AMENDMENT TO SENATE BILL 1966

AMENDMENT NO. ______. Amend Senate Bill 1966 by replacing everything after the enacting clause with the following:

"Section 1. This Act may be referred to as the Fix the FOID Act.

Section 5. The Freedom of Information Act is amended by changing Section 7.5 as follows:

(5 ILCS 140/7.5)

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

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

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

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

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

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

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

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

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

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

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.

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

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

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

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

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

(p) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.

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

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

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

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

(u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

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

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

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

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

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

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

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

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

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

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

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

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

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

(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.

(mm) (nn) Information that is exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.

(ff) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(oo) Records exempt from disclosure under Section 2605-304 of the Department of State Police Law of the Civil Administrative Code of Illinois.

(Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
Section 10. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-605 and by adding Section 2605-304 as follows:

(20 ILCS 2605/2605-304 new)

Sec. 2605-304. Prohibited persons portal.

(a) Within 90 days after the effective date of this amendatory Act of the 101st General Assembly, the Department shall establish a portal for use by federal, State, or local law enforcement agencies, including Offices of the State's Attorneys and the Office of the Attorney General to capture a report of persons whose Firearm Owner's Identification Cards have been revoked or suspended. The portal is for law enforcement purposes only.

(b) The Department shall include in the report the reason the person's Firearm Owner's Identification Card was subject to revocation or suspension, to the extent allowed by law, consistent with Section 8 of the Firearm Owners Identification
Card Act.

(c) The Department shall indicate whether the person subject to the revocation or suspension of his or her Firearm Owner's Identification Card has surrendered his or her revoked or suspended Firearm Owner's Identification Card and whether the person has completed a Firearm Disposition Record required under Section 9.5 of the Firearm Owners Identification Card Act. The Department shall make reasonable efforts to make this information available on the Law Enforcement Agencies Data System (LEADS).

(d) The Department shall provide updates of information related to an individual's current Firearm Owner's Identification Card revocation or suspension status, including compliance under Section 9.5 of the Firearm Owners Identification Card Act, in the Department's Law Enforcement Agencies Data System.

(e) Records in this portal are exempt from disclosure under the Freedom of Information Act.

(f) The Department may adopt rules necessary to implement this Section.

(20 ILCS 2605/2605-605)

Sec. 2605-605. Violent Crime Intelligence Task Force. The Director of State Police shall may establish a statewide multi-jurisdictional Violent Crime Intelligence Task Force led by the Department of State Police dedicated to combating gun
violence, gun-trafficking, and other violent crime with the primary mission of preservation of life and reducing the occurrence and the fear of crime. The objectives of the Task Force shall include, but not be limited to, reducing and preventing illegal possession and use of firearms, firearm-related homicides, and other violent crimes.

(1) The Task Force may develop and acquire information, training, tools, and resources necessary to implement a data-driven approach to policing, with an emphasis on intelligence development.

(2) The Task Force may utilize information sharing, partnerships, crime analysis, and evidence-based practices to assist in the reduction of firearm-related shootings, homicides, and gun-trafficking.

(3) The Task Force may recognize and utilize best practices of community policing and may develop potential partnerships with faith-based and community organizations to achieve its goals.

(4) The Task Force may identify and utilize best practices in drug-diversion programs and other community-based services to redirect low-level offenders.

(5) The Task Force may assist in violence suppression strategies including, but not limited to, details in identified locations that have shown to be the most prone to gun violence and violent crime, focused deterrence against violent gangs and groups considered responsible for the violence in communities,
and other intelligence driven methods deemed necessary to interrupt cycles of violence or prevent retaliation.

(6) In consultation with the Chief Procurement Officer, the Department of State Police may obtain contracts for software, commodities, resources, and equipment to assist the Task Force with achieving this Act. Any contracts necessary to support the delivery of necessary software, commodities, resources, and equipment are not subject to the Illinois Procurement Code, except for Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of that Code, provided that the Chief Procurement Officer may, in writing with justification, waive any certification required under Article 50 of the Illinois Procurement Code.

(7) The Task Force shall conduct enforcement operations against persons whose Firearm Owner's Identification Cards have been revoked or suspended and persons who fail to comply with the requirements of Section 9.5 of the Firearm Owners Identification Card Act, prioritizing individuals presenting a clear and present danger to themselves or to others under paragraph (2) of subsection (d) of Section 8.1 of the Firearm Owners Identification Card Act.

(8) The Task Force shall collaborate with local law enforcement agencies to enforce provisions of the Firearm Owners Identification Card Act, the Firearm Concealed Carry Act, the Firearm Dealer License Certification Act, and Article 24 of the Criminal Code of 2012.

(9) The Director of State Police may establish
intergovernmental contracts written and executed in conformity
with the Intergovernmental Cooperation Act.
(Source: P.A. 100-3, eff. 1-1-18.)

Section 15. The State Finance Act is amended by adding
Sections 5.891, 5.893, 6z-107, and 6z-108 as follows:

(30 ILCS 105/5.891 new)
Sec. 5.891. The State Police Revocation Enforcement Fund.

(30 ILCS 105/5.893 new)
Sec. 5.893. The School-Based Mental Health Services Fund.

(30 ILCS 105/6z-107 new)
Sec. 6z-107. State Police Revocation Enforcement Fund.

(a) The State Police Revocation Enforcement Fund is
established as a special fund in the State treasury. This Fund
is established to receive moneys from the Firearm Owners
Identification Card Act to enforce that Act, the Firearm
Concealed Carry Act, Article 24 of the Criminal Code of 2012,
and other firearm offenses. The Fund may also receive revenue
from grants, donations, appropriations, and any other legal
source.

(b) The Department of State Police may use moneys from the
Fund to establish task forces and, if necessary, include other
law enforcement agencies, pursuant to intergovernmental
contracts written and executed in conformity with the Intergovernmental Cooperation Act.

(c) The Department of State Police may use moneys in the Fund to hire and train State Police officers and other law enforcement purposes.

(d) The State Police Revocation Enforcement Fund is not subject to administrative chargebacks.

(30 ILCS 105/6z-108 new)

Sec. 6z-108. School-Based Mental Health Services Fund. The School-Based Mental Health Services Fund is created as a special fund in the State treasury. Moneys in the fund shall be distributed annually by the Department of Human Services to issue grants that use and promote the National School Mental Health Curriculum model for school-based mental health support, integration, and services. The Department of Human Services may adopt any rules necessary to carry out this provision.

Section 20. The Firearm Owners Identification Card Act is amended by changing Sections 1.1, 3, 3a, 3.1, 4, 5, 7, 8, 9.5, and 14 and by adding Sections 7.5 and 8.4 as follows:

(430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

Sec. 1.1. For purposes of this Act:

"Addicted to narcotics" means a person who has been:
(1) convicted of an offense involving the use or possession of cannabis, a controlled substance, or methamphetamine within the past year; or

(2) determined by the Department of State Police to be addicted to narcotics based upon federal law or federal guidelines.

"Addicted to narcotics" does not include possession or use of a prescribed controlled substance under the direction and authority of a physician or other person authorized to prescribe the controlled substance when the controlled substance is used in the prescribed manner.

"Adjudicated as a person with a mental disability" means the person is the subject of a determination by a court, board, commission or other lawful authority that the person, as a result of marked subnormal intelligence, or mental illness, mental impairment, incompetency, condition, or disease:

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

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

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

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

(4) is incompetent to stand trial in a criminal case;
(5) is not guilty by reason of lack of mental responsibility under Articles 50a and 72b of the Uniform Code of Military Justice, 10 U.S.C. 850a, 876b;

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

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

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

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

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

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

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

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

"Clear and present danger" means a person who:

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

(2) demonstrates threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior, as determined by a physician, clinical psychologist, qualified examiner, school administrator, or law enforcement official, including any act that is intended to cause or create a risk and does cause or create a risk of death or great bodily harm to one or more persons.

"Clinical psychologist" has the meaning provided in Section 1-103 of the Mental Health and Developmental Disabilities Code.

"Controlled substance" means a controlled substance or controlled substance analog as defined in the Illinois Controlled Substances Act.

"Counterfeit" means to copy or imitate, without legal authority, with intent to deceive.

"Federally licensed firearm dealer" means a person who is licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:
(1) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter or which has a maximum muzzle velocity of less than 700 feet per second;

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

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

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

(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

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

(1) any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and
(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

"Gun show" means an event or function:

(1) at which the sale and transfer of firearms is the regular and normal course of business and where 50 or more firearms are displayed, offered, or exhibited for sale, transfer, or exchange; or

(2) at which not less than 10 gun show vendors display, offer, or exhibit for sale, sell, transfer, or exchange firearms.

"Gun show" includes the entire premises provided for an event or function, including parking areas for the event or function, that is sponsored to facilitate the purchase, sale, transfer, or exchange of firearms as described in this Section. Nothing in this definition shall be construed to exclude a gun show held in conjunction with competitive shooting events at the World Shooting Complex sanctioned by a national governing body in which the sale or transfer of firearms is authorized under subparagraph (5) of paragraph (g) of subsection (A) of Section 24-3 of the Criminal Code of 2012.

Unless otherwise expressly stated, "gun show" does not include training or safety classes, competitive shooting events, such as rifle, shotgun, or handgun matches, trap, skeet, or sporting clays shoots, dinners, banquets, raffles, or any other event where the sale or transfer of firearms is not
the primary course of business.

"Gun show promoter" means a person who organizes or operates a gun show.

"Gun show vendor" means a person who exhibits, sells, offers for sale, transfers, or exchanges any firearms at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

"Involuntarily admitted" has the meaning as prescribed in Sections 1-119 and 1-119.1 of the Mental Health and Developmental Disabilities Code.

"Mental health facility" means any licensed private hospital or hospital affiliate, institution, or facility, or part thereof, and any facility, or part thereof, operated by the State or a political subdivision thereof which provide treatment of persons with mental illness and includes all hospitals, institutions, clinics, evaluation facilities, mental health centers, colleges, universities, long-term care facilities, and nursing homes, or parts thereof, which provide treatment of persons with mental illness whether or not the primary purpose is to provide treatment of persons with mental illness.

"National governing body" means a group of persons who adopt rules and formulate policy on behalf of a national firearm sporting organization.

"Patient" means:
(1) a person who is admitted as an inpatient or resident of a public or private mental health facility for mental health treatment under Chapter III of the Mental Health and Developmental Disabilities Code as an informal admission, a voluntary admission, a minor admission, an emergency admission, or an involuntary admission, unless the treatment was solely for an alcohol abuse disorder; or

(2) a person who voluntarily or involuntarily receives mental health treatment as an out-patient or is otherwise provided services by a public or private mental health facility, and who poses a clear and present danger to himself, herself, or to others.

"Person with a developmental disability" means a person with a disability which is attributable to any other condition which results in impairment similar to that caused by an intellectual disability and which requires services similar to those required by persons with intellectual disabilities. The disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial disability. This disability results, in the professional opinion of a physician, clinical psychologist, or qualified examiner, in significant functional limitations in 3 or more of the following areas of major life activity:

(i) self-care;

(ii) receptive and expressive language;

(iii) learning;
(iv) mobility; or

(v) self-direction.

"Person with an intellectual disability" means a person with a significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years.

"Physician" has the meaning as defined in Section 1-120 of the Mental Health and Developmental Disabilities Code.

"Qualified examiner" has the meaning provided in Section 1-122 of the Mental Health and Developmental Disabilities Code.

"Sanctioned competitive shooting event" means a shooting contest officially recognized by a national or state shooting sport association, and includes any sight-in or practice conducted in conjunction with the event.

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

"Stun gun or taser" has the meaning ascribed to it in Section 24-1 of the Criminal Code of 2012.

(Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15; 99-642, eff. 7-28-16; 100-906, eff. 1-1-19.)

(430 ILCS 65/3) (from Ch. 38, par. 83-3)

Sec. 3. Requirements for firearm transfers.

(a) Except as provided in Section 3a, no person shall not
may knowingly transfer, or cause to be transferred, any firearm, firearm ammunition, stun gun, or taser to any person within this State unless the transferee with whom he or she deals displays either: (1) a currently valid Firearm Owner's Identification Card which has previously been issued in his or her name by the Department of State Police under the provisions of this Act; or (2) a currently valid license to carry a concealed firearm which has previously been issued in his or her name by the Department of State Police under the Firearm Concealed Carry Act. In addition, all firearm, stun gun, and taser transfers by federally licensed firearm dealers are subject to Section 3.1.

(a-5) Beginning 90 days after the effective date of this amendatory Act of the 101st General Assembly, notwithstanding item (2) of subsection (a) of this Section, any person who is not a federally licensed firearm dealer and who desires to transfer or sell a firearm or firearms to any person who is not a federally licensed firearm dealer shall do so only through a federally licensed firearms dealer as follows:

(1) the seller or transferor shall give the firearm to the federally licensed firearms dealer, who shall retain possession of the firearm until every legal requirement for the sale or transfer has been met;

(2) the federally licensed firearms dealer shall process the sale or other transfer in compliance with any federal, State, and local law, including a National Instant
Criminal Background Check System background check on the
buyer or transferee in accordance with 18 U.S.C. 922(t) and
Section 3.1;

(A) if the transaction is not legally prohibited, the federally licensed firearm dealer may then complete transfer the firearm to the buyer or transferee;

(B) if the transaction is legally prohibited, the federally licensed firearm dealer shall conduct a National Instant Criminal Background Check System background check under paragraph (2) of this subsection (a-5) on the transferor or seller before returning the firearm;

(C) if the federally licensed firearm dealer cannot return the firearm to either party, the dealer shall notify a local law enforcement agency within 24 hours to take possession of the firearm;

(D) if there is a delay in completing a background check, the federally licensed firearms dealer shall maintain possession of the firearm until the background check is completed;

(3) the federally licensed firearms dealer shall ensure that all required documentation of the sale or transfer are maintained in accordance with federal, State, and local law, including, but not limited to, the completion of the Bureau of Alcohol, Tobacco, Firearms, and
Explosives Firearm Transaction Record Form 4473 which shall be open to inspection in accordance the Firearm Dealer License Certification Act;

(4) the federally licensed firearms dealer may charge a fee not to exceed $10 to perform the sale or transfer under this Section; and

(5) no transfer of a firearm shall occur until an approval is issued by the Department and the required waiting period established by Section 24-3 of the Criminal Code of 2012 has expired.

This subsection shall not apply to sales or transfers by a:

(A) law enforcement, corrections, or active duty military officer acting within the course of his or her employment or official duties;

(B) person acting under operation of law or court order;

(C) gunsmith who receives the firearm solely for the purpose of service or repair;

(D) person acting on behalf of a common carrier or other business for purposes of transportation or storage in the ordinary course of his or her business;

(E) person who is loaned a firearm while on the premises of a licensed shooting range for the sole purpose of shooting at targets, if the firearm is kept within the premises of the shooting range;

(F) minor who is loaned a firearm for lawful hunting or
sporting purposes while under the direct supervision of an adult;

(G) person who acquires a firearm upon the death of another person from a will, bequest, inheritance, or as a bona fide gift from an immediate family member, as long as he or she notifies the Department of State Police under Section 3.1 within 60 days, at which time the Department of State Police shall conduct a National Instant Criminal Background Check System background check on the person. In this paragraph, "immediate family member" means a spouse, domestic partner, children, step-children, parents, or step-parents;

(H) person who transfers a firearm to a law enforcement agency; or

(I) person who is loaned a firearm for lawful hunting or sporting purposes while in the presence of the lawful owner of the firearm.

Any person who is not a federally licensed firearm dealer and who desires to transfer or sell a firearm while that person is on the grounds of a gun show must, before selling or transferring the firearm, request the Department of State Police to conduct a background check on the prospective recipient of the firearm in accordance with Section 3.1.

(a-10) The Department of State Police shall publish, on its website, information for holders of Firearm Owner's Identification Cards that includes the changes included in this
amendatory Act of the 101st General Assembly. Any Firearm Owner's Identification Card issued or renewed on or after the effective date of this amendatory Act of the 101st General Assembly shall include a statement indicating the changes pertinent in this amendatory Act of the 101st General Assembly for Firearm Owner's Identification Card holders. Notwithstanding item (2) of subsection (a) of this Section, any person who is not a federally licensed firearm dealer and who desires to transfer or sell a firearm or firearms to any person who is not a federally licensed firearm dealer shall, before selling or transferring the firearms, contact the Department of State Police with the transferee's or purchaser's Firearm Owner's Identification Card number to determine the validity of the transferee's or purchaser's Firearm Owner's Identification Card. This subsection shall not be effective until January 1, 2014. The Department of State Police may adopt rules concerning the implementation of this subsection. The Department of State Police shall provide the seller or transfeer an approval number if the purchaser's Firearm Owner's Identification Card is valid. Approvals issued by the Department for the purchase of a firearm pursuant to this subsection are valid for 30 days from the date of issue.

(a-15) (Blank). The provisions of subsection (a-10) of this Section do not apply to:

(1) transfers that occur at the place of business of a federally licensed firearm dealer, if the federally
A licensed firearm dealer conducts a background check on the prospective recipient of the firearm in accordance with Section 3.1 of this Act and follows all other applicable federal, State, and local laws as if he or she were the seller or transferor of the firearm, although the dealer is not required to accept the firearm into his or her inventory. The purchaser or transferee may be required by the federally licensed firearm dealer to pay a fee not to exceed $10 per firearm, which the dealer may retain as compensation for performing the functions required under this paragraph, plus the applicable fees authorized by Section 3.1.

(2) transfers as a bona fide gift to the transferor's husband, wife, son, daughter, stepson, stepdaughter, father, mother, stepfather, stepmother, brother, sister, nephew, niece, uncle, aunt, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, or daughter-in-law;

(3) transfers by persons acting pursuant to operation of law or a court order;

(4) transfers on the grounds of a gun show under subsection (a-5) of this Section;

(5) the delivery of a firearm by its owner to a gunsmith for service or repair, the return of the firearm to its owner by the gunsmith, or the delivery of a firearm by a gunsmith to a federally licensed firearms dealer for
service or repair and the return of the firearm to the
gunsmith;

(6) temporary transfers that occur while in the home of
the unlicensed transferee, if the unlicensed transferee is
not otherwise prohibited from possessing firearms and the
unlicensed transferee reasonably believes that possession
of the firearm is necessary to prevent imminent death or
great bodily harm to the unlicensed transferee;

(7) transfers to a law enforcement or corrections
agency or a law enforcement or corrections officer acting
within the course and scope of his or her official duties;

(8) transfers of firearms that have been rendered
permanently inoperable to a nonprofit historical society,
museum, or institutional collection; and

(9) transfers to a person who is exempt from the
requirement of possessing a Firearm Owner's Identification
Card under Section 2 of this Act.

(a-20) (Blank). The Department of State Police shall
develop an Internet-based system for individuals to determine
the validity of a Firearm Owner's Identification Card prior to
the sale or transfer of a firearm. The Department shall have
the Internet-based system completed and available for use by
July 1, 2015. The Department shall adopt rules not inconsistent
with this Section to implement this system.

(b) Any resident may purchase ammunition from a person
within or outside of this State if shipment is by United States
mail or by a private express carrier authorized by federal law
to ship ammunition. Any resident purchasing ammunition within
or outside the State must provide the seller with a copy of his
or her valid Firearm Owner's Identification Card or valid
concealed carry license and either his or her Illinois driver's
license or Illinois Identification Card prior to the shipment
of the ammunition. The ammunition may be shipped only to an
address on either of those 2 documents. Any person within this
State who transfers or causes to be transferred any firearm,
stun gun, or taser shall keep a record of such transfer for a
period of 10 years from the date of transfer. Such record shall
contain the date of the transfer; the description, serial
number or other information identifying the firearm, stun gun,
or taser if no serial number is available; and, if the transfer
was completed within this State, the transferee's Firearm
Owner's Identification Card number and any approval number or
documentation provided by the Department of State Police
pursuant to subsection (a-10) of this Section; if the transfer
was not completed within this State, the record shall contain
the name and address of the transferee. On or after January 1,
2006, the record shall contain the date of application for
transfer of the firearm. On demand of a peace officer such
transferor shall produce for inspection such record of
transfer. If the transfer or sale took place at a gun show, the
record shall include the unique identification number. Failure
to record the unique identification number or approval number
is a petty offense. For transfers of a firearm, stun gun, or taser made on or after the effective date of this amendatory Act of the 100th General Assembly, failure by the private seller to maintain the transfer records in accordance with this Section is a Class A misdemeanor for the first offense and a Class 4 felony for a second or subsequent offense. A transferee shall not be criminally liable under this Section provided that he or she provides the Department of State Police with the transfer records in accordance with procedures established by the Department. The Department shall establish, by rule, a standard form on its website.

(b-5) (Blank). Any resident may purchase ammunition from a person within or outside of Illinois if shipment is by United States mail or by a private express carrier authorized by federal law to ship ammunition. Any resident purchasing ammunition within or outside the State of Illinois must provide the seller with a copy of his or her valid Firearm Owner's Identification Card or valid concealed carry license and either his or her Illinois driver's license or Illinois State Identification Card prior to the shipment of the ammunition. The ammunition may be shipped only to an address on either of those 2 documents.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act.

(Source: P.A. 99-29, eff. 7-10-15; 100-1178, eff. 1-18-19.)
Sec. 3a. (a) Any resident of Illinois who has obtained a firearm owner's identification card pursuant to this Act and who is not otherwise prohibited from obtaining, possessing or using a firearm may purchase or obtain a rifle or shotgun or ammunition for a rifle or shotgun in Iowa, Missouri, Indiana, Wisconsin or Kentucky.

(b) Any resident of Iowa, Missouri, Indiana, Wisconsin or Kentucky or a non-resident with a valid non-resident hunting license, who is 18 years of age or older and who is not prohibited by the laws of Illinois, the state of his domicile, or the United States from obtaining, possessing or using a firearm, may purchase or obtain a rifle, shotgun or ammunition for a rifle or shotgun in Illinois.

(b-5) Any non-resident who is participating in a sanctioned competitive shooting event, who is 18 years of age or older and who is not prohibited by the laws of Illinois, the state of his or her domicile, or the United States from obtaining, possessing, or using a firearm, may purchase or obtain a shotgun or shotgun ammunition in Illinois for the purpose of participating in that event. A person may purchase or obtain a shotgun or shotgun ammunition under this subsection only at the site where the sanctioned competitive shooting event is being held.

(b-10) Any non-resident registered competitor or attendee
of a competitive shooting event held at the World Shooting Complex sanctioned by a national governing body, who is not prohibited by the laws of Illinois, the state of his or her domicile, or the United States from obtaining, possessing, or using a firearm may purchase or obtain a rifle, shotgun, or other long gun or ammunition for a rifle, shotgun, or other long gun at the competitive shooting event. The sanctioning body shall provide a list of registered competitors and attendees as required under subparagraph (5) of paragraph (g) of subsection (A) of Section 24-3 of the Criminal Code of 2012. A competitor or attendee of a competitive shooting event who does not wish to purchase a firearm at the event is not required to register or have his or her name appear on a list of registered competitors and attendees provided to the Department of State Police by the sanctioning body.

(c) Any transaction under this Section is subject to the provisions of Section 3 and the Gun Control Act of 1968 (18 U.S.C. 922 (b)(3)).

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

(430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

Sec. 3.1. Firearm transfer inquiry program Dial up system. (a) The Department of State Police shall provide a dial up telephone system or utilize other existing technology which shall be used by any federally licensed firearm dealer, gun show promoter, or gun show vendor who is to transfer a firearm,
stun gun, or taser under the provisions of this Act. The Department of State Police may utilize existing technology which allows the caller to be charged a fee not to exceed $2. Fees collected by the Department of State Police shall be deposited in the State Police Services Fund and used to provide the service.

(b) Upon receiving a request from a federally licensed firearm dealer, gun show promoter, or gun show vendor, the Department of State Police shall immediately approve, or within the time period established by Section 24-3 of the Criminal Code of 2012 regarding the delivery of firearms, stun guns, and tasers notify the inquiring dealer, gun show promoter, or gun show vendor of any objection that would disqualify the transferee from acquiring or possessing a firearm, stun gun, or taser. In conducting the inquiry, the Department of State Police shall initiate and complete an automated search of its criminal history record information files and those of the Federal Bureau of Investigation, including the National Instant Criminal Background Check System, and of the files of the Department of Human Services relating to mental health and developmental disabilities to obtain any prohibiting information or patient hospitalization information which would disqualify a person from obtaining or require revocation of a currently valid Firearm Owner's Identification Card.

(c) If receipt of a firearm would not violate Section 24-3
of the Criminal Code of 2012, federal law, or this Act the
Department of State Police shall:

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

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

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

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

   (2) The Department of State Police and the Department of
Human Services shall, in accordance with State and federal law
regarding confidentiality, enter into a memorandum of
understanding with the Federal Bureau of Investigation for the
purpose of implementing the National Instant Criminal
Background Check System in the State. The Department of State
Police shall report the name, date of birth, and physical
description of any person prohibited from possessing a firearm
pursuant to the Firearm Owners Identification Card Act or 18
U.S.C. 922(g) and (n) to the National Instant Criminal
Background Check System Index, Denied Persons Files.

   (3) The Department of State Police shall provide notice of
the disqualification of a person under subsection (b) of this
Section or the revocation of a person's Firearm Owner's
Identification Card under Section 8 or Section 8.2 of this Act, and the reason for the disqualification or revocation, to all law enforcement agencies with jurisdiction to assist with the seizure of the person's Firearm Owner's Identification Card.

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

(Source: P.A. 98-63, eff. 7-9-13; 99-787, eff. 1-1-17.)

(430 ILCS 65/4) (from Ch. 38, par. 83-4)

Sec. 4. Application requirements.

(a) Each applicant for a Firearm Owner's Identification Card must:

(1) Make application on blank forms prepared and furnished at convenient locations throughout the State by the Department of State Police, or by electronic means, if and when made available by the Department of State Police; and

(2) Submit evidence to the Department of State Police that:

(i) He or she is 21 years of age or over, or if he or she is under 21 years of age that he or she has the written consent of his or her parent or legal guardian to possess and acquire firearms and firearm ammunition and that he or she has never been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, provided, however, that such parent or
legal guardian is not an individual prohibited from having a Firearm Owner's Identification Card and files an affidavit with the Department as prescribed by the Department stating that he or she is not an individual prohibited from having a Card;

(ii) He or she has not been convicted of a felony under the laws of this or any other jurisdiction;

(iii) He or she is not addicted to narcotics;

(iv) He or she has not been a patient in a mental health facility within the past 5 years or, if he or she has been a patient in a mental health facility more than 5 years ago submit the certification required under subsection (u) of Section 8 of this Act;

(v) He or she is not a person with an intellectual disability;

(vi) He or she is not an alien who is unlawfully present in the United States under the laws of the United States;

(vii) He or she is not subject to an existing order of protection prohibiting him or her from possessing a firearm;

(viii) He or she has not been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;
(ix) He or she has not been convicted of domestic battery, aggravated domestic battery, or a substantially similar offense in another jurisdiction committed before, on or after January 1, 2012 (the effective date of Public Act 97-158). If the applicant knowingly and intelligently waives the right to have an offense described in this clause (ix) tried by a jury, and by guilty plea or otherwise, results in a conviction for an offense in which a domestic relationship is not a required element of the offense but in which a determination of the applicability of 18 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the Code of Criminal Procedure of 1963, an entry by the court of a judgment of conviction for that offense shall be grounds for denying the issuance of a Firearm Owner's Identification Card under this Section;

(x) (Blank);

(xi) He or she is not an alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), or that he or she is an alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:

(1) admitted to the United States for lawful hunting or sporting purposes;
(2) an official representative of a foreign
government who is:

   (A) accredited to the United States
   Government or the Government's mission to an
   international organization having its
   headquarters in the United States; or
   
   (B) en route to or from another country to
   which that alien is accredited;

   (3) an official of a foreign government or
distinguished foreign visitor who has been so
designated by the Department of State;

   (4) a foreign law enforcement officer of a
friendly foreign government entering the United
States on official business; or

   (5) one who has received a waiver from the
Attorney General of the United States pursuant to
18 U.S.C. 922(y)(3);

   (xii) He or she is not a minor subject to a
petition filed under Section 5-520 of the Juvenile
Court Act of 1987 alleging that the minor is a
delinquent minor for the commission of an offense that
if committed by an adult would be a felony;

   (xiii) He or she is not an adult who had been
adjudicated a delinquent minor under the Juvenile
Court Act of 1987 for the commission of an offense that
if committed by an adult would be a felony;
(xiv) He or she is a resident of the State of Illinois;
(xv) He or she has not been adjudicated as a person with a mental disability;
(xvi) He or she has not been involuntarily admitted into a mental health facility; and
(xvii) He or she is not a person with a developmental disability; and

(3) Upon request by the Department of State Police, sign a release on a form prescribed by the Department of State Police waiving any right to confidentiality and requesting the disclosure to the Department of State Police of limited mental health institution admission information from another state, the District of Columbia, any other territory of the United States, or a foreign nation concerning the applicant for the sole purpose of determining whether the applicant is or was a patient in a mental health institution and disqualified because of that status from receiving a Firearm Owner's Identification Card. No mental health care or treatment records may be requested. The information received shall be destroyed within one year of receipt.

(a-5) Each applicant for a Firearm Owner's Identification Card who is over the age of 18 shall furnish to the Department of State Police either his or her Illinois driver's license number or Illinois Identification Card number, except as
provided in subsection (a-10).

(a-10) Each applicant for a Firearm Owner's Identification Card, who is employed as a law enforcement officer, an armed security officer in Illinois, or by the United States Military permanently assigned in Illinois and who is not an Illinois resident, shall furnish to the Department of State Police his or her driver's license number or state identification card number from his or her state of residence. The Department of State Police may adopt rules to enforce the provisions of this subsection (a-10).

(a-15) If an applicant applying for a Firearm Owner's Identification Card moves from the residence address named in the application, he or she shall immediately notify in a form and manner prescribed by the Department of State Police of that change of address.

(a-20) Each applicant for a Firearm Owner's Identification Card shall furnish to the Department of State Police his or her photograph. An applicant who is 21 years of age or older seeking a religious exemption to the photograph requirement must furnish with the application an approved copy of United States Department of the Treasury Internal Revenue Service Form 4029. In lieu of a photograph, an applicant regardless of age seeking a religious exemption to the photograph requirement shall submit fingerprints on a form and manner prescribed by the Department with his or her application.

(a-25) Beginning 180 days after the effective date of this
amendatory Act of the 101st General Assembly, each applicant
for the issuance or renewal of a Firearm Owner's Identification
Card shall include a full set of his or her fingerprints in
electronic format to the Department of State Police, unless the
applicant has previously provided a full set of his or her
fingerprints to the Department under this Act or the Firearm
Concealed Carry Act.

(1) The fingerprints must be transmitted through a live
scan fingerprint vendor licensed by the Department of
Financial and Professional Regulation. These fingerprints
shall be checked against the fingerprint records now and
hereafter filed in the Department and Federal Bureau of
Investigation criminal history records databases,
including all available state and local criminal history
record information files.

(2) The Department shall charge applicants a one-time
fee for conducting the criminal history record check, which
shall be deposited in the State Police Services Fund and
shall not exceed the actual cost of the State and national
criminal history record check.

(a-30) The Department shall deny the application of any
person who fails to submit evidence required by this Section.

(b) Each application form shall include the following
statement printed in bold type: "Warning: Entering false
information on an application for a Firearm Owner's
Identification Card is punishable as a Class 2 felony in
accordance with subsection (d-5) of Section 14 of the Firearm Owners Identification Card Act.

(c) Upon such written consent, pursuant to Section 4, paragraph (a)(2)(i), the parent or legal guardian giving the consent shall be liable for any damages resulting from the applicant's use of firearms or firearm ammunition.

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

(430 ILCS 65/5) (from Ch. 38, par. 83-5)

Sec. 5. Application and renewal.

(a) The Department of State Police shall either approve or deny all complete applications within 30 business days from the date they are received, except as provided in subsection (b) of this Section, and every applicant found qualified under Section 8 of this Act by the Department shall be entitled to a Firearm Owner's Identification Card upon the payment of a $50 fee, and applicable processing fees. Any applicant who is an active duty member of the Armed Forces of the United States, a member of the Illinois National Guard, or a member of the Reserve Forces of the United States is exempt from the application fee. $6 of each fee derived from the issuance of Firearm Owner's Identification Cards, or renewals thereof, shall be deposited in the Wildlife and Fish Fund in the State Treasury; $5 of the fee shall be deposited into the School-Based Mental Health Services Fund; $15 of the fee shall be deposited into the State Police Revocation Enforcement Fund; $1 of the fee shall be
deposited in the State Police Services Fund; and $23 of the fee shall be deposited in the State Police Firearm Services Fund.

(b) Complete renewal applications shall be approved or denied within 60 business days, provided the applicant submitted his or her renewal application prior to the expiration of his or her Firearm Owner's Identification Card. If a renewal application has been submitted prior to the expiration date of the applicant's Firearm Owner's Identification Card, the Firearm Owner's Identification Card shall remain valid while the Department processes the application, unless the person is subject to or becomes subject to revocation under this Act. The cost for a renewal application shall be $50 and applicable processing fees, of which $30 shall be deposited into the State Police Firearm Services Fund; $5 shall be deposited into the School-Based Mental Health Services Fund; and $15 shall be deposited into the State Police Revocation Enforcement Fund.

(c) In this Section, "complete application" and "complete renewal application" means the applicant has submitted the evidence required by Section 4.

(Source: P.A. 100-906, eff. 1-1-19.)

(430 ILCS 65/7) (from Ch. 38, par. 83-7)
Sec. 7. Validity of Firearm Owner's Identification Card.

(a) Except as provided in Section 8 of this Act or
subsection (b) of this Section, a Firearm Owner's
Identification Card issued under the provisions of this Act
shall be valid for the person to whom it is issued for a period
of 5–10 years from the date of issuance. Any person whose card
was previously issued for a period of 10 years shall retain the
10-year issuance period until the next date of renewal, at
which point the card shall be renewed for 5 years.

(b) If a renewal application is submitted to the Department
before the expiration date of the applicant's current Firearm
Owner's Identification Card, the Firearm Owner's
Identification Card shall remain valid for a period of 60
business days, unless the person is subject to or becomes
subject to revocation under this Act.
(Source: P.A. 100-906, eff. 1-1-19.)

(430 ILCS 65/7.5 new)

Sec. 7.5. Email notifications. A person subject to this Act
may notify the Department upon application or at any time
thereafter that he or she would like to receive correspondence
from the Department via email rather than by mail.

(430 ILCS 65/8) (from Ch. 38, par. 83-8)

Sec. 8. Grounds for denial and revocation. The Department
of State Police has authority to deny an application for or to
revoke and seize a Firearm Owner's Identification Card
previously issued under this Act only if the Department finds
that the applicant or the person to whom such card was issued
is or was at the time of issuance:

(a) A person under 21 years of age who has been
convicted of a misdemeanor other than a traffic offense or
adjudged delinquent;

(b) A person under 21 years of age who does not have
the written consent of his parent or guardian to acquire
and possess firearms and firearm ammunition, or whose
parent or guardian has revoked such written consent, or
where such parent or guardian does not qualify to have a
Firearm Owner's Identification Card;

(c) A person convicted of a felony under the laws of
this or any other jurisdiction;

(d) A person addicted to narcotics;

(e) A person who has been a patient of a mental health
facility within the past 5 years or a person who has been a
patient in a mental health facility more than 5 years ago
who has not received the certification required under
subsection (u) of this Section. An active law enforcement
officer employed by a unit of government who is denied,
revoked, or has his or her Firearm Owner's Identification
Card seized under this subsection (e) may obtain relief as
described in subsection (c-5) of Section 10 of this Act if
the officer did not act in a manner threatening to the
officer, another person, or the public as determined by the
treating clinical psychologist or physician, and the
officer seeks mental health treatment;

(f) A person whose mental condition is of such a nature that it poses a clear and present danger to the applicant, any other person or persons or the community;

(g) A person who has an intellectual disability;

(h) A person who intentionally makes a false statement in the Firearm Owner's Identification Card application;

(i) An alien who is unlawfully present in the United States under the laws of the United States;

(i-5) An alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), except that this subsection (i-5) does not apply to any alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:

(1) admitted to the United States for lawful hunting or sporting purposes;

(2) an official representative of a foreign government who is:

(A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

(B) en route to or from another country to which that alien is accredited;
(3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;

(4) a foreign law enforcement officer of a friendly foreign government entering the United States on official business; or

(5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);

(j) (Blank);

(k) A person who has been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(l) A person who has been convicted of domestic battery, aggravated domestic battery, or a substantially similar offense in another jurisdiction committed before, on or after January 1, 2012 (the effective date of Public Act 97-158). If the applicant or person who has been previously issued a Firearm Owner's Identification Card under this Act knowingly and intelligently waives the right to have an offense described in this paragraph (l) tried by a jury, and by guilty plea or otherwise, results in a conviction for an offense in which a domestic relationship is not a required element of the offense but in which a
determination of the applicability of 18 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the Code of Criminal Procedure of 1963, an entry by the court of a judgment of conviction for that offense shall be grounds for denying an application for and for revoking and seizing a Firearm Owner's Identification Card previously issued to the person under this Act;

(m) (Blank);

(n) A person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois State statute or by federal law;

(o) A minor subject to a petition filed under Section 5-520 of the Juvenile Court Act of 1987 alleging that the minor is a delinquent minor for the commission of an offense that if committed by an adult would be a felony;

(p) An adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony;

(q) A person who is not a resident of the State of Illinois, except as provided in subsection (a-10) of Section 4;

(r) A person who has been adjudicated as a person with a mental disability;

(s) A person who has been found to have a developmental disability;
(t) A person involuntarily admitted into a mental health facility;

(u) A person who has had his or her Firearm Owner's Identification Card revoked or denied under subsection (e) of this Section or item (iv) of paragraph (2) of subsection (a) of Section 4 of this Act because he or she was a patient in a mental health facility as provided in subsection (e) of this Section, shall not be permitted to obtain a Firearm Owner's Identification Card, after the 5-year period has lapsed, unless he or she has received a mental health evaluation by a physician, clinical psychologist, or qualified examiner as those terms are defined in the Mental Health and Developmental Disabilities Code, and has received a certification that he or she is not a clear and present danger to himself, herself, or others. The physician, clinical psychologist, or qualified examiner making the certification and his or her employer shall not be held criminally, civilly, or professionally liable for making or not making the certification required under this subsection, except for willful or wanton misconduct. This subsection does not apply to a person whose firearm possession rights have been restored through administrative or judicial action under Section 10 or 11 of this Act; or

(v) A person who has failed to submit the evidence required by Section 4.
Upon revocation of a person's Firearm Owner's Identification Card, the Department of State Police shall provide notice to the person within 7 business days and the person shall comply with Section 9.5 of this Act.

(Source: P.A. 98-63, eff. 7-9-13; 98-508, eff. 8-19-13; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15.)

(430 ILCS 65/8.4 new)

Sec. 8.4. Cancellation of Firearm Owner's Identification Card. The Department of the State Police may cancel a Firearm Owner's Identification Card if a person is not prohibited by State or federal law from acquiring or possessing a firearm or firearm ammunition and the sole purpose is for an administrative reason. This includes, but is not limited to, at the request of the Firearm Owner's Identification Card holder, a person who surrenders his or her Illinois driver's license or Illinois Identification Card to another jurisdiction, or a person's Firearm Owner's Identification Card is reported as lost, stolen, or destroyed. The Department may adopt rules necessary to implement this Section.

(430 ILCS 65/9.5)

Sec. 9.5. Revocation or suspension of Firearm Owner's Identification Card.

(a) A person who receives a revocation or suspension notice under Section 9 of this Act shall, within 48 hours of receiving
notice of the revocation or suspension:

   (1) surrender his or her Firearm Owner's Identification Card to the local law enforcement agency where the person resides. The local law enforcement agency shall provide the person a receipt and transmit the Firearm Owner's Identification Card to the Department of State Police; and

   (2) complete a Firearm Disposition Record on a form prescribed by the Department of State Police and place his or her firearms in the location or with the person reported in the Firearm Disposition Record. The form shall require the person to disclose:

   (A) the make, model, and serial number of each firearm owned by or under the custody and control of the revoked or suspended person;

   (B) the location where each firearm will be maintained during the prohibited term; and

   (C) if any firearm will be transferred to the custody of another person, the name, address and Firearm Owner's Identification Card number of the transferee.

   (a-5) The Firearm Disposition Record shall contain a statement to be signed by the transferee that the transferee:

   (1) is aware of, and will abide by, current law regarding the unlawful transfer of a firearm;

   (2) is aware of the penalties for violating the law as
it pertains to unlawful transfer of a firearm; and

(3) intends to retain possession of the firearm or firearms until it is determined that the transferor is legally eligible to possess a firearm and has an active Firearm Owner's Identification Card, if applicable, or until a new person is chosen to hold the firearm or firearms.

(b) The local law enforcement agency shall provide a copy of the Firearm Disposition Record to the person whose Firearm Owner's Identification Card has been revoked or suspended, the transferee, and to the Department of State Police.

(c) The Department of State Police shall conduct enforcement operations against persons whose Firearm Owner's Identification Cards have been revoked or suspended and persons who fail to comply with the requirements of this Section, prioritizing individuals presenting a clear and present danger to themselves or to others under paragraph (2) of subsection (d) of Section 8.1. If the person whose Firearm Owner's Identification Card has been revoked or suspended fails to comply with the requirements of this Section, the sheriff or law enforcement agency where the person resides may petition the circuit court to issue a warrant to search for and seize the Firearm Owner's Identification Card and firearms in the possession or under the custody or control of the person whose Firearm Owner's Identification Card has been revoked or suspended.
(d) A violation of subsection (a) of this Section is a Class A misdemeanor.

(e) The observation of a Firearm Owner's Identification Card in the possession of a person whose Firearm Owner's Identification Card has been revoked or suspended constitutes a sufficient basis for the arrest of that person for violation of this Section.

(f) Within 30 days after the effective date of this amendatory Act of the 98th General Assembly, the Department of State Police shall provide written notice of the requirements of this Section to persons whose Firearm Owner's Identification Cards have been revoked, suspended, or expired and who have failed to surrender their cards to the Department.

(g) A person whose Firearm Owner's Identification Card has been revoked or suspended and who received notice under subsection (f) shall comply with the requirements of this Section within 48 hours of receiving notice.

(h) Nothing in this Section prevents a court from ordering an individual to surrender his or her Firearm Owner's Identification Card and any firearms to a law enforcement agency of the court's choosing, in a timeframe shorter than 48 hours after receipt of the notice of revocation or suspension.

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

(430 ILCS 65/14) (from Ch. 38, par. 83-14)

Sec. 14. Sentence.
(a) Except as provided in subsection (a-5), a violation of paragraph (1) of subsection (a) of Section 2, when the person's Firearm Owner's Identification Card is expired but the person is not otherwise disqualified from renewing the card, is a Class A misdemeanor.

(a-5) A violation of paragraph (1) of subsection (a) of Section 2, when the person's Firearm Owner's Identification Card is expired but the person is not otherwise disqualified from owning, purchasing, or possessing firearms, is a petty offense if the card was expired for 6 months or less from the date of expiration.

(b) Except as provided in subsection (a) with respect to an expired card, a violation of paragraph (1) of subsection (a) of Section 2 is a Class A misdemeanor when the person does not possess a currently valid Firearm Owner's Identification Card, but is otherwise eligible under this Act. A second or subsequent violation is a Class 4 felony.

(c) A violation of paragraph (1) of subsection (a) of Section 2 is a Class 3 felony when:

(1) the person's Firearm Owner's Identification Card is revoked or subject to revocation under Section 8; or

(2) the person's Firearm Owner's Identification Card is expired and not otherwise eligible for renewal under this Act; or

(3) the person does not possess a currently valid Firearm Owner's Identification Card, and the person is not
otherwise eligible under this Act.

(d) A violation of subsection (a) or (a-5) of Section 3 is a Class 4 felony, except that a violation of item (G) of subsection (a-5) of Section 3 is a Class A misdemeanor. A third or subsequent conviction is a Class 1 felony.

(d-5) Any person who knowingly enters false information on an application for a Firearm Owner's Identification Card, who knowingly gives a false answer to any question on the application, or who knowingly submits false evidence in connection with an application is guilty of a Class 2 felony.

(e) Except as provided by Section 6.1 of this Act, any other violation of this Act is a Class A misdemeanor.

(Source: P.A. 97-1131, eff. 1-1-13.)

Section 25. The Firearm Concealed Carry Act is amended by changing Sections 30 and 50 and by adding Section 13 as follows:

(430 ILCS 66/13 new)

Sec. 13. Email notifications. A person subject to this Act may notify the Department upon application or at any time thereafter that he or she would like to receive correspondence from the Department via email rather than by mail.

(430 ILCS 66/30)

Sec. 30. Contents of license application.
(a) The license application shall be in writing, under penalty of perjury, on a standard form adopted by the Department and shall be accompanied by the documentation required in this Section and the applicable fee. Each application form shall include the following statement printed in bold type: "Warning: Entering false information on this form is punishable as perjury under Section 32-2 of the Criminal Code of 2012."

(b) The application shall contain the following:

1. the applicant's name, current address, date and year of birth, place of birth, height, weight, hair color, eye color, maiden name or any other name the applicant has used or identified with, and any address where the applicant resided for more than 30 days within the 10 years preceding the date of the license application;
2. the applicant's valid driver's license number or valid state identification card number;
3. a waiver of the applicant's privacy and confidentiality rights and privileges under all federal and state laws, including those limiting access to juvenile court, criminal justice, psychological, or psychiatric records or records relating to any institutionalization of the applicant, and an affirmative request that a person having custody of any of these records provide it or information concerning it to the Department. The waiver only applies to records sought in connection with
determining whether the applicant qualifies for a license
to carry a concealed firearm under this Act, or whether the
applicant remains in compliance with the Firearm Owners
Identification Card Act;

(4) an affirmation that the applicant possesses a
currently valid Firearm Owner's Identification Card and
card number if possessed or notice the applicant is
applying for a Firearm Owner's Identification Card in
conjunction with the license application;

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

(A) a felony;

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

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

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

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

(8) a full set of fingerprints submitted to the
Department in electronic format in a form and manner
prescribed by the Department, unless the applicant has
previously provided a full set of his or her fingerprints
to the Department under the Firearm Owners Identification
Card Act; provided the Department may accept an
application submitted without a set of fingerprints in
which case the Department shall be granted 30 days in
addition to the 90 days provided under subsection (e) of
Section 10 of this Act to issue or deny a license;

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

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

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

(430 ILCS 66/50)

Sec. 50. License renewal. Applications for renewal of a
license shall be made to the Department. A license shall be
renewed for a period of 5 years upon receipt of a completed
renewal application, completion of 3 hours of training required
under Section 75 of this Act, payment of the applicable renewal
fee, and completion of an investigation under Section 35 of this Act. The renewal application shall contain the information required in Section 30 of this Act, except that the applicant need not resubmit a full set of fingerprints if the applicant has previously provided a full set of his or her fingerprints to the Department under this Act or the Firearm Owners Identification Card Act.

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

Section 30. The Criminal Code of 2012 is amended by changing Section 24-3 as follows:

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

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

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

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

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

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

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

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

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

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

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

(g) Delivers any firearm, incidental to a sale, without withholding delivery of the firearm for at least 72 hours after application for its purchase has been made, or delivers a stun gun or taser, incidental to a sale, without withholding delivery of the stun gun or taser for at least 24 hours after application for its purchase has been made. However, this paragraph (g) does not apply to: (1) the sale of a firearm to a law enforcement officer if the seller of the firearm knows that the person to whom he or she is
selling the firearm is a law enforcement officer or the
sale of a firearm to a person who desires to purchase a
firearm for use in promoting the public interest incident
to his or her employment as a bank guard, armed truck
guard, or other similar employment; (2) a mail order sale
of a firearm from a federally licensed firearms dealer to a
nonresident of Illinois under which the firearm is mailed
to a federally licensed firearms dealer outside the
boundaries of Illinois; (3) (blank); (4) the sale of a
firearm to a dealer licensed as a federal firearms dealer
under Section 923 of the federal Gun Control Act of 1968
(18 U.S.C. 923); or (5) the transfer or sale of any rifle,
shotgun, or other long gun to a resident registered
competitor or attendee or non-resident registered
competitor or attendee by any dealer licensed as a federal
firearms dealer under Section 923 of the federal Gun
Control Act of 1968 at competitive shooting events held at
the World Shooting Complex sanctioned by a national
governing body. For purposes of transfers or sales under
subparagraph (5) of this paragraph (g), the Department of
Natural Resources shall give notice to the Department of
State Police at least 30 calendar days prior to any
competitive shooting events at the World Shooting Complex
sanctioned by a national governing body. The notification
shall be made on a form prescribed by the Department of
State Police. The sanctioning body shall provide a list of
all registered competitors and attendees at least 24 hours
before the events to the Department of State Police. Any
changes to the list of registered competitors and attendees
shall be forwarded to the Department of State Police as
soon as practicable. The Department of State Police must
destroy the list of registered competitors and attendees no
later than 30 days after the date of the event. Nothing in
this paragraph (g) relieves a federally licensed firearm
dealer from the requirements of conducting a NICS
background check through the Illinois Point of Contact
under 18 U.S.C. 922(t). For purposes of this paragraph (g),
"application" means when the buyer and seller reach an
agreement to purchase a firearm. For purposes of this
paragraph (g), "national governing body" means a group of
persons who adopt rules and formulate policy on behalf of a
national firearm sporting organization.

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

(i) Sells or gives a firearm of any size to any person under 18 years of age who does not possess a valid Firearm Owner's Identification Card.

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

In this paragraph (j):

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

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

(k) Sells or transfers ownership of a firearm to a person in violation of Section 3 of the Firearm Owners Identification Card Act who does not display to the seller or transferor of the firearm either: (1) a currently valid Firearm Owner's Identification Card that has previously been issued in the transferee's name by the Department of State Police under the provisions of the Firearm Owners Identification Card Act; or (2) a currently valid license to carry a concealed firearm that has previously been issued in the transferee's name by the Department of State Police under the Firearm Concealed Carry Act. This paragraph (k) does not apply to the transfer of a firearm to a person who is exempt from the requirement of possessing a Firearm Owner's Identification Card under Section 2 of the Firearm Owners Identification Card Act. For the purposes of this Section, a currently valid Firearm Owner's Identification Card means (i) a Firearm Owner's Identification Card that has not expired or (ii) an approval number issued in accordance with subsection (a-10) of subsection 3 or Section 3.1 of the Firearm Owners Identification Card Act shall be proof that the Firearm Owner's Identification Card was valid.

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

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

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

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

(C) Sentence.

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

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

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

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

(5) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (a) or (i) of subsection (A) in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, or on any public way within 1,000 feet of the real property comprising any public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony.

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

(7) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (k) of subsection (A) commits a Class 4 felony, except that a violation of item (G) of subsection (a-5) of Section 3 of the Firearm Owners Identification Card Act is a Class A misdemeanor. Subparagraph (1) of paragraph (k) of subsection (A) shall not be punishable as a crime or petty offense. A third or subsequent conviction for a violation of paragraph (k) of subsection (A) is a Class 1 felony.

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

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

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

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

(D) For purposes of this Section:

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

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

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

(Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

Section 35. The Code of Criminal Procedure of 1963 is
amended by changing Section 110-10 as follows:

(725 ILCS 5/110-10) (from Ch. 38, par. 110-10)
Sec. 110-10. Conditions of bail bond.

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

(1) Appear to answer the charge in the court having jurisdiction on a day certain and thereafter as ordered by the court until discharged or final order of the court;
(2) Submit himself or herself to the orders and process of the court;
(3) Not depart this State without leave of the court;
(4) Not violate any criminal statute of any jurisdiction;
(5) At a time and place designated by the court, the defendant shall physically surrender all firearms in his or her possession to a law enforcement agency designated by the court to take custody of and impound the firearms and physically surrender his or her Firearm Owner's Identification Card to the law enforcement agency as a condition of remaining on bond pending trial. Surrender all firearms in his or her possession to a law enforcement officer designated by the court to take custody of and impound the firearms and physically surrender his or her Firearm Owner's Identification Card to the clerk of the circuit court when the offense the person has been charged with is a forcible felony, stalking, aggravated stalking, domestic battery, any violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community
Protection Act, or the Cannabis Control Act that is classified as a Class 2 or greater felony, or any felony violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012. A defendant whose Firearm Owner's Identification Card has been revoked or suspended may petition the court to transfer the defendant's firearm to a person who is lawfully able to possess the firearm if the person does not reside at the same address as the defendant. Any transfer must be conducted under Section 3 of the Firearm Owners Identification Card Act. The transferee who receives the defendant's firearms must swear or affirm by affidavit that he or she shall not transfer the firearm to the defendant or to anyone residing in the same residence as the defendant, until the defendant's Firearm Owner's Identification Card has been reinstated. The law enforcement agency, upon transfer of the firearms, shall require the defendant to complete a Firearm Disposition Record under Section 9.5 of the Firearm Owners Identification Card Act and provide a copy to the Department of State Police along with the defendant's Firearm Owner's Identification Card; the court may, however, forgo the imposition of this condition when the defendant has provided proof to the court that he or she has legally disposed or transferred his or her firearms and returned his or her Firearm Owner's Identification Card to the Department of State Police. If the court finds the
circumstances of the case clearly do not warrant it or when its imposition would be impractical, the court shall indicate on the record and in writing and the court's basis for making the determination when the circumstances of the case clearly do not warrant it or when its imposition would be impractical; all legally possessed firearms shall be returned to the person upon proof being provided to the law enforcement agency of the reinstatement of the person's Firearm Owner's Identification Card; if the Firearm Owner's Identification Card is confiscated, the clerk of the circuit court shall mail the confiscated card to the Illinois State Police; all legally possessed firearms shall be returned to the person upon the charges being dismissed, or if the person is found not guilty, unless the finding of not guilty is by reason of insanity; and

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

Psychological evaluations ordered pursuant to this Section shall be completed promptly and made available to the State,
the defendant, and the court. As a further condition of bail under these circumstances, the court shall order the defendant to refrain from entering upon the property of the school, including any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity, or on any public way within 1,000 feet of real property comprising any school. Upon receipt of the psychological evaluation, either the State or the defendant may request a change in the conditions of bail, pursuant to Section 110-6 of this Code. The court may change the conditions of bail to include a requirement that the defendant follow the recommendations of the psychological evaluation, including undergoing psychiatric treatment. The conclusions of the psychological evaluation and any statements elicited from the defendant during its administration are not admissible as evidence of guilt during the course of any trial on the charged offense, unless the defendant places his or her mental competency in issue.

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

(1) Report to or appear in person before such person or agency as the court may direct;
2. Refrain from possessing a firearm or other dangerous weapon;

3. Refrain from approaching or communicating with particular persons or classes of persons;

4. Refrain from going to certain described geographical areas or premises;

5. Refrain from engaging in certain activities or indulging in intoxicating liquors or in certain drugs;

6. Undergo treatment for drug addiction or alcoholism;

7. Undergo medical or psychiatric treatment;

8. Work or pursue a course of study or vocational training;

9. Attend or reside in a facility designated by the court;

10. Support his or her dependents;

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

12. Observe any curfew ordered by the court;

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

(14) Be placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with or without the use of an approved electronic monitoring device subject to Article 8A of Chapter V of the Unified Code of Corrections;

(14.1) The court shall impose upon a defendant who is charged with any alcohol, cannabis, methamphetamine, or controlled substance violation and is placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee that represents costs incidental to the electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. The fee shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code, except as provided in an
administrative order of the Chief Judge of the circuit court.

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

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

(14.2) The court shall impose upon all defendants, including those defendants subject to paragraph (14.1) above, placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with the use of an approved monitoring device, as a condition of such bail bond, a fee which shall represent costs incidental to such electronic monitoring for each day of such bail supervision ordered by the court, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may
be. The fee shall be collected by the clerk of the circuit
court, except as provided in an administrative order of the
Chief Judge of the circuit court. The clerk of the circuit
court shall pay all monies collected from this fee to the
county treasurer who shall use the monies collected to
defray the costs of corrections. The county treasurer shall
deposit the fee collected in the county working cash fund
under Section 6-27001 or Section 6-29002 of the Counties
Code, as the case may be, except as provided in an
administrative order of the Chief Judge of the circuit
court.

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

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

(14.3) The Chief Judge of the Judicial Circuit may
establish reasonable fees to be paid by a person receiving
pretrial services while under supervision of a pretrial services agency, probation department, or court services department. Reasonable fees may be charged for pretrial services including, but not limited to, pretrial supervision, diversion programs, electronic monitoring, victim impact services, drug and alcohol testing, DNA testing, GPS electronic monitoring, assessments and evaluations related to domestic violence and other victims, and victim mediation services. The person receiving pretrial services may be ordered to pay all costs incidental to pretrial services in accordance with his or her ability to pay those costs;

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

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

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

(17) Such other reasonable conditions as the court may impose.

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

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

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

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

(2) refrain from entering or remaining at the victim's residence for a minimum period of 72 hours following the defendant's release.

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

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

(1) Duly prosecute his appeal;

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

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

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

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

(g) Upon a finding of guilty for any felony offense, the defendant shall physically surrender, at a time and place designated by the court, all firearms in his or her possession to a law enforcement officer designated by the court to take custody of and impound the firearms and physically surrender his or her Firearm Owner's Identification Card to the law enforcement agency as a condition of remaining on bond pending sentencing. A defendant whose Firearm Owner's Identification Card has been revoked or suspended may petition the court to transfer the defendant's firearm to a person who is lawfully able to possess the firearm if the person does not reside at the same address as the defendant. Any transfer must be conducted under Section 3 of the Firearm Owners Identification Card Act. The transferee who receives the defendant's firearms must swear or affirm by affidavit that he or she shall not transfer the firearm to the defendant or to anyone residing in the same residence as the defendant, until the defendant's Firearm Owner's Identification Card has been reinstated. The law enforcement agency, upon transfer of the firearms, shall require the defendant to complete a Firearm Disposition Record under Section 9.5 of the Firearm Owners Identification Card Act and provide a copy to the Department of State Police along with the defendant's Firearm Owner's Identification Card. The defendant shall physically surrender, at a time and place designated by the court, any and all firearms in his or her
possession and his or her Firearm Owner's Identification Card as a condition of remaining on bond pending sentencing.

(h) Upon indictment for any felony offense, the defendant shall physically surrender, at a time and place designated by the court, all firearms in his or her possession to a law enforcement officer designated by the court to take custody of and impound the firearms and physically surrender his or her Firearm Owner's Identification Card to the law enforcement agency as a condition of remaining on bond pending trial. A defendant whose Firearm Owner's Identification Card has been revoked or suspended may petition the court to transfer the defendant's firearm to a person who is lawfully able to possess the firearm if the person does not reside at the same address as the defendant. Any transfer must be conducted under Section 3 of the Firearm Owners Identification Card Act. The transferee who receives the defendant's firearms must swear or affirm by affidavit that he or she shall not transfer the firearm to the defendant or to anyone residing in the same residence as the defendant, until the defendant's Firearm Owner's Identification Card has been reinstated. The law enforcement agency upon transfer of the firearms shall require the defendant to complete a Firearm Disposition Record under Section 9.5 of the Firearm Owners Identification Card Act and provide a copy to the Department of State Police along with the defendants Firearm Owner's Identification Card. All legally possessed firearms shall be returned to the person upon proof
being provided to the law enforcement agency of the reinstatement of the person's Firearm Owner's Identification Card.

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

Section 40. The Unified Code of Corrections is amended by changing Section 5-6-3 as follows:

(730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

(Text of Section before amendment by P.A. 100-987)

Sec. 5-6-3. Conditions of probation and of conditional discharge.

(a) The conditions of probation and of conditional discharge shall be that the person:

(1) not violate any criminal statute of any jurisdiction;

(2) report to or appear in person before such person or agency as directed by the court;

(3) refrain from possessing a firearm or other dangerous weapon where the offense is a felony or, if a misdemeanor, the offense involved the intentional or knowing infliction of bodily harm or threat of bodily harm;

(4) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior
notification and approval of the person's probation officer. Transfer of a person's probation or conditional discharge supervision to another state is subject to acceptance by the other state pursuant to the Interstate Compact for Adult Offender Supervision;

(5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;

(6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act. The court may give credit toward
the fulfillment of community service hours for participation in activities and treatment as determined by court services;

(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing high school equivalency testing or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this paragraph (7). The court shall revoke the probation or conditional discharge of a person who wilfully fails to comply with this paragraph (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or high school equivalency testing if a fee is charged for those courses or testing. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This paragraph (7) does not apply to a person who has a high school diploma or has successfully
passed high school equivalency testing. This paragraph (7) does not apply to a person who is determined by the court to be a person with a developmental disability or otherwise mentally incapable of completing the educational or vocational program;

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court;

(8.5) if convicted of a felony sex offense as defined in the Sex Offender Management Board Act, the person shall undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act;

(8.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at
the same address or in the same condominium unit or
apartment unit or in the same condominium complex or
apartment complex with another person he or she knows or
reasonably should know is a convicted sex offender or has
been placed on supervision for a sex offense; the
provisions of this paragraph do not apply to a person
convicted of a sex offense who is placed in a Department of
Corrections licensed transitional housing facility for sex
offenders;

(8.7) if convicted for an offense committed on or after
June 1, 2008 (the effective date of Public Act 95-464) that
would qualify the accused as a child sex offender as
defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
1961 or the Criminal Code of 2012, refrain from
communicating with or contacting, by means of the Internet,
a person who is not related to the accused and whom the
accused reasonably believes to be under 18 years of age;
for purposes of this paragraph (8.7), "Internet" has the
meaning ascribed to it in Section 16-0.1 of the Criminal
Code of 2012; and a person is not related to the accused if
the person is not: (i) the spouse, brother, or sister of
the accused; (ii) a descendant of the accused; (iii) a
first or second cousin of the accused; or (iv) a step-child
or adopted child of the accused;

(8.8) if convicted for an offense under Section 11-6,
11-9.1, 11-14.4 that involves soliciting for a juvenile
prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, or any attempt to commit any of these offenses, committed on or after June 1, 2009 (the effective date of Public Act 95-983):

(i) not access or use a computer or any other device with Internet capability without the prior written approval of the offender's probation officer, except in connection with the offender's employment or search for employment with the prior approval of the offender's probation officer;

(ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's probation officer, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;

(iii) submit to the installation on the offender's computer or device with Internet capability, at the offender's expense, of one or more hardware or software systems to monitor the Internet use; and

(iv) submit to any other appropriate restrictions
concerning the offender's use of or access to a
computer or any other device with Internet capability
imposed by the offender's probation officer;

(8.9) if convicted of a sex offense as defined in the
Sex Offender Registration Act committed on or after January
1, 2010 (the effective date of Public Act 96-262), refrain
from accessing or using a social networking website as
defined in Section 17-0.5 of the Criminal Code of 2012;

(9) if convicted of a felony or of any misdemeanor
violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
12-3.5 of the Criminal Code of 1961 or the Criminal Code of
2012 that was determined, pursuant to Section 112A-11.1 of
the Code of Criminal Procedure of 1963, to trigger the
prohibitions of 18 U.S.C. 922(g)(9), the defendant shall
physically surrender, at a time and place designated by the
court, all firearms in his or her possession to a law
enforcement officer designated by the court to take custody
of and impound the firearms and physically surrender his or
her Firearm Owner's Identification Card to the law
enforcement agency as a condition of remaining on bond
pending sentencing. A defendant whose Firearm Owner's
Identification Card has been revoked or suspended may
petition the court to transfer the defendant's firearm to a
person who is lawfully able to possess the firearm if the
person does not reside at the same address as the
defendant. Any transfer must be conducted under Section 3
of the Firearm Owners Identification Card Act. The transferee who receives the defendant's firearms must swear or affirm by affidavit that he or she shall not transfer the firearm to the defendant or to anyone residing in the same residence as the defendant, until the defendant's Firearm Owner's Identification Card has been reinstated. The law enforcement agency, upon transfer of the firearms, shall require the defendant to complete a Firearm Disposition Record under Section 9.5 of the Firearm Owner's Identification Card Act and provide a copy to the Department of State Police along with the defendant's Firearm Owner's Identification Card physically surrendered at a time and place designated by the court, his or her Firearm Owner's Identification Card and any and all firearms in his or her possession. The Court shall return to the Department of State Police Firearm Owner's Identification Card Office the person's Firearm Owner's Identification Card;

(10) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as
a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter;

(11) if convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act committed on or after January 1, 2010 (the effective date of Public Act 96-362) that requires the person to register as a sex offender under that Act, may not knowingly use any computer scrub software on any computer that the sex offender uses;

(12) if convicted of a violation of the Methamphetamine Control and Community Protection Act, the Methamphetamine Precursor Control Act, or a methamphetamine related offense:

(A) prohibited from purchasing, possessing, or having under his or her control any product containing pseudoephedrine unless prescribed by a physician; and

(B) prohibited from purchasing, possessing, or having under his or her control any product containing ammonium nitrate; and

(13) if convicted of a hate crime involving the protected class identified in subsection (a) of Section 12-7.1 of the Criminal Code of 2012 that gave rise to the offense the offender committed, perform public or community service of no less than 200 hours and enroll in an educational program discouraging hate crimes that includes racial, ethnic, and cultural sensitivity training ordered by the court.
if convicted of a felony, the defendant shall physically surrender, at a time and place designated by the court, all firearms in his or her possession to a law enforcement officer designated by the court to take custody of and impound the firearms and physically surrender his or her Firearm Owner's Identification Card to the law enforcement agency as a condition of remaining on bond pending sentencing. A defendant whose Firearm Owner's Identification Card has been revoked or suspended may petition the court to transfer the defendant's firearm to a person who is lawfully able to possess the firearm if the person does not reside at the same address as the defendant. Any transfer must be conducted under Section 3 of the Firearm Owners Identification Card Act. The transferee who receives the defendant's firearms must swear or affirm by affidavit that he or she shall not transfer the firearm to the defendant or to anyone residing in the same residence as the defendant, until the defendant's Firearm Owner's Identification Card has been reinstated. The law enforcement agency, upon transfer of the firearms, shall require the defendant to complete a Firearm Disposition Record under Section 9.5 of the Firearm Owners Identification Card Act and provide a copy to the Department of State Police along with the defendants Firearm Owner's Identification Card; and

if the person is under 21 years of age and has
been convicted of a misdemeanor offense other than a 
traffic offense, the defendant shall physically surrender, 
at a time and place designated by the court, all firearms 
in his or her possession to a law enforcement officer 
designated by the court to take custody of and impound the 
firearms and physically surrender his or her Firearm 
Owner's Identification Card to the law enforcement agency 
as a condition of remaining on bond pending sentencing. A 
defendant whose Firearm Owner's Identification Card has 
been revoked or suspended may petition the court to 
transfer the defendant's firearm to a person who is 
lawfully able to possess the firearm if the person does not 
reside at the same address as the defendant. Any transfer 
must be conducted under Section 3 of the Firearm Owners 
Identification Card Act. The transferee who receives the 
defendant's firearms must swear or affirm by affidavit that 
he or she shall not transfer the firearm to the defendant 
or to anyone residing in the same residence as the 
defendant, until the defendant's Firearm Owner's 
Identification Card has been reinstated. The law 
enforcement agency, upon transfer of the firearms, shall 
require the defendant to complete a Firearm Disposition 
Record under Section 9.5 of the Firearm Owners 
Identification Card Act and provide a copy to the 
Department of State Police along with the defendants 
Firearm Owner's Identification Card.
(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

1. serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;
2. pay a fine and costs;
3. work or pursue a course of study or vocational training;
4. undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;
5. attend or reside in a facility established for the instruction or residence of defendants on probation;
6. support his dependents;
7. and in addition, if a minor:
   i. reside with his parents or in a foster home;
   ii. attend school;
   iii. attend a non-residential program for youth;
   iv. contribute to his own support at home or in a foster home;
   v. with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is convicted of a crime of
violence as defined in Section 2 of the Crime Victims
Compensation Act committed in a school, on the real
property comprising a school, or within 1,000 feet of
the real property comprising a school;
(8) make restitution as provided in Section 5-5-6 of
this Code;
(9) perform some reasonable public or community
service;
(10) serve a term of home confinement. In addition to
any other applicable condition of probation or conditional
discharge, the conditions of home confinement shall be that
the offender:
     (i) remain within the interior premises of the
place designated for his confinement during the hours
designated by the court;
     (ii) admit any person or agent designated by the
court into the offender's place of confinement at any
time for purposes of verifying the offender's
compliance with the conditions of his confinement; and
     (iii) if further deemed necessary by the court or
the Probation or Court Services Department, be placed
on an approved electronic monitoring device, subject
to Article 8A of Chapter V;
     (iv) for persons convicted of any alcohol,
cannabis or controlled substance violation who are
placed on an approved monitoring device as a condition
of probation or conditional discharge, the court shall
impose a reasonable fee for each day of the use of the
device, as established by the county board in
subsection (g) of this Section, unless after
determining the inability of the offender to pay the
fee, the court assesses a lesser fee or no fee as the
case may be. This fee shall be imposed in addition to
the fees imposed under subsections (g) and (i) of this
Section. The fee shall be collected by the clerk of the
circuit court, except as provided in an administrative
order of the Chief Judge of the circuit court. The
clerk of the circuit court shall pay all monies
collected from this fee to the county treasurer for
deposit in the substance abuse services fund under
Section 5-1086.1 of the Counties Code, except as
provided in an administrative order of the Chief Judge
of the circuit court.

The Chief Judge of the circuit court of the county
may by administrative order establish a program for
electronic monitoring of offenders, in which a vendor
supplies and monitors the operation of the electronic
monitoring device, and collects the fees on behalf of
the county. The program shall include provisions for
indigent offenders and the collection of unpaid fees.
The program shall not unduly burden the offender and
shall be subject to review by the Chief Judge.
The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device; and

(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the probation and court services fund. The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic
monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

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

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, (i) to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act, or (ii) for offenses under
the jurisdiction of the Department of Natural Resources, to
the fund established by the Department of Natural Resources
for the purchase of evidence for investigation purposes and
to conduct investigations as outlined in Section 805-105 of
the Department of Natural Resources (Conservation) Law;

(14) refrain from entering into a designated
geographic area except upon such terms as the court finds
appropriate. Such terms may include consideration of the
purpose of the entry, the time of day, other persons
accompanying the defendant, and advance approval by a
probation officer, if the defendant has been placed on
probation or advance approval by the court, if the
defendant was placed on conditional discharge;

(15) refrain from having any contact, directly or
indirectly, with certain specified persons or particular
types of persons, including but not limited to members of
street gangs and drug users or dealers;

(16) refrain from having in his or her body the
presence of any illicit drug prohibited by the Cannabis
Control Act, the Illinois Controlled Substances Act, or the
Methamphetamine Control and Community Protection Act,
unless prescribed by a physician, and submit samples of his
or her blood or urine or both for tests to determine the
presence of any illicit drug;

(17) if convicted for an offense committed on or after
June 1, 2008 (the effective date of Public Act 95-464) that
would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from communicating with or contacting, by means of the Internet, a person who is related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph (17), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is related to the accused if the person is: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused;

(18) if convicted for an offense committed on or after June 1, 2009 (the effective date of Public Act 95-983) that would qualify as a sex offense as defined in the Sex Offender Registration Act:

(i) not access or use a computer or any other device with Internet capability without the prior written approval of the offender's probation officer, except in connection with the offender's employment or search for employment with the prior approval of the offender's probation officer;

(ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's probation
officer, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;

(iii) submit to the installation on the offender's computer or device with Internet capability, at the subject's expense, of one or more hardware or software systems to monitor the Internet use; and

(iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability imposed by the offender's probation officer; and

(19) refrain from possessing a firearm or other dangerous weapon where the offense is a misdemeanor that did not involve the intentional or knowing infliction of bodily harm or threat of bodily harm.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating
any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6-month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol
testing, or both, and all costs incidental to such approved
electronic monitoring in accordance with the defendant's
ability to pay those costs. The county board with the
concurrence of the Chief Judge of the judicial circuit in which
the county is located shall establish reasonable fees for the
cost of maintenance, testing, and incidental expenses related
to the mandatory drug or alcohol testing, or both, and all
costs incidental to approved electronic monitoring, involved
in a successful probation program for the county. The
concurrence of the Chief Judge shall be in the form of an
administrative order. The fees shall be collected by the clerk
of the circuit court, except as provided in an administrative
order of the Chief Judge of the circuit court. The clerk of the
circuit court shall pay all moneys collected from these fees to
the county treasurer who shall use the moneys collected to
defray the costs of drug testing, alcohol testing, and
electronic monitoring. The county treasurer shall deposit the
fees collected in the county working cash fund under Section
6-27001 or Section 6-29002 of the Counties Code, as the case
may be. The Chief Judge of the circuit court of the county may
by administrative order establish a program for electronic
monitoring of offenders, in which a vendor supplies and
monitors the operation of the electronic monitoring device, and
collects the fees on behalf of the county. The program shall
include provisions for indigent offenders and the collection of
unpaid fees. The program shall not unduly burden the offender
and shall be subject to review by the Chief Judge.

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

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court. The probation department within the circuit to which jurisdiction has been transferred, or which has agreed to provide supervision, may impose probation fees upon receiving the transferred offender, as provided in subsection (i). For all transfer cases, as defined in Section 9b of the Probation and Probation Officers Act, the probation department from the original sentencing court shall retain all probation fees collected prior to the transfer. After the transfer, all probation fees shall be paid to the probation department within the circuit to which jurisdiction has been transferred.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of such probation or conditional discharge or supervised community service, a fee of
$50 for each month of probation or conditional discharge supervision or supervised community service ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is placed in the guardianship or custody of the Department of Children and Family Services under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee under this subsection (i) in excess of $25 per month unless the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay. Of the amount collected as a probation fee, up to $5 of that fee collected per month may be used to provide services to crime victims and their families.

The Court may only waive probation fees based on an offender's ability to pay. The probation department may re-evaluate an offender's ability to pay every 6 months, and, with the approval of the Director of Court Services or the
Chief Probation Officer, adjust the monthly fee amount. An offender may elect to pay probation fees due in a lump sum. Any offender that has been assigned to the supervision of a probation department, or has been transferred either under subsection (h) of this Section or under any interstate compact, shall be required to pay probation fees to the department supervising the offender, based on the offender's ability to pay.

Public Act 93-970 deletes the $10 increase in the fee under this subsection that was imposed by Public Act 93-616. This deletion is intended to control over any other Act of the 93rd General Assembly that retains or incorporates that fee increase.

(i-5) In addition to the fees imposed under subsection (i) of this Section, in the case of an offender convicted of a felony sex offense (as defined in the Sex Offender Management Board Act) or an offense that the court or probation department has determined to be sexually motivated (as defined in the Sex Offender Management Board Act), the court or the probation department shall assess additional fees to pay for all costs of treatment, assessment, evaluation for risk and treatment, and monitoring the offender, based on that offender's ability to pay those costs either as they occur or under a payment plan.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any
violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(k) Any offender who is sentenced to probation or conditional discharge for a felony sex offense as defined in the Sex Offender Management Board Act or any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(l) The court may order an offender who is sentenced to probation or conditional discharge for a violation of an order of protection be placed under electronic surveillance as provided in Section 5-8A-7 of this Code. (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16; 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff. 1-8-18.)

(Text of Section after amendment by P.A. 100-987)

Sec. 5-6-3. Conditions of probation and of conditional discharge.

(a) The conditions of probation and of conditional discharge shall be that the person:
(1) not violate any criminal statute of any jurisdiction;
(2) report to or appear in person before such person or agency as directed by the court;
(3) refrain from possessing a firearm or other dangerous weapon where the offense is a felony or, if a misdemeanor, the offense involved the intentional or knowing infliction of bodily harm or threat of bodily harm;
(4) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer. Transfer of a person's probation or conditional discharge supervision to another state is subject to acceptance by the other state pursuant to the Interstate Compact for Adult Offender Supervision;
(5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;
(6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang.
and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act. The court may give credit toward the fulfillment of community service hours for participation in activities and treatment as determined by court services;

(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing high school equivalency testing or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a
public institution of education to obtain the educational
or vocational training required by this paragraph (7). The
court shall revoke the probation or conditional discharge
of a person who wilfully fails to comply with this
paragraph (7). The person on probation or conditional
discharge shall be required to pay for the cost of the
educational courses or high school equivalency testing if a
fee is charged for those courses or testing. The court
shall resentence the offender whose probation or
conditional discharge has been revoked as provided in
Section 5-6-4. This paragraph (7) does not apply to a
person who has a high school diploma or has successfully
passed high school equivalency testing. This paragraph (7)
does not apply to a person who is determined by the court
to be a person with a developmental disability or otherwise
mentally incapable of completing the educational or
vocational program;

(8) if convicted of possession of a substance
prohibited by the Cannabis Control Act, the Illinois
Controlled Substances Act, or the Methamphetamine Control
and Community Protection Act after a previous conviction or
disposition of supervision for possession of a substance
prohibited by the Cannabis Control Act or Illinois
Controlled Substances Act or after a sentence of probation
under Section 10 of the Cannabis Control Act, Section 410
of the Illinois Controlled Substances Act, or Section 70 of
the Methamphetamine Control and Community Protection Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court;

(8.5) if convicted of a felony sex offense as defined in the Sex Offender Management Board Act, the person shall undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act;

(8.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders;

(8.7) if convicted for an offense committed on or after June 1, 2008 (the effective date of Public Act 95-464) that would qualify the accused as a child sex offender as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of 1961 or the Criminal Code of 2012, refrain from
communicating with or contacting, by means of the Internet, a person who is not related to the accused and whom the accused reasonably believes to be under 18 years of age; for purposes of this paragraph (8.7), "Internet" has the meaning ascribed to it in Section 16-0.1 of the Criminal Code of 2012; and a person is not related to the accused if the person is not: (i) the spouse, brother, or sister of the accused; (ii) a descendant of the accused; (iii) a first or second cousin of the accused; or (iv) a step-child or adopted child of the accused;

(8.8) if convicted for an offense under Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012, or any attempt to commit any of these offenses, committed on or after June 1, 2009 (the effective date of Public Act 95-983):

(i) not access or use a computer or any other device with Internet capability without the prior written approval of the offender's probation officer, except in connection with the offender's employment or search for employment with the prior approval of the offender's probation officer;

(ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's probation
officer, a law enforcement officer, or assigned
computer or information technology specialist,
including the retrieval and copying of all data from
the computer or device and any internal or external
peripherals and removal of such information,
equipment, or device to conduct a more thorough
inspection;

(iii) submit to the installation on the offender's
computer or device with Internet capability, at the
offender's expense, of one or more hardware or software
systems to monitor the Internet use; and

(iv) submit to any other appropriate restrictions
concerning the offender's use of or access to a
computer or any other device with Internet capability
imposed by the offender's probation officer;

(8.9) if convicted of a sex offense as defined in the
Sex Offender Registration Act committed on or after January
1, 2010 (the effective date of Public Act 96-262), refrain
from accessing or using a social networking website as
defined in Section 17-0.5 of the Criminal Code of 2012;

(9) if convicted of a felony or of any misdemeanor
violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
12-3.5 of the Criminal Code of 1961 or the Criminal Code of
2012 that was determined, pursuant to Section 112A-11.1 of
the Code of Criminal Procedure of 1963, to trigger the
prohibitions of 18 U.S.C. 922(g)(9), the defendant shall
physically surrender, at a time and place designated by the court, all firearms in his or her possession to a law enforcement officer designated by the court to take custody of and impound the firearms and physically surrender his or her Firearm Owner's Identification Card to the law enforcement agency as a condition of remaining on bond pending sentencing. A defendant whose Firearm Owner's Identification Card has been revoked or suspended may petition the court to transfer the defendant's firearm to a person who is lawfully able to possess the firearm if the person does not reside at the same address as the defendant. Any transfer must be conducted under Section 3 of the Firearm Owners Identification Card Act. The transferee who receives the defendant's firearms must swear or affirm by affidavit that he or she shall not transfer the firearm to the defendant or to anyone residing in the same residence as the defendant, until the defendant's Firearm Owner's Identification Card has been reinstated. The law enforcement agency, upon transfer of the firearms, shall require the defendant to complete a Firearm Disposition Record under Section 9.5 of the Firearm Owner's Identification Card Act and provide a copy to the Department of State Police along with the defendants Firearm Owner's Identification Card physically surrendered at a time and place designated by the court, his or her Firearm Owner's Identification Card and any and all
firearms in his or her possession. The Court shall return to the Department of State Police Firearm Owner's Identification Card Office the person's Firearm Owner's Identification Card;

(10) if convicted of a sex offense as defined in subsection (a-5) of Section 3-1-2 of this Code, unless the offender is a parent or guardian of the person under 18 years of age present in the home and no non-familial minors are present, not participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas, being employed as a department store Santa Claus, or wearing an Easter Bunny costume on or preceding Easter;

(11) if convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act committed on or after January 1, 2010 (the effective date of Public Act 96-362) that requires the person to register as a sex offender under that Act, may not knowingly use any computer scrub software on any computer that the sex offender uses;

(12) if convicted of a violation of the Methamphetamine Control and Community Protection Act, the Methamphetamine Precursor Control Act, or a methamphetamine related offense:

   (A) prohibited from purchasing, possessing, or having under his or her control any product containing
pseudoephedrine unless prescribed by a physician; and

(B) prohibited from purchasing, possessing, or
having under his or her control any product containing
ammonium nitrate; and

(13) if convicted of a hate crime involving the
protected class identified in subsection (a) of Section
12-7.1 of the Criminal Code of 2012 that gave rise to the
offense the offender committed, perform public or
community service of no less than 200 hours and enroll in
an educational program discouraging hate crimes that
includes racial, ethnic, and cultural sensitivity training
ordered by the court;

(14) if convicted of a felony, the defendant shall
physically surrender, at a time and place designated by the
court, all firearms in his or her possession to a law
enforcement officer designated by the court to take custody
of and impound the firearms and physically surrender his or
her Firearm Owner's Identification Card to the law
enforcement agency as a condition of remaining on bond
pending sentencing. A defendant whose Firearm Owner's
Identification Card has been revoked or suspended may
petition the court to transfer the defendant's firearm to a
person who is lawfully able to possess the firearm if the
person does not reside at the same address as the
defendant. Any transfer must be conducted under Section 3
of the Firearm Owners Identification Card Act. The
transferee who receives the defendant's firearms must swear or affirm by affidavit that he or she shall not transfer the firearm to the defendant or to anyone residing in the same residence as the defendant, until the defendant's Firearm Owner's Identification Card has been reinstated. The law enforcement agency, upon transfer of the firearms, shall require the defendant to complete a Firearm Disposition Record under Section 9.5 of the Firearm Owners Identification Card Act and provide a copy to the Department of State Police along with the defendant's Firearm Owner's Identification Card; and

(15) if the person is under 21 years of age and has been convicted of a misdemeanor offense other than a traffic offense, the defendant shall physically surrender, at a time and place designated by the court, all firearms in his or her possession to a law enforcement officer designated by the court to take custody of and impound the firearms and physically surrender his or her Firearm Owner's Identification Card to the law enforcement agency as a condition of remaining on bond pending sentencing. A defendant whose Firearm Owner's Identification Card has been revoked or suspended may petition the court to transfer the defendant's firearm to a person who is lawfully able to possess the firearm if the person does not reside at the same address as the defendant. Any transfer must be conducted under Section 3 of the Firearm Owners
Identification Card Act. The transferee who receives the defendant's firearms must swear or affirm by affidavit that he or she shall not transfer the firearm to the defendant or to anyone residing in the same residence as the defendant, until the defendant's Firearm Owner's Identification Card has been reinstated. The law enforcement agency, upon transfer of the firearms, shall require the defendant to complete a Firearm Disposition Record under Section 9.5 of the Firearm Owners Identification Card Act and provide a copy to the Department of State Police along with the defendants Firearm Owner's Identification Card.

(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

(1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;

(5) attend or reside in a facility established for the
instruction or residence of defendants on probation;

(6) support his dependents;

(7) and in addition, if a minor:

(i) reside with his parents or in a foster home;

(ii) attend school;

(iii) attend a non-residential program for youth;

(iv) contribute to his own support at home or in a foster home;

(v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is convicted of a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;

(8) make restitution as provided in Section 5-5-6 of this Code;

(9) perform some reasonable public or community service;

(10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:

(i) remain within the interior premises of the place designated for his confinement during the hours
designated by the court;

(ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and

(iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;

(iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under
Section 5-1086.1 of the Counties Code, except as provided in an administrative order of the Chief Judge of the circuit court.

The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge.

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

(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this
Section. The fee shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the probation and court services fund. The Chief Judge of the circuit court of the county may by administrative order establish a program for electronic monitoring of offenders, in which a vendor supplies and monitors the operation of the electronic monitoring device, and collects the fees on behalf of the county. The program shall include provisions for indigent offenders and the collection of unpaid fees. The program shall not unduly burden the offender and shall be subject to review by the Chief Judge. The Chief Judge of the circuit court may suspend any additional charges or fees for late payment, interest, or damage to any device.

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation
officer or agency having responsibility for the case;
(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;
(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, (i) to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act, or (ii) for offenses under the jurisdiction of the Department of Natural Resources, to the fund established by the Department of Natural Resources for the purchase of evidence for investigation purposes and to conduct investigations as outlined in Section 805-105 of the Department of Natural Resources (Conservation) Law;
(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;
(15) refrain from having any contact, directly or
indirectly, with certain specified persons or particular
types of persons, including but not limited to members of
street gangs and drug users or dealers;

(16) refrain from having in his or her body the
presence of any illicit drug prohibited by the Cannabis
Control Act, the Illinois Controlled Substances Act, or the
Methamphetamine Control and Community Protection Act,
unless prescribed by a physician, and submit samples of his
or her blood or urine or both for tests to determine the
presence of any illicit drug;

(17) if convicted for an offense committed on or after
June 1, 2008 (the effective date of Public Act 95-464) that
would qualify the accused as a child sex offender as
defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
1961 or the Criminal Code of 2012, refrain from
communicating with or contacting, by means of the Internet,
a person who is related to the accused and whom the accused
reasonably believes to be under 18 years of age; for
purposes of this paragraph (17), "Internet" has the meaning
ascribed to it in Section 16-0.1 of the Criminal Code of
2012; and a person is related to the accused if the person
is: (i) the spouse, brother, or sister of the accused; (ii)
a descendant of the accused; (iii) a first or second cousin
of the accused; or (iv) a step-child or adopted child of
the accused;

(18) if convicted for an offense committed on or after
June 1, 2009 (the effective date of Public Act 95-983) that would qualify as a sex offense as defined in the Sex Offender Registration Act:

(i) not access or use a computer or any other device with Internet capability without the prior written approval of the offender's probation officer, except in connection with the offender's employment or search for employment with the prior approval of the offender's probation officer;

(ii) submit to periodic unannounced examinations of the offender's computer or any other device with Internet capability by the offender's probation officer, a law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment, or device to conduct a more thorough inspection;

(iii) submit to the installation on the offender's computer or device with Internet capability, at the subject's expense, of one or more hardware or software systems to monitor the Internet use; and

(iv) submit to any other appropriate restrictions concerning the offender's use of or access to a computer or any other device with Internet capability
imposed by the offender's probation officer; and
(19) refrain from possessing a firearm or other
dangerous weapon where the offense is a misdemeanor that
did not involve the intentional or knowing infliction of
bodily harm or threat of bodily harm.
(c) The court may as a condition of probation or of
conditional discharge require that a person under 18 years of
age found guilty of any alcohol, cannabis or controlled
substance violation, refrain from acquiring a driver's license
during the period of probation or conditional discharge. If
such person is in possession of a permit or license, the court
may require that the minor refrain from driving or operating
any motor vehicle during the period of probation or conditional
discharge, except as may be necessary in the course of the
minor's lawful employment.
(d) An offender sentenced to probation or to conditional
discharge shall be given a certificate setting forth the
conditions thereof.
(e) Except where the offender has committed a fourth or
subsequent violation of subsection (c) of Section 6-303 of the
Illinois Vehicle Code, the court shall not require as a
condition of the sentence of probation or conditional discharge
that the offender be committed to a period of imprisonment in
excess of 6 months. This 6-month limit shall not include
periods of confinement given pursuant to a sentence of county
impact incarceration under Section 5-8-1.2.
Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, involved in a successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court, except as provided in an administrative order of the Chief Judge of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to
the county treasurer who shall use the moneys collected to
defray the costs of drug testing, alcohol testing, and
electronic monitoring. The county treasurer shall deposit the
fees collected in the county working cash fund under Section
6-27001 or Section 6-29002 of the Counties Code, as the case
may be. The Chief Judge of the circuit court of the county may
by administrative order establish a program for electronic
monitoring of offenders, in which a vendor supplies and
monitors the operation of the electronic monitoring device, and
collects the fees on behalf of the county. The program shall
include provisions for indigent offenders and the collection of
unpaid fees. The program shall not unduly burden the offender
and shall be subject to review by the Chief Judge.

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

(h) Jurisdiction over an offender may be transferred from
the sentencing court to the court of another circuit with the
concurrence of both courts. Further transfers or retransfers of
jurisdiction are also authorized in the same manner. The court
to which jurisdiction has been transferred shall have the same
powers as the sentencing court. The probation department within
the circuit to which jurisdiction has been transferred, or
which has agreed to provide supervision, may impose probation
fees upon receiving the transferred offender, as provided in
subsection (i). For all transfer cases, as defined in Section
9b of the Probation and Probation Officers Act, the probation department from the original sentencing court shall retain all probation fees collected prior to the transfer. After the transfer, all probation fees shall be paid to the probation department within the circuit to which jurisdiction has been transferred.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of such probation or conditional discharge or supervised community service, a fee of $50 for each month of probation or conditional discharge supervision or supervised community service ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is placed in the guardianship or custody of the Department of Children and Family Services under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund.
under Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee under this subsection (i) in excess of $25 per month unless the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay. Of the amount collected as a probation fee, up to $5 of that fee collected per month may be used to provide services to crime victims and their families.

The Court may only waive probation fees based on an offender's ability to pay. The probation department may re-evaluate an offender's ability to pay every 6 months, and, with the approval of the Director of Court Services or the Chief Probation Officer, adjust the monthly fee amount. An offender may elect to pay probation fees due in a lump sum. Any offender that has been assigned to the supervision of a probation department, or has been transferred either under subsection (h) of this Section or under any interstate compact, shall be required to pay probation fees to the department supervising the offender, based on the offender's ability to pay.

Public Act 93-970 deletes the $10 increase in the fee under this subsection that was imposed by Public Act 93-616. This deletion is intended to control over any other Act of the 93rd General Assembly that retains or incorporates that fee increase.

(i-5) In addition to the fees imposed under subsection (i)
of this Section, in the case of an offender convicted of a felony sex offense (as defined in the Sex Offender Management Board Act) or an offense that the court or probation department has determined to be sexually motivated (as defined in the Sex Offender Management Board Act), the court or the probation department shall assess additional fees to pay for all costs of treatment, assessment, evaluation for risk and treatment, and monitoring the offender, based on that offender's ability to pay those costs either as they occur or under a payment plan.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under the Criminal and Traffic Assessment Act.

(k) Any offender who is sentenced to probation or conditional discharge for a felony sex offense as defined in the Sex Offender Management Board Act or any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(l) The court may order an offender who is sentenced to
probation or conditional discharge for a violation of an order of protection be placed under electronic surveillance as provided in Section 5-8A-7 of this Code.

(Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16; 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff. 1-8-18; 100-987, eff. 7-1-19.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect upon becoming law."