remedies. Denial of any remedy shall not be  
23 based, in whole or in part, on evidence that:

24 (1) Respondent has cause for any use of force, unless  
25 that cause satisfies the standards for justifiable use of  
26 force provided by Article 7 of the Criminal Code of 2012;

1 (2) Respondent was voluntarily intoxicated;

2 (3) Petitioner acted in self-defense or defense of  
3 another, provided that, if petitioner utilized force, such  
4 force was justifiable under Article 7 of the Criminal Code  
5 of 2012;

6 (4) Petitioner did not act in self-defense or defense  
7 of another;

8 (5) Petitioner left the residence or household to avoid  
9 further abuse, neglect, or exploitation by respondent;

10 (6) Petitioner did not leave the residence or household  
11 to avoid further abuse, neglect, or exploitation by  
12 respondent;

13 (7) Conduct by any family or household member excused  
14 the abuse, neglect, or exploitation by respondent, unless  
15 that same conduct would have excused such abuse, neglect,  
16 or exploitation if the parties had not been family or  
17 household members.

18 (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,  
19 eff. 7-28-16; 100-388, eff. 1-1-18; revised 10-6-17.)

20 Section 115. The Revised Uniform Unclaimed Property Act is  
21 amended by changing Section 15-705 as follows:

22 (765 ILCS 1026/15-705)

23 Sec. 15-705. Exceptions to the sale of tangible property.  
24 The administrator shall dispose of tangible property

1 identified by this Section in accordance with this Section.

2 (a) Military medals or decorations. The administrator may  
3 not sell a medal or decoration awarded for military service in  
4 the armed forces of the United States. Instead, the  
5 administrator, with the consent of the respective organization  
6 under paragraph (1), agency under paragraph (2), or entity  
7 under paragraph (3), may deliver a medal or decoration to be  
8 held in custody for the owner, to:

9 (1) a military veterans organization qualified under  
10 Section 501(c)(19) of the Internal Revenue Code;

11 (2) the agency that awarded the medal or decoration; or

12 (3) a governmental entity.

13 After delivery, the administrator is not responsible for  
14 the safekeeping of the medal or decoration.

15 (b) Property with historical value. Property that the  
16 administrator reasonably believes may have historical value  
17 may be, at his or her discretion, loaned to an accredited  
18 museum in the United States where it will be kept until such  
19 time as the administrator orders it to be returned to his or  
20 her custody.

21 (c) Human remains. If human remains are delivered to the  
22 administrator under this Act, the administrator shall deliver  
23 those human remains to the coroner of the county in which the  
24 human remains were abandoned for disposition under Section  
25 3-3034 of the Counties Code. The only human remains that may be  
26 delivered to the administrator under this Act and that the

1 administrator may receive are those that are reported and  
2 delivered as contents of a safe deposit box.

3 (d) Evidence in a criminal investigation. Property that may  
4 have been used in the commission of a crime or that may assist  
5 in the investigation of a crime, as determined after consulting  
6 with the Department of State Police, shall be delivered to the  
7 Department of State Police or other appropriate law enforcement  
8 authority to allow law enforcement to determine whether a  
9 criminal investigation should take place. Any such property  
10 delivered to a law enforcement authority shall be held in  
11 accordance with existing statutes and rules related to the  
12 gathering, retention, and release of evidence.

13 (e) Firearms.

14 (1) The administrator, in cooperation with the  
15 Department of State Police, shall develop a procedure to  
16 determine whether a firearm delivered to the administrator  
17 under this Act has been stolen or used in the commission of  
18 a crime. The Department of State Police shall determine the  
19 appropriate disposition of a firearm that has been stolen  
20 or used in the commission of a crime. The administrator  
21 shall attempt to return a firearm that has not been stolen  
22 or used in the commission of a crime to the rightful owner  
23 if the Department of State Police determines that the owner  
24 may lawfully possess the firearm.

25 (2) If the administrator is unable to return a firearm  
26 to its owner, the administrator shall transfer custody of



1 the firearm to the Department of State Police. Legal title  
2 to a firearm transferred to the Department of State Police  
3 under this subsection (e) is vested in the Department of  
4 State Police by operation of law if:

5 (i) the administrator cannot locate the owner of  
6 the firearm;

7 (ii) the owner of the firearm may not lawfully  
8 possess the firearm;

9 (iii) the apparent owner does not respond to notice  
10 published under Section 15-503 of this Act; or

11 (iv) the apparent owner responds to notice  
12 published under Section 15-502 and states that he or  
13 she no longer claims an interest in the firearm.

14 (3) With respect to a firearm whose title is  
15 transferred to the Department of State Police under this  
16 subsection (e), the Department of State Police may:

17 (i) retain the firearm for use by the crime  
18 laboratory system, for training purposes, or for any  
19 other application as deemed appropriate by the  
20 Department;

21 (ii) transfer the firearm to the Illinois State  
22 Museum if the firearm has historical value; or

23 (iii) destroy the firearm if it is not retained  
24 pursuant to subparagraph (i) or transferred pursuant  
25 to subparagraph (ii).

26 As used in this subsection, "firearm" has the meaning

1 provided in Section 2-7.5 of the Criminal Code of 2012 ~~the~~  
2 ~~Firearm Owners Identification Card Act.~~

3 (Source: P.A. 100-22, eff. 1-1-18.)

4 Section 995. No acceleration or delay. Where this Act makes  
5 changes in a statute that is represented in this Act by text  
6 that is not yet or no longer in effect (for example, a Section  
7 represented by multiple versions), the use of that text does  
8 not accelerate or delay the taking effect of (i) the changes  
9 made by this Act or (ii) provisions derived from any other  
10 Public Act.

11 Section 999. Effective date. This Act takes effect upon  
12 becoming law.

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6	20 ILCS 2605/2605-595	
7	20 ILCS 2605/2605-120 rep.	
8	20 ILCS 2630/2.2	
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