

HB4354



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4354

by Rep. Jerry Lee Long

SYNOPSIS AS INTRODUCED:

See Index

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

LRB100 16397 SLF 31525 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
23 under the Emergency Telephone System Act.

24 (k) Law enforcement officer identification information
25 or driver identification information compiled by a law
26 enforcement agency or the Department of Transportation

1 under Section 11-212 of the Illinois Vehicle Code.

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

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

10 (n) Defense budgets and petitions for certification of
11 compensation and expenses for court appointed trial
12 counsel as provided under Sections 10 and 15 of the Capital
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
16 to trial or sentencing.

17 (o) Information that is prohibited from being
18 disclosed under Section 4 of the Illinois Health and
19 Hazardous Substances Registry Act.

20 (p) Security portions of system safety program plans,
21 investigation reports, surveys, schedules, lists, data, or
22 information compiled, collected, or prepared by or for the
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
26 Act.

1 (q) Information prohibited from being disclosed by the
2 Personnel Records Review Act.

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
18 Accountability Act of 1996, Public Law 104-191, or any
19 subsequent amendments thereto, and any regulations
20 promulgated thereunder.

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

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

1 Assembly or applied for or received a concealed carry
2 license under the Firearm Concealed Carry Act, unless
3 otherwise authorized by the Firearm Concealed Carry Act;
4 and databases under the Firearm Concealed Carry Act,
5 records of the Concealed Carry Licensing Review Board under
6 the Firearm Concealed Carry Act, and law enforcement agency
7 objections under the Firearm Concealed Carry Act.

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9 exempted from disclosure under subsection (g) of Section
10 19.1 of the Toll Highway Act.

11 (x) Information which is exempted from disclosure
12 under Section 5-1014.3 of the Counties Code or Section
13 8-11-21 of the Illinois Municipal Code.

14 (y) Confidential information under the Adult
15 Protective Services Act and its predecessor enabling
16 statute, the Elder Abuse and Neglect Act, including
17 information about the identity and administrative finding
18 against any caregiver of a verified and substantiated
19 decision of abuse, neglect, or financial exploitation of an
20 eligible adult maintained in the Registry established
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23 review team or the Illinois Fatality Review Team Advisory
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3 disclosure by the Juvenile Court Act of 1987.

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5 Officer-Worn Body Camera Act, except to the extent
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12 (ff) Information that is exempted from disclosure
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14 (gg) ~~(ff)~~ Information that is prohibited from being
15 disclosed under Section 7-603.5 of the Illinois Vehicle
16 Code.

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

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

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
26 and Temporary Labor Services Act.

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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15 (gg) ~~(ff)~~ Information that is prohibited from being
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17 Code.

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

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

23 (jj) ~~(ff)~~ Information and reports that are required to
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 perpetuated 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,
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 alikes" 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. In this Section, "has been adjudicated as a mentally
8 disabled person" means the person is the subject of a
9 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 this Code;

11 (11) is subject to involuntary admission as an
12 outpatient as defined in Section 1-119.1 of this Code;

13 (12) is subject to judicial admission as set forth in
14 Section 4-500 of this Code; or

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

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

18 (405 ILCS 5/6-103.2)

19 Sec. 6-103.2. Developmental disability; notice. If a
20 person 14 years old or older is determined to be a person with
21 a developmental disability by a physician, clinical
22 psychologist, or qualified examiner, the physician, clinical
23 psychologist, or qualified examiner shall notify the
24 Department of Human Services within 7 days of making the
25 determination that the person has a developmental disability.

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

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

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

25 For purposes of this Section, "developmental disability"
26 means a disability which is attributable to any other condition

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

- 10 (i) self-care;
11 (ii) receptive and expressive language;
12 (iii) learning;
13 (iv) mobility; or
14 (v) self-direction.

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

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

22 (405 ILCS 5/6-103.3)

23 Sec. 6-103.3. Clear and present danger; notice. If a person
24 is determined to pose a clear and present danger to himself,
25 herself, or to others by a physician, clinical psychologist, or

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

1 criminally, civilly, or professionally liable for making or not
2 making the notification required under this Section, except for
3 willful or wanton misconduct. This Section does not apply to a
4 law enforcement official, if making the notification under this
5 Section will interfere with an ongoing or pending criminal
6 investigation.

7 For the purposes of this Section:

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

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

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

20 "Physician", "clinical psychologist", and "qualified
21 examiner" have the meanings ascribed to them in this Code
22 ~~has the meaning ascribed to it in Section 1.1 of the~~
23 ~~Firearm Owners Identification Card Act.~~

24 "Determined to pose a clear and present danger to
25 himself, herself, or to others by a physician, clinical
26 psychologist, or qualified examiner" means in the

1 professional opinion of the physician, clinical
2 psychologist, or qualified examiner, a person poses a clear
3 and present danger.

4 "School administrator" means the person required to
5 report under the School Administrator Reporting of Mental
6 Health Clear and Present Danger Determinations Law.

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

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

10 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

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

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

21 "Delegate agency" means a unit of local government or
22 health department approved by the Department to carry out the
23 provisions of this Act.

24 "Department" means the Department of Public Health.

1 "Director" means the Director of Public Health.

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

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

7 "Exposed surface" means any interior or exterior surface of
8 a regulated facility.

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

21 "Lead abatement" means any approved work practices that
22 will permanently eliminate lead exposure or remove the
23 lead-bearing substances in a regulated facility. The
24 Department shall establish by rule which work practices are
25 approved or prohibited for lead abatement.

26 "Lead abatement contractor" means any person or entity

1 licensed by the Department to perform lead abatement and
2 mitigation.

3 "Lead abatement supervisor" means any person employed by a
4 lead abatement contractor and licensed by the Department to
5 perform lead abatement and lead mitigation and to supervise
6 lead workers who perform lead abatement and lead mitigation.

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

10 "Lead activities" means the conduct of any lead services,
11 including, lead inspection, lead risk assessment, lead
12 mitigation, or lead abatement work or supervision in a
13 regulated facility.

14 "Lead-bearing substance" means any item containing or
15 coated with lead such that the lead content is more than
16 six-hundredths of one percent (0.06%) lead by total weight; or
17 any dust on surfaces or in furniture or other nonpermanent
18 elements of the regulated facility; or any paint or other
19 surface coating material containing more than five-tenths of
20 one percent (0.5%) lead by total weight (calculated as lead
21 metal) in the total non-volatile content of liquid paint; or
22 lead-bearing substances containing greater than one milligram
23 per square centimeter or any lower standard for lead content in
24 residential paint as may be established by federal law or rule;
25 or more than 1 milligram per square centimeter in the dried
26 film of paint or previously applied substance; or item or dust

1 on item containing lead in excess of the amount specified in
2 the rules authorized by this Act or a lower standard for lead
3 content as may be established by federal law or rule.
4 "Lead-bearing substance" does not include firearm ammunition
5 or components as defined by Section 2-7.1 of the Criminal Code
6 of 2012 ~~the Firearm Owners Identification Card Act.~~

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

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

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

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

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

26 "Lead poisoning" means the condition of having blood lead

1 levels in excess of those considered safe under State and
2 federal rules.

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

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

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

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

23 "Owner" means any person, who alone, jointly, or severally
24 with others:

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

1 (b) Has charge, care, or control of the regulated
2 facility as owner or agent of the owner, or as executor,
3 administrator, trustee, or guardian of the estate of the
4 owner.

5 "Person" means any individual, partnership, firm, company,
6 limited liability company, corporation, association, joint
7 stock company, trust, estate, political subdivision, State
8 agency, or any other legal entity, or their legal
9 representative, agent, or assign.

10 "Regulated facility" means a residential building or child
11 care facility.

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

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

17 (430 ILCS 65/Act rep.)

18 Section 60. The Firearm Owners Identification Card Act is
19 repealed.

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

22 (430 ILCS 66/25)

23 Sec. 25. Qualifications for a license.

1 The Department shall issue a license to an applicant
2 completing an application in accordance with Section 30 of this
3 Act if the person:

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

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

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

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

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

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

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

1 of the license application; and

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

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

5 (430 ILCS 66/30)

6 Sec. 30. Contents of license application.

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

15 (b) The application shall contain the following:

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

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

24 (3) a waiver of the applicant's privacy and
25 confidentiality rights and privileges under all federal

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

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

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

21 (A) a felony;

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

25 (C) 2 or more violations related to driving while
26 under the influence of alcohol, other drug or drugs,

1 intoxicating compound or compounds, or any combination
2 thereof, within the 5 years preceding the date of the
3 license application; and

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

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

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

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

22 (10) a photocopy of any certificates or other evidence
23 of compliance with the training requirements under this
24 Act.

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

1 (430 ILCS 66/40)

2 Sec. 40. Non-resident license applications.

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

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

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

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

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

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

25 (B) if applicable, has a license or permit to carry
26 a firearm or concealed firearm issued by his or her

1 state or territory of residence and attach a copy of
2 the license or permit to the application;

3 (C) understands Illinois laws pertaining to the
4 possession and transport of firearms; and

5 (D) acknowledges that the applicant is subject to
6 the jurisdiction of the Department and Illinois courts
7 for any violation of this Act;

8 (3) a photocopy of any certificates or other evidence
9 of compliance with the training requirements under Section
10 75 of this Act; and

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

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

1 (e) Nothing in this Act shall prohibit a non-resident from
2 transporting a concealed firearm within his or her vehicle in
3 Illinois, if the concealed firearm remains within his or her
4 vehicle and the non-resident:

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

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

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

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

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

19 (430 ILCS 66/70)

20 Sec. 70. Violations.

21 (a) A license issued or renewed under this Act shall be
22 revoked if, at any time, the licensee is found to be ineligible
23 for a license under this Act or the licensee is prohibited from
24 possessing a firearm under State or federal law ~~no longer meets~~
25 ~~the eligibility requirements of the Firearm Owners~~

1 ~~Identification Card Act.~~

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

17 (c) A license is invalid upon expiration of the license,
18 unless the licensee has submitted an application to renew the
19 license, and the applicant is otherwise eligible to possess a
20 license under this Act.

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

26 A licensee in violation of this subsection (d) shall be

1 guilty of a Class A misdemeanor for a first or second violation
2 and a Class 4 felony for a third violation. The Department may
3 suspend a license for up to 6 months for a second violation and
4 shall permanently revoke a license for a third violation.

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

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

25 (g) A licensee whose license is revoked, suspended, or
26 denied shall, within 48 hours of receiving notice of the

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

18 (h) (Blank). ~~A license issued or renewed under this Act~~
19 ~~shall be revoked if, at any time, the licensee is found~~
20 ~~ineligible for a Firearm Owner's Identification Card, or the~~
21 ~~licensee no longer possesses a valid Firearm Owner's~~
22 ~~Identification Card. A licensee whose license is revoked under~~
23 ~~this subsection (h) shall surrender his or her concealed carry~~
24 ~~license as provided for in subsection (g) of this Section.~~

25 ~~This subsection shall not apply to a person who has filed~~
26 ~~an application with the State Police for renewal of a Firearm~~

1 ~~Owner's Identification Card and who is not otherwise ineligible~~
2 ~~to obtain a Firearm Owner's Identification Card.~~

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

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

13 (430 ILCS 66/80)

14 Sec. 80. Certified firearms instructors.

15 (a) Within 60 days of the effective date of this Act, the
16 Department shall begin approval of certified firearms
17 instructors and enter certified firearms instructors into an
18 online registry on the Department's website.

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

25 (c) A person seeking to become a certified firearms

1 instructor shall:

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

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

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

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

13 (1) possess a high school diploma or high school
14 equivalency certificate; and

15 (2) have at least one of the following valid firearms
16 instructor certifications:

17 (A) certification from a law enforcement agency;

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

20 (C) certification from a firearm instructor
21 qualification course offered by the Illinois Law
22 Enforcement Training Standards Board; or

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

26 (e) A person may have his or her firearms instructor

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

7 (430 ILCS 66/105)

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

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

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

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

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

21 No hunting license shall be issued to any person born on or
22 after January 1, 1980 unless he presents the person authorized
23 to issue the license evidence that he has held a hunting
24 license issued by the State of Illinois or another state in a
25 prior year, or a certificate of competency as provided in this

1 Section. Persons under 16 years of age may be issued a Lifetime
2 Hunting or Sportsmen's Combination License as provided under
3 Section 20-45 of the Fish and Aquatic Life Code but shall not
4 be entitled to hunt unless they have a certificate of
5 competency as provided in this Section and they shall have the
6 certificate in their possession while hunting.

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

18 The Department of Natural Resources shall designate any
19 person found by it to be competent to give instruction in the
20 handling of firearms, hunter safety, and bow and arrow. The
21 persons so appointed shall give the course of instruction and
22 upon the successful completion shall issue to the person
23 instructed a certificate of competency in the safe handling of
24 firearms, hunter safety, and bow and arrow. No charge shall be
25 made for any course of instruction except for materials or
26 ammunition consumed. The Department of Natural Resources shall

1 furnish information on the requirements of hunter safety
2 education programs to be distributed free of charge to
3 applicants for hunting licenses by the persons appointed and
4 authorized to issue licenses. ~~Funds for the conducting of
5 firearms and hunter safety courses shall be taken from the fee
6 charged for the Firearm Owners Identification Card.~~

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

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

25 A special nonresident hunting license authorizing a
26 nonresident to take game birds by hunting on a game breeding

1 and hunting preserve area only, established under Section 3.27,
2 shall be issued upon proper application being made and payment
3 of a fee equal to that for a resident hunting license. The
4 expiration date of this license shall be on the same date each
5 year that game breeding and hunting preserve area licenses
6 expire.

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

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

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

26 The fees for State Pheasant Stamps and State Furbearer

1 Stamps shall be waived for residents over 75 years of age.

2 The Department shall furnish the holders of hunting
3 licenses and stamps with an insignia as evidence of possession
4 of license, or license and stamp, as the Department may
5 consider advisable. The insignia shall be exhibited and used as
6 the Department may order.

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

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

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

20 (520 ILCS 5/3.2a) (from Ch. 61, par. 3.2a)

21 Sec. 3.2a. Every person holding any license, permit or
22 stamp issued under the provisions hereof shall have it in his
23 possession for immediate presentation for inspection to the
24 officers and authorized employees of the Department, any
25 sheriff, deputy sheriff or any other peace officer making a

1 demand for it. This provision shall not apply to Department
2 owned or managed sites where it is required that all hunters
3 deposit their license or ~~7~~ permit ~~or Firearm Owner's~~
4 ~~Identification Card~~ at the check station upon entering the
5 hunting areas.

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

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

9 (705 ILCS 105/27.3a)

10 Sec. 27.3a. Fees for automated record keeping, probation
11 and court services operations, State and Conservation Police
12 operations, and e-business programs.

13 1. The expense of establishing and maintaining automated
14 record keeping systems in the offices of the clerks of the
15 circuit court shall be borne by the county. To defray such
16 expense in any county having established such an automated
17 system or which elects to establish such a system, the county
18 board may require the clerk of the circuit court in their
19 county to charge and collect a court automation fee of not less
20 than \$1 nor more than \$25 to be charged and collected by the
21 clerk of the court. Such fee shall be paid at the time of
22 filing the first pleading, paper or other appearance filed by
23 each party in all civil cases or by the defendant in any
24 felony, traffic, misdemeanor, municipal ordinance, or

1 conservation case upon a judgment of guilty or grant of
2 supervision, provided that the record keeping system which
3 processes the case category for which the fee is charged is
4 automated or has been approved for automation by the county
5 board, and provided further that no additional fee shall be
6 required if more than one party is presented in a single
7 pleading, paper or other appearance. Such fee shall be
8 collected in the manner in which all other fees or costs are
9 collected.

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

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

24 1.2. With respect to the fee imposed and collected under
25 subsection 1.1 of this Section, each clerk shall transfer all
26 fees monthly to the county treasurer for deposit into the

1 probation and court services fund created under Section 15.1 of
2 the Probation and Probation Officers Act, and such monies shall
3 be disbursed from the fund only at the direction of the chief
4 judge of the circuit or another judge designated by the Chief
5 Circuit Judge in accordance with the policies and guidelines
6 approved by the Supreme Court.

7 1.5. Starting on June 1, 2014, a clerk of the circuit court
8 in any county that imposes a fee pursuant to subsection 1 of
9 this Section, shall charge and collect an additional fee in an
10 amount equal to the amount of the fee imposed pursuant to
11 subsection 1 of this Section, except the fee imposed under this
12 subsection may not be more than \$15. This additional fee shall
13 be paid by the defendant in any felony, traffic, misdemeanor,
14 or local ordinance case upon a judgment of guilty or grant of
15 supervision. This fee shall not be paid by the defendant for
16 any violation listed in subsection 1.6 of this Section.

17 1.6. Starting on June 1, 2014, a clerk of the circuit court
18 in any county that imposes a fee pursuant to subsection 1 of
19 this Section shall charge and collect an additional fee in an
20 amount equal to the amount of the fee imposed pursuant to
21 subsection 1 of this Section, except the fee imposed under this
22 subsection may not be more than \$15. This additional fee shall
23 be paid by the defendant upon a judgment of guilty or grant of
24 supervision for a violation under the State Parks Act, the
25 Recreational Trails of Illinois Act, the Illinois Explosives
26 Act, the Timber Buyers Licensing Act, the Forest Products

1 Transportation Act, ~~the Firearm Owners Identification Card~~
2 ~~Act~~, the Environmental Protection Act, the Fish and Aquatic
3 Life Code, the Wildlife Code, the Cave Protection Act, the
4 Illinois Exotic Weed Act, the Illinois Forestry Development
5 Act, the Ginseng Harvesting Act, the Illinois Lake Management
6 Program Act, the Illinois Natural Areas Preservation Act, the
7 Illinois Open Land Trust Act, the Open Space Lands Acquisition
8 and Development Act, the Illinois Prescribed Burning Act, the
9 State Forest Act, the Water Use Act of 1983, the Illinois
10 Veteran, Youth, and Young Adult Conservation Jobs Act, the
11 Snowmobile Registration and Safety Act, the Boat Registration
12 and Safety Act, the Illinois Dangerous Animals Act, the Hunter
13 and Fishermen Interference Prohibition Act, the Wrongful Tree
14 Cutting Act, or Section 11-1426.1, 11-1426.2, 11-1427,
15 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or 11-1427.5 of
16 the Illinois Vehicle Code, or Section 48-3 or 48-10 of the
17 Criminal Code of 2012.

18 1.7. Starting on the 30th day after the effective date of
19 this amendatory Act of the 99th General Assembly, a clerk of
20 the circuit court in any county that imposes a fee pursuant to
21 subsection 1 of this Section shall also charge and collect an
22 additional \$9 e-business fee. The fee shall be paid at the time
23 of filing the first pleading, paper, or other appearance filed
24 by each party in all civil cases, except no additional fee
25 shall be required if more than one party is presented in a
26 single pleading, paper, or other appearance. The fee shall be

1 collected in the manner in which all other fees or costs are
2 collected. The fee shall be in addition to all other fees and
3 charges of the clerk, and assessable as costs, and may be
4 waived only if the judge specifically provides for the waiver
5 of the e-business fee. The fee shall not be charged in any
6 matter coming to the clerk on a change of venue, nor in any
7 proceeding to review the decision of any administrative
8 officer, agency, or body.

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

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

1 designate.

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

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

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

25 7. With respect to the additional fee imposed under
26 subsection 1.6 of this Section, the fee shall be remitted by

1 the circuit clerk to the State Treasurer within one month after
2 receipt for deposit into the Conservation Police Operations
3 Assistance Fund.

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

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

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

18 (720 ILCS 5/2-7.1)

19 Sec. 2-7.1. "Firearm" ~~"Firearm"~~ and ~~"firearm"~~ ammunition".
20 "Firearm" ~~"Firearm"~~ and ~~"firearm"~~ ammunition" means any
21 self-contained cartridge or shotgun shell, by whatever name
22 known, which is designed to be used or adaptable to use in a
23 firearm; excluding, however:

24 (1) any ammunition exclusively designed for use with a

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

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

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

9 (720 ILCS 5/2-7.5)

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

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

19 (1.1) any pneumatic gun, spring gun, paint ball gun, or B-B
20 gun which expels breakable paint balls containing washable
21 marking colors;

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

25 (3) any device used exclusively for the firing of stud

1 cartridges, explosive rivets, or similar industrial
2 ammunition; and

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

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

11 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

12 Sec. 12-3.05. Aggravated battery.

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

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

19 (2) Causes severe and permanent disability, great
20 bodily harm, or disfigurement by means of a caustic or
21 flammable substance, a poisonous gas, a deadly biological
22 or chemical contaminant or agent, a radioactive substance,
23 or a bomb or explosive compound.

24 (3) Causes great bodily harm or permanent disability or
25 disfigurement to an individual whom the person knows to be

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

6 (i) performing his or her official duties;

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

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

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

13 (5) Strangles another individual.

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

19 (1) causes great bodily harm or permanent disability or
20 disfigurement to any child under the age of 13 years, or to
21 any person with a severe or profound intellectual
22 disability; or

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

26 (c) Offense based on location of conduct. A person commits

1 aggravated battery when, in committing a battery, other than by
2 the discharge of a firearm, he or she is or the person battered
3 is on or about a public way, public property, a public place of
4 accommodation or amusement, a sports venue, or a domestic
5 violence shelter.

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

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

11 (2) A person who is pregnant or has a physical
12 disability.

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

16 (4) A peace officer, community policing volunteer,
17 fireman, private security officer, correctional
18 institution employee, or Department of Human Services
19 employee supervising or controlling sexually dangerous
20 persons or sexually violent persons:

21 (i) performing his or her official duties;

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

24 (iii) battered in retaliation for performing his
25 or her official duties.

26 (5) A judge, emergency management worker, emergency

1 medical services personnel, or utility worker:

2 (i) performing his or her official duties;

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

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

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

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

12 (8) A taxi driver on duty.

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

17 (10) A person authorized to serve process under Section
18 2-202 of the Code of Civil Procedure or a special process
19 server appointed by the circuit court while that individual
20 is in the performance of his or her duties as a process
21 server.

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

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

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

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

10 (i) performing his or her official duties;

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

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

15 (3) Discharges a firearm, other than a machine gun or a
16 firearm equipped with a silencer, and causes any injury to
17 a person he or she knows to be emergency medical services
18 personnel:

19 (i) performing his or her official duties;

20 (ii) battered to prevent performance of his or her
21 official duties; or

22 (iii) battered in retaliation for performing his
23 or her official duties.

24 (4) Discharges a firearm and causes any injury to a
25 person he or she knows to be a teacher, a student in a
26 school, or a school employee, and the teacher, student, or

1 employee is upon school grounds or grounds adjacent to a
2 school or in any part of a building used for school
3 purposes.

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

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

12 (i) performing his or her official duties;

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

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

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

20 (i) performing his or her official duties;

21 (ii) battered to prevent performance of his or her
22 official duties; or

23 (iii) battered in retaliation for performing his
24 or her official duties.

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

1 knows to be a teacher, or a student in a school, or a
2 school employee, and the teacher, student, or employee is
3 upon school grounds or grounds adjacent to a school or in
4 any part of a building used for school purposes.

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

8 (1) Uses a deadly weapon other than by discharge of a
9 firearm, or uses an air rifle as defined in Section
10 24.8-0.1 of this Code.

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

13 (3) Knowingly and without lawful justification shines
14 or flashes a laser gunsight or other laser device attached
15 to a firearm, or used in concert with a firearm, so that
16 the laser beam strikes upon or against the person of
17 another.

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

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

23 (1) Violates Section 401 of the Illinois Controlled
24 Substances Act by unlawfully delivering a controlled
25 substance to another and any user experiences great bodily
26 harm or permanent disability as a result of the injection,

1 inhalation, or ingestion of any amount of the controlled
2 substance.

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

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

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

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

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

24 Aggravated battery as defined in subdivision (a)(1) is a
25 Class 1 felony when the aggravated battery was intentional and
26 involved the infliction of torture, as defined in paragraph

1 (14) of subsection (b) of Section 9-1 of this Code, as the
2 infliction of or subjection to extreme physical pain, motivated
3 by an intent to increase or prolong the pain, suffering, or
4 agony of the victim.

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

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

9 (B) the person caused great bodily harm or permanent
10 disability or disfigurement to the other person while
11 committing the offense; or

12 (C) the person has been previously convicted of a
13 violation of subdivision (a)(5) under the laws of this
14 State or laws similar to subdivision (a)(5) of any other
15 state.

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

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

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

26 Aggravated battery as defined in subdivision (e)(2),

1 (e) (3), or (e) (4) is a Class X felony for which a person shall
2 be sentenced to a term of imprisonment of a minimum of 15 years
3 and a maximum of 60 years.

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

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

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

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

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

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

23 "Building or other structure used to provide shelter" has
24 the meaning ascribed to "shelter" in Section 1 of the Domestic
25 Violence Shelters Act.

26 "Domestic violence" has the meaning ascribed to it in

1 Section 103 of the Illinois Domestic Violence Act of 1986.

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

9 "Firearm" has the meaning provided under Section 2-7.5 of
10 this Code ~~1.1 of the Firearm Owners Identification Card Act,~~
11 and does not include an air rifle as defined by Section
12 24.8-0.1 of this Code.

13 "Machine gun" has the meaning ascribed to it in Section
14 24-1 of this Code.

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

17 "Strangle" means intentionally impeding the normal
18 breathing or circulation of the blood of an individual by
19 applying pressure on the throat or neck of that individual or
20 by blocking the nose or mouth of that individual.

21 (Source: P.A. 98-369, eff. 1-1-14; 98-385, eff. 1-1-14; 98-756,
22 eff. 7-16-14; 99-143, eff. 7-27-15; 99-816, eff. 8-15-16.)

23 (720 ILCS 5/16-0.1)

24 Sec. 16-0.1. Definitions. In this Article, unless the
25 context clearly requires otherwise, the following terms are

1 defined as indicated:

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

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

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

1 transmissions, signals, or services.

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

18 "Communication service provider" means: (1) any person or
19 entity providing any communication service, whether directly
20 or indirectly, as a reseller, including, but not limited to, a
21 cellular, paging or other wireless communications company or
22 other person or entity which, for a fee, supplies the facility,
23 cell site, mobile telephone switching office or other equipment
24 or communication service; (2) any person or entity owning or
25 operating any cable television, fiber optic, satellite,
26 telephone, wireless, microwave, radio, data transmission or

1 Internet-based distribution network, system or facility; and
2 (3) any person or entity providing any communication service
3 directly or indirectly by or through any such distribution
4 system, network or facility.

5 "Computer" means a device that accepts, processes, stores,
6 retrieves or outputs data, and includes but is not limited to
7 auxiliary storage and telecommunications devices connected to
8 computers.

9 "Continuing course of conduct" means a series of acts, and
10 the accompanying mental state necessary for the crime in
11 question, irrespective of whether the series of acts are
12 continuous or intermittent.

13 "Delivery container" means any bakery basket of wire or
14 plastic used to transport or store bread or bakery products,
15 any dairy case of wire or plastic used to transport or store
16 dairy products, and any dolly or cart of 2 or 4 wheels used to
17 transport or store any bakery or dairy product.

18 "Document-making implement" means any implement,
19 impression, template, computer file, computer disc, electronic
20 device, computer hardware, computer software, instrument, or
21 device that is used to make a real or fictitious or fraudulent
22 personal identification document.

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

- 24 (1) An electronic funds transfer card.
25 (2) A credit card.
26 (3) A debit card.

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

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

11 (A) Obtaining money, cash refund or credit
12 account, credit, goods, services, or any other thing of
13 value.

14 (B) Certifying or guaranteeing to a person or
15 business the availability to the device holder of funds
16 on deposit to honor a draft or check payable to the
17 order of that person or business.

18 (C) Providing the device holder access to a deposit
19 account for the purpose of making deposits,
20 withdrawing funds, transferring funds between deposit
21 accounts, obtaining information pertaining to a
22 deposit account, or making an electronic funds
23 transfer.

24 "Full retail value" means the merchant's stated or
25 advertised price of the merchandise. "Full retail value"
26 includes the aggregate value of property obtained from retail

1 thefts committed by the same person as part of a continuing
2 course of conduct from one or more mercantile establishments in
3 a single transaction or in separate transactions over a period
4 of one year.

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

15 "Library card" means a card or plate issued by a library
16 facility for purposes of identifying the person to whom the
17 library card was issued as authorized to borrow library
18 material, subject to all limitations and conditions imposed on
19 the borrowing by the library facility issuing such card.

20 "Library facility" includes any public library or museum,
21 or any library or museum of an educational, historical or
22 eleemosynary institution, organization or society.

23 "Library material" includes any book, plate, picture,
24 photograph, engraving, painting, sculpture, statue, artifact,
25 drawing, map, newspaper, pamphlet, broadside, magazine,
26 manuscript, document, letter, microfilm, sound recording,

1 audiovisual material, magnetic or other tape, electronic data
2 processing record or other documentary, written or printed
3 material regardless of physical form or characteristics, or any
4 part thereof, belonging to, or on loan to or otherwise in the
5 custody of a library facility.

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

17 "Manufacture or assembly of an unlawful communication
18 device" means to make, produce or assemble an unlawful
19 communication or wireless device or to modify, alter, program
20 or reprogram a communication or wireless device to be capable
21 of acquiring, disrupting, receiving, transmitting, decrypting,
22 or facilitating the acquisition, disruption, receipt,
23 transmission or decryption of, a communication service without
24 the express consent or express authorization of the
25 communication service provider, or to knowingly assist others
26 in those activities.

1 "Master sound recording" means the original physical
2 object on which a given set of sounds were first recorded and
3 which the original object from which all subsequent sound
4 recordings embodying the same set of sounds are directly or
5 indirectly derived.

6 "Merchandise" means any item of tangible personal
7 property, including motor fuel.

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

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

21 "Online" means the use of any electronic or wireless device
22 to access the Internet.

23 "Payment card" means a credit card, charge card, debit
24 card, or any other card that is issued to an authorized card
25 user and that allows the user to obtain, purchase, or receive
26 goods, services, money, or anything else of value from a

1 merchant.

2 "Person with a disability" means a person who suffers from
3 a physical or mental impairment resulting from disease, injury,
4 functional disorder or congenital condition that impairs the
5 individual's mental or physical ability to independently
6 manage his or her property or financial resources, or both.

7 "Personal identification document" means a birth
8 certificate, a driver's license, a State identification card, a
9 public, government, or private employment identification card,
10 a social security card, a license issued under the Firearm
11 Concealed Carry Act ~~firearm owner's identification card~~, a
12 credit card, a debit card, or a passport issued to or on behalf
13 of a person other than the offender, or any document made or
14 issued, or falsely purported to have been made or issued, by or
15 under the authority of the United States Government, the State
16 of Illinois, or any other state political subdivision of any
17 state, or any other governmental or quasi-governmental
18 organization that is of a type intended for the purpose of
19 identification of an individual, or any such document made or
20 altered in a manner that it falsely purports to have been made
21 on behalf of or issued to another person or by the authority of
22 one who did not give that authority.

23 "Personal identifying information" means any of the
24 following information:

25 (1) A person's name.

26 (2) A person's address.

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

2 (4) A person's telephone number.

3 (5) A person's driver's license number or State of
4 Illinois identification card as assigned by the Secretary
5 of State of the State of Illinois or a similar agency of
6 another state.

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

8 (7) A person's public, private, or government
9 employer, place of employment, or employment
10 identification number.

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

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

14 (10) The number assigned to a person's credit or debit
15 card, commonly known as a "Visa Card", "MasterCard",
16 "American Express Card", "Discover Card", or other similar
17 cards whether issued by a financial institution,
18 corporation, or business entity.

19 (11) Personal identification numbers.

20 (12) Electronic identification numbers.

21 (13) Digital signals.

22 (14) User names, passwords, and any other word, number,
23 character or combination of the same usable in whole or
24 part to access information relating to a specific
25 individual, or to the actions taken, communications made or
26 received, or other activities or transactions of a specific

1 individual.

2 (15) Any other numbers or information which can be used
3 to access a person's financial resources, or to identify a
4 specific individual, or the actions taken, communications
5 made or received, or other activities or transactions of a
6 specific individual.

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

13 "Public water, gas, or power supply, or other public
14 services" mean any service subject to regulation by the
15 Illinois Commerce Commission; any service furnished by a public
16 utility that is owned and operated by any political
17 subdivision, public institution of higher education or
18 municipal corporation of this State; any service furnished by
19 any public utility that is owned by such political subdivision,
20 public institution of higher education, or municipal
21 corporation and operated by any of its lessees or operating
22 agents; any service furnished by an electric cooperative as
23 defined in Section 3.4 of the Electric Supplier Act; or
24 wireless service or other service regulated by the Federal
25 Communications Commission.

26 "Publish" means to communicate or disseminate information

1 to any one or more persons, either orally, in person, or by
2 telephone, radio or television or in writing of any kind,
3 including, without limitation, a letter or memorandum,
4 circular or handbill, newspaper or magazine article or book.

5 "Radio frequency identification device" means any
6 implement, computer file, computer disc, electronic device,
7 computer hardware, computer software, or instrument that is
8 used to activate, read, receive, or decode information stored
9 on a RFID tag or transponder attached to a personal
10 identification document.

11 "RFID tag or transponder" means a chip or device that
12 contains personal identifying information from which the
13 personal identifying information can be read or decoded by
14 another device emitting a radio frequency that activates or
15 powers a radio frequency emission response from the chip or
16 transponder.

17 "Reencoder" means an electronic device that places encoded
18 information from the magnetic strip or stripe of a payment card
19 onto the magnetic strip or stripe of a different payment card.

20 "Retail mercantile establishment" means any place where
21 merchandise is displayed, held, stored or offered for sale to
22 the public.

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

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

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

12 "Theft detection device remover" means any tool or device
13 specifically designed and intended to be used to remove any
14 theft detection device from any merchandise.

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

18 "Unidentified sound or audio visual recording" means a
19 sound or audio visual recording without the actual name and
20 full and correct street address of the manufacturer, and the
21 name of the actual performers or groups prominently and legibly
22 printed on the outside cover or jacket and on the label of such
23 sound or audio visual recording.

24 "Unlawful access device" means any type of instrument,
25 device, machine, equipment, technology, or software which is
26 primarily possessed, used, designed, assembled, manufactured,

1 sold, distributed or offered, promoted or advertised for the
2 purpose of defeating or circumventing any technology, device or
3 software, or any component or part thereof, used by the
4 provider, owner or licensee of any communication service or of
5 any data, audio or video programs or transmissions to protect
6 any such communication, audio or video services, programs or
7 transmissions from unauthorized access, acquisition, receipt,
8 decryption, disclosure, communication, transmission or
9 re-transmission.

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

21 (1) any phone altered to obtain service without the
22 express consent or express authorization of the
23 communication service provider, tumbler phone, counterfeit
24 or clone phone, tumbler microchip, counterfeit or clone
25 microchip, scanning receiver of wireless communication
26 service or other instrument capable of disguising its

1 identity or location or of gaining unauthorized access to a
2 communications or wireless system operated by a
3 communication service provider; and

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

21 "Vehicle" means a motor vehicle, motorcycle, or farm
22 implement that is self-propelled and that uses motor fuel for
23 propulsion.

24 "Wireless device" includes any type of instrument, device,
25 machine, or equipment that is capable of transmitting or
26 receiving telephonic, electronic or radio communications, or

1 any part of such instrument, device, machine, or equipment, or
2 any computer circuit, computer chip, electronic mechanism, or
3 other component that is capable of facilitating the
4 transmission or reception of telephonic, electronic, or radio
5 communications.

6 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-388, eff.
7 1-1-12; 97-1109, eff. 1-1-13.)

8 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

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

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

17 (b) Construction equipment identification defacement. A
18 person commits construction equipment identification
19 defacement when he or she knowingly changes, alters, removes,
20 mutilates, or obliterates a permanently affixed serial number,
21 product identification number, part number, component
22 identification number, owner-applied identification, or other
23 mark of identification attached to or stamped, inscribed,
24 molded, or etched into a machine or other equipment, whether
25 stationary or mobile or self-propelled, or a part of such

1 machine or equipment, used in the construction, maintenance, or
2 demolition of buildings, structures, bridges, tunnels, sewers,
3 utility pipes or lines, ditches or open cuts, roads, highways,
4 dams, airports, or waterways or in material handling for such
5 projects.

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

21 (c) Defacement of manufacturer's serial number or
22 identification mark. A person commits defacement of a
23 manufacturer's serial number or identification mark when he or
24 she knowingly removes, alters, defaces, covers, or destroys the
25 manufacturer's serial number or any other manufacturer's
26 number or distinguishing identification mark upon any machine

1 or other article of merchandise, other than a motor vehicle as
2 defined in Section 1-146 of the Illinois Vehicle Code or a
3 firearm ~~as defined in the Firearm Owners Identification Card~~
4 ~~Act~~, with the intent of concealing or destroying the identity
5 of such machine or other article of merchandise.

6 (d) Sentence.

7 (1) A violation of subsection (a) of this Section is a
8 Class 4 felony if the value of the appliance or appliances
9 exceeds \$1,000 and a Class B misdemeanor if the value of
10 the appliance or appliances is \$1,000 or less.

11 (2) A violation of subsection (b) of this Section is a
12 Class A misdemeanor.

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

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

17 (f) Definitions. In this Section:

18 "Commercial context" means a continuing business
19 enterprise conducted for profit by any person whose primary
20 business is the wholesale or retail marketing of household
21 appliances, or a significant portion of whose business or
22 inventory consists of household appliances kept or sold on a
23 wholesale or retail basis.

24 "Household appliance" means any gas or electric device or
25 machine marketed for use as home entertainment or for
26 facilitating or expediting household tasks or chores. The term

1 shall include but not necessarily be limited to refrigerators,
2 freezers, ranges, radios, television sets, vacuum cleaners,
3 toasters, dishwashers, and other similar household items.

4 "Manufacturer's identification number" means any serial
5 number or other similar numerical or alphabetical designation
6 imprinted upon or attached to or placed, stamped, or otherwise
7 imprinted upon or attached to a household appliance or item by
8 the manufacturer for purposes of identifying a particular
9 appliance or item individually or by lot number.

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

11 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

15 (1) Sells, manufactures, purchases, possesses or
16 carries any bludgeon, black-jack, slung-shot, sand-club,
17 sand-bag, metal knuckles or other knuckle weapon
18 regardless of its composition, throwing star, or any knife,
19 commonly referred to as a switchblade knife, which has a
20 blade that opens automatically by hand pressure applied to
21 a button, spring or other device in the handle of the
22 knife, or a ballistic knife, which is a device that propels
23 a knifelike blade as a projectile by means of a coil
24 spring, elastic material or compressed gas; or

25 (2) Carries or possesses with intent to use the same

1 unlawfully against another, a dagger, dirk, billy,
2 dangerous knife, razor, stiletto, broken bottle or other
3 piece of glass, stun gun or taser or any other dangerous or
4 deadly weapon or instrument of like character; or

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

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

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

21 (ii) are not immediately accessible; or

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

1 (iv) are carried or possessed in accordance with
2 the Firearm Concealed Carry Act by a person who has
3 been issued a currently valid license under the Firearm
4 Concealed Carry Act; or

5 (5) Sets a spring gun; or

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

9 (7) Sells, manufactures, purchases, possesses or
10 carries:

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

23 (ii) any rifle having one or more barrels less than
24 16 inches in length or a shotgun having one or more
25 barrels less than 18 inches in length or any weapon
26 made from a rifle or shotgun, whether by alteration,

1 modification, or otherwise, if such a weapon as
2 modified has an overall length of less than 26 inches;
3 or

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

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

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

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

25 (10) Carries or possesses on or about his person, upon
26 any public street, alley, or other public lands within the

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

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

12 (ii) are not immediately accessible; or

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

18 (iv) are carried or possessed in accordance with
19 the Firearm Concealed Carry Act by a person who has
20 been issued a currently valid license under the Firearm
21 Concealed Carry Act.

22 A "stun gun or taser", as used in this paragraph (a)
23 means (i) any device which is powered by electrical
24 charging units, such as, batteries, and which fires one or
25 several barbs attached to a length of wire and which, upon
26 hitting a human, can send out a current capable of

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

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

18 (12) (Blank); or

19 (13) Carries or possesses on or about his or her person
20 while in a building occupied by a unit of government, a
21 billy club, other weapon of like character, or other
22 instrument of like character intended for use as a weapon.
23 For the purposes of this Section, "billy club" means a
24 short stick or club commonly carried by police officers
25 which is either telescopic or constructed of a solid piece
26 of wood or other man-made material.

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

19 (c) Violations in specific places.

20 (1) A person who violates subsection 24-1(a)(6) or
21 24-1(a)(7) in any school, regardless of the time of day or
22 the time of year, in residential property owned, operated
23 or managed by a public housing agency or leased by a public
24 housing agency as part of a scattered site or mixed-income
25 development, in a public park, in a courthouse, on the real
26 property comprising any school, regardless of the time of

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

18 (1.5) A person who violates subsection 24-1(a)(4),
19 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
20 time of day or the time of year, in residential property
21 owned, operated, or managed by a public housing agency or
22 leased by a public housing agency as part of a scattered
23 site or mixed-income development, in a public park, in a
24 courthouse, on the real property comprising any school,
25 regardless of the time of day or the time of year, on
26 residential property owned, operated, or managed by a

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

15 (2) A person who violates subsection 24-1(a)(1),
16 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
17 time of day or the time of year, in residential property
18 owned, operated or managed by a public housing agency or
19 leased by a public housing agency as part of a scattered
20 site or mixed-income development, in a public park, in a
21 courthouse, on the real property comprising any school,
22 regardless of the time of day or the time of year, on
23 residential property owned, operated or managed by a public
24 housing agency or leased by a public housing agency as part
25 of a scattered site or mixed-income development, on the
26 real property comprising any public park, on the real

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

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

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

26 (5) For the purposes of this subsection (c), "public

1 transportation agency" means a public or private agency
2 that provides for the transportation or conveyance of
3 persons by means available to the general public, except
4 for transportation by automobiles not used for conveyance
5 of the general public as passengers; and "public
6 transportation facility" means a terminal or other place
7 where one may obtain public transportation.

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

20 (e) Exemptions.

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

25 (2) The provision of paragraph (1) of subsection (a) of
26 this Section prohibiting the sale, manufacture, purchase,

1 possession, or carrying of any knife, commonly referred to
2 as a switchblade knife, which has a blade that opens
3 automatically by hand pressure applied to a button, spring
4 or other device in the handle of the knife, does not apply
5 to a person who possesses a currently valid Firearm Owner's
6 Identification Card previously issued in his or her name by
7 the Department of State Police or to a person or an entity
8 engaged in the business of selling or manufacturing
9 switchblade knives.

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

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

12 Sec. 24-1.1. Unlawful use or possession of weapons by
13 felons or persons in the custody of the Department of
14 Corrections facilities.

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

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

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

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

26 (3) the circumstances regarding a criminal conviction,

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

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

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

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

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

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

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

1 5-4.5-110 of the Unified Code of Corrections. Violation of this
2 Section by a person not confined in a penal institution who has
3 been convicted of a forcible felony, a felony violation of
4 Article 24 of this Code ~~or of the Firearm Owners Identification~~
5 ~~Card Act~~, stalking or aggravated stalking, or a Class 2 or
6 greater felony under the Illinois Controlled Substances Act,
7 the Cannabis Control Act, or the Methamphetamine Control and
8 Community Protection Act is a Class 2 felony for which the
9 person shall be sentenced to not less than 3 years and not more
10 than 14 years, except as provided for in Section 5-4.5-110 of
11 the Unified Code of Corrections. Violation of this Section by a
12 person who is on parole or mandatory supervised release is a
13 Class 2 felony for which the person shall be sentenced to not
14 less than 3 years and not more than 14 years, except as
15 provided for in Section 5-4.5-110 of the Unified Code of
16 Corrections. Violation of this Section by a person not confined
17 in a penal institution is a Class X felony when the firearm
18 possessed is a machine gun. Any person who violates this
19 Section while confined in a penal institution, which is a
20 facility of the Illinois Department of Corrections, is guilty
21 of a Class 1 felony, if he possesses any weapon prohibited
22 under Section 24-1 of this Code regardless of the intent with
23 which he possesses it, a Class X felony if he possesses any
24 firearm, firearm ammunition or explosive, and a Class X felony
25 for which the offender shall be sentenced to not less than 12
26 years and not more than 50 years when the firearm possessed is

1 a machine gun. A violation of this Section while wearing or in
2 possession of body armor as defined in Section 33F-1 is a Class
3 X felony punishable by a term of imprisonment of not less than
4 10 years and not more than 40 years. The possession of each
5 firearm or firearm ammunition in violation of this Section
6 constitutes a single and separate violation.

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

8 (720 ILCS 5/24-1.6)

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

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

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

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

1 of business, or on the land or in the legal dwelling of
2 another person as an invitee with that person's permission,
3 any pistol, revolver, stun gun or taser or other firearm;
4 and

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

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

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

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

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

25 (C) (blank); or ~~the person possessing the firearm~~
26 ~~has not been issued a currently valid Firearm Owner's~~

1 ~~Identification Card; or~~

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

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

12 (F) (blank); or

13 (G) the person possessing the weapon had an order
14 of protection issued against him or her within the
15 previous 2 years; or

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

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

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

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

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

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

6 (ii) are not immediately accessible; or

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

12 (d) Sentence.

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

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

1 ~~year and not more than 3 years.~~

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

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

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

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

19 (720 ILCS 5/24-1.8)

20 Sec. 24-1.8. Unlawful possession of a firearm by a street
21 gang member.

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

24 (1) possesses, carries, or conceals on or about his or
25 her person a firearm and firearm ammunition while on any

1 street, road, alley, gangway, sidewalk, or any other lands,
2 except when inside his or her own abode or inside his or
3 her fixed place of business, ~~and has not been issued a~~
4 ~~currently valid Firearm Owner's Identification Card~~ and is
5 a member of a street gang; or

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

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

23 (c) For purposes of this Section:

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

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

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

5 (720 ILCS 5/24-2)

6 Sec. 24-2. Exemptions.

7 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
8 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
9 the following:

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

13 (2) Wardens, superintendents and keepers of prisons,
14 penitentiaries, jails and other institutions for the
15 detention of persons accused or convicted of an offense,
16 while in the performance of their official duty, or while
17 commuting between their homes and places of employment.

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

22 (4) Special agents employed by a railroad or a public
23 utility to perform police functions, and guards of armored
24 car companies, while actually engaged in the performance of
25 the duties of their employment or commuting between their

1 homes and places of employment; and watchmen while actually
2 engaged in the performance of the duties of their
3 employment.

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

1 Locksmith Act of 2004. The firearm control card shall be
2 carried by the private security contractor, private
3 detective, or private alarm contractor, or employee of the
4 licensed private security contractor, private detective,
5 or private alarm contractor agency at all times when he or
6 she is in possession of a concealable weapon permitted by
7 his or her firearm control card.

8 (6) Any person regularly employed in a commercial or
9 industrial operation as a security guard for the protection
10 of persons employed and private property related to such
11 commercial or industrial operation, while actually engaged
12 in the performance of his or her duty or traveling between
13 sites or properties belonging to the employer, and who, as
14 a security guard, is a member of a security force
15 registered with the Department of Financial and
16 Professional Regulation; provided that such security guard
17 has successfully completed a course of study, approved by
18 and supervised by the Department of Financial and
19 Professional Regulation, consisting of not less than 40
20 hours of training that includes the theory of law
21 enforcement, liability for acts, and the handling of
22 weapons. A person shall be considered eligible for this
23 exemption if he or she has completed the required 20 hours
24 of training for a security officer and 20 hours of required
25 firearm training, and has been issued a firearm control
26 card by the Department of Financial and Professional

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

9 (7) Agents and investigators of the Illinois
10 Legislative Investigating Commission authorized by the
11 Commission to carry the weapons specified in subsections
12 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
13 any investigation for the Commission.

14 (8) Persons employed by a financial institution as a
15 security guard for the protection of other employees and
16 property related to such financial institution, while
17 actually engaged in the performance of their duties,
18 commuting between their homes and places of employment, or
19 traveling between sites or properties owned or operated by
20 such financial institution, and who, as a security guard,
21 is a member of a security force registered with the
22 Department; provided that any person so employed has
23 successfully completed a course of study, approved by and
24 supervised by the Department of Financial and Professional
25 Regulation, consisting of not less than 40 hours of
26 training which includes theory of law enforcement,

1 liability for acts, and the handling of weapons. A person
2 shall be considered to be eligible for this exemption if he
3 or she has completed the required 20 hours of training for
4 a security officer and 20 hours of required firearm
5 training, and has been issued a firearm control card by the
6 Department of Financial and Professional Regulation.
7 Conditions for renewal of firearm control cards issued
8 under the provisions of this Section shall be the same as
9 for those issued under the provisions of the Private
10 Detective, Private Alarm, Private Security, Fingerprint
11 Vendor, and Locksmith Act of 2004. The firearm control card
12 shall be carried by the security guard at all times when he
13 or she is in possession of a concealable weapon permitted
14 by his or her firearm control card. For purposes of this
15 subsection, "financial institution" means a bank, savings
16 and loan association, credit union or company providing
17 armored car services.

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

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

23 (11) Investigators of the Office of the State's
24 Attorneys Appellate Prosecutor authorized by the board of
25 governors of the Office of the State's Attorneys Appellate
26 Prosecutor to carry weapons pursuant to Section 7.06 of the

1 State's Attorneys Appellate Prosecutor's Act.

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

4 (12.5) Probation officers while in the performance of
5 their duties, or while commuting between their homes,
6 places of employment or specific locations that are part of
7 their assigned duties, with the consent of the chief judge
8 of the circuit for which they are employed, if they have
9 received weapons training according to requirements of the
10 Peace Officer and Probation Officer Firearm Training Act.

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

15 (13.5) A person employed as an armed security guard at
16 a nuclear energy, storage, weapons or development site or
17 facility regulated by the Nuclear Regulatory Commission
18 who has completed the background screening and training
19 mandated by the rules and regulations of the Nuclear
20 Regulatory Commission.

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

24 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
25 to or affect any person carrying a concealed pistol, revolver,
26 or handgun and the person has been issued a currently valid

1 license under the Firearm Concealed Carry Act at the time of
2 the commission of the offense.

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

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

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

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

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

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

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

23 (1) Peace officers while in performance of their
24 official duties.

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 duty.

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

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

24 During transportation, such weapons shall be broken
25 down in a non-functioning state or not immediately
26 accessible.

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

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

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

1 membership credential; and the overall length of the weapon
2 as modified is not less than 26 inches.

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

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

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

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

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

19 (2) Bonafide collectors of antique or surplus military
20 ordnance.

21 (3) Laboratories having a department of forensic
22 ballistics, or specializing in the development of
23 ammunition or explosive ordnance.

24 (4) Commerce, preparation, assembly or possession of
25 explosive bullets by manufacturers of ammunition licensed
26 by the federal government, in connection with the supply of

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

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

24 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
25 24-1.6 do not apply to or affect any parole agent or parole
26 supervisor who meets the qualifications and conditions

1 prescribed in Section 3-14-1.5 of the Unified Code of
2 Corrections.

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

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

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

26 (i) Nothing in this Article shall prohibit, apply to, or

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

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

16 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

18 (A) A person commits the offense of unlawful sale or
19 delivery of firearms when he or she knowingly does any of the
20 following:

21 (a) Sells or gives any firearm of a size which may be
22 concealed upon the person to any person under 18 years of
23 age.

24 (b) Sells or gives any firearm to a person under 21
25 years of age who has been convicted of a misdemeanor other

1 than a traffic offense or adjudged delinquent.

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

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

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

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

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

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

22 (g) Delivers any firearm of a size which may be
23 concealed upon the person, incidental to a sale, without
24 withholding delivery of such firearm for at least 72 hours
25 after application for its purchase has been made, or
26 delivers any rifle, shotgun or other long gun, or a stun

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

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

26 (h) While holding any license as a dealer, importer,

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

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

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

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

1 or who occasionally fits special barrels, stocks, or
2 trigger mechanisms to firearms.

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

12 (k) (Blank). ~~Sells or transfers ownership of a firearm~~
13 ~~to a person who does not display to the seller or~~
14 ~~transferor of the firearm either: (1) a currently valid~~
15 ~~Firearm Owner's Identification Card that has previously~~
16 ~~been issued in the transferee's name by the Department of~~
17 ~~State Police under the provisions of the Firearm Owners~~
18 ~~Identification Card Act; or (2) a currently valid license~~
19 ~~to carry a concealed firearm that has previously been~~
20 ~~issued in the transferee's name by the Department of State~~
21 ~~Police under the Firearm Concealed Carry Act. This~~
22 ~~paragraph (k) does not apply to the transfer of a firearm~~
23 ~~to a person who is exempt from the requirement of~~
24 ~~possessing a Firearm Owner's Identification Card under~~
25 ~~Section 2 of the Firearm Owners Identification Card Act.~~
26 ~~For the purposes of this Section, a currently valid Firearm~~

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

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

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

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

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

11 (C) Sentence.

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (D) For purposes of this Section:

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

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

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

25 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15;
26 99-143, eff. 7-27-15; 99-642, eff. 7-28-16.)

1 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

2 Sec. 24-3.1. Unlawful possession of firearms and firearm
3 ammunition.

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

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

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

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

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

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

24 "Patient in a mental institution" means the person
25 was admitted, either voluntarily or involuntarily, to

1 a mental institution for mental health treatment,
2 unless the treatment was voluntary and solely for an
3 alcohol abuse disorder and no other secondary
4 substance abuse disorder or mental illness; or

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

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

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

17 (a-5) A person prohibited from possessing a firearm under
18 this Section may petition the Director of State Police for a
19 hearing and relief from the prohibition, unless the prohibition
20 was based upon a forcible felony, stalking, aggravated
21 stalking, domestic battery, a violation of the Illinois
22 Controlled Substances Act, the Methamphetamine Control and
23 Community Protection Act, or the Cannabis Control Act that is
24 classified as a Class 2 or greater felony, a felony violation
25 of Article 24 of the Criminal Code of 1961 or the Criminal Code
26 of 2012, or an adjudication as a delinquent minor for the

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

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

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

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

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

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

26 (b) Sentence.

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

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

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

14 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

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

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

20 For purposes of this Section:

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

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

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

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

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

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

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

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

7 (1) Peace officers;

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

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

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

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

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

19 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

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

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

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

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

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

8 (720 ILCS 5/24-3.5)

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

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

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

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

25 (b) A person commits the offense of unlawful purchase of a

1 firearm who knowingly purchases or attempts to purchase a
2 firearm with the intent to deliver that firearm to another
3 person who is prohibited by federal or State law from
4 possessing a firearm.

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

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

17 (e) Sentence.

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

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

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

26 (C) is guilty of a Class X felony for which the

1 offender shall be sentenced to a term of imprisonment
2 of not less than 9 years and not more than 40 years for
3 purchasing or attempting to purchase not less than 6
4 firearms at the same time or within a 2 year period.

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

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

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

13 (720 ILCS 5/24-4.1)

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

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

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

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

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

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

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

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

13 (720 ILCS 5/24-4.5 new)

14 Sec. 24-4.5. Dial up system.

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

25 (b) Upon receiving a request from a federally licensed

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

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

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

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

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

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

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

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

17 (720 ILCS 5/24-9)

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

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

1 person having charge of the minor, and the minor causes death
2 or great bodily harm with the firearm, unless the firearm is:

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

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

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

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

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

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

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

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

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

25 Section 85. The Methamphetamine Control and Community

1 Protection Act is amended by changing Section 10 as follows:

2 (720 ILCS 646/10)

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

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

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

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

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

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

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

25 "Emergency response" means the act of collecting evidence

1 from or securing a methamphetamine laboratory site,
2 methamphetamine waste site or other methamphetamine-related
3 site and cleaning up the site, whether these actions are
4 performed by public entities or private contractors paid by
5 public entities.

6 "Emergency service provider" means a local, State, or
7 federal peace officer, firefighter, emergency medical
8 technician-ambulance, emergency medical
9 technician-intermediate, emergency medical
10 technician-paramedic, ambulance driver, or other medical or
11 first aid personnel rendering aid, or any agent or designee of
12 the foregoing.

13 "Finished methamphetamine" means methamphetamine in a form
14 commonly used for personal consumption.

15 "Firearm" has the meaning provided in Section 2-7.5 of the
16 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~
17 ~~Card Act.~~

18 "Manufacture" means to produce, prepare, compound,
19 convert, process, synthesize, concentrate, purify, separate,
20 extract, or package any methamphetamine, methamphetamine
21 precursor, methamphetamine manufacturing catalyst,
22 methamphetamine manufacturing reagent, methamphetamine
23 manufacturing solvent, or any substance containing any of the
24 foregoing.

25 "Methamphetamine" means the chemical methamphetamine (a
26 Schedule II controlled substance under the Illinois Controlled

1 Substances Act) or any salt, optical isomer, salt of optical
2 isomer, or analog thereof, with the exception of
3 3,4-Methylenedioxymethamphetamine (MDMA) or any other
4 scheduled substance with a separate listing under the Illinois
5 Controlled Substances Act.

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

10 "Methamphetamine manufacturing environment" means a
11 structure or vehicle in which:

12 (1) methamphetamine is being or has been manufactured;

13 (2) chemicals that are being used, have been used, or
14 are intended to be used to manufacture methamphetamine are
15 stored;

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

18 (4) methamphetamine manufacturing waste is stored.

19 "Methamphetamine manufacturing material" means any
20 methamphetamine precursor, substance containing any
21 methamphetamine precursor, methamphetamine manufacturing
22 catalyst, substance containing any methamphetamine
23 manufacturing catalyst, methamphetamine manufacturing reagent,
24 substance containing any methamphetamine manufacturing
25 reagent, methamphetamine manufacturing solvent, substance
26 containing any methamphetamine manufacturing solvent, or any

1 other chemical, substance, ingredient, equipment, apparatus,
2 or item that is being used, has been used, or is intended to be
3 used in the manufacture of methamphetamine.

4 "Methamphetamine manufacturing reagent" means any
5 substance other than a methamphetamine manufacturing catalyst
6 that has been used, is being used, or is intended to be used to
7 react with and chemically alter any methamphetamine precursor.

8 "Methamphetamine manufacturing solvent" means any
9 substance that has been used, is being used, or is intended to
10 be used as a medium in which any methamphetamine precursor,
11 methamphetamine manufacturing catalyst, methamphetamine
12 manufacturing reagent, or any substance containing any of the
13 foregoing is dissolved, diluted, or washed during any part of
14 the methamphetamine manufacturing process.

15 "Methamphetamine manufacturing waste" means any chemical,
16 substance, ingredient, equipment, apparatus, or item that is
17 left over from, results from, or is produced by the process of
18 manufacturing methamphetamine, other than finished
19 methamphetamine.

20 "Methamphetamine precursor" means ephedrine,
21 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
22 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
23 isomer, or salt of an optical isomer of any of these chemicals.

24 "Multi-unit dwelling" means a unified structure used or
25 intended for use as a habitation, home, or residence that
26 contains 2 or more condominiums, apartments, hotel rooms, motel

1 rooms, or other living units.

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

5 "Participate" or "participation" in the manufacture of
6 methamphetamine means to produce, prepare, compound, convert,
7 process, synthesize, concentrate, purify, separate, extract,
8 or package any methamphetamine, methamphetamine precursor,
9 methamphetamine manufacturing catalyst, methamphetamine
10 manufacturing reagent, methamphetamine manufacturing solvent,
11 or any substance containing any of the foregoing, or to assist
12 in any of these actions, or to attempt to take any of these
13 actions, regardless of whether this action or these actions
14 result in the production of finished methamphetamine.

15 "Person with a disability" means a person who suffers from
16 a permanent physical or mental impairment resulting from
17 disease, injury, functional disorder, or congenital condition
18 which renders the person incapable of adequately providing for
19 his or her own health and personal care.

20 "Procure" means to purchase, steal, gather, or otherwise
21 obtain, by legal or illegal means, or to cause another to take
22 such action.

23 "Second or subsequent offense" means an offense under this
24 Act committed by an offender who previously committed an
25 offense under this Act, the Illinois Controlled Substances Act,
26 the Cannabis Control Act, or another Act of this State, another

1 state, or the United States relating to methamphetamine,
2 cannabis, or any other controlled substance.

3 "Standard dosage form", as used in relation to any
4 methamphetamine precursor, means that the methamphetamine
5 precursor is contained in a pill, tablet, capsule, caplet, gel
6 cap, or liquid cap that has been manufactured by a lawful
7 entity and contains a standard quantity of methamphetamine
8 precursor.

9 "Unauthorized container", as used in relation to anhydrous
10 ammonia, means any container that is not designed for the
11 specific and sole purpose of holding, storing, transporting, or
12 applying anhydrous ammonia. "Unauthorized container" includes,
13 but is not limited to, any propane tank, fire extinguisher,
14 oxygen cylinder, gasoline can, food or beverage cooler, or
15 compressed gas cylinder used in dispensing fountain drinks.
16 "Unauthorized container" does not encompass anhydrous ammonia
17 manufacturing plants, refrigeration systems where anhydrous
18 ammonia is used solely as a refrigerant, anhydrous ammonia
19 transportation pipelines, anhydrous ammonia tankers, or
20 anhydrous ammonia barges.

21 (Source: P.A. 97-434, eff. 1-1-12.)

22 Section 90. The Code of Criminal Procedure of 1963 is
23 amended by changing Sections 110-10, 112A-11.1, 112A-11.2, and
24 112A-14 as follows:

1 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

2 Sec. 110-10. Conditions of bail bond.

3 (a) If a person is released prior to conviction, either
4 upon payment of bail security or on his or her own
5 recognizance, the conditions of the bail bond shall be that he
6 or she will:

7 (1) Appear to answer the charge in the court having
8 jurisdiction on a day certain and thereafter as ordered by
9 the court until discharged or final order of the court;

10 (2) Submit himself or herself to the orders and process
11 of the court;

12 (3) Not depart this State without leave of the court;

13 (4) Not violate any criminal statute of any
14 jurisdiction;

15 (5) At a time and place designated by the court,
16 surrender all firearms in his or her possession to a law
17 enforcement officer designated by the court to take custody
18 of and impound the firearms ~~and physically surrender his or~~
19 ~~her Firearm Owner's Identification Card to the clerk of the~~
20 ~~circuit court~~ when the offense the person has been charged
21 with is a forcible felony, stalking, aggravated stalking,
22 domestic battery, any violation of the Illinois Controlled
23 Substances Act, the Methamphetamine Control and Community
24 Protection Act, or the Cannabis Control Act that is
25 classified as a Class 2 or greater felony, or any felony
26 violation of Article 24 of the Criminal Code of 1961 or the

1 Criminal Code of 2012; the court may, however, forgo the
2 imposition of this condition when the circumstances of the
3 case clearly do not warrant it or when its imposition would
4 be impractical; ~~if the Firearm Owner's Identification Card~~
5 ~~is confiscated, the clerk of the circuit court shall mail~~
6 ~~the confiscated card to the Illinois State Police;~~ all
7 legally possessed firearms shall be returned to the person
8 upon the charges being dismissed, or if the person is found
9 not guilty, unless the finding of not guilty is by reason
10 of insanity; and

11 (6) At a time and place designated by the court, submit
12 to a psychological evaluation when the person has been
13 charged with a violation of item (4) of subsection (a) of
14 Section 24-1 of the Criminal Code of 1961 or the Criminal
15 Code of 2012 and that violation occurred in a school or in
16 any conveyance owned, leased, or contracted by a school to
17 transport students to or from school or a school-related
18 activity, or on any public way within 1,000 feet of real
19 property comprising any school.

20 Psychological evaluations ordered pursuant to this Section
21 shall be completed promptly and made available to the State,
22 the defendant, and the court. As a further condition of bail
23 under these circumstances, the court shall order the defendant
24 to refrain from entering upon the property of the school,
25 including any conveyance owned, leased, or contracted by a
26 school to transport students to or from school or a

1 school-related activity, or on any public way within 1,000 feet
2 of real property comprising any school. Upon receipt of the
3 psychological evaluation, either the State or the defendant may
4 request a change in the conditions of bail, pursuant to Section
5 110-6 of this Code. The court may change the conditions of bail
6 to include a requirement that the defendant follow the
7 recommendations of the psychological evaluation, including
8 undergoing psychiatric treatment. The conclusions of the
9 psychological evaluation and any statements elicited from the
10 defendant during its administration are not admissible as
11 evidence of guilt during the course of any trial on the charged
12 offense, unless the defendant places his or her mental
13 competency in issue.

14 (b) The court may impose other conditions, such as the
15 following, if the court finds that such conditions are
16 reasonably necessary to assure the defendant's appearance in
17 court, protect the public from the defendant, or prevent the
18 defendant's unlawful interference with the orderly
19 administration of justice:

20 (1) Report to or appear in person before such person or
21 agency as the court may direct;

22 (2) Refrain from possessing a firearm or other
23 dangerous weapon;

24 (3) Refrain from approaching or communicating with
25 particular persons or classes of persons;

26 (4) Refrain from going to certain described

1 geographical areas or premises;

2 (5) Refrain from engaging in certain activities or
3 indulging in intoxicating liquors or in certain drugs;

4 (6) Undergo treatment for drug addiction or
5 alcoholism;

6 (7) Undergo medical or psychiatric treatment;

7 (8) Work or pursue a course of study or vocational
8 training;

9 (9) Attend or reside in a facility designated by the
10 court;

11 (10) Support his or her dependents;

12 (11) If a minor resides with his or her parents or in a
13 foster home, attend school, attend a non-residential
14 program for youths, and contribute to his or her own
15 support at home or in a foster home;

16 (12) Observe any curfew ordered by the court;

17 (13) Remain in the custody of such designated person or
18 organization agreeing to supervise his release. Such third
19 party custodian shall be responsible for notifying the
20 court if the defendant fails to observe the conditions of
21 release which the custodian has agreed to monitor, and
22 shall be subject to contempt of court for failure so to
23 notify the court;

24 (14) Be placed under direct supervision of the Pretrial
25 Services Agency, Probation Department or Court Services
26 Department in a pretrial bond home supervision capacity

1 with or without the use of an approved electronic
2 monitoring device subject to Article 8A of Chapter V of the
3 Unified Code of Corrections;

4 (14.1) The court shall impose upon a defendant who is
5 charged with any alcohol, cannabis, methamphetamine, or
6 controlled substance violation and is placed under direct
7 supervision of the Pretrial Services Agency, Probation
8 Department or Court Services Department in a pretrial bond
9 home supervision capacity with the use of an approved
10 monitoring device, as a condition of such bail bond, a fee
11 that represents costs incidental to the electronic
12 monitoring for each day of such bail supervision ordered by
13 the court, unless after determining the inability of the
14 defendant to pay the fee, the court assesses a lesser fee
15 or no fee as the case may be. The fee shall be collected by
16 the clerk of the circuit court, except as provided in an
17 administrative order of the Chief Judge of the circuit
18 court. The clerk of the circuit court shall pay all monies
19 collected from this fee to the county treasurer for deposit
20 in the substance abuse services fund under Section 5-1086.1
21 of the Counties Code, 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 (14.2) The court shall impose upon all defendants,
12 including those defendants subject to paragraph (14.1)
13 above, placed under direct supervision of the Pretrial
14 Services Agency, Probation Department or Court Services
15 Department in a pretrial bond home supervision capacity
16 with the use of an approved monitoring device, as a
17 condition of such bail bond, a fee which shall represent
18 costs incidental to such electronic monitoring for each day
19 of such bail supervision ordered by the court, unless after
20 determining the inability of the defendant to pay the fee,
21 the court assesses a lesser fee or no fee as the case may
22 be. The fee shall be collected by the clerk of the circuit
23 court, except as provided in an administrative order of the
24 Chief Judge of the circuit court. The clerk of the circuit
25 court shall pay all monies collected from this fee to the
26 county treasurer who shall use the monies collected to

1 defray the costs of corrections. The county treasurer shall
2 deposit the fee collected in the county working cash fund
3 under Section 6-27001 or Section 6-29002 of the Counties
4 Code, as the case may be, except as provided in an
5 administrative order of the Chief Judge of the circuit
6 court.

7 The Chief Judge of the circuit court of the county may
8 by administrative order establish a program for electronic
9 monitoring of offenders with regard to drug-related and
10 alcohol-related offenses, in which a vendor supplies and
11 monitors the operation of the electronic monitoring
12 device, and collects the fees on behalf of the county. The
13 program shall include provisions for indigent offenders
14 and the collection of unpaid fees. The program shall not
15 unduly burden the offender and shall be subject to review
16 by the Chief Judge.

17 The Chief Judge of the circuit court may suspend any
18 additional charges or fees for late payment, interest, or
19 damage to any device;

20 (14.3) The Chief Judge of the Judicial Circuit may
21 establish reasonable fees to be paid by a person receiving
22 pretrial services while under supervision of a pretrial
23 services agency, probation department, or court services
24 department. Reasonable fees may be charged for pretrial
25 services including, but not limited to, pretrial
26 supervision, diversion programs, electronic monitoring,

1 victim impact services, drug and alcohol testing, DNA
2 testing, GPS electronic monitoring, assessments and
3 evaluations related to domestic violence and other
4 victims, and victim mediation services. The person
5 receiving pretrial services may be ordered to pay all costs
6 incidental to pretrial services in accordance with his or
7 her ability to pay those costs;

8 (14.4) For persons charged with violating Section
9 11-501 of the Illinois Vehicle Code, refrain from operating
10 a motor vehicle not equipped with an ignition interlock
11 device, as defined in Section 1-129.1 of the Illinois
12 Vehicle Code, pursuant to the rules promulgated by the
13 Secretary of State for the installation of ignition
14 interlock devices. Under this condition the court may allow
15 a defendant who is not self-employed to operate a vehicle
16 owned by the defendant's employer that is not equipped with
17 an ignition interlock device in the course and scope of the
18 defendant's employment;

19 (15) Comply with the terms and conditions of an order
20 of protection issued by the court under the Illinois
21 Domestic Violence Act of 1986 or an order of protection
22 issued by the court of another state, tribe, or United
23 States territory;

24 (16) Under Section 110-6.5 comply with the conditions
25 of the drug testing program; and

26 (17) Such other reasonable conditions as the court may

1 impose.

2 (c) When a person is charged with an offense under Section
3 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
4 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, involving a victim who is a minor under
6 18 years of age living in the same household with the defendant
7 at the time of the offense, in granting bail or releasing the
8 defendant on his own recognizance, the judge shall impose
9 conditions to restrict the defendant's access to the victim
10 which may include, but are not limited to conditions that he
11 will:

- 12 1. Vacate the household.
- 13 2. Make payment of temporary support to his dependents.
- 14 3. Refrain from contact or communication with the child
15 victim, except as ordered by the court.

16 (d) When a person is charged with a criminal offense and
17 the victim is a family or household member as defined in
18 Article 112A, conditions shall be imposed at the time of the
19 defendant's release on bond that restrict the defendant's
20 access to the victim. Unless provided otherwise by the court,
21 the restrictions shall include requirements that the defendant
22 do the following:

- 23 (1) refrain from contact or communication with the
24 victim for a minimum period of 72 hours following the
25 defendant's release; and

- 26 (2) refrain from entering or remaining at the victim's

1 residence for a minimum period of 72 hours following the
2 defendant's release.

3 (e) Local law enforcement agencies shall develop
4 standardized bond forms for use in cases involving family or
5 household members as defined in Article 112A, including
6 specific conditions of bond as provided in subsection (d).
7 Failure of any law enforcement department to develop or use
8 those forms shall in no way limit the applicability and
9 enforcement of subsections (d) and (f).

10 (f) If the defendant is admitted to bail after conviction
11 the conditions of the bail bond shall be that he will, in
12 addition to the conditions set forth in subsections (a) and (b)
13 hereof:

14 (1) Duly prosecute his appeal;

15 (2) Appear at such time and place as the court may
16 direct;

17 (3) Not depart this State without leave of the court;

18 (4) Comply with such other reasonable conditions as the
19 court may impose; and

20 (5) If the judgment is affirmed or the cause reversed
21 and remanded for a new trial, forthwith surrender to the
22 officer from whose custody he was bailed.

23 (g) Upon a finding of guilty for any felony offense, the
24 defendant shall physically surrender, at a time and place
25 designated by the court, any and all firearms in his or her
26 possession ~~and his or her Firearm Owner's Identification Card~~

1 as a condition of remaining on bond pending sentencing.

2 (Source: P.A. 99-797, eff. 8-12-16.)

3 (725 ILCS 5/112A-11.1)

4 Sec. 112A-11.1. Procedure for determining whether certain
5 misdemeanor crimes are crimes of domestic violence for purposes
6 of federal law.

7 (a) When a defendant has been charged with a violation of
8 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the
9 Criminal Code of 1961 or the Criminal Code of 2012, the State
10 may, at arraignment or no later than 45 days after arraignment,
11 for the purpose of notification to the Department of State
12 Police ~~Firearm Owner's Identification Card Office~~, serve on the
13 defendant and file with the court a notice alleging that
14 conviction of the offense would subject the defendant to the
15 prohibitions of 18 U.S.C. 922(g)(9) because of the relationship
16 between the defendant and the alleged victim and the nature of
17 the alleged offense.

18 (b) The notice shall include the name of the person alleged
19 to be the victim of the crime and shall specify the nature of
20 the alleged relationship as set forth in 18 U.S.C.
21 921(a)(33)(A)(ii). It shall also specify the element of the
22 charged offense which requires the use or attempted use of
23 physical force, or the threatened use of a deadly weapon, as
24 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include
25 notice that the defendant is entitled to a hearing on the

1 allegation contained in the notice and that if the allegation
2 is sustained, that determination and conviction shall be
3 reported to the Department of State Police ~~Firearm Owner's~~
4 ~~Identification Card Office~~.

5 (c) After having been notified as provided in subsection
6 (b) of this Section, the defendant may stipulate or admit,
7 orally on the record or in writing, that conviction of the
8 offense would subject the defendant to the prohibitions of 18
9 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.
10 922(g)(9) shall be deemed established for purposes of Section
11 112A-11.2. If the defendant denies the applicability of 18
12 U.S.C. 922(g)(9) as alleged in the notice served by the State,
13 or stands mute with respect to that allegation, then the State
14 shall bear the burden to prove beyond a reasonable doubt that
15 the offense is one to which the prohibitions of 18 U.S.C.
16 922(g)(9) apply. The court may consider reliable hearsay
17 evidence submitted by either party provided that it is relevant
18 to the determination of the allegation. Facts previously proven
19 at trial or elicited at the time of entry of a plea of guilty
20 shall be deemed established beyond a reasonable doubt and shall
21 not be relitigated. At the conclusion of the hearing, or upon a
22 stipulation or admission, as applicable, the court shall make a
23 specific written determination with respect to the allegation.
24 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

25 (725 ILCS 5/112A-11.2)

1 Sec. 112A-11.2. Notification to the Department of State
2 Police ~~Firearm Owner's Identification Card Office~~ of
3 determinations in certain misdemeanor cases. Upon judgment of
4 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,
5 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal
6 Code of 2012 when the defendant has been determined, under
7 Section 112A-11.1, to be subject to the prohibitions of 18
8 U.S.C. 922(g)(9), the circuit court clerk shall include
9 notification and a copy of the written determination in a
10 report of the conviction to the Department of State Police
11 ~~Firearm Owner's Identification Card Office~~ to enable the office
12 to report that determination to the Federal Bureau of
13 Investigation and assist the Bureau in identifying persons
14 prohibited from purchasing and possessing a firearm pursuant to
15 the provisions of 18 U.S.C. 922.

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

17 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

18 Sec. 112A-14. Order of protection; remedies.

19 (a) (Blank).

20 (b) The court may order any of the remedies listed in this
21 subsection. The remedies listed in this subsection shall be in
22 addition to other civil or criminal remedies available to
23 petitioner.

24 (1) Prohibition of abuse. Prohibit respondent's
25 harassment, interference with personal liberty,

1 intimidation of a dependent, physical abuse or willful
2 deprivation, as defined in this Article, if such abuse has
3 occurred or otherwise appears likely to occur if not
4 prohibited.

5 (2) Grant of exclusive possession of residence.
6 Prohibit respondent from entering or remaining in any
7 residence, household, or premises of the petitioner,
8 including one owned or leased by respondent, if petitioner
9 has a right to occupancy thereof. The grant of exclusive
10 possession of the residence, household, or premises shall
11 not affect title to real property, nor shall the court be
12 limited by the standard set forth in Section 701 of the
13 Illinois Marriage and Dissolution of Marriage Act.

14 (A) Right to occupancy. A party has a right to
15 occupancy of a residence or household if it is solely
16 or jointly owned or leased by that party, that party's
17 spouse, a person with a legal duty to support that
18 party or a minor child in that party's care, or by any
19 person or entity other than the opposing party that
20 authorizes that party's occupancy (e.g., a domestic
21 violence shelter). Standards set forth in subparagraph
22 (B) shall not preclude equitable relief.

23 (B) Presumption of hardships. If petitioner and
24 respondent each has the right to occupancy of a
25 residence or household, the court shall balance (i) the
26 hardships to respondent and any minor child or

1 dependent adult in respondent's care resulting from
2 entry of this remedy with (ii) the hardships to
3 petitioner and any minor child or dependent adult in
4 petitioner's care resulting from continued exposure to
5 the risk of abuse (should petitioner remain at the
6 residence or household) or from loss of possession of
7 the residence or household (should petitioner leave to
8 avoid the risk of abuse). When determining the balance
9 of hardships, the court shall also take into account
10 the accessibility of the residence or household.
11 Hardships need not be balanced if respondent does not
12 have a right to occupancy.

13 The balance of hardships is presumed to favor
14 possession by petitioner unless the presumption is
15 rebutted by a preponderance of the evidence, showing
16 that the hardships to respondent substantially
17 outweigh the hardships to petitioner and any minor
18 child or dependent adult in petitioner's care. The
19 court, on the request of petitioner or on its own
20 motion, may order respondent to provide suitable,
21 accessible, alternate housing for petitioner instead
22 of excluding respondent from a mutual residence or
23 household.

24 (3) Stay away order and additional prohibitions. Order
25 respondent to stay away from petitioner or any other person
26 protected by the order of protection, or prohibit

1 respondent from entering or remaining present at
2 petitioner's school, place of employment, or other
3 specified places at times when petitioner is present, or
4 both, if reasonable, given the balance of hardships.
5 Hardships need not be balanced for the court to enter a
6 stay away order or prohibit entry if respondent has no
7 right to enter the premises.

8 (A) If an order of protection grants petitioner
9 exclusive possession of the residence, or prohibits
10 respondent from entering the residence, or orders
11 respondent to stay away from petitioner or other
12 protected persons, then the court may allow respondent
13 access to the residence to remove items of clothing and
14 personal adornment used exclusively by respondent,
15 medications, and other items as the court directs. The
16 right to access shall be exercised on only one occasion
17 as the court directs and in the presence of an
18 agreed-upon adult third party or law enforcement
19 officer.

20 (B) When the petitioner and the respondent attend
21 the same public, private, or non-public elementary,
22 middle, or high school, the court when issuing an order
23 of protection and providing relief shall consider the
24 severity of the act, any continuing physical danger or
25 emotional distress to the petitioner, the educational
26 rights guaranteed to the petitioner and respondent

1 under federal and State law, the availability of a
2 transfer of the respondent to another school, a change
3 of placement or a change of program of the respondent,
4 the expense, difficulty, and educational disruption
5 that would be caused by a transfer of the respondent to
6 another school, and any other relevant facts of the
7 case. The court may order that the respondent not
8 attend the public, private, or non-public elementary,
9 middle, or high school attended by the petitioner,
10 order that the respondent accept a change of placement
11 or change of program, as determined by the school
12 district or private or non-public school, or place
13 restrictions on the respondent's movements within the
14 school attended by the petitioner. The respondent
15 bears the burden of proving by a preponderance of the
16 evidence that a transfer, change of placement, or
17 change of program of the respondent is not available.
18 The respondent also bears the burden of production with
19 respect to the expense, difficulty, and educational
20 disruption that would be caused by a transfer of the
21 respondent to another school. A transfer, change of
22 placement, or change of program is not unavailable to
23 the respondent solely on the ground that the respondent
24 does not agree with the school district's or private or
25 non-public school's transfer, change of placement, or
26 change of program or solely on the ground that the

1 respondent fails or refuses to consent or otherwise
2 does not take an action required to effectuate a
3 transfer, change of placement, or change of program.
4 When a court orders a respondent to stay away from the
5 public, private, or non-public school attended by the
6 petitioner and the respondent requests a transfer to
7 another attendance center within the respondent's
8 school district or private or non-public school, the
9 school district or private or non-public school shall
10 have sole discretion to determine the attendance
11 center to which the respondent is transferred. If the
12 court order results in a transfer of the minor
13 respondent to another attendance center, a change in
14 the respondent's placement, or a change of the
15 respondent's program, the parents, guardian, or legal
16 custodian of the respondent is responsible for
17 transportation and other costs associated with the
18 transfer or change.

19 (C) The court may order the parents, guardian, or
20 legal custodian of a minor respondent to take certain
21 actions or to refrain from taking certain actions to
22 ensure that the respondent complies with the order. If
23 the court orders a transfer of the respondent to
24 another school, the parents, guardian, or legal
25 custodian of the respondent is responsible for
26 transportation and other costs associated with the

1 change of school by the respondent.

2 (4) Counseling. Require or recommend the respondent to
3 undergo counseling for a specified duration with a social
4 worker, psychologist, clinical psychologist, psychiatrist,
5 family service agency, alcohol or substance abuse program,
6 mental health center guidance counselor, agency providing
7 services to elders, program designed for domestic violence
8 abusers or any other guidance service the court deems
9 appropriate. The court may order the respondent in any
10 intimate partner relationship to report to an Illinois
11 Department of Human Services protocol approved partner
12 abuse intervention program for an assessment and to follow
13 all recommended treatment.

14 (5) Physical care and possession of the minor child. In
15 order to protect the minor child from abuse, neglect, or
16 unwarranted separation from the person who has been the
17 minor child's primary caretaker, or to otherwise protect
18 the well-being of the minor child, the court may do either
19 or both of the following: (i) grant petitioner physical
20 care or possession of the minor child, or both, or (ii)
21 order respondent to return a minor child to, or not remove
22 a minor child from, the physical care of a parent or person
23 in loco parentis.

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 physical care to

1 respondent would not be in the minor child's best interest.

2 (6) Temporary legal custody. Award temporary legal
3 custody to petitioner in accordance with this Section, the
4 Illinois Marriage and Dissolution of Marriage Act, the
5 Illinois Parentage Act of 2015, and this State's Uniform
6 Child-Custody Jurisdiction and Enforcement Act.

7 If the respondent is charged with abuse (as defined in
8 Section 112A-3) of a minor child, there shall be a
9 rebuttable presumption that awarding temporary legal
10 custody to respondent would not be in the child's best
11 interest.

12 (7) Visitation. Determine the visitation rights, if
13 any, of respondent in any case in which the court awards
14 physical care or temporary legal custody of a minor child
15 to petitioner. The court shall restrict or deny
16 respondent's visitation with a minor child if the court
17 finds that respondent has done or is likely to do any of
18 the following: (i) abuse or endanger the minor child during
19 visitation; (ii) use the visitation as an opportunity to
20 abuse or harass petitioner or petitioner's family or
21 household members; (iii) improperly conceal or detain the
22 minor child; or (iv) otherwise act in a manner that is not
23 in the best interests of the minor child. The court shall
24 not be limited by the standards set forth in Section 607.1
25 of the Illinois Marriage and Dissolution of Marriage Act.
26 If the court grants visitation, the order shall specify

1 dates and times for the visitation to take place or other
2 specific parameters or conditions that are appropriate. No
3 order for visitation shall refer merely to the term
4 "reasonable visitation".

5 Petitioner may deny respondent access to the minor
6 child if, when respondent arrives for visitation,
7 respondent is under the influence of drugs or alcohol and
8 constitutes a threat to the safety and well-being of
9 petitioner or petitioner's minor children or is behaving in
10 a violent or abusive manner.

11 If necessary to protect any member of petitioner's
12 family or household from future abuse, respondent shall be
13 prohibited from coming to petitioner's residence to meet
14 the minor child for visitation, and the parties shall
15 submit to the court their recommendations for reasonable
16 alternative arrangements for visitation. A person may be
17 approved to supervise visitation only after filing an
18 affidavit accepting that responsibility and acknowledging
19 accountability to the court.

20 (8) Removal or concealment of minor child. Prohibit
21 respondent from removing a minor child from the State or
22 concealing the child within the State.

23 (9) Order to appear. Order the respondent to appear in
24 court, alone or with a minor child, to prevent abuse,
25 neglect, removal or concealment of the child, to return the
26 child to the custody or care of the petitioner or to permit

1 any court-ordered interview or examination of the child or
2 the respondent.

3 (10) Possession of personal property. Grant petitioner
4 exclusive possession of personal property and, if
5 respondent has possession or control, direct respondent to
6 promptly make it available to petitioner, if:

7 (i) petitioner, but not respondent, owns the
8 property; or

9 (ii) the parties own the property jointly; sharing
10 it would risk abuse of petitioner by respondent or is
11 impracticable; and the balance of hardships favors
12 temporary possession by petitioner.

13 If petitioner's sole claim to ownership of the property
14 is that it is marital property, the court may award
15 petitioner temporary possession thereof under the
16 standards of subparagraph (ii) of this paragraph only if a
17 proper proceeding has been filed under the Illinois
18 Marriage and Dissolution of Marriage Act, as now or
19 hereafter amended.

20 No order under this provision shall affect title to
21 property.

22 (11) Protection of property. Forbid the respondent
23 from taking, transferring, encumbering, concealing,
24 damaging or otherwise disposing of any real or personal
25 property, except as explicitly authorized by the court, if:

26 (i) petitioner, but not respondent, owns the

1 property; or

2 (ii) the parties own the property jointly, and the
3 balance of hardships favors granting this remedy.

4 If petitioner's sole claim to ownership of the property
5 is that it is marital property, the court may grant
6 petitioner relief under subparagraph (ii) of this
7 paragraph only if a proper proceeding has been filed under
8 the Illinois Marriage and Dissolution of Marriage Act, as
9 now or hereafter amended.

10 The court may further prohibit respondent from
11 improperly using the financial or other resources of an
12 aged member of the family or household for the profit or
13 advantage of respondent or of any other person.

14 (11.5) Protection of animals. Grant the petitioner the
15 exclusive care, custody, or control of any animal owned,
16 possessed, leased, kept, or held by either the petitioner
17 or the respondent or a minor child residing in the
18 residence or household of either the petitioner or the
19 respondent and order the respondent to stay away from the
20 animal and forbid the respondent from taking,
21 transferring, encumbering, concealing, harming, or
22 otherwise disposing of the animal.

23 (12) Order for payment of support. Order respondent to
24 pay temporary support for the petitioner or any child in
25 the petitioner's care or custody, when the respondent has a
26 legal obligation to support that person, in accordance with

1 the Illinois Marriage and Dissolution of Marriage Act,
2 which shall govern, among other matters, the amount of
3 support, payment through the clerk and withholding of
4 income to secure payment. An order for child support may be
5 granted to a petitioner with lawful physical care or
6 custody of a child, or an order or agreement for physical
7 care or custody, prior to entry of an order for legal
8 custody. Such a support order shall expire upon entry of a
9 valid order granting legal custody to another, unless
10 otherwise provided in the custody order.

11 (13) Order for payment of losses. Order respondent to
12 pay petitioner for losses suffered as a direct result of
13 the abuse. Such losses shall include, but not be limited
14 to, medical expenses, lost earnings or other support,
15 repair or replacement of property damaged or taken,
16 reasonable attorney's fees, court costs and moving or other
17 travel expenses, including additional reasonable expenses
18 for temporary shelter and restaurant meals.

19 (i) Losses affecting family needs. If a party is
20 entitled to seek maintenance, child support or
21 property distribution from the other party under the
22 Illinois Marriage and Dissolution of Marriage Act, as
23 now or hereafter amended, the court may order
24 respondent to reimburse petitioner's actual losses, to
25 the extent that such reimbursement would be
26 "appropriate temporary relief", as authorized by

1 subsection (a) (3) of Section 501 of that Act.

2 (ii) Recovery of expenses. In the case of an
3 improper concealment or removal of a minor child, the
4 court may order respondent to pay the reasonable
5 expenses incurred or to be incurred in the search for
6 and recovery of the minor child, including, but not
7 limited to, legal fees, court costs, private
8 investigator fees, and travel costs.

9 (14) Prohibition of entry. Prohibit the respondent
10 from entering or remaining in the residence or household
11 while the respondent is under the influence of alcohol or
12 drugs and constitutes a threat to the safety and well-being
13 of the petitioner or the petitioner's children.

14 (14.5) Prohibition of firearm possession.

15 (A) A person who is subject to an existing order of
16 protection~~7~~ issued under this Code may not lawfully
17 possess firearms, stun guns, or tasers ~~weapons under~~
18 ~~Section 8.2 of the Firearm Owners Identification Card~~
19 ~~Act.~~

20 (B) Any firearms in the possession of the
21 respondent, except as provided in subparagraph (C) of
22 this paragraph (14.5), shall be ordered by the court to
23 be turned over to a person who is not prohibited under
24 State or federal law from possessing firearms ~~with a~~
25 ~~valid Firearm Owner's Identification Card for~~
26 ~~safekeeping. The court shall issue an order that the~~

1 ~~respondent's Firearm Owner's Identification Card be~~
2 ~~turned over to the local law enforcement agency, which~~
3 ~~in turn shall immediately mail the card to the~~
4 ~~Department of State Police Firearm Owner's~~
5 ~~Identification Card Office for safekeeping.~~ The period
6 of safekeeping shall be for the duration of the order
7 of 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 respondent
10 at expiration of the order of protection.

11 (C) If the respondent is a peace officer as defined
12 in Section 2-13 of the Criminal Code of 2012, the court
13 shall order that any firearms used by the respondent in
14 the performance of his or her duties as a peace officer
15 be surrendered to the chief law enforcement executive
16 of the agency in which the respondent is employed, who
17 shall retain the firearms for safekeeping for the
18 duration of the order of protection.

19 (D) Upon expiration of the period of safekeeping,
20 if the firearms ~~or Firearm Owner's Identification Card~~
21 cannot be returned to respondent because respondent
22 cannot be located, fails to respond to requests to
23 retrieve the firearms, or is not lawfully eligible to
24 possess a firearm, upon petition from the local law
25 enforcement agency, the court may order the local law
26 enforcement agency to destroy the firearms, use the

1 firearms for training purposes, or for any other
2 application as deemed appropriate by the local law
3 enforcement agency; or that the firearms be turned over
4 to a third party who is lawfully eligible to possess
5 firearms, and who does not reside with respondent.

6 (15) Prohibition of access to records. If an order of
7 protection prohibits respondent from having contact with
8 the minor child, or if petitioner's address is omitted
9 under subsection (b) of Section 112A-5, or if necessary to
10 prevent abuse or wrongful removal or concealment of a minor
11 child, the order shall deny respondent access to, and
12 prohibit respondent from inspecting, obtaining, or
13 attempting to inspect or obtain, school or any other
14 records of the minor child who is in the care of
15 petitioner.

16 (16) Order for payment of shelter services. Order
17 respondent to reimburse a shelter providing temporary
18 housing and counseling services to the petitioner for the
19 cost of the services, as certified by the shelter and
20 deemed reasonable by the court.

21 (17) Order for injunctive relief. Enter injunctive
22 relief necessary or appropriate to prevent further abuse of
23 a family or household member or to effectuate one of the
24 granted remedies, if supported by the balance of hardships.
25 If the harm to be prevented by the injunction is abuse or
26 any other harm that one of the remedies listed in

1 paragraphs (1) through (16) of this subsection is designed
2 to prevent, no further evidence is necessary to establish
3 that the harm is an irreparable injury.

4 (18) Telephone services.

5 (A) Unless a condition described in subparagraph
6 (B) of this paragraph exists, the court may, upon
7 request by the petitioner, order a wireless telephone
8 service provider to transfer to the petitioner the
9 right to continue to use a telephone number or numbers
10 indicated by the petitioner and the financial
11 responsibility associated with the number or numbers,
12 as set forth in subparagraph (C) of this paragraph. For
13 purposes of this paragraph (18), the term "wireless
14 telephone service provider" means a provider of
15 commercial mobile service as defined in 47 U.S.C. 332.
16 The petitioner may request the transfer of each
17 telephone number that the petitioner, or a minor child
18 in his or her custody, uses. The clerk of the court
19 shall serve the order on the wireless telephone service
20 provider's agent for service of process provided to the
21 Illinois Commerce Commission. The order shall contain
22 all of the following:

23 (i) The name and billing telephone number of
24 the account holder including the name of the
25 wireless telephone service provider that serves
26 the account.

1 (ii) Each telephone number that will be
2 transferred.

3 (iii) A statement that the provider transfers
4 to the petitioner all financial responsibility for
5 and right to the use of any telephone number
6 transferred under this paragraph.

7 (B) A wireless telephone service provider shall
8 terminate the respondent's use of, and shall transfer
9 to the petitioner use of, the telephone number or
10 numbers indicated in subparagraph (A) of this
11 paragraph unless it notifies the petitioner, within 72
12 hours after it receives the order, that one of the
13 following applies:

14 (i) The account holder named in the order has
15 terminated the account.

16 (ii) A difference in network technology would
17 prevent or impair the functionality of a device on
18 a network if the transfer occurs.

19 (iii) The transfer would cause a geographic or
20 other limitation on network or service provision
21 to the petitioner.

22 (iv) Another technological or operational
23 issue would prevent or impair the use of the
24 telephone number if the transfer occurs.

25 (C) The petitioner assumes all financial
26 responsibility for and right to the use of any

1 telephone number transferred under this paragraph. In
2 this paragraph, "financial responsibility" includes
3 monthly service costs and costs associated with any
4 mobile device associated with the number.

5 (D) A wireless telephone service provider may
6 apply to the petitioner its routine and customary
7 requirements for establishing an account or
8 transferring a number, including requiring the
9 petitioner to provide proof of identification,
10 financial information, and customer preferences.

11 (E) Except for willful or wanton misconduct, a
12 wireless telephone service provider is immune from
13 civil liability for its actions taken in compliance
14 with a court order issued under this paragraph.

15 (F) All wireless service providers that provide
16 services to residential customers shall provide to the
17 Illinois Commerce Commission the name and address of an
18 agent for service of orders entered under this
19 paragraph (18). Any change in status of the registered
20 agent must be reported to the Illinois Commerce
21 Commission within 30 days of such change.

22 (G) The Illinois Commerce Commission shall
23 maintain the list of registered agents for service for
24 each wireless telephone service provider on the
25 Commission's website. The Commission may consult with
26 wireless telephone service providers and the Circuit

1 Court Clerks on the manner in which this information is
2 provided and displayed.

3 (c) Relevant factors; findings.

4 (1) In determining whether to grant a specific remedy,
5 other than payment of support, the court shall consider
6 relevant factors, including, but not limited to, the
7 following:

8 (i) the nature, frequency, severity, pattern and
9 consequences of the respondent's past abuse of the
10 petitioner or any family or household member,
11 including the concealment of his or her location in
12 order to evade service of process or notice, and the
13 likelihood of danger of future abuse to petitioner or
14 any member of petitioner's or respondent's family or
15 household; and

16 (ii) the danger that any minor child will be abused
17 or neglected or improperly removed from the
18 jurisdiction, improperly concealed within the State or
19 improperly separated from the child's primary
20 caretaker.

21 (2) In comparing relative hardships resulting to the
22 parties from loss of possession of the family home, the
23 court shall consider relevant factors, including, but not
24 limited to, the following:

25 (i) availability, accessibility, cost, safety,
26 adequacy, location and other characteristics of

1 alternate housing for each party and any minor child or
2 dependent adult in the party's care;

3 (ii) the effect on the party's employment; and

4 (iii) the effect on the relationship of the party,
5 and any minor child or dependent adult in the party's
6 care, to family, school, church and community.

7 (3) Subject to the exceptions set forth in paragraph
8 (4) of this subsection, the court shall make its findings
9 in an official record or in writing, and shall at a minimum
10 set forth the following:

11 (i) That the court has considered the applicable
12 relevant factors described in paragraphs (1) and (2) of
13 this subsection.

14 (ii) Whether the conduct or actions of respondent,
15 unless prohibited, will likely cause irreparable harm
16 or continued abuse.

17 (iii) Whether it is necessary to grant the
18 requested relief in order to protect petitioner or
19 other alleged abused persons.

20 (4) (Blank).

21 (5) Never married parties. No rights or
22 responsibilities for a minor child born outside of marriage
23 attach to a putative father until a father and child
24 relationship has been established under the Illinois
25 Parentage Act of 1984 or under the Illinois Parentage Act
26 of 2015 on and after the effective date of that Act. Absent

1 such an adjudication, no putative father shall be granted
2 temporary custody of the minor child, visitation with the
3 minor child, or physical care and possession of the minor
4 child, nor shall an order of payment for support of the
5 minor child be entered.

6 (d) Balance of hardships; findings. If the court finds that
7 the balance of hardships does not support the granting of a
8 remedy governed by paragraph (2), (3), (10), (11), or (16) of
9 subsection (b) of this Section, which may require such
10 balancing, the court's findings shall so indicate and shall
11 include a finding as to whether granting the remedy will result
12 in hardship to respondent that would substantially outweigh the
13 hardship to petitioner from denial of the remedy. The findings
14 shall be an official record or in writing.

15 (e) Denial of remedies. Denial of any remedy shall not be
16 based, in whole or in part, on evidence that:

17 (1) Respondent has cause for any use of force, unless
18 that cause satisfies the standards for justifiable use of
19 force provided by Article 7 of the Criminal Code of 2012;

20 (2) Respondent was voluntarily intoxicated;

21 (3) Petitioner acted in self-defense or defense of
22 another, provided that, if petitioner utilized force, such
23 force was justifiable under Article 7 of the Criminal Code
24 of 2012;

25 (4) Petitioner did not act in self-defense or defense
26 of another;

1 (5) Petitioner left the residence or household to avoid
2 further abuse by respondent;

3 (6) Petitioner did not leave the residence or household
4 to avoid further abuse by respondent;

5 (7) Conduct by any family or household member excused
6 the abuse by respondent, unless that same conduct would
7 have excused such abuse if the parties had not been family
8 or household members.

9 (Source: P.A. 99-85, eff. 1-1-16; 100-199, eff. 1-1-18;
10 100-388, eff. 1-1-18; revised 10-10-17.)

11 Section 95. The Unified Code of Corrections is amended by
12 changing Sections 5-5-3, 5-5-3.2, and 5-6-3 as follows:

13 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

14 Sec. 5-5-3. Disposition.

15 (a) (Blank).

16 (b) (Blank).

17 (c) (1) (Blank).

18 (2) A period of probation, a term of periodic imprisonment
19 or conditional discharge shall not be imposed for the following
20 offenses. The court shall sentence the offender to not less
21 than the minimum term of imprisonment set forth in this Code
22 for the following offenses, and may order a fine or restitution
23 or both in conjunction with such term of imprisonment:

24 (A) First degree murder where the death penalty is not

1 imposed.

2 (B) Attempted first degree murder.

3 (C) A Class X felony.

4 (D) A violation of Section 401.1 or 407 of the Illinois
5 Controlled Substances Act, or a violation of subdivision
6 (c)(1.5) of Section 401 of that Act which relates to more
7 than 5 grams of a substance containing fentanyl or an
8 analog thereof.

9 (D-5) A violation of subdivision (c)(1) of Section 401
10 of the Illinois Controlled Substances Act which relates to
11 3 or more grams of a substance containing heroin or an
12 analog thereof.

13 (E) (Blank).

14 (F) A Class 1 or greater felony if the offender had
15 been convicted of a Class 1 or greater felony, including
16 any state or federal conviction for an offense that
17 contained, at the time it was committed, the same elements
18 as an offense now (the date of the offense committed after
19 the prior Class 1 or greater felony) classified as a Class
20 1 or greater felony, within 10 years of the date on which
21 the offender committed the offense for which he or she is
22 being sentenced, except as otherwise provided in Section
23 40-10 of the Alcoholism and Other Drug Abuse and Dependency
24 Act.

25 (F-3) A Class 2 or greater felony sex offense or felony
26 firearm offense if the offender had been convicted of a

1 Class 2 or greater felony, including any state or federal
2 conviction for an offense that contained, at the time it
3 was committed, the same elements as an offense now (the
4 date of the offense committed after the prior Class 2 or
5 greater felony) classified as a Class 2 or greater felony,
6 within 10 years of the date on which the offender committed
7 the offense for which he or she is being sentenced, except
8 as otherwise provided in Section 40-10 of the Alcoholism
9 and Other Drug Abuse and Dependency Act.

10 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of
11 the Criminal Code of 1961 or the Criminal Code of 2012 for
12 which imprisonment is prescribed in those Sections.

13 (G) Residential burglary, except as otherwise provided
14 in Section 40-10 of the Alcoholism and Other Drug Abuse and
15 Dependency Act.

16 (H) Criminal sexual assault.

17 (I) Aggravated battery of a senior citizen as described
18 in Section 12-4.6 or subdivision (a)(4) of Section 12-3.05
19 of the Criminal Code of 1961 or the Criminal Code of 2012.

20 (J) A forcible felony if the offense was related to the
21 activities of an organized gang.

22 Before July 1, 1994, for the purposes of this
23 paragraph, "organized gang" means an association of 5 or
24 more persons, with an established hierarchy, that
25 encourages members of the association to perpetrate crimes
26 or provides support to the members of the association who

1 do commit crimes.

2 Beginning July 1, 1994, for the purposes of this
3 paragraph, "organized gang" has the meaning ascribed to it
4 in Section 10 of the Illinois Streetgang Terrorism Omnibus
5 Prevention Act.

6 (K) Vehicular hijacking.

7 (L) A second or subsequent conviction for the offense
8 of hate crime when the underlying offense upon which the
9 hate crime is based is felony aggravated assault or felony
10 mob action.

11 (M) A second or subsequent conviction for the offense
12 of institutional vandalism if the damage to the property
13 exceeds \$300.

14 (N) (Blank). ~~A Class 3 felony violation of paragraph~~
15 ~~(1) of subsection (a) of Section 2 of the Firearm Owners~~
16 ~~Identification Card Act.~~

17 (O) A violation of Section 12-6.1 or 12-6.5 of the
18 Criminal Code of 1961 or the Criminal Code of 2012.

19 (P) A violation of paragraph (1), (2), (3), (4), (5),
20 or (7) of subsection (a) of Section 11-20.1 of the Criminal
21 Code of 1961 or the Criminal Code of 2012.

22 (Q) A violation of subsection (b) or (b-5) of Section
23 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
24 Code of 1961 or the Criminal Code of 2012.

25 (R) A violation of Section 24-3A of the Criminal Code
26 of 1961 or the Criminal Code of 2012.

1 (S) (Blank).

2 (T) (Blank).

3 (U) A second or subsequent violation of Section 6-303
4 of the Illinois Vehicle Code committed while his or her
5 driver's license, permit, or privilege was revoked because
6 of a violation of Section 9-3 of the Criminal Code of 1961
7 or the Criminal Code of 2012, relating to the offense of
8 reckless homicide, or a similar provision of a law of
9 another state.

10 (V) A violation of paragraph (4) of subsection (c) of
11 Section 11-20.1B or paragraph (4) of subsection (c) of
12 Section 11-20.3 of the Criminal Code of 1961, or paragraph
13 (6) of subsection (a) of Section 11-20.1 of the Criminal
14 Code of 2012 when the victim is under 13 years of age and
15 the defendant has previously been convicted under the laws
16 of this State or any other state of the offense of child
17 pornography, aggravated child pornography, aggravated
18 criminal sexual abuse, aggravated criminal sexual assault,
19 predatory criminal sexual assault of a child, or any of the
20 offenses formerly known as rape, deviate sexual assault,
21 indecent liberties with a child, or aggravated indecent
22 liberties with a child where the victim was under the age
23 of 18 years or an offense that is substantially equivalent
24 to those offenses.

25 (W) A violation of Section 24-3.5 of the Criminal Code
26 of 1961 or the Criminal Code of 2012.

1 (X) A violation of subsection (a) of Section 31-1a of
2 the Criminal Code of 1961 or the Criminal Code of 2012.

3 (Y) A conviction for unlawful possession of a firearm
4 by a street gang member when the firearm was loaded or
5 contained firearm ammunition.

6 (Z) A Class 1 felony committed while he or she was
7 serving a term of probation or conditional discharge for a
8 felony.

9 (AA) Theft of property exceeding \$500,000 and not
10 exceeding \$1,000,000 in value.

11 (BB) Laundering of criminally derived property of a
12 value exceeding \$500,000.

13 (CC) Knowingly selling, offering for sale, holding for
14 sale, or using 2,000 or more counterfeit items or
15 counterfeit items having a retail value in the aggregate of
16 \$500,000 or more.

17 (DD) A conviction for aggravated assault under
18 paragraph (6) of subsection (c) of Section 12-2 of the
19 Criminal Code of 1961 or the Criminal Code of 2012 if the
20 firearm is aimed toward the person against whom the firearm
21 is being used.

22 (EE) A conviction for a violation of paragraph (2) of
23 subsection (a) of Section 24-3B of the Criminal Code of
24 2012.

25 (3) (Blank).

26 (4) A minimum term of imprisonment of not less than 10

1 consecutive days or 30 days of community service shall be
2 imposed for a violation of paragraph (c) of Section 6-303 of
3 the Illinois Vehicle Code.

4 (4.1) (Blank).

5 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
6 this subsection (c), a minimum of 100 hours of community
7 service shall be imposed for a second violation of Section
8 6-303 of the Illinois Vehicle Code.

9 (4.3) A minimum term of imprisonment of 30 days or 300
10 hours of community service, as determined by the court, shall
11 be imposed for a second violation of subsection (c) of Section
12 6-303 of the Illinois Vehicle Code.

13 (4.4) Except as provided in paragraphs (4.5), (4.6), and
14 (4.9) of this subsection (c), a minimum term of imprisonment of
15 30 days or 300 hours of community service, as determined by the
16 court, shall be imposed for a third or subsequent violation of
17 Section 6-303 of the Illinois Vehicle Code.

18 (4.5) A minimum term of imprisonment of 30 days shall be
19 imposed for a third violation of subsection (c) of Section
20 6-303 of the Illinois Vehicle Code.

21 (4.6) Except as provided in paragraph (4.10) of this
22 subsection (c), a minimum term of imprisonment of 180 days
23 shall be imposed for a fourth or subsequent violation of
24 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

25 (4.7) A minimum term of imprisonment of not less than 30
26 consecutive days, or 300 hours of community service, shall be

1 imposed for a violation of subsection (a-5) of Section 6-303 of
2 the Illinois Vehicle Code, as provided in subsection (b-5) of
3 that Section.

4 (4.8) A mandatory prison sentence shall be imposed for a
5 second violation of subsection (a-5) of Section 6-303 of the
6 Illinois Vehicle Code, as provided in subsection (c-5) of that
7 Section. The person's driving privileges shall be revoked for a
8 period of not less than 5 years from the date of his or her
9 release from prison.

10 (4.9) A mandatory prison sentence of not less than 4 and
11 not more than 15 years shall be imposed for a third violation
12 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
13 Code, as provided in subsection (d-2.5) of that Section. The
14 person's driving privileges shall be revoked for the remainder
15 of his or her life.

16 (4.10) A mandatory prison sentence for a Class 1 felony
17 shall be imposed, and the person shall be eligible for an
18 extended term sentence, for a fourth or subsequent violation of
19 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,
20 as provided in subsection (d-3.5) of that Section. The person's
21 driving privileges shall be revoked for the remainder of his or
22 her life.

23 (5) The court may sentence a corporation or unincorporated
24 association convicted of any offense to:

25 (A) a period of conditional discharge;

26 (B) a fine;

1 (C) make restitution to the victim under Section 5-5-6
2 of this Code.

3 (5.1) In addition to any other penalties imposed, and
4 except as provided in paragraph (5.2) or (5.3), a person
5 convicted of violating subsection (c) of Section 11-907 of the
6 Illinois Vehicle Code shall have his or her driver's license,
7 permit, or privileges suspended for at least 90 days but not
8 more than one year, if the violation resulted in damage to the
9 property of another person.

10 (5.2) In addition to any other penalties imposed, and
11 except as provided in paragraph (5.3), a person convicted of
12 violating subsection (c) of Section 11-907 of the Illinois
13 Vehicle Code shall have his or her driver's license, permit, or
14 privileges suspended for at least 180 days but not more than 2
15 years, if the violation resulted in injury to another person.

16 (5.3) In addition to any other penalties imposed, a person
17 convicted of violating subsection (c) of Section 11-907 of the
18 Illinois Vehicle Code shall have his or her driver's license,
19 permit, or privileges suspended for 2 years, if the violation
20 resulted in the death of another person.

21 (5.4) In addition to any other penalties imposed, a person
22 convicted of violating Section 3-707 of the Illinois Vehicle
23 Code shall have his or her driver's license, permit, or
24 privileges suspended for 3 months and until he or she has paid
25 a reinstatement fee of \$100.

26 (5.5) In addition to any other penalties imposed, a person

1 convicted of violating Section 3-707 of the Illinois Vehicle
2 Code during a period in which his or her driver's license,
3 permit, or privileges were suspended for a previous violation
4 of that Section shall have his or her driver's license, permit,
5 or privileges suspended for an additional 6 months after the
6 expiration of the original 3-month suspension and until he or
7 she has paid a reinstatement fee of \$100.

8 (6) (Blank).

9 (7) (Blank).

10 (8) (Blank).

11 (9) A defendant convicted of a second or subsequent offense
12 of ritualized abuse of a child may be sentenced to a term of
13 natural life imprisonment.

14 (10) (Blank).

15 (11) The court shall impose a minimum fine of \$1,000 for a
16 first offense and \$2,000 for a second or subsequent offense
17 upon a person convicted of or placed on supervision for battery
18 when the individual harmed was a sports official or coach at
19 any level of competition and the act causing harm to the sports
20 official or coach occurred within an athletic facility or
21 within the immediate vicinity of the athletic facility at which
22 the sports official or coach was an active participant of the
23 athletic contest held at the athletic facility. For the
24 purposes of this paragraph (11), "sports official" means a
25 person at an athletic contest who enforces the rules of the
26 contest, such as an umpire or referee; "athletic facility"

1 means an indoor or outdoor playing field or recreational area
2 where sports activities are conducted; and "coach" means a
3 person recognized as a coach by the sanctioning authority that
4 conducted the sporting event.

5 (12) A person may not receive a disposition of court
6 supervision for a violation of Section 5-16 of the Boat
7 Registration and Safety Act if that person has previously
8 received a disposition of court supervision for a violation of
9 that Section.

10 (13) A person convicted of or placed on court supervision
11 for an assault or aggravated assault when the victim and the
12 offender are family or household members as defined in Section
13 103 of the Illinois Domestic Violence Act of 1986 or convicted
14 of domestic battery or aggravated domestic battery may be
15 required to attend a Partner Abuse Intervention Program under
16 protocols set forth by the Illinois Department of Human
17 Services under such terms and conditions imposed by the court.
18 The costs of such classes shall be paid by the offender.

19 (d) In any case in which a sentence originally imposed is
20 vacated, the case shall be remanded to the trial court. The
21 trial court shall hold a hearing under Section 5-4-1 of the
22 Unified Code of Corrections which may include evidence of the
23 defendant's life, moral character and occupation during the
24 time since the original sentence was passed. The trial court
25 shall then impose sentence upon the defendant. The trial court
26 may impose any sentence which could have been imposed at the

1 original trial subject to Section 5-5-4 of the Unified Code of
2 Corrections. If a sentence is vacated on appeal or on
3 collateral attack due to the failure of the trier of fact at
4 trial to determine beyond a reasonable doubt the existence of a
5 fact (other than a prior conviction) necessary to increase the
6 punishment for the offense beyond the statutory maximum
7 otherwise applicable, either the defendant may be re-sentenced
8 to a term within the range otherwise provided or, if the State
9 files notice of its intention to again seek the extended
10 sentence, the defendant shall be afforded a new trial.

11 (e) In cases where prosecution for aggravated criminal
12 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
13 Code of 1961 or the Criminal Code of 2012 results in conviction
14 of a defendant who was a family member of the victim at the
15 time of the commission of the offense, the court shall consider
16 the safety and welfare of the victim and may impose a sentence
17 of probation only where:

18 (1) the court finds (A) or (B) or both are appropriate:

19 (A) the defendant is willing to undergo a court
20 approved counseling program for a minimum duration of 2
21 years; or

22 (B) the defendant is willing to participate in a
23 court approved plan including but not limited to the
24 defendant's:

25 (i) removal from the household;

26 (ii) restricted contact with the victim;

1 (iii) continued financial support of the
2 family;

3 (iv) restitution for harm done to the victim;
4 and

5 (v) compliance with any other measures that
6 the court may deem appropriate; and

7 (2) the court orders the defendant to pay for the
8 victim's counseling services, to the extent that the court
9 finds, after considering the defendant's income and
10 assets, that the defendant is financially capable of paying
11 for such services, if the victim was under 18 years of age
12 at the time the offense was committed and requires
13 counseling as a result of the offense.

14 Probation may be revoked or modified pursuant to Section
15 5-6-4; except where the court determines at the hearing that
16 the defendant violated a condition of his or her probation
17 restricting contact with the victim or other family members or
18 commits another offense with the victim or other family
19 members, the court shall revoke the defendant's probation and
20 impose a term of imprisonment.

21 For the purposes of this Section, "family member" and
22 "victim" shall have the meanings ascribed to them in Section
23 11-0.1 of the Criminal Code of 2012.

24 (f) (Blank).

25 (g) Whenever a defendant is convicted of an offense under
26 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,

1 11-14.3, 11-14.4 except for an offense that involves keeping a
2 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
3 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
4 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, the defendant shall undergo medical
6 testing to determine whether the defendant has any sexually
7 transmissible disease, including a test for infection with
8 human immunodeficiency virus (HIV) or any other identified
9 causative agent of acquired immunodeficiency syndrome (AIDS).
10 Any such medical test shall be performed only by appropriately
11 licensed medical practitioners and may include an analysis of
12 any bodily fluids as well as an examination of the defendant's
13 person. Except as otherwise provided by law, the results of
14 such test shall be kept strictly confidential by all medical
15 personnel involved in the testing and must be personally
16 delivered in a sealed envelope to the judge of the court in
17 which the conviction was entered for the judge's inspection in
18 camera. Acting in accordance with the best interests of the
19 victim and the public, the judge shall have the discretion to
20 determine to whom, if anyone, the results of the testing may be
21 revealed. The court shall notify the defendant of the test
22 results. The court shall also notify the victim if requested by
23 the victim, and if the victim is under the age of 15 and if
24 requested by the victim's parents or legal guardian, the court
25 shall notify the victim's parents or legal guardian of the test
26 results. The court shall provide information on the

1 availability of HIV testing and counseling at Department of
2 Public Health facilities to all parties to whom the results of
3 the testing are revealed and shall direct the State's Attorney
4 to provide the information to the victim when possible. A
5 State's Attorney may petition the court to obtain the results
6 of any HIV test administered under this Section, and the court
7 shall grant the disclosure if the State's Attorney shows it is
8 relevant in order to prosecute a charge of criminal
9 transmission of HIV under Section 12-5.01 or 12-16.2 of the
10 Criminal Code of 1961 or the Criminal Code of 2012 against the
11 defendant. The court shall order that the cost of any such test
12 shall be paid by the county and may be taxed as costs against
13 the convicted defendant.

14 (g-5) When an inmate is tested for an airborne communicable
15 disease, as determined by the Illinois Department of Public
16 Health including but not limited to tuberculosis, the results
17 of the test shall be personally delivered by the warden or his
18 or her designee in a sealed envelope to the judge of the court
19 in which the inmate must appear for the judge's inspection in
20 camera if requested by the judge. Acting in accordance with the
21 best interests of those in the courtroom, the judge shall have
22 the discretion to determine what if any precautions need to be
23 taken to prevent transmission of the disease in the courtroom.

24 (h) Whenever a defendant is convicted of an offense under
25 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
26 defendant shall undergo medical testing to determine whether

1 the defendant has been exposed to human immunodeficiency virus
2 (HIV) or any other identified causative agent of acquired
3 immunodeficiency syndrome (AIDS). Except as otherwise provided
4 by law, the results of such test shall be kept strictly
5 confidential by all medical personnel involved in the testing
6 and must be personally delivered in a sealed envelope to the
7 judge of the court in which the conviction was entered for the
8 judge's inspection in camera. Acting in accordance with the
9 best interests of the public, the judge shall have the
10 discretion to determine to whom, if anyone, the results of the
11 testing may be revealed. The court shall notify the defendant
12 of a positive test showing an infection with the human
13 immunodeficiency virus (HIV). The court shall provide
14 information on the availability of HIV testing and counseling
15 at Department of Public Health facilities to all parties to
16 whom the results of the testing are revealed and shall direct
17 the State's Attorney to provide the information to the victim
18 when possible. A State's Attorney may petition the court to
19 obtain the results of any HIV test administered under this
20 Section, and the court shall grant the disclosure if the
21 State's Attorney shows it is relevant in order to prosecute a
22 charge of criminal transmission of HIV under Section 12-5.01 or
23 12-16.2 of the Criminal Code of 1961 or the Criminal Code of
24 2012 against the defendant. The court shall order that the cost
25 of any such test shall be paid by the county and may be taxed as
26 costs against the convicted defendant.

1 (i) All fines and penalties imposed under this Section for
2 any violation of Chapters 3, 4, 6, and 11 of the Illinois
3 Vehicle Code, or a similar provision of a local ordinance, and
4 any violation of the Child Passenger Protection Act, or a
5 similar provision of a local ordinance, shall be collected and
6 disbursed by the circuit clerk as provided under Section 27.5
7 of the Clerks of Courts Act.

8 (j) In cases when prosecution for any violation of Section
9 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
10 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
11 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
12 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
13 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
14 Code of 2012, any violation of the Illinois Controlled
15 Substances Act, any violation of the Cannabis Control Act, or
16 any violation of the Methamphetamine Control and Community
17 Protection Act results in conviction, a disposition of court
18 supervision, or an order of probation granted under Section 10
19 of the Cannabis Control Act, Section 410 of the Illinois
20 Controlled Substances Act, or Section 70 of the Methamphetamine
21 Control and Community Protection Act of a defendant, the court
22 shall determine whether the defendant is employed by a facility
23 or center as defined under the Child Care Act of 1969, a public
24 or private elementary or secondary school, or otherwise works
25 with children under 18 years of age on a daily basis. When a
26 defendant is so employed, the court shall order the Clerk of

1 the Court to send a copy of the judgment of conviction or order
2 of supervision or probation to the defendant's employer by
3 certified mail. If the employer of the defendant is a school,
4 the Clerk of the Court shall direct the mailing of a copy of
5 the judgment of conviction or order of supervision or probation
6 to the appropriate regional superintendent of schools. The
7 regional superintendent of schools shall notify the State Board
8 of Education of any notification under this subsection.

9 (j-5) A defendant at least 17 years of age who is convicted
10 of a felony and who has not been previously convicted of a
11 misdemeanor or felony and who is sentenced to a term of
12 imprisonment in the Illinois Department of Corrections shall as
13 a condition of his or her sentence be required by the court to
14 attend educational courses designed to prepare the defendant
15 for a high school diploma and to work toward a high school
16 diploma or to work toward passing high school equivalency
17 testing or to work toward completing a vocational training
18 program offered by the Department of Corrections. If a
19 defendant fails to complete the educational training required
20 by his or her sentence during the term of incarceration, the
21 Prisoner Review Board shall, as a condition of mandatory
22 supervised release, require the defendant, at his or her own
23 expense, to pursue a course of study toward a high school
24 diploma or passage of high school equivalency testing. The
25 Prisoner Review Board shall revoke the mandatory supervised
26 release of a defendant who wilfully fails to comply with this

1 subsection (j-5) upon his or her release from confinement in a
2 penal institution while serving a mandatory supervised release
3 term; however, the inability of the defendant after making a
4 good faith effort to obtain financial aid or pay for the
5 educational training shall not be deemed a wilful failure to
6 comply. The Prisoner Review Board shall recommit the defendant
7 whose mandatory supervised release term has been revoked under
8 this subsection (j-5) as provided in Section 3-3-9. This
9 subsection (j-5) does not apply to a defendant who has a high
10 school diploma or has successfully passed high school
11 equivalency testing. This subsection (j-5) does not apply to a
12 defendant who is determined by the court to be a person with a
13 developmental disability or otherwise mentally incapable of
14 completing the educational or vocational program.

15 (k) (Blank).

16 (l) (A) Except as provided in paragraph (C) of subsection
17 (l), whenever a defendant, who is an alien as defined by the
18 Immigration and Nationality Act, is convicted of any felony or
19 misdemeanor offense, the court after sentencing the defendant
20 may, upon motion of the State's Attorney, hold sentence in
21 abeyance and remand the defendant to the custody of the
22 Attorney General of the United States or his or her designated
23 agent to be deported when:

24 (1) a final order of deportation has been issued
25 against the defendant pursuant to proceedings under the
26 Immigration and Nationality Act, and

1 (2) the deportation of the defendant would not
2 deprecate the seriousness of the defendant's conduct and
3 would not be inconsistent with the ends of justice.

4 Otherwise, the defendant shall be sentenced as provided in
5 this Chapter V.

6 (B) If the defendant has already been sentenced for a
7 felony or misdemeanor offense, or has been placed on probation
8 under Section 10 of the Cannabis Control Act, Section 410 of
9 the Illinois Controlled Substances Act, or Section 70 of the
10 Methamphetamine Control and Community Protection Act, the
11 court may, upon motion of the State's Attorney to suspend the
12 sentence imposed, commit the defendant to the custody of the
13 Attorney General of the United States or his or her designated
14 agent when:

15 (1) a final order of deportation has been issued
16 against the defendant pursuant to proceedings under the
17 Immigration and Nationality Act, and

18 (2) the deportation of the defendant would not
19 deprecate the seriousness of the defendant's conduct and
20 would not be inconsistent with the ends of justice.

21 (C) This subsection (1) does not apply to offenders who are
22 subject to the provisions of paragraph (2) of subsection (a) of
23 Section 3-6-3.

24 (D) Upon motion of the State's Attorney, if a defendant
25 sentenced under this Section returns to the jurisdiction of the
26 United States, the defendant shall be recommitted to the

1 custody of the county from which he or she was sentenced.
2 Thereafter, the defendant shall be brought before the
3 sentencing court, which may impose any sentence that was
4 available under Section 5-5-3 at the time of initial
5 sentencing. In addition, the defendant shall not be eligible
6 for additional earned sentence credit as provided under Section
7 3-6-3.

8 (m) A person convicted of criminal defacement of property
9 under Section 21-1.3 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, in which the property damage exceeds
11 \$300 and the property damaged is a school building, shall be
12 ordered to perform community service that may include cleanup,
13 removal, or painting over the defacement.

14 (n) The court may sentence a person convicted of a
15 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
16 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
17 of 1961 or the Criminal Code of 2012 (i) to an impact
18 incarceration program if the person is otherwise eligible for
19 that program under Section 5-8-1.1, (ii) to community service,
20 or (iii) if the person is an addict or alcoholic, as defined in
21 the Alcoholism and Other Drug Abuse and Dependency Act, to a
22 substance or alcohol abuse program licensed under that Act.

23 (o) Whenever a person is convicted of a sex offense as
24 defined in Section 2 of the Sex Offender Registration Act, the
25 defendant's driver's license or permit shall be subject to
26 renewal on an annual basis in accordance with the provisions of

1 license renewal established by the Secretary of State.

2 (Source: P.A. 98-718, eff. 1-1-15; 98-756, eff. 7-16-14;
3 99-143, eff. 7-27-15; 99-885, eff. 8-23-16; 99-938, eff.
4 1-1-18.)

5 (730 ILCS 5/5-5-3.2)

6 Sec. 5-5-3.2. Factors in aggravation and extended-term
7 sentencing.

8 (a) The following factors shall be accorded weight in favor
9 of imposing a term of imprisonment or may be considered by the
10 court as reasons to impose a more severe sentence under Section
11 5-8-1 or Article 4.5 of Chapter V:

12 (1) the defendant's conduct caused or threatened
13 serious harm;

14 (2) the defendant received compensation for committing
15 the offense;

16 (3) the defendant has a history of prior delinquency or
17 criminal activity;

18 (4) the defendant, by the duties of his office or by
19 his position, was obliged to prevent the particular offense
20 committed or to bring the offenders committing it to
21 justice;

22 (5) the defendant held public office at the time of the
23 offense, and the offense related to the conduct of that
24 office;

25 (6) the defendant utilized his professional reputation

1 or position in the community to commit the offense, or to
2 afford him an easier means of committing it;

3 (7) the sentence is necessary to deter others from
4 committing the same crime;

5 (8) the defendant committed the offense against a
6 person 60 years of age or older or such person's property;

7 (9) the defendant committed the offense against a
8 person who has a physical disability or such person's
9 property;

10 (10) by reason of another individual's actual or
11 perceived race, color, creed, religion, ancestry, gender,
12 sexual orientation, physical or mental disability, or
13 national origin, the defendant committed the offense
14 against (i) the person or property of that individual; (ii)
15 the person or property of a person who has an association
16 with, is married to, or has a friendship with the other
17 individual; or (iii) the person or property of a relative
18 (by blood or marriage) of a person described in clause (i)
19 or (ii). For the purposes of this Section, "sexual
20 orientation" has the meaning ascribed to it in paragraph
21 (O-1) of Section 1-103 of the Illinois Human Rights Act;

22 (11) the offense took place in a place of worship or on
23 the grounds of a place of worship, immediately prior to,
24 during or immediately following worship services. For
25 purposes of this subparagraph, "place of worship" shall
26 mean any church, synagogue or other building, structure or

1 place used primarily for religious worship;

2 (12) the defendant was convicted of a felony committed
3 while he was released on bail or his own recognizance
4 pending trial for a prior felony and was convicted of such
5 prior felony, or the defendant was convicted of a felony
6 committed while he was serving a period of probation,
7 conditional discharge, or mandatory supervised release
8 under subsection (d) of Section 5-8-1 for a prior felony;

9 (13) the defendant committed or attempted to commit a
10 felony while he was wearing a bulletproof vest. For the
11 purposes of this paragraph (13), a bulletproof vest is any
12 device which is designed for the purpose of protecting the
13 wearer from bullets, shot or other lethal projectiles;

14 (14) the defendant held a position of trust or
15 supervision such as, but not limited to, family member as
16 defined in Section 11-0.1 of the Criminal Code of 2012,
17 teacher, scout leader, baby sitter, or day care worker, in
18 relation to a victim under 18 years of age, and the
19 defendant committed an offense in violation of Section
20 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
21 11-14.4 except for an offense that involves keeping a place
22 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
23 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
24 or 12-16 of the Criminal Code of 1961 or the Criminal Code
25 of 2012 against that victim;

26 (15) the defendant committed an offense related to the

1 activities of an organized gang. For the purposes of this
2 factor, "organized gang" has the meaning ascribed to it in
3 Section 10 of the Streetgang Terrorism Omnibus Prevention
4 Act;

5 (16) the defendant committed an offense in violation of
6 one of the following Sections while in a school, regardless
7 of the time of day or time of year; on any conveyance
8 owned, leased, or contracted by a school to transport
9 students to or from school or a school related activity; on
10 the real property of a school; or on a public way within
11 1,000 feet of the real property comprising any school:
12 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
13 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
14 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
15 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
16 18-2, or 33A-2, or Section 12-3.05 except for subdivision
17 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
18 Criminal Code of 2012;

19 (16.5) the defendant committed an offense in violation
20 of one of the following Sections while in a day care
21 center, regardless of the time of day or time of year; on
22 the real property of a day care center, regardless of the
23 time of day or time of year; or on a public way within
24 1,000 feet of the real property comprising any day care
25 center, regardless of the time of day or time of year:
26 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,

1 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
2 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
3 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
4 18-2, or 33A-2, or Section 12-3.05 except for subdivision
5 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
6 Criminal Code of 2012;

7 (17) the defendant committed the offense by reason of
8 any person's activity as a community policing volunteer or
9 to prevent any person from engaging in activity as a
10 community policing volunteer. For the purpose of this
11 Section, "community policing volunteer" has the meaning
12 ascribed to it in Section 2-3.5 of the Criminal Code of
13 2012;

14 (18) the defendant committed the offense in a nursing
15 home or on the real property comprising a nursing home. For
16 the purposes of this paragraph (18), "nursing home" means a
17 skilled nursing or intermediate long term care facility
18 that is subject to license by the Illinois Department of
19 Public Health under the Nursing Home Care Act, the
20 Specialized Mental Health Rehabilitation Act of 2013, the
21 ID/DD Community Care Act, or the MC/DD Act;

22 (19) the defendant was a federally licensed firearm
23 dealer and was previously convicted of a violation of
24 subsection (a) of Section 3 of the Firearm Owners
25 Identification Card Act before its repeal by this
26 amendatory Act of the 100th General Assembly and has now

1 committed ~~either a felony violation of the Firearm Owners~~
2 ~~Identification Card Act or~~ an act of armed violence while
3 armed with a firearm;

4 (20) the defendant (i) committed the offense of
5 reckless homicide under Section 9-3 of the Criminal Code of
6 1961 or the Criminal Code of 2012 or the offense of driving
7 under the influence of alcohol, other drug or drugs,
8 intoxicating compound or compounds or any combination
9 thereof under Section 11-501 of the Illinois Vehicle Code
10 or a similar provision of a local ordinance and (ii) was
11 operating a motor vehicle in excess of 20 miles per hour
12 over the posted speed limit as provided in Article VI of
13 Chapter 11 of the Illinois Vehicle Code;

14 (21) the defendant (i) committed the offense of
15 reckless driving or aggravated reckless driving under
16 Section 11-503 of the Illinois Vehicle Code and (ii) was
17 operating a motor vehicle in excess of 20 miles per hour
18 over the posted speed limit as provided in Article VI of
19 Chapter 11 of the Illinois Vehicle Code;

20 (22) the defendant committed the offense against a
21 person that the defendant knew, or reasonably should have
22 known, was a member of the Armed Forces of the United
23 States serving on active duty. For purposes of this clause
24 (22), the term "Armed Forces" means any of the Armed Forces
25 of the United States, including a member of any reserve
26 component thereof or National Guard unit called to active

1 duty;

2 (23) the defendant committed the offense against a
3 person who was elderly or infirm or who was a person with a
4 disability by taking advantage of a family or fiduciary
5 relationship with the elderly or infirm person or person
6 with a disability;

7 (24) the defendant committed any offense under Section
8 11-20.1 of the Criminal Code of 1961 or the Criminal Code
9 of 2012 and possessed 100 or more images;

10 (25) the defendant committed the offense while the
11 defendant or the victim was in a train, bus, or other
12 vehicle used for public transportation;

13 (26) the defendant committed the offense of child
14 pornography or aggravated child pornography, specifically
15 including paragraph (1), (2), (3), (4), (5), or (7) of
16 subsection (a) of Section 11-20.1 of the Criminal Code of
17 1961 or the Criminal Code of 2012 where a child engaged in,
18 solicited for, depicted in, or posed in any act of sexual
19 penetration or bound, fettered, or subject to sadistic,
20 masochistic, or sadomasochistic abuse in a sexual context
21 and specifically including paragraph (1), (2), (3), (4),
22 (5), or (7) of subsection (a) of Section 11-20.1B or
23 Section 11-20.3 of the Criminal Code of 1961 where a child
24 engaged in, solicited for, depicted in, or posed in any act
25 of sexual penetration or bound, fettered, or subject to
26 sadistic, masochistic, or sadomasochistic abuse in a

1 sexual context;

2 (27) the defendant committed the offense of first
3 degree murder, assault, aggravated assault, battery,
4 aggravated battery, robbery, armed robbery, or aggravated
5 robbery against a person who was a veteran and the
6 defendant knew, or reasonably should have known, that the
7 person was a veteran performing duties as a representative
8 of a veterans' organization. For the purposes of this
9 paragraph (27), "veteran" means an Illinois resident who
10 has served as a member of the United States Armed Forces, a
11 member of the Illinois National Guard, or a member of the
12 United States Reserve Forces; and "veterans' organization"
13 means an organization comprised of members of which
14 substantially all are individuals who are veterans or
15 spouses, widows, or widowers of veterans, the primary
16 purpose of which is to promote the welfare of its members
17 and to provide assistance to the general public in such a
18 way as to confer a public benefit;

19 (28) the defendant committed the offense of assault,
20 aggravated assault, battery, aggravated battery, robbery,
21 armed robbery, or aggravated robbery against a person that
22 the defendant knew or reasonably should have known was a
23 letter carrier or postal worker while that person was
24 performing his or her duties delivering mail for the United
25 States Postal Service;

26 (29) the defendant committed the offense of criminal

1 sexual assault, aggravated criminal sexual assault,
2 criminal sexual abuse, or aggravated criminal sexual abuse
3 against a victim with an intellectual disability, and the
4 defendant holds a position of trust, authority, or
5 supervision in relation to the victim; or

6 (30) the defendant committed the offense of promoting
7 juvenile prostitution, patronizing a prostitute, or
8 patronizing a minor engaged in prostitution and at the time
9 of the commission of the offense knew that the prostitute
10 or minor engaged in prostitution was in the custody or
11 guardianship of the Department of Children and Family
12 Services.

13 For the purposes of this Section:

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

16 "Day care center" means a public or private State certified
17 and licensed day care center as defined in Section 2.09 of the
18 Child Care Act of 1969 that displays a sign in plain view
19 stating that the property is a day care center.

20 "Intellectual disability" means significantly subaverage
21 intellectual functioning which exists concurrently with
22 impairment in adaptive behavior.

23 "Public transportation" means the transportation or
24 conveyance of persons by means available to the general public,
25 and includes paratransit services.

26 (b) The following factors, related to all felonies, may be

1 considered by the court as reasons to impose an extended term
2 sentence under Section 5-8-2 upon any offender:

3 (1) When a defendant is convicted of any felony, after
4 having been previously convicted in Illinois or any other
5 jurisdiction of the same or similar class felony or greater
6 class felony, when such conviction has occurred within 10
7 years after the previous conviction, excluding time spent
8 in custody, and such charges are separately brought and
9 tried and arise out of different series of acts; or

10 (2) When a defendant is convicted of any felony and the
11 court finds that the offense was accompanied by
12 exceptionally brutal or heinous behavior indicative of
13 wanton cruelty; or

14 (3) When a defendant is convicted of any felony
15 committed against:

16 (i) a person under 12 years of age at the time of
17 the offense or such person's property;

18 (ii) a person 60 years of age or older at the time
19 of the offense or such person's property; or

20 (iii) a person who had a physical disability at the
21 time of the offense or such person's property; or

22 (4) When a defendant is convicted of any felony and the
23 offense involved any of the following types of specific
24 misconduct committed as part of a ceremony, rite,
25 initiation, observance, performance, practice or activity
26 of any actual or ostensible religious, fraternal, or social

1 group:

2 (i) the brutalizing or torturing of humans or
3 animals;

4 (ii) the theft of human corpses;

5 (iii) the kidnapping of humans;

6 (iv) the desecration of any cemetery, religious,
7 fraternal, business, governmental, educational, or
8 other building or property; or

9 (v) ritualized abuse of a child; or

10 (5) When a defendant is convicted of a felony other
11 than conspiracy and the court finds that the felony was
12 committed under an agreement with 2 or more other persons
13 to commit that offense and the defendant, with respect to
14 the other individuals, occupied a position of organizer,
15 supervisor, financier, or any other position of management
16 or leadership, and the court further finds that the felony
17 committed was related to or in furtherance of the criminal
18 activities of an organized gang or was motivated by the
19 defendant's leadership in an organized gang; or

20 (6) When a defendant is convicted of an offense
21 committed while using a firearm with a laser sight attached
22 to it. For purposes of this paragraph, "laser sight" has
23 the meaning ascribed to it in Section 26-7 of the Criminal
24 Code of 2012; or

25 (7) When a defendant who was at least 17 years of age
26 at the time of the commission of the offense is convicted

1 of a felony and has been previously adjudicated a
2 delinquent minor under the Juvenile Court Act of 1987 for
3 an act that if committed by an adult would be a Class X or
4 Class 1 felony when the conviction has occurred within 10
5 years after the previous adjudication, excluding time
6 spent in custody; or

7 (8) When a defendant commits any felony and the
8 defendant used, possessed, exercised control over, or
9 otherwise directed an animal to assault a law enforcement
10 officer engaged in the execution of his or her official
11 duties or in furtherance of the criminal activities of an
12 organized gang in which the defendant is engaged; or

13 (9) When a defendant commits any felony and the
14 defendant knowingly video or audio records the offense with
15 the intent to disseminate the recording.

16 (c) The following factors may be considered by the court as
17 reasons to impose an extended term sentence under Section 5-8-2
18 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

19 (1) When a defendant is convicted of first degree
20 murder, after having been previously convicted in Illinois
21 of any offense listed under paragraph (c)(2) of Section
22 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
23 within 10 years after the previous conviction, excluding
24 time spent in custody, and the charges are separately
25 brought and tried and arise out of different series of
26 acts.

1 (1.5) When a defendant is convicted of first degree
2 murder, after having been previously convicted of domestic
3 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
4 (720 ILCS 5/12-3.3) committed on the same victim or after
5 having been previously convicted of violation of an order
6 of protection (720 ILCS 5/12-30) in which the same victim
7 was the protected person.

8 (2) When a defendant is convicted of voluntary
9 manslaughter, second degree murder, involuntary
10 manslaughter, or reckless homicide in which the defendant
11 has been convicted of causing the death of more than one
12 individual.

13 (3) When a defendant is convicted of aggravated
14 criminal sexual assault or criminal sexual assault, when
15 there is a finding that aggravated criminal sexual assault
16 or criminal sexual assault was also committed on the same
17 victim by one or more other individuals, and the defendant
18 voluntarily participated in the crime with the knowledge of
19 the participation of the others in the crime, and the
20 commission of the crime was part of a single course of
21 conduct during which there was no substantial change in the
22 nature of the criminal objective.

23 (4) If the victim was under 18 years of age at the time
24 of the commission of the offense, when a defendant is
25 convicted of aggravated criminal sexual assault or
26 predatory criminal sexual assault of a child under

1 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
2 of Section 12-14.1 of the Criminal Code of 1961 or the
3 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

4 (5) When a defendant is convicted of a felony violation
5 of Section 24-1 of the Criminal Code of 1961 or the
6 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
7 finding that the defendant is a member of an organized
8 gang.

9 (6) When a defendant was convicted of unlawful use of
10 weapons under Section 24-1 of the Criminal Code of 1961 or
11 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
12 a weapon that is not readily distinguishable as one of the
13 weapons enumerated in Section 24-1 of the Criminal Code of
14 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

15 (7) When a defendant is convicted of an offense
16 involving the illegal manufacture of a controlled
17 substance under Section 401 of the Illinois Controlled
18 Substances Act (720 ILCS 570/401), the illegal manufacture
19 of methamphetamine under Section 25 of the Methamphetamine
20 Control and Community Protection Act (720 ILCS 646/25), or
21 the illegal possession of explosives and an emergency
22 response officer in the performance of his or her duties is
23 killed or injured at the scene of the offense while
24 responding to the emergency caused by the commission of the
25 offense. In this paragraph, "emergency" means a situation
26 in which a person's life, health, or safety is in jeopardy;

1 and "emergency response officer" means a peace officer,
2 community policing volunteer, fireman, emergency medical
3 technician-ambulance, emergency medical
4 technician-intermediate, emergency medical
5 technician-paramedic, ambulance driver, other medical
6 assistance or first aid personnel, or hospital emergency
7 room personnel.

8 (8) When the defendant is convicted of attempted mob
9 action, solicitation to commit mob action, or conspiracy to
10 commit mob action under Section 8-1, 8-2, or 8-4 of the
11 Criminal Code of 2012, where the criminal object is a
12 violation of Section 25-1 of the Criminal Code of 2012, and
13 an electronic communication is used in the commission of
14 the offense. For the purposes of this paragraph (8),
15 "electronic communication" shall have the meaning provided
16 in Section 26.5-0.1 of the Criminal Code of 2012.

17 (d) For the purposes of this Section, "organized gang" has
18 the meaning ascribed to it in Section 10 of the Illinois
19 Streetgang Terrorism Omnibus Prevention Act.

20 (e) The court may impose an extended term sentence under
21 Article 4.5 of Chapter V upon an offender who has been
22 convicted of a felony violation of Section 11-1.20, 11-1.30,
23 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
24 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
25 when the victim of the offense is under 18 years of age at the
26 time of the commission of the offense and, during the

1 commission of the offense, the victim was under the influence
2 of alcohol, regardless of whether or not the alcohol was
3 supplied by the offender; and the offender, at the time of the
4 commission of the offense, knew or should have known that the
5 victim had consumed alcohol.

6 (Source: P.A. 98-14, eff. 1-1-14; 98-104, eff. 7-22-13; 98-385,
7 eff. 1-1-14; 98-756, eff. 7-16-14; 99-77, eff. 1-1-16; 99-143,
8 eff. 7-27-15; 99-180, eff. 7-29-15; 99-283, eff. 1-1-16;
9 99-347, eff. 1-1-16; 99-642, eff. 7-28-16.)

10 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

11 Sec. 5-6-3. Conditions of probation and of conditional
12 discharge.

13 (a) The conditions of probation and of conditional
14 discharge shall be that the person:

15 (1) not violate any criminal statute of any
16 jurisdiction;

17 (2) report to or appear in person before such person or
18 agency as directed by the court;

19 (3) refrain from possessing a firearm or other
20 dangerous weapon where the offense is a felony or, if a
21 misdemeanor, the offense involved the intentional or
22 knowing infliction of bodily harm or threat of bodily harm;

23 (4) not leave the State without the consent of the
24 court or, in circumstances in which the reason for the
25 absence is of such an emergency nature that prior consent

1 by the court is not possible, without the prior
2 notification and approval of the person's probation
3 officer. Transfer of a person's probation or conditional
4 discharge supervision to another state is subject to
5 acceptance by the other state pursuant to the Interstate
6 Compact for Adult Offender Supervision;

7 (5) permit the probation officer to visit him at his
8 home or elsewhere to the extent necessary to discharge his
9 duties;

10 (6) perform no less than 30 hours of community service
11 and not more than 120 hours of community service, if
12 community service is available in the jurisdiction and is
13 funded and approved by the county board where the offense
14 was committed, where the offense was related to or in
15 furtherance of the criminal activities of an organized gang
16 and was motivated by the offender's membership in or
17 allegiance to an organized gang. The community service
18 shall include, but not be limited to, the cleanup and
19 repair of any damage caused by a violation of Section
20 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
21 2012 and similar damage to property located within the
22 municipality or county in which the violation occurred.
23 When possible and reasonable, the community service should
24 be performed in the offender's neighborhood. For purposes
25 of this Section, "organized gang" has the meaning ascribed
26 to it in Section 10 of the Illinois Streetgang Terrorism

1 Omnibus Prevention Act;

2 (7) if he or she is at least 17 years of age and has
3 been sentenced to probation or conditional discharge for a
4 misdemeanor or felony in a county of 3,000,000 or more
5 inhabitants and has not been previously convicted of a
6 misdemeanor or felony, may be required by the sentencing
7 court to attend educational courses designed to prepare the
8 defendant for a high school diploma and to work toward a
9 high school diploma or to work toward passing high school
10 equivalency testing or to work toward completing a
11 vocational training program approved by the court. The
12 person on probation or conditional discharge must attend a
13 public institution of education to obtain the educational
14 or vocational training required by this paragraph ~~clause~~
15 (7). The court shall revoke the probation or conditional
16 discharge of a person who wilfully fails to comply with
17 this paragraph ~~clause~~ (7). The person on probation or
18 conditional discharge shall be required to pay for the cost
19 of the educational courses or high school equivalency
20 testing if a fee is charged for those courses or testing.
21 The court shall resentence the offender whose probation or
22 conditional discharge has been revoked as provided in
23 Section 5-6-4. This paragraph ~~clause~~ (7) does not apply to
24 a person who has a high school diploma or has successfully
25 passed high school equivalency testing. This paragraph
26 ~~clause~~ (7) does not apply to a person who is determined by

1 the court to be a person with a developmental disability or
2 otherwise mentally incapable of completing the educational
3 or vocational program;

4 (8) if convicted of possession of a substance
5 prohibited by the Cannabis Control Act, the Illinois
6 Controlled Substances Act, or the Methamphetamine Control
7 and Community Protection Act after a previous conviction or
8 disposition of supervision for possession of a substance
9 prohibited by the Cannabis Control Act or Illinois
10 Controlled Substances Act or after a sentence of probation
11 under Section 10 of the Cannabis Control Act, Section 410
12 of the Illinois Controlled Substances Act, or Section 70 of
13 the Methamphetamine Control and Community Protection Act
14 and upon a finding by the court that the person is
15 addicted, undergo treatment at a substance abuse program
16 approved by the court;

17 (8.5) if convicted of a felony sex offense as defined
18 in the Sex Offender Management Board Act, the person shall
19 undergo and successfully complete sex offender treatment
20 by a treatment provider approved by the Board and conducted
21 in conformance with the standards developed under the Sex
22 Offender Management Board Act;

23 (8.6) if convicted of a sex offense as defined in the
24 Sex Offender Management Board Act, refrain from residing at
25 the same address or in the same condominium unit or
26 apartment unit or in the same condominium complex or

1 apartment complex with another person he or she knows or
2 reasonably should know is a convicted sex offender or has
3 been placed on supervision for a sex offense; the
4 provisions of this paragraph do not apply to a person
5 convicted of a sex offense who is placed in a Department of
6 Corrections licensed transitional housing facility for sex
7 offenders;

8 (8.7) if convicted for an offense committed on or after
9 June 1, 2008 (the effective date of Public Act 95-464) that
10 would qualify the accused as a child sex offender as
11 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
12 1961 or the Criminal Code of 2012, refrain from
13 communicating with or contacting, by means of the Internet,
14 a person who is not related to the accused and whom the
15 accused reasonably believes to be under 18 years of age;
16 for purposes of this paragraph (8.7), "Internet" has the
17 meaning ascribed to it in Section 16-0.1 of the Criminal
18 Code of 2012; and a person is not related to the accused if
19 the person is not: (i) the spouse, brother, or sister of
20 the accused; (ii) a descendant of the accused; (iii) a
21 first or second cousin of the accused; or (iv) a step-child
22 or adopted child of the accused;

23 (8.8) if convicted for an offense under Section 11-6,
24 11-9.1, 11-14.4 that involves soliciting for a juvenile
25 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
26 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 or any attempt to commit any of these offenses, committed
2 on or after June 1, 2009 (the effective date of Public Act
3 95-983):

4 (i) not access or use a computer or any other
5 device with Internet capability without the prior
6 written approval of the offender's probation officer,
7 except in connection with the offender's employment or
8 search for employment with the prior approval of the
9 offender's probation officer;

10 (ii) submit to periodic unannounced examinations
11 of the offender's computer or any other device with
12 Internet capability by the offender's probation
13 officer, a law enforcement officer, or assigned
14 computer or information technology specialist,
15 including the retrieval and copying of all data from
16 the computer or device and any internal or external
17 peripherals and removal of such information,
18 equipment, or device to conduct a more thorough
19 inspection;

20 (iii) submit to the installation on the offender's
21 computer or device with Internet capability, at the
22 offender's expense, of one or more hardware or software
23 systems to monitor the Internet use; and

24 (iv) submit to any other appropriate restrictions
25 concerning the offender's use of or access to a
26 computer or any other device with Internet capability

1 imposed by the offender's probation officer;

2 (8.9) if convicted of a sex offense as defined in the
3 Sex Offender Registration Act committed on or after January
4 1, 2010 (the effective date of Public Act 96-262), refrain
5 from accessing or using a social networking website as
6 defined in Section 17-0.5 of the Criminal Code of 2012;

7 (9) if convicted of a felony or of any misdemeanor
8 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
9 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
10 2012 that was determined, pursuant to Section 112A-11.1 of
11 the Code of Criminal Procedure of 1963, to trigger the
12 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
13 at a time and place designated by the court, ~~his or her~~
14 ~~Firearm Owner's Identification Card~~ and any and all
15 firearms in his or her possession. ~~The Court shall return~~
16 ~~to the Department of State Police Firearm Owner's~~
17 ~~Identification Card Office the person's Firearm Owner's~~
18 ~~Identification Card;~~

19 (10) if convicted of a sex offense as defined in
20 subsection (a-5) of Section 3-1-2 of this Code, unless the
21 offender is a parent or guardian of the person under 18
22 years of age present in the home and no non-familial minors
23 are present, not participate in a holiday event involving
24 children under 18 years of age, such as distributing candy
25 or other items to children on Halloween, wearing a Santa
26 Claus costume on or preceding Christmas, being employed as

1 a department store Santa Claus, or wearing an Easter Bunny
2 costume on or preceding Easter;

3 (11) if convicted of a sex offense as defined in
4 Section 2 of the Sex Offender Registration Act committed on
5 or after January 1, 2010 (the effective date of Public Act
6 96-362) that requires the person to register as a sex
7 offender under that Act, may not knowingly use any computer
8 scrub software on any computer that the sex offender uses;

9 (12) if convicted of a violation of the Methamphetamine
10 Control and Community Protection Act, the Methamphetamine
11 Precursor Control Act, or a methamphetamine related
12 offense:

13 (A) prohibited from purchasing, possessing, or
14 having under his or her control any product containing
15 pseudoephedrine unless prescribed by a physician; and

16 (B) prohibited from purchasing, possessing, or
17 having under his or her control any product containing
18 ammonium nitrate; and

19 (13) if convicted of a hate crime involving the
20 protected class identified in subsection (a) of Section
21 12-7.1 of the Criminal Code of 2012 that gave rise to the
22 offense the offender committed, perform public or
23 community service of no less than 200 hours and enroll in
24 an educational program discouraging hate crimes that
25 includes racial, ethnic, and cultural sensitivity training
26 ordered by the court.

1 (b) The Court may in addition to other reasonable
2 conditions relating to the nature of the offense or the
3 rehabilitation of the defendant as determined for each
4 defendant in the proper discretion of the Court require that
5 the person:

6 (1) serve a term of periodic imprisonment under Article
7 7 for a period not to exceed that specified in paragraph
8 (d) of Section 5-7-1;

9 (2) pay a fine and costs;

10 (3) work or pursue a course of study or vocational
11 training;

12 (4) undergo medical, psychological or psychiatric
13 treatment; or treatment for drug addiction or alcoholism;

14 (5) attend or reside in a facility established for the
15 instruction or residence of defendants on probation;

16 (6) support his dependents;

17 (7) and in addition, if a minor:

18 (i) reside with his parents or in a foster home;

19 (ii) attend school;

20 (iii) attend a non-residential program for youth;

21 (iv) contribute to his own support at home or in a
22 foster home;

23 (v) with the consent of the superintendent of the
24 facility, attend an educational program at a facility
25 other than the school in which the offense was
26 committed if he or she is convicted of a crime of

1 violence as defined in Section 2 of the Crime Victims
2 Compensation Act committed in a school, on the real
3 property comprising a school, or within 1,000 feet of
4 the real property comprising a school;

5 (8) make restitution as provided in Section 5-5-6 of
6 this Code;

7 (9) perform some reasonable public or community
8 service;

9 (10) serve a term of home confinement. In addition to
10 any other applicable condition of probation or conditional
11 discharge, the conditions of home confinement shall be that
12 the offender:

13 (i) remain within the interior premises of the
14 place designated for his confinement during the hours
15 designated by the court;

16 (ii) admit any person or agent designated by the
17 court into the offender's place of confinement at any
18 time for purposes of verifying the offender's
19 compliance with the conditions of his confinement; and

20 (iii) if further deemed necessary by the court or
21 the Probation or Court Services Department, be placed
22 on an approved electronic monitoring device, subject
23 to Article 8A of Chapter V;

24 (iv) for persons convicted of any alcohol,
25 cannabis or controlled substance violation who are
26 placed on an approved monitoring device as a condition

1 of probation or conditional discharge, the court shall
2 impose a reasonable fee for each day of the use of the
3 device, as established by the county board in
4 subsection (g) of this Section, unless after
5 determining the inability of the offender to pay the
6 fee, the court assesses a lesser fee or no fee as the
7 case may be. This fee shall be imposed in addition to
8 the fees imposed under subsections (g) and (i) of this
9 Section. The fee shall be collected by the clerk of the
10 circuit court, except as provided in an administrative
11 order of the Chief Judge of the circuit court. The
12 clerk of the circuit court shall pay all monies
13 collected from this fee to the county treasurer for
14 deposit in the substance abuse services fund under
15 Section 5-1086.1 of the Counties Code, except as
16 provided in an administrative order of the Chief Judge
17 of the circuit court.

18 The Chief Judge of the circuit court of the county
19 may by administrative order establish a program for
20 electronic monitoring of offenders, in which a vendor
21 supplies and monitors the operation of the electronic
22 monitoring device, and collects the fees on behalf of
23 the county. The program shall include provisions for
24 indigent offenders and the collection of unpaid fees.
25 The program shall not unduly burden the offender and
26 shall be subject to review by the Chief Judge.

1 The Chief Judge of the circuit court may suspend
2 any additional charges or fees for late payment,
3 interest, or damage to any device; and

4 (v) for persons convicted of offenses other than
5 those referenced in clause (iv) above and who are
6 placed on an approved monitoring device as a condition
7 of probation or conditional discharge, the court shall
8 impose a reasonable fee for each day of the use of the
9 device, as established by the county board in
10 subsection (g) of this Section, unless after
11 determining the inability of the defendant to pay the
12 fee, the court assesses a lesser fee or no fee as the
13 case may be. This fee shall be imposed in addition to
14 the fees imposed under subsections (g) and (i) of this
15 Section. The fee shall be collected by the clerk of the
16 circuit court, except as provided in an administrative
17 order of the Chief Judge of the circuit court. The
18 clerk of the circuit court shall pay all monies
19 collected from this fee to the county treasurer who
20 shall use the monies collected to defray the costs of
21 corrections. The county treasurer shall deposit the
22 fee collected in the probation and court services fund.
23 The Chief Judge of the circuit court of the county may
24 by administrative order establish a program for
25 electronic monitoring of offenders, in which a vendor
26 supplies and monitors the operation of the electronic

1 monitoring device, and collects the fees on behalf of
2 the county. The program shall include provisions for
3 indigent offenders and the collection of unpaid fees.
4 The program shall not unduly burden the offender and
5 shall be subject to review by the Chief Judge.

6 The Chief Judge of the circuit court may suspend
7 any additional charges or fees for late payment,
8 interest, or damage to any device.

9 (11) comply with the terms and conditions of an order
10 of protection issued by the court pursuant to the Illinois
11 Domestic Violence Act of 1986, as now or hereafter amended,
12 or an order of protection issued by the court of another
13 state, tribe, or United States territory. A copy of the
14 order of protection shall be transmitted to the probation
15 officer or agency having responsibility for the case;

16 (12) reimburse any "local anti-crime program" as
17 defined in Section 7 of the Anti-Crime Advisory Council Act
18 for any reasonable expenses incurred by the program on the
19 offender's case, not to exceed the maximum amount of the
20 fine authorized for the offense for which the defendant was
21 sentenced;

22 (13) contribute a reasonable sum of money, not to
23 exceed the maximum amount of the fine authorized for the
24 offense for which the defendant was sentenced, (i) to a
25 "local anti-crime program", as defined in Section 7 of the
26 Anti-Crime Advisory Council Act, or (ii) for offenses under

1 the jurisdiction of the Department of Natural Resources, to
2 the fund established by the Department of Natural Resources
3 for the purchase of evidence for investigation purposes and
4 to conduct investigations as outlined in Section 805-105 of
5 the Department of Natural Resources (Conservation) Law;

6 (14) refrain from entering into a designated
7 geographic area except upon such terms as the court finds
8 appropriate. Such terms may include consideration of the
9 purpose of the entry, the time of day, other persons
10 accompanying the defendant, and advance approval by a
11 probation officer, if the defendant has been placed on
12 probation or advance approval by the court, if the
13 defendant was placed on conditional discharge;

14 (15) refrain from having any contact, directly or
15 indirectly, with certain specified persons or particular
16 types of persons, including but not limited to members of
17 street gangs and drug users or dealers;

18 (16) refrain from having in his or her body the
19 presence of any illicit drug prohibited by the Cannabis
20 Control Act, the Illinois Controlled Substances Act, or the
21 Methamphetamine Control and Community Protection Act,
22 unless prescribed by a physician, and submit samples of his
23 or her blood or urine or both for tests to determine the
24 presence of any illicit drug;

25 (17) if convicted for an offense committed on or after
26 June 1, 2008 (the effective date of Public Act 95-464) that

1 would qualify the accused as a child sex offender as
2 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
3 1961 or the Criminal Code of 2012, refrain from
4 communicating with or contacting, by means of the Internet,
5 a person who is related to the accused and whom the accused
6 reasonably believes to be under 18 years of age; for
7 purposes of this paragraph (17), "Internet" has the meaning
8 ascribed to it in Section 16-0.1 of the Criminal Code of
9 2012; and a person is related to the accused if the person
10 is: (i) the spouse, brother, or sister of the accused; (ii)
11 a descendant of the accused; (iii) a first or second cousin
12 of the accused; or (iv) a step-child or adopted child of
13 the accused;

14 (18) if convicted for an offense committed on or after
15 June 1, 2009 (the effective date of Public Act 95-983) that
16 would qualify as a sex offense as defined in the Sex
17 Offender Registration Act:

18 (i) not access or use a computer or any other
19 device with Internet capability without the prior
20 written approval of the offender's probation officer,
21 except in connection with the offender's employment or
22 search for employment with the prior approval of the
23 offender's probation officer;

24 (ii) submit to periodic unannounced examinations
25 of the offender's computer or any other device with
26 Internet capability by the offender's probation

1 officer, a law enforcement officer, or assigned
2 computer or information technology specialist,
3 including the retrieval and copying of all data from
4 the computer or device and any internal or external
5 peripherals and removal of such information,
6 equipment, or device to conduct a more thorough
7 inspection;

8 (iii) submit to the installation on the offender's
9 computer or device with Internet capability, at the
10 subject's expense, of one or more hardware or software
11 systems to monitor the Internet use; and

12 (iv) submit to any other appropriate restrictions
13 concerning the offender's use of or access to a
14 computer or any other device with Internet capability
15 imposed by the offender's probation officer; and

16 (19) refrain from possessing a firearm or other
17 dangerous weapon where the offense is a misdemeanor that
18 did not involve the intentional or knowing infliction of
19 bodily harm or threat of bodily harm.

20 (c) The court may as a condition of probation or of
21 conditional discharge require that a person under 18 years of
22 age found guilty of any alcohol, cannabis or controlled
23 substance violation, refrain from acquiring a driver's license
24 during the period of probation or conditional discharge. If
25 such person is in possession of a permit or license, the court
26 may require that the minor refrain from driving or operating

1 any motor vehicle during the period of probation or conditional
2 discharge, except as may be necessary in the course of the
3 minor's lawful employment.

4 (d) An offender sentenced to probation or to conditional
5 discharge shall be given a certificate setting forth the
6 conditions thereof.

7 (e) Except where the offender has committed a fourth or
8 subsequent violation of subsection (c) of Section 6-303 of the
9 Illinois Vehicle Code, the court shall not require as a
10 condition of the sentence of probation or conditional discharge
11 that the offender be committed to a period of imprisonment in
12 excess of 6 months. This 6-month ~~6-month~~ limit shall not
13 include periods of confinement given pursuant to a sentence of
14 county impact incarceration under Section 5-8-1.2.

15 Persons committed to imprisonment as a condition of
16 probation or conditional discharge shall not be committed to
17 the Department of Corrections.

18 (f) The court may combine a sentence of periodic
19 imprisonment under Article 7 or a sentence to a county impact
20 incarceration program under Article 8 with a sentence of
21 probation or conditional discharge.

22 (g) An offender sentenced to probation or to conditional
23 discharge and who during the term of either undergoes mandatory
24 drug or alcohol testing, or both, or is assigned to be placed
25 on an approved electronic monitoring device, shall be ordered
26 to pay all costs incidental to such mandatory drug or alcohol

1 testing, or both, and all costs incidental to such approved
2 electronic monitoring in accordance with the defendant's
3 ability to pay those costs. The county board with the
4 concurrence of the Chief Judge of the judicial circuit in which
5 the county is located shall establish reasonable fees for the
6 cost of maintenance, testing, and incidental expenses related
7 to the mandatory drug or alcohol testing, or both, and all
8 costs incidental to approved electronic monitoring, involved
9 in a successful probation program for the county. The
10 concurrence of the Chief Judge shall be in the form of an
11 administrative order. The fees shall be collected by the clerk
12 of the circuit court, except as provided in an administrative
13 order of the Chief Judge of the circuit court. The clerk of the
14 circuit court shall pay all moneys collected from these fees to
15 the county treasurer who shall use the moneys collected to
16 defray the costs of drug testing, alcohol testing, and
17 electronic monitoring. The county treasurer shall deposit the
18 fees collected in the county working cash fund under Section
19 6-27001 or Section 6-29002 of the Counties Code, as the case
20 may be. The Chief Judge of the circuit court of the county may
21 by administrative order establish a program for electronic
22 monitoring of offenders, in which a vendor supplies and
23 monitors the operation of the electronic monitoring device, and
24 collects the fees on behalf of the county. The program shall
25 include provisions for indigent offenders and the collection of
26 unpaid fees. The program shall not unduly burden the offender

1 and shall be subject to review by the Chief Judge.

2 The Chief Judge of the circuit court may suspend any
3 additional charges or fees for late payment, interest, or
4 damage to any device.

5 (h) Jurisdiction over an offender may be transferred from
6 the sentencing court to the court of another circuit with the
7 concurrence of both courts. Further transfers or retransfers of
8 jurisdiction are also authorized in the same manner. The court
9 to which jurisdiction has been transferred shall have the same
10 powers as the sentencing court. The probation department within
11 the circuit to which jurisdiction has been transferred, or
12 which has agreed to provide supervision, may impose probation
13 fees upon receiving the transferred offender, as provided in
14 subsection (i). For all transfer cases, as defined in Section
15 9b of the Probation and Probation Officers Act, the probation
16 department from the original sentencing court shall retain all
17 probation fees collected prior to the transfer. After the
18 transfer, all probation fees shall be paid to the probation
19 department within the circuit to which jurisdiction has been
20 transferred.

21 (i) The court shall impose upon an offender sentenced to
22 probation after January 1, 1989 or to conditional discharge
23 after January 1, 1992 or to community service under the
24 supervision of a probation or court services department after
25 January 1, 2004, as a condition of such probation or
26 conditional discharge or supervised community service, a fee of

1 \$50 for each month of probation or conditional discharge
2 supervision or supervised community service ordered by the
3 court, unless after determining the inability of the person
4 sentenced to probation or conditional discharge or supervised
5 community service to pay the fee, the court assesses a lesser
6 fee. The court may not impose the fee on a minor who is placed
7 in the guardianship or custody of the Department of Children
8 and Family Services under the Juvenile Court Act of 1987 while
9 the minor is in placement. The fee shall be imposed only upon
10 an offender who is actively supervised by the probation and
11 court services department. The fee shall be collected by the
12 clerk of the circuit court. The clerk of the circuit court
13 shall pay all monies collected from this fee to the county
14 treasurer for deposit in the probation and court services fund
15 under Section 15.1 of the Probation and Probation Officers Act.

16 A circuit court may not impose a probation fee under this
17 subsection (i) in excess of \$25 per month unless the circuit
18 court has adopted, by administrative order issued by the chief
19 judge, a standard probation fee guide determining an offender's
20 ability to pay. Of the amount collected as a probation fee, up
21 to \$5 of that fee collected per month may be used to provide
22 services to crime victims and their families.

23 The Court may only waive probation fees based on an
24 offender's ability to pay. The probation department may
25 re-evaluate an offender's ability to pay every 6 months, and,
26 with the approval of the Director of Court Services or the

1 Chief Probation Officer, adjust the monthly fee amount. An
2 offender may elect to pay probation fees due in a lump sum. Any
3 offender that has been assigned to the supervision of a
4 probation department, or has been transferred either under
5 subsection (h) of this Section or under any interstate compact,
6 shall be required to pay probation fees to the department
7 supervising the offender, based on the offender's ability to
8 pay.

9 Public Act 93-970 ~~This amendatory Act of the 93rd General~~
10 ~~Assembly~~ deletes the \$10 increase in the fee under this
11 subsection that was imposed by Public Act 93-616. This deletion
12 is intended to control over any other Act of the 93rd General
13 Assembly that retains or incorporates that fee increase.

14 (i-5) In addition to the fees imposed under subsection (i)
15 of this Section, in the case of an offender convicted of a
16 felony sex offense (as defined in the Sex Offender Management
17 Board Act) or an offense that the court or probation department
18 has determined to be sexually motivated (as defined in the Sex
19 Offender Management Board Act), the court or the probation
20 department shall assess additional fees to pay for all costs of
21 treatment, assessment, evaluation for risk and treatment, and
22 monitoring the offender, based on that offender's ability to
23 pay those costs either as they occur or under a payment plan.

24 (j) All fines and costs imposed under this Section for any
25 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
26 Code, or a similar provision of a local ordinance, and any

1 violation of the Child Passenger Protection Act, or a similar
2 provision of a local ordinance, shall be collected and
3 disbursed by the circuit clerk as provided under Section 27.5
4 of the Clerks of Courts Act.

5 (k) Any offender who is sentenced to probation or
6 conditional discharge for a felony sex offense as defined in
7 the Sex Offender Management Board Act or any offense that the
8 court or probation department has determined to be sexually
9 motivated as defined in the Sex Offender Management Board Act
10 shall be required to refrain from any contact, directly or
11 indirectly, with any persons specified by the court and shall
12 be available for all evaluations and treatment programs
13 required by the court or the probation department.

14 (l) The court may order an offender who is sentenced to
15 probation or conditional discharge for a violation of an order
16 of protection be placed under electronic surveillance as
17 provided in Section 5-8A-7 of this Code.

18 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;
19 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; revised 10-5-17.)

20 Section 100. The Stalking No Contact Order Act is amended
21 by changing Section 80 as follows:

22 (740 ILCS 21/80)

23 Sec. 80. Stalking no contact orders; remedies.

24 (a) If the court finds that the petitioner has been a

1 victim of stalking, a stalking no contact order shall issue;
2 provided that the petitioner must also satisfy the requirements
3 of Section 95 on emergency orders or Section 100 on plenary
4 orders. The petitioner shall not be denied a stalking no
5 contact order because the petitioner or the respondent is a
6 minor. The court, when determining whether or not to issue a
7 stalking no contact order, may not require physical injury on
8 the person of the petitioner. Modification and extension of
9 prior stalking no contact orders shall be in accordance with
10 this Act.

11 (b) A stalking no contact order shall order one or more of
12 the following:

13 (1) prohibit the respondent from threatening to commit
14 or committing stalking;

15 (2) order the respondent not to have any contact with
16 the petitioner or a third person specifically named by the
17 court;

18 (3) prohibit the respondent from knowingly coming
19 within, or knowingly remaining within a specified distance
20 of the petitioner or the petitioner's residence, school,
21 daycare, or place of employment, or any specified place
22 frequented by the petitioner; however, the court may order
23 the respondent to stay away from the respondent's own
24 residence, school, or place of employment only if the
25 respondent has been provided actual notice of the
26 opportunity to appear and be heard on the petition;

1 (4) prohibit the respondent from ~~possessing a Firearm~~
2 ~~Owners Identification Card,~~ or possessing or buying
3 firearms; and

4 (5) order other injunctive relief the court determines
5 to be necessary to protect the petitioner or third party
6 specifically named by the court.

7 (b-5) When the petitioner and the respondent attend the
8 same public, private, or non-public elementary, middle, or high
9 school, the court when issuing a stalking no contact order and
10 providing relief shall consider the severity of the act, any
11 continuing physical danger or emotional distress to the
12 petitioner, the educational rights guaranteed to the
13 petitioner and respondent under federal and State law, the
14 availability of a transfer of the respondent to another school,
15 a change of placement or a change of program of the respondent,
16 the expense, difficulty, and educational disruption that would
17 be caused by a transfer of the respondent to another school,
18 and any other relevant facts of the case. The court may order
19 that the respondent not attend the public, private, or
20 non-public elementary, middle, or high school attended by the
21 petitioner, order that the respondent accept a change of
22 placement or program, as determined by the school district or
23 private or non-public school, or place restrictions on the
24 respondent's movements within the school attended by the
25 petitioner. The respondent bears the burden of proving by a
26 preponderance of the evidence that a transfer, change of

1 placement, or change of program of the respondent is not
2 available. The respondent also bears the burden of production
3 with respect to the expense, difficulty, and educational
4 disruption that would be caused by a transfer of the respondent
5 to another school. A transfer, change of placement, or change
6 of program is not unavailable to the respondent solely on the
7 ground that the respondent does not agree with the school
8 district's or private or non-public school's transfer, change
9 of placement, or change of program or solely on the ground that
10 the respondent fails or refuses to consent to or otherwise does
11 not take an action required to effectuate a transfer, change of
12 placement, or change of program. When a court orders a
13 respondent to stay away from the public, private, or non-public
14 school attended by the petitioner and the respondent requests a
15 transfer to another attendance center within the respondent's
16 school district or private or non-public school, the school
17 district or private or non-public school shall have sole
18 discretion to determine the attendance center to which the
19 respondent is transferred. In the event the court order results
20 in a transfer of the minor respondent to another attendance
21 center, a change in the respondent's placement, or a change of
22 the respondent's program, the parents, guardian, or legal
23 custodian of the respondent is responsible for transportation
24 and other costs associated with the transfer or change.

25 (b-6) The court may order the parents, guardian, or legal
26 custodian of a minor respondent to take certain actions or to

1 refrain from taking certain actions to ensure that the
2 respondent complies with the order. In the event the court
3 orders a transfer of the respondent to another school, the
4 parents, guardian, or legal custodian of the respondent are
5 responsible for transportation and other costs associated with
6 the change of school by the respondent.

7 (b-7) The court shall not hold a school district or private
8 or non-public school or any of its employees in civil or
9 criminal contempt unless the school district or private or
10 non-public school has been allowed to intervene.

11 (b-8) The court may hold the parents, guardian, or legal
12 custodian of a minor respondent in civil or criminal contempt
13 for a violation of any provision of any order entered under
14 this Act for conduct of the minor respondent in violation of
15 this Act if the parents, guardian, or legal custodian directed,
16 encouraged, or assisted the respondent minor in such conduct.

17 (c) The court may award the petitioner costs and attorneys
18 fees if a stalking no contact order is granted.

19 (d) Monetary damages are not recoverable as a remedy.

20 (e) If the stalking no contact order prohibits the
21 respondent from ~~possessing a Firearm Owner's Identification~~
22 ~~Card, or~~ possessing or buying firearms; the court shall
23 confiscate the respondent's firearms ~~Firearm Owner's~~
24 ~~Identification Card and immediately return the card to the~~
25 ~~Department of State Police Firearm Owner's Identification Card~~
26 ~~Office.~~

1 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;
2 97-1131, eff. 1-1-13.)

3 Section 105. The Mental Health and Developmental
4 Disabilities Confidentiality Act is amended by changing
5 Section 12 as follows:

6 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

7 Sec. 12. (a) If the United States Secret Service or the
8 Department of State Police requests information from a mental
9 health or developmental disability facility, as defined in
10 Section 1-107 and 1-114 of the Mental Health and Developmental
11 Disabilities Code, relating to a specific recipient and the
12 facility director determines that disclosure of such
13 information may be necessary to protect the life of, or to
14 prevent the infliction of great bodily harm to, a public
15 official, or a person under the protection of the United States
16 Secret Service, only the following information may be
17 disclosed: the recipient's name, address, and age and the date
18 of any admission to or discharge from a facility; and any
19 information which would indicate whether or not the recipient
20 has a history of violence or presents a danger of violence to
21 the person under protection. Any information so disclosed shall
22 be used for investigative purposes only and shall not be
23 publicly disseminated. Any person participating in good faith
24 in the disclosure of such information in accordance with this

1 provision shall have immunity from any liability, civil,
2 criminal or otherwise, if such information is disclosed relying
3 upon the representation of an officer of the United States
4 Secret Service or the Department of State Police that a person
5 is under the protection of the United States Secret Service or
6 is a public official.

7 For the purpose of this subsection (a), the term "public
8 official" means the Governor, Lieutenant Governor, Attorney
9 General, Secretary of State, State Comptroller, State
10 Treasurer, member of the General Assembly, member of the United
11 States Congress, Judge of the United States as defined in 28
12 U.S.C. 451, Justice of the United States as defined in 28
13 U.S.C. 451, United States Magistrate Judge as defined in 28
14 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
15 Supreme, Appellate, Circuit, or Associate Judge of the State of
16 Illinois. The term shall also include the spouse, child or
17 children of a public official.

18 (b) The Department of Human Services (acting as successor
19 to the Department of Mental Health and Developmental
20 Disabilities) and all public or private hospitals and mental
21 health facilities are required, as hereafter described in this
22 subsection, to furnish the Department of State Police only such
23 information as may be required for the sole purpose of
24 determining whether an individual who may be or may have been a
25 patient is disqualified because of that status from receiving
26 or retaining a firearm under paragraph (4) of subsection (a) of

1 Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~
2 ~~Identification Card or falls within the federal prohibitors~~
3 ~~under subsection (e), (f), (g), (r), (s), or (t) of Section 8~~
4 ~~of the Firearm Owners Identification Card Act~~, or falls within
5 the federal prohibitors in 18 U.S.C. 922(g) and (n). All
6 physicians, clinical psychologists, or qualified examiners at
7 public or private mental health facilities or parts thereof as
8 defined in this subsection shall, in the form and manner
9 required by the Department, provide notice directly to the
10 Department of Human Services, or to his or her employer who
11 shall then report to the Department, within 24 hours after
12 determining that a person poses a clear and present danger to
13 himself, herself, or others, or within 7 days after a person 14
14 years or older is determined to be a person with a
15 developmental disability by a physician, clinical
16 psychologist, or qualified examiner as described in this
17 subsection (b) ~~Section 1.1 of the Firearm Owners Identification~~
18 ~~Card Act~~. If a person is a patient as described in clause
19 (2) (A) ~~(1)~~ of the definition of "patient" in (2) (A) ~~Section 1.1~~
20 ~~of the Firearm Owners Identification Card Act~~, this information
21 shall be furnished within 7 days after admission to a public or
22 private hospital or mental health facility or the provision of
23 services. Any such information disclosed under this subsection
24 shall remain privileged and confidential, and shall not be
25 redisclosed, except as required by clause (e) (2) of Section
26 24-4.5 of the Criminal Code of 2012 ~~subsection (e) of Section~~

1 ~~3.1 of the Firearm Owners Identification Card Act~~, nor utilized
2 for any other purpose. The method of requiring the providing of
3 such information shall guarantee that no information is
4 released beyond what is necessary for this purpose. In
5 addition, the information disclosed shall be provided by the
6 Department within the time period established by Section 24-3
7 of the Criminal Code of 2012 regarding the delivery of
8 firearms. The method used shall be sufficient to provide the
9 necessary information within the prescribed time period, which
10 may include periodically providing lists to the Department of
11 Human Services or any public or private hospital or mental
12 health facility of ~~Firearm Owner's Identification Card~~
13 applicants for firearm purchases on which the Department or
14 hospital shall indicate the identities of those individuals who
15 are to its knowledge disqualified from having a firearm ~~Firearm~~
16 ~~Owner's Identification Card~~ for reasons described herein. The
17 Department may provide for a centralized source of information
18 for the State on this subject under its jurisdiction. The
19 identity of the person reporting under this subsection shall
20 not be disclosed to the subject of the report. For the purposes
21 of this subsection, the physician, clinical psychologist, or
22 qualified examiner making the determination and his or her
23 employer shall not be held criminally, civilly, or
24 professionally liable for making or not making the notification
25 required under this subsection, except for willful or wanton
26 misconduct.

1 Any person, institution, or agency, under this Act,
2 participating in good faith in the reporting or disclosure of
3 records and communications otherwise in accordance with this
4 provision or with rules, regulations or guidelines issued by
5 the Department shall have immunity from any liability, civil,
6 criminal or otherwise, that might result by reason of the
7 action. For the purpose of any proceeding, civil or criminal,
8 arising out of a report or disclosure in accordance with this
9 provision, the good faith of any person, institution, or agency
10 so reporting or disclosing shall be presumed. The full extent
11 of the immunity provided in this subsection (b) shall apply to
12 any person, institution or agency that fails to make a report
13 or disclosure in the good faith belief that the report or
14 disclosure would violate federal regulations governing the
15 confidentiality of alcohol and drug abuse patient records
16 implementing 42 U.S.C. 290dd-3 and 290ee-3.

17 For purposes of this subsection (b) only, the following
18 terms shall have the meaning prescribed:

19 (1) (Blank).

20 (1.3) "Clear and present danger" has the meaning as
21 defined in Section 6-103.3 of the Mental Health and
22 Developmental Disabilities Code ~~1.1 of the Firearm Owners~~
23 ~~Identification Card Act.~~

24 (1.5) "Person with a developmental disability" 6-103.3
25 of the Mental Health and Developmental Disabilities Code
26 ~~has the meaning as defined in Section 1.1 of the Firearm~~

1 ~~Owners Identification Card Act.~~

2 (2) "Patient" means (A) a person who voluntarily
3 receives mental health treatment as an in-patient or
4 resident of any public or private mental health facility,
5 unless the treatment was solely for an alcohol abuse
6 disorder and no other secondary substance abuse disorder or
7 mental illness; or (B) a person who voluntarily receives
8 mental health treatment as an out-patient or is provided
9 services by a public or private mental health facility, and
10 who poses a clear and present danger to himself, herself,
11 or to others ~~has the meaning as defined in Section 1.1 of~~
12 ~~the Firearm Owners Identification Card Act.~~

13 (3) "Mental health facility" means any licensed
14 private hospital or hospital affiliate, institution, or
15 facility, or part thereof, and any facility, or part
16 thereof, operated by the State or a political subdivision
17 thereof which provide treatment of persons with mental
18 illness and includes all hospitals, institutions, clinics,
19 evaluation facilities, mental health centers, colleges,
20 universities, long-term care facilities, and nursing
21 homes, or parts thereof, which provide treatment of persons
22 with mental illness whether or not the primary purpose is
23 to provide treatment of persons with mental illness ~~has the~~
24 ~~meaning as defined in Section 1.1 of the Firearm Owners~~
25 ~~Identification Card Act.~~

26 (c) Upon the request of a peace officer who takes a person

1 into custody and transports such person to a mental health or
2 developmental disability facility pursuant to Section 3-606 or
3 4-404 of the Mental Health and Developmental Disabilities Code
4 or who transports a person from such facility, a facility
5 director shall furnish said peace officer the name, address,
6 age and name of the nearest relative of the person transported
7 to or from the mental health or developmental disability
8 facility. In no case shall the facility director disclose to
9 the peace officer any information relating to the diagnosis,
10 treatment or evaluation of the person's mental or physical
11 health.

12 For the purposes of this subsection (c), the terms "mental
13 health or developmental disability facility", "peace officer"
14 and "facility director" shall have the meanings ascribed to
15 them in the Mental Health and Developmental Disabilities Code.

16 (d) Upon the request of a peace officer or prosecuting
17 authority who is conducting a bona fide investigation of a
18 criminal offense, or attempting to apprehend a fugitive from
19 justice, a facility director may disclose whether a person is
20 present at the facility. Upon request of a peace officer or
21 prosecuting authority who has a valid forcible felony warrant
22 issued, a facility director shall disclose: (1) whether the
23 person who is the subject of the warrant is present at the
24 facility and (2) the date of that person's discharge or future
25 discharge from the facility. The requesting peace officer or
26 prosecuting authority must furnish a case number and the

1 purpose of the investigation or an outstanding arrest warrant
2 at the time of the request. Any person, institution, or agency
3 participating in good faith in disclosing such information in
4 accordance with this subsection (d) is immune from any
5 liability, civil, criminal or otherwise, that might result by
6 reason of the action.

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

9 Section 110. The Illinois Domestic Violence Act of 1986 is
10 amended by changing Section 214 as follows:

11 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

12 Sec. 214. Order of protection; remedies.

13 (a) Issuance of order. If the court finds that petitioner
14 has been abused by a family or household member or that
15 petitioner is a high-risk adult who has been abused, neglected,
16 or exploited, as defined in this Act, an order of protection
17 prohibiting the abuse, neglect, or exploitation shall issue;
18 provided that petitioner must also satisfy the requirements of
19 one of the following Sections, as appropriate: Section 217 on
20 emergency orders, Section 218 on interim orders, or Section 219
21 on plenary orders. Petitioner shall not be denied an order of
22 protection because petitioner or respondent is a minor. The
23 court, when determining whether or not to issue an order of
24 protection, shall not require physical manifestations of abuse

1 on the person of the victim. Modification and extension of
2 prior orders of protection shall be in accordance with this
3 Act.

4 (b) Remedies and standards. The remedies to be included in
5 an order of protection shall be determined in accordance with
6 this Section and one of the following Sections, as appropriate:
7 Section 217 on emergency orders, Section 218 on interim orders,
8 and Section 219 on plenary orders. The remedies listed in this
9 subsection shall be in addition to other civil or criminal
10 remedies available to petitioner.

11 (1) Prohibition of abuse, neglect, or exploitation.
12 Prohibit respondent's harassment, interference with
13 personal liberty, intimidation of a dependent, physical
14 abuse, or willful deprivation, neglect or exploitation, as
15 defined in this Act, or stalking of the petitioner, as
16 defined in Section 12-7.3 of the Criminal Code of 2012, if
17 such abuse, neglect, exploitation, or stalking has
18 occurred or otherwise appears likely to occur if not
19 prohibited.

20 (2) Grant of exclusive possession of residence.
21 Prohibit respondent from entering or remaining in any
22 residence, household, or premises of the petitioner,
23 including one owned or leased by respondent, if petitioner
24 has a right to occupancy thereof. The grant of exclusive
25 possession of the residence, household, or premises shall
26 not affect title to real property, nor shall the court be

1 limited by the standard set forth in Section 701 of the
2 Illinois Marriage and Dissolution of Marriage Act.

3 (A) Right to occupancy. A party has a right to
4 occupancy of a residence or household if it is solely
5 or jointly owned or leased by that party, that party's
6 spouse, a person with a legal duty to support that
7 party or a minor child in that party's care, or by any
8 person or entity other than the opposing party that
9 authorizes that party's occupancy (e.g., a domestic
10 violence shelter). Standards set forth in subparagraph
11 (B) shall not preclude equitable relief.

12 (B) Presumption of hardships. If petitioner and
13 respondent each has the right to occupancy of a
14 residence or household, the court shall balance (i) the
15 hardships to respondent and any minor child or
16 dependent adult in respondent's care resulting from
17 entry of this remedy with (ii) the hardships to
18 petitioner and any minor child or dependent adult in
19 petitioner's care resulting from continued exposure to
20 the risk of abuse (should petitioner remain at the
21 residence or household) or from loss of possession of
22 the residence or household (should petitioner leave to
23 avoid the risk of abuse). When determining the balance
24 of hardships, the court shall also take into account
25 the accessibility of the residence or household.
26 Hardships need not be balanced if respondent does not

1 have a right to occupancy.

2 The balance of hardships is presumed to favor
3 possession by petitioner unless the presumption is
4 rebutted by a preponderance of the evidence, showing
5 that the hardships to respondent substantially
6 outweigh the hardships to petitioner and any minor
7 child or dependent adult in petitioner's care. The
8 court, on the request of petitioner or on its own
9 motion, may order respondent to provide suitable,
10 accessible, alternate housing for petitioner instead
11 of excluding respondent from a mutual residence or
12 household.

13 (3) Stay away order and additional prohibitions. Order
14 respondent to stay away from petitioner or any other person
15 protected by the order of protection, or prohibit
16 respondent from entering or remaining present at
17 petitioner's school, place of employment, or other
18 specified places at times when petitioner is present, or
19 both, if reasonable, given the balance of hardships.
20 Hardships need not be balanced for the court to enter a
21 stay away order or prohibit entry if respondent has no
22 right to enter the premises.

23 (A) If an order of protection grants petitioner
24 exclusive possession of the residence, or prohibits
25 respondent from entering the residence, or orders
26 respondent to stay away from petitioner or other

1 protected persons, then the court may allow respondent
2 access to the residence to remove items of clothing and
3 personal adornment used exclusively by respondent,
4 medications, and other items as the court directs. The
5 right to access shall be exercised on only one occasion
6 as the court directs and in the presence of an
7 agreed-upon adult third party or law enforcement
8 officer.

9 (B) When the petitioner and the respondent attend
10 the same public, private, or non-public elementary,
11 middle, or high school, the court when issuing an order
12 of protection and providing relief shall consider the
13 severity of the act, any continuing physical danger or
14 emotional distress to the petitioner, the educational
15 rights guaranteed to the petitioner and respondent
16 under federal and State law, the availability of a
17 transfer of the respondent to another school, a change
18 of placement or a change of program of the respondent,
19 the expense, difficulty, and educational disruption
20 that would be caused by a transfer of the respondent to
21 another school, and any other relevant facts of the
22 case. The court may order that the respondent not
23 attend the public, private, or non-public elementary,
24 middle, or high school attended by the petitioner,
25 order that the respondent accept a change of placement
26 or change of program, as determined by the school

1 district or private or non-public school, or place
2 restrictions on the respondent's movements within the
3 school attended by the petitioner. The respondent
4 bears the burden of proving by a preponderance of the
5 evidence that a transfer, change of placement, or
6 change of program of the respondent is not available.
7 The respondent also bears the burden of production with
8 respect to the expense, difficulty, and educational
9 disruption that would be caused by a transfer of the
10 respondent to another school. A transfer, change of
11 placement, or change of program is not unavailable to
12 the respondent solely on the ground that the respondent
13 does not agree with the school district's or private or
14 non-public school's transfer, change of placement, or
15 change of program or solely on the ground that the
16 respondent fails or refuses to consent or otherwise
17 does not take an action required to effectuate a
18 transfer, change of placement, or change of program.
19 When a court orders a respondent to stay away from the
20 public, private, or non-public school attended by the
21 petitioner and the respondent requests a transfer to
22 another attendance center within the respondent's
23 school district or private or non-public school, the
24 school district or private or non-public school shall
25 have sole discretion to determine the attendance
26 center to which the respondent is transferred. In the

1 event the court order results in a transfer of the
2 minor respondent to another attendance center, a
3 change in the respondent's placement, or a change of
4 the respondent's program, the parents, guardian, or
5 legal custodian of the respondent is responsible for
6 transportation and other costs associated with the
7 transfer or change.

8 (C) The court may order the parents, guardian, or
9 legal custodian of a minor respondent to take certain
10 actions or to refrain from taking certain actions to
11 ensure that the respondent complies with the order. In
12 the event the court orders a transfer of the respondent
13 to another school, the parents, guardian, or legal
14 custodian of the respondent is responsible for
15 transportation and other costs associated with the
16 change of school by the respondent.

17 (4) Counseling. Require or recommend the respondent to
18 undergo counseling for a specified duration with a social
19 worker, psychologist, clinical psychologist, psychiatrist,
20 family service agency, alcohol or substance abuse program,
21 mental health center guidance counselor, agency providing
22 services to elders, program designed for domestic violence
23 abusers or any other guidance service the court deems
24 appropriate. The Court may order the respondent in any
25 intimate partner relationship to report to an Illinois
26 Department of Human Services protocol approved partner

1 abuse intervention program for an assessment and to follow
2 all recommended treatment.

3 (5) Physical care and possession of the minor child. In
4 order to protect the minor child from abuse, neglect, or
5 unwarranted separation from the person who has been the
6 minor child's primary caretaker, or to otherwise protect
7 the well-being of the minor child, the court may do either
8 or both of the following: (i) grant petitioner physical
9 care or possession of the minor child, or both, or (ii)
10 order respondent to return a minor child to, or not remove
11 a minor child from, the physical care of a parent or person
12 in loco parentis.

13 If a court finds, after a hearing, that respondent has
14 committed abuse (as defined in Section 103) of a minor
15 child, there shall be a rebuttable presumption that
16 awarding physical care to respondent would not be in the
17 minor child's best interest.

18 (6) Temporary allocation of parental responsibilities:
19 significant decision-making. Award temporary
20 decision-making responsibility to petitioner in accordance
21 with this Section, the Illinois Marriage and Dissolution of
22 Marriage Act, the Illinois Parentage Act of 2015, and this
23 State's Uniform Child-Custody Jurisdiction and Enforcement
24 Act.

25 If a court finds, after a hearing, that respondent has
26 committed abuse (as defined in Section 103) of a minor

1 child, there shall be a rebuttable presumption that
2 awarding temporary significant decision-making
3 responsibility to respondent would not be in the child's
4 best interest.

5 (7) Parenting time. Determine the parenting time, if
6 any, of respondent in any case in which the court awards
7 physical care or allocates temporary significant
8 decision-making responsibility of a minor child to
9 petitioner. The court shall restrict or deny respondent's
10 parenting time with a minor child if the court finds that
11 respondent has done or is likely to do any of the
12 following: (i) abuse or endanger the minor child during
13 parenting time; (ii) use the parenting time as an
14 opportunity to abuse or harass petitioner or petitioner's
15 family or household members; (iii) improperly conceal or
16 detain the minor child; or (iv) otherwise act in a manner
17 that is not in the best interests of the minor child. The
18 court shall not be limited by the standards set forth in
19 Section 603.10 of the Illinois Marriage and Dissolution of
20 Marriage Act. If the court grants parenting time, the order
21 shall specify dates and times for the parenting time to
22 take place or other specific parameters or conditions that
23 are appropriate. No order for parenting time shall refer
24 merely to the term "reasonable parenting time".

25 Petitioner may deny respondent access to the minor
26 child if, when respondent arrives for parenting time,

1 respondent is under the influence of drugs or alcohol and
2 constitutes a threat to the safety and well-being of
3 petitioner or petitioner's minor children or is behaving in
4 a violent or abusive manner.

5 If necessary to protect any member of petitioner's
6 family or household from future abuse, respondent shall be
7 prohibited from coming to petitioner's residence to meet
8 the minor child for parenting time, and the parties shall
9 submit to the court their recommendations for reasonable
10 alternative arrangements for parenting time. A person may
11 be approved to supervise parenting time only after filing
12 an affidavit accepting that responsibility and
13 acknowledging accountability to the court.

14 (8) Removal or concealment of minor child. Prohibit
15 respondent from removing a minor child from the State or
16 concealing the child within the State.

17 (9) Order to appear. Order the respondent to appear in
18 court, alone or with a minor child, to prevent abuse,
19 neglect, removal or concealment of the child, to return the
20 child to the custody or care of the petitioner or to permit
21 any court-ordered interview or examination of the child or
22 the respondent.

23 (10) Possession of personal property. Grant petitioner
24 exclusive possession of personal property and, if
25 respondent has possession or control, direct respondent to
26 promptly make it available to petitioner, if:

1 (i) petitioner, but not respondent, owns the
2 property; or

3 (ii) the parties own the property jointly; sharing
4 it would risk abuse of petitioner by respondent or is
5 impracticable; and the balance of hardships favors
6 temporary possession by petitioner.

7 If petitioner's sole claim to ownership of the property
8 is that it is marital property, the court may award
9 petitioner temporary possession thereof under the
10 standards of subparagraph (ii) of this paragraph only if a
11 proper proceeding has been filed under the Illinois
12 Marriage and Dissolution of Marriage Act, as now or
13 hereafter amended.

14 No order under this provision shall affect title to
15 property.

16 (11) Protection of property. Forbid the respondent
17 from taking, transferring, encumbering, concealing,
18 damaging or otherwise disposing of any real or personal
19 property, except as explicitly authorized by the court, if:

20 (i) petitioner, but not respondent, owns the
21 property; or

22 (ii) the parties own the property jointly, and the
23 balance of hardships favors granting this remedy.

24 If petitioner's sole claim to ownership of the property
25 is that it is marital property, the court may grant
26 petitioner relief under subparagraph (ii) of this

1 paragraph only if a proper proceeding has been filed under
2 the Illinois Marriage and Dissolution of Marriage Act, as
3 now or hereafter amended.

4 The court may further prohibit respondent from
5 improperly using the financial or other resources of an
6 aged member of the family or household for the profit or
7 advantage of respondent or of any other person.

8 (11.5) Protection of animals. Grant the petitioner the
9 exclusive care, custody, or control of any animal owned,
10 possessed, leased, kept, or held by either the petitioner
11 or the respondent or a minor child residing in the
12 residence or household of either the petitioner or the
13 respondent and order the respondent to stay away from the
14 animal and forbid the respondent from taking,
15 transferring, encumbering, concealing, harming, or
16 otherwise disposing of the animal.

17 (12) Order for payment of support. Order respondent to
18 pay temporary support for the petitioner or any child in
19 the petitioner's care or over whom the petitioner has been
20 allocated parental responsibility, when the respondent has
21 a legal obligation to support that person, in accordance
22 with the Illinois Marriage and Dissolution of Marriage Act,
23 which shall govern, among other matters, the amount of
24 support, payment through the clerk and withholding of
25 income to secure payment. An order for child support may be
26 granted to a petitioner with lawful physical care of a

1 child, or an order or agreement for physical care of a
2 child, prior to entry of an order allocating significant
3 decision-making responsibility. Such a support order shall
4 expire upon entry of a valid order allocating parental
5 responsibility differently and vacating the petitioner's
6 significant decision-making authority, unless otherwise
7 provided in the order.

8 (13) Order for payment of losses. Order respondent to
9 pay petitioner for losses suffered as a direct result of
10 the abuse, neglect, or exploitation. Such losses shall
11 include, but not be limited to, medical expenses, lost
12 earnings or other support, repair or replacement of
13 property damaged or taken, reasonable attorney's fees,
14 court costs and moving or other travel expenses, including
15 additional reasonable expenses for temporary shelter and
16 restaurant meals.

17 (i) Losses affecting family needs. If a party is
18 entitled to seek maintenance, child support or
19 property distribution from the other party under the
20 Illinois Marriage and Dissolution of Marriage Act, as
21 now or hereafter amended, the court may order
22 respondent to reimburse petitioner's actual losses, to
23 the extent that such reimbursement would be
24 "appropriate temporary relief", as authorized by
25 subsection (a) (3) of Section 501 of that Act.

26 (ii) Recovery of expenses. In the case of an

1 improper concealment or removal of a minor child, the
2 court may order respondent to pay the reasonable
3 expenses incurred or to be incurred in the search for
4 and recovery of the minor child, including but not
5 limited to legal fees, court costs, private
6 investigator fees, and travel costs.

7 (14) Prohibition of entry. Prohibit the respondent
8 from entering or remaining in the residence or household
9 while the respondent is under the influence of alcohol or
10 drugs and constitutes a threat to the safety and well-being
11 of the petitioner or the petitioner's children.

12 (14.5) Prohibition of firearm possession.

13 (a) Prohibit a respondent against whom an order of
14 protection was issued from possessing any firearms
15 during the duration of the order if the order:

16 (1) was issued after a hearing of which such
17 person received actual notice, and at which such
18 person had an opportunity to participate;

19 (2) restrains such person from harassing,
20 stalking, or threatening an intimate partner of
21 such person or child of such intimate partner or
22 person, or engaging in other conduct that would
23 place an intimate partner in reasonable fear of
24 bodily injury to the partner or child; and

25 (3) (i) includes a finding that such person
26 represents a credible threat to the physical

1 safety of such intimate partner or child; or (ii)
2 by its terms explicitly prohibits the use,
3 attempted use, or threatened use of physical force
4 against such intimate partner or child that would
5 reasonably be expected to cause bodily injury.

6 ~~Any Firearm Owner's Identification Card in the~~
7 ~~possession of the respondent, except as provided in~~
8 ~~subsection (b), shall be ordered by the court to be~~
9 ~~turned over to the local law enforcement agency. The~~
10 ~~local law enforcement agency shall immediately mail~~
11 ~~the card to the Department of State Police Firearm~~
12 ~~Owner's Identification Card Office for safekeeping.~~
13 The court shall issue a warrant for seizure of any
14 firearm in the possession of the respondent, to be kept
15 by the local law enforcement agency for safekeeping,
16 except as provided in subsection (b). The period of
17 safekeeping shall be for the duration of the order of
18 protection. The firearm or firearms ~~and Firearm~~
19 ~~Owner's Identification Card, if unexpired,~~ shall at
20 the respondent's request, be returned to the
21 respondent at the end of the order of protection. It is
22 the respondent's responsibility to notify the
23 Department of State Police ~~Firearm Owner's~~
24 ~~Identification Card Office.~~

25 (b) If the respondent is a peace officer as defined
26 in Section 2-13 of the Criminal Code of 2012, the court

1 shall order that any firearms used by the respondent in
2 the performance of his or her duties as a peace officer
3 be surrendered to the chief law enforcement executive
4 of the agency in which the respondent is employed, who
5 shall retain the firearms for safekeeping for the
6 duration of the order of protection.

7 (c) Upon expiration of the period of safekeeping,
8 if the firearms ~~or Firearm Owner's Identification Card~~
9 cannot be returned to respondent because respondent
10 cannot be located, fails to respond to requests to
11 retrieve the firearms, or is not lawfully eligible to
12 possess a firearm, upon petition from the local law
13 enforcement agency, the court may order the local law
14 enforcement agency to destroy the firearms, use the
15 firearms for training purposes, or for any other
16 application as deemed appropriate by the local law
17 enforcement agency; or that the firearms be turned over
18 to a third party who is lawfully eligible to possess
19 firearms, and who does not reside with respondent.

20 (15) Prohibition of access to records. If an order of
21 protection prohibits respondent from having contact with
22 the minor child, or if petitioner's address is omitted
23 under subsection (b) of Section 203, or if necessary to
24 prevent abuse or wrongful removal or concealment of a minor
25 child, the order shall deny respondent access to, and
26 prohibit respondent from inspecting, obtaining, or

1 attempting to inspect or obtain, school or any other
2 records of the minor child who is in the care of
3 petitioner.

4 (16) Order for payment of shelter services. Order
5 respondent to reimburse a shelter providing temporary
6 housing and counseling services to the petitioner for the
7 cost of the services, as certified by the shelter and
8 deemed reasonable by the court.

9 (17) Order for injunctive relief. Enter injunctive
10 relief necessary or appropriate to prevent further abuse of
11 a family or household member or further abuse, neglect, or
12 exploitation of a high-risk adult with disabilities or to
13 effectuate one of the granted remedies, if supported by the
14 balance of hardships. If the harm to be prevented by the
15 injunction is abuse or any other harm that one of the
16 remedies listed in paragraphs (1) through (16) of this
17 subsection is designed to prevent, no further evidence is
18 necessary that the harm is an irreparable injury.

19 (18) Telephone services.

20 (A) Unless a condition described in subparagraph
21 (B) of this paragraph exists, the court may, upon
22 request by the petitioner, order a wireless telephone
23 service provider to transfer to the petitioner the
24 right to continue to use a telephone number or numbers
25 indicated by the petitioner and the financial
26 responsibility associated with the number or numbers,

1 as set forth in subparagraph (C) of this paragraph. For
2 purposes of this paragraph (18), the term "wireless
3 telephone service provider" means a provider of
4 commercial mobile service as defined in 47 U.S.C. 332.
5 The petitioner may request the transfer of each
6 telephone number that the petitioner, or a minor child
7 in his or her custody, uses. The clerk of the court
8 shall serve the order on the wireless telephone service
9 provider's agent for service of process provided to the
10 Illinois Commerce Commission. The order shall contain
11 all of the following:

12 (i) The name and billing telephone number of
13 the account holder including the name of the
14 wireless telephone service provider that serves
15 the account.

16 (ii) Each telephone number that will be
17 transferred.

18 (iii) A statement that the provider transfers
19 to the petitioner all financial responsibility for
20 and right to the use of any telephone number
21 transferred under this paragraph.

22 (B) A wireless telephone service provider shall
23 terminate the respondent's use of, and shall transfer
24 to the petitioner use of, the telephone number or
25 numbers indicated in subparagraph (A) of this
26 paragraph unless it notifies the petitioner, within 72

1 hours after it receives the order, that one of the
2 following applies:

3 (i) The account holder named in the order has
4 terminated the account.

5 (ii) A difference in network technology would
6 prevent or impair the functionality of a device on
7 a network if the transfer occurs.

8 (iii) The transfer would cause a geographic or
9 other limitation on network or service provision
10 to the petitioner.

11 (iv) Another technological or operational
12 issue would prevent or impair the use of the
13 telephone number if the transfer occurs.

14 (C) The petitioner assumes all financial
15 responsibility for and right to the use of any
16 telephone number transferred under this paragraph. In
17 this paragraph, "financial responsibility" includes
18 monthly service costs and costs associated with any
19 mobile device associated with the number.

20 (D) A wireless telephone service provider may
21 apply to the petitioner its routine and customary
22 requirements for establishing an account or
23 transferring a number, including requiring the
24 petitioner to provide proof of identification,
25 financial information, and customer preferences.

26 (E) Except for willful or wanton misconduct, a

1 wireless telephone service provider is immune from
2 civil liability for its actions taken in compliance
3 with a court order issued under this paragraph.

4 (F) All wireless service providers that provide
5 services to residential customers shall provide to the
6 Illinois Commerce Commission the name and address of an
7 agent for service of orders entered under this
8 paragraph (18). Any change in status of the registered
9 agent must be reported to the Illinois Commerce
10 Commission within 30 days of such change.

11 (G) The Illinois Commerce Commission shall
12 maintain the list of registered agents for service for
13 each wireless telephone service provider on the
14 Commission's website. The Commission may consult with
15 wireless telephone service providers and the Circuit
16 Court Clerks on the manner in which this information is
17 provided and displayed.

18 (c) Relevant factors; findings.

19 (1) In determining whether to grant a specific remedy,
20 other than payment of support, the court shall consider
21 relevant factors, including but not limited to the
22 following:

23 (i) the nature, frequency, severity, pattern and
24 consequences of the respondent's past abuse, neglect
25 or exploitation of the petitioner or any family or
26 household member, including the concealment of his or

1 her location in order to evade service of process or
2 notice, and the likelihood of danger of future abuse,
3 neglect, or exploitation to petitioner or any member of
4 petitioner's or respondent's family or household; and

5 (ii) the danger that any minor child will be abused
6 or neglected or improperly relocated from the
7 jurisdiction, improperly concealed within the State or
8 improperly separated from the child's primary
9 caretaker.

10 (2) In comparing relative hardships resulting to the
11 parties from loss of possession of the family home, the
12 court shall consider relevant factors, including but not
13 limited to the following:

14 (i) availability, accessibility, cost, safety,
15 adequacy, location and other characteristics of
16 alternate housing for each party and any minor child or
17 dependent adult in the party's care;

18 (ii) the effect on the party's employment; and

19 (iii) the effect on the relationship of the party,
20 and any minor child or dependent adult in the party's
21 care, to family, school, church and community.

22 (3) Subject to the exceptions set forth in paragraph
23 (4) of this subsection, the court shall make its findings
24 in an official record or in writing, and shall at a minimum
25 set forth the following:

26 (i) That the court has considered the applicable

1 relevant factors described in paragraphs (1) and (2) of
2 this subsection.

3 (ii) Whether the conduct or actions of respondent,
4 unless prohibited, will likely cause irreparable harm
5 or continued abuse.

6 (iii) Whether it is necessary to grant the
7 requested relief in order to protect petitioner or
8 other alleged abused persons.

9 (4) For purposes of issuing an ex parte emergency order
10 of protection, the court, as an alternative to or as a
11 supplement to making the findings described in paragraphs
12 (c) (3) (i) through (c) (3) (iii) of this subsection, may use
13 the following procedure:

14 When a verified petition for an emergency order of
15 protection in accordance with the requirements of Sections
16 203 and 217 is presented to the court, the court shall
17 examine petitioner on oath or affirmation. An emergency
18 order of protection shall be issued by the court if it
19 appears from the contents of the petition and the
20 examination of petitioner that the averments are
21 sufficient to indicate abuse by respondent and to support
22 the granting of relief under the issuance of the emergency
23 order of protection.

24 (5) Never married parties. No rights or
25 responsibilities for a minor child born outside of marriage
26 attach to a putative father until a father and child

1 relationship has been established under the Illinois
2 Parentage Act of 1984, the Illinois Parentage Act of 2015,
3 the Illinois Public Aid Code, Section 12 of the Vital
4 Records Act, the Juvenile Court Act of 1987, the Probate
5 Act of 1975 ~~1985~~, the Revised Uniform Reciprocal
6 Enforcement of Support Act, the Uniform Interstate Family
7 Support Act, the Expedited Child Support Act of 1990, any
8 judicial, administrative, or other act of another state or
9 territory, any other Illinois statute, or by any foreign
10 nation establishing the father and child relationship, any
11 other proceeding substantially in conformity with the
12 Personal Responsibility and Work Opportunity
13 Reconciliation Act of 1996 (Pub. L. 104-193), or where both
14 parties appeared in open court or at an administrative
15 hearing acknowledging under oath or admitting by
16 affirmation the existence of a father and child
17 relationship. Absent such an adjudication, finding, or
18 acknowledgment ~~acknowledgement~~, no putative father shall
19 be granted temporary allocation of parental
20 responsibilities, including parenting time with the minor
21 child, or physical care and possession of the minor child,
22 nor shall an order of payment for support of the minor
23 child be entered.

24 (d) Balance of hardships; findings. If the court finds that
25 the balance of hardships does not support the granting of a
26 remedy governed by paragraph (2), (3), (10), (11), or (16) of

1 subsection (b) of this Section, which may require such
2 balancing, the court's findings shall so indicate and shall
3 include a finding as to whether granting the remedy will result
4 in hardship to respondent that would substantially outweigh the
5 hardship to petitioner from denial of the remedy. The findings
6 shall be an official record or in writing.

7 (e) Denial of remedies. Denial of any remedy shall not be
8 based, in whole or in part, on evidence that:

9 (1) Respondent has cause for any use of force, unless
10 that cause satisfies the standards for justifiable use of
11 force provided by Article 7 of the Criminal Code of 2012;

12 (2) Respondent was voluntarily intoxicated;

13 (3) Petitioner acted in self-defense or defense of
14 another, provided that, if petitioner utilized force, such
15 force was justifiable under Article 7 of the Criminal Code
16 of 2012;

17 (4) Petitioner did not act in self-defense or defense
18 of another;

19 (5) Petitioner left the residence or household to avoid
20 further abuse, neglect, or exploitation by respondent;

21 (6) Petitioner did not leave the residence or household
22 to avoid further abuse, neglect, or exploitation by
23 respondent;

24 (7) Conduct by any family or household member excused
25 the abuse, neglect, or exploitation by respondent, unless
26 that same conduct would have excused such abuse, neglect,

1 or exploitation if the parties had not been family or
2 household members.

3 (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,
4 eff. 7-28-16; 100-388, eff. 1-1-18; revised 10-6-17.)

5 Section 115. The Revised Uniform Unclaimed Property Act is
6 amended by changing Section 15-705 as follows:

7 (765 ILCS 1026/15-705)

8 Sec. 15-705. Exceptions to the sale of tangible property.
9 The administrator shall dispose of tangible property
10 identified by this Section in accordance with this Section.

11 (a) Military medals or decorations. The administrator may
12 not sell a medal or decoration awarded for military service in
13 the armed forces of the United States. Instead, the
14 administrator, with the consent of the respective organization
15 under paragraph (1), agency under paragraph (2), or entity
16 under paragraph (3), may deliver a medal or decoration to be
17 held in custody for the owner, to:

18 (1) a military veterans organization qualified under
19 Section 501(c)(19) of the Internal Revenue Code;

20 (2) the agency that awarded the medal or decoration; or

21 (3) a governmental entity.

22 After delivery, the administrator is not responsible for
23 the safekeeping of the medal or decoration.

24 (b) Property with historical value. Property that the

1 administrator reasonably believes may have historical value
2 may be, at his or her discretion, loaned to an accredited
3 museum in the United States where it will be kept until such
4 time as the administrator orders it to be returned to his or
5 her custody.

6 (c) Human remains. If human remains are delivered to the
7 administrator under this Act, the administrator shall deliver
8 those human remains to the coroner of the county in which the
9 human remains were abandoned for disposition under Section
10 3-3034 of the Counties Code. The only human remains that may be
11 delivered to the administrator under this Act and that the
12 administrator may receive are those that are reported and
13 delivered as contents of a safe deposit box.

14 (d) Evidence in a criminal investigation. Property that may
15 have been used in the commission of a crime or that may assist
16 in the investigation of a crime, as determined after consulting
17 with the Department of State Police, shall be delivered to the
18 Department of State Police or other appropriate law enforcement
19 authority to allow law enforcement to determine whether a
20 criminal investigation should take place. Any such property
21 delivered to a law enforcement authority shall be held in
22 accordance with existing statutes and rules related to the
23 gathering, retention, and release of evidence.

24 (e) Firearms.

25 (1) The administrator, in cooperation with the
26 Department of State Police, shall develop a procedure to

1 determine whether a firearm delivered to the administrator
2 under this Act has been stolen or used in the commission of
3 a crime. The Department of State Police shall determine the
4 appropriate disposition of a firearm that has been stolen
5 or used in the commission of a crime. The administrator
6 shall attempt to return a firearm that has not been stolen
7 or used in the commission of a crime to the rightful owner
8 if the Department of State Police determines that the owner
9 may lawfully possess the firearm.

10 (2) If the administrator is unable to return a firearm
11 to its owner, the administrator shall transfer custody of
12 the firearm to the Department of State Police. Legal title
13 to a firearm transferred to the Department of State Police
14 under this subsection (e) is vested in the Department of
15 State Police by operation of law if:

16 (i) the administrator cannot locate the owner of
17 the firearm;

18 (ii) the owner of the firearm may not lawfully
19 possess the firearm;

20 (iii) the apparent owner does not respond to notice
21 published under Section 15-503 of this Act; or

22 (iv) the apparent owner responds to notice
23 published under Section 15-502 and states that he or
24 she no longer claims an interest in the firearm.

25 (3) With respect to a firearm whose title is
26 transferred to the Department of State Police under this

1 subsection (e), the Department of State Police may:

2 (i) retain the firearm for use by the crime
3 laboratory system, for training purposes, or for any
4 other application as deemed appropriate by the
5 Department;

6 (ii) transfer the firearm to the Illinois State
7 Museum if the firearm has historical value; or

8 (iii) destroy the firearm if it is not retained
9 pursuant to subparagraph (i) or transferred pursuant
10 to subparagraph (ii).

11 As used in this subsection, "firearm" has the meaning
12 provided in Section 2-7.5 of the Criminal Code of 2012 ~~the~~
13 ~~Firearm Owners Identification Card Act.~~

14 (Source: P.A. 100-22, eff. 1-1-18.)

15 Section 995. No acceleration or delay. Where this Act makes
16 changes in a statute that is represented in this Act by text
17 that is not yet or no longer in effect (for example, a Section
18 represented by multiple versions), the use of that text does
19 not accelerate or delay the taking effect of (i) the changes
20 made by this Act or (ii) provisions derived from any other
21 Public Act.

22 Section 999. Effective date. This Act takes effect upon
23 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	
9	30 ILCS 105/6z-99	
10	50 ILCS 710/1	from Ch. 85, par. 515
11	105 ILCS 5/10-22.6	from Ch. 122, par. 10-22.6
12	105 ILCS 5/10-27.1A	
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- 1 725 ILCS 5/112A-11.2
- 2 725 ILCS 5/112A-14 from Ch. 38, par. 112A-14
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