

SB3088



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3088

Introduced 2/2/2024, by Sen. Tom Bennett

SYNOPSIS AS INTRODUCED:

See Index

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

LRB103 39157 RLC 69302 b

A BILL FOR

1 AN ACT concerning firearms.

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

4 Section 5. The Open Meetings Act is amended by changing
5 Section 2 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 Sec. 2. Open meetings.

8 (a) Openness required. All meetings of public bodies shall
9 be open to the public unless excepted in subsection (c) and
10 closed in accordance with Section 2a.

11 (b) Construction of exceptions. The exceptions contained
12 in subsection (c) are in derogation of the requirement that
13 public bodies meet in the open, and therefore, the exceptions
14 are to be strictly construed, extending only to subjects
15 clearly within their scope. The exceptions authorize but do
16 not require the holding of a closed meeting to discuss a
17 subject included within an enumerated exception.

18 (c) Exceptions. A public body may hold closed meetings to
19 consider the following subjects:

20 (1) The appointment, employment, compensation,
21 discipline, performance, or dismissal of specific
22 employees, specific individuals who serve as independent
23 contractors in a park, recreational, or educational

1 setting, or specific volunteers of the public body or
2 legal counsel for the public body, including hearing
3 testimony on a complaint lodged against an employee, a
4 specific individual who serves as an independent
5 contractor in a park, recreational, or educational
6 setting, or a volunteer of the public body or against
7 legal counsel for the public body to determine its
8 validity. However, a meeting to consider an increase in
9 compensation to a specific employee of a public body that
10 is subject to the Local Government Wage Increase
11 Transparency Act may not be closed and shall be open to the
12 public and posted and held in accordance with this Act.

13 (2) Collective negotiating matters between the public
14 body and its employees or their representatives, or
15 deliberations concerning salary schedules for one or more
16 classes of employees.

17 (3) The selection of a person to fill a public office,
18 as defined in this Act, including a vacancy in a public
19 office, when the public body is given power to appoint
20 under law or ordinance, or the discipline, performance or
21 removal of the occupant of a public office, when the
22 public body is given power to remove the occupant under
23 law or ordinance.

24 (4) Evidence or testimony presented in open hearing,
25 or in closed hearing where specifically authorized by law,
26 to a quasi-adjudicative body, as defined in this Act,

1 provided that the body prepares and makes available for
2 public inspection a written decision setting forth its
3 determinative reasoning.

4 (4.5) Evidence or testimony presented to a school
5 board regarding denial of admission to school events or
6 property pursuant to Section 24-24 of the School Code,
7 provided that the school board prepares and makes
8 available for public inspection a written decision setting
9 forth its determinative reasoning.

10 (5) The purchase or lease of real property for the use
11 of the public body, including meetings held for the
12 purpose of discussing whether a particular parcel should
13 be acquired.

14 (6) The setting of a price for sale or lease of
15 property owned by the public body.

16 (7) The sale or purchase of securities, investments,
17 or investment contracts. This exception shall not apply to
18 the investment of assets or income of funds deposited into
19 the Illinois Prepaid Tuition Trust Fund.

20 (8) Security procedures, school building safety and
21 security, and the use of personnel and equipment to
22 respond to an actual, a threatened, or a reasonably
23 potential danger to the safety of employees, students,
24 staff, the public, or public property.

25 (9) Student disciplinary cases.

26 (10) The placement of individual students in special

1 education programs and other matters relating to
2 individual students.

3 (11) Litigation, when an action against, affecting or
4 on behalf of the particular public body has been filed and
5 is pending before a court or administrative tribunal, or
6 when the public body finds that an action is probable or
7 imminent, in which case the basis for the finding shall be
8 recorded and entered into the minutes of the closed
9 meeting.

10 (12) The establishment of reserves or settlement of
11 claims as provided in the Local Governmental and
12 Governmental Employees Tort Immunity Act, if otherwise the
13 disposition of a claim or potential claim might be
14 prejudiced, or the review or discussion of claims, loss or
15 risk management information, records, data, advice or
16 communications from or with respect to any insurer of the
17 public body or any intergovernmental risk management
18 association or self insurance pool of which the public
19 body is a member.

20 (13) Conciliation of complaints of discrimination in
21 the sale or rental of housing, when closed meetings are
22 authorized by the law or ordinance prescribing fair
23 housing practices and creating a commission or
24 administrative agency for their enforcement.

25 (14) Informant sources, the hiring or assignment of
26 undercover personnel or equipment, or ongoing, prior or

1 future criminal investigations, when discussed by a public
2 body with criminal investigatory responsibilities.

3 (15) Professional ethics or performance when
4 considered by an advisory body appointed to advise a
5 licensing or regulatory agency on matters germane to the
6 advisory body's field of competence.

7 (16) Self evaluation, practices and procedures or
8 professional ethics, when meeting with a representative of
9 a statewide association of which the public body is a
10 member.

11 (17) The recruitment, credentialing, discipline or
12 formal peer review of physicians or other health care
13 professionals, or for the discussion of matters protected
14 under the federal Patient Safety and Quality Improvement
15 Act of 2005, and the regulations promulgated thereunder,
16 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
17 Health Insurance Portability and Accountability Act of
18 1996, and the regulations promulgated thereunder,
19 including 45 C.F.R. Parts 160, 162, and 164, by a
20 hospital, or other institution providing medical care,
21 that is operated by the public body.

22 (18) Deliberations for decisions of the Prisoner
23 Review Board.

24 (19) Review or discussion of applications received
25 under the Experimental Organ Transplantation Procedures
26 Act.

1 (20) The classification and discussion of matters
2 classified as confidential or continued confidential by
3 the State Government Suggestion Award Board.

4 (21) Discussion of minutes of meetings lawfully closed
5 under this Act, whether for purposes of approval by the
6 body of the minutes or semi-annual review of the minutes
7 as mandated by Section 2.06.

8 (22) Deliberations for decisions of the State
9 Emergency Medical Services Disciplinary Review Board.

10 (23) The operation by a municipality of a municipal
11 utility or the operation of a municipal power agency or
12 municipal natural gas agency when the discussion involves
13 (i) contracts relating to the purchase, sale, or delivery
14 of electricity or natural gas or (ii) the results or
15 conclusions of load forecast studies.

16 (24) Meetings of a residential health care facility
17 resident sexual assault and death review team or the
18 Executive Council under the Abuse Prevention Review Team
19 Act.

20 (25) Meetings of an independent team of experts under
21 Brian's Law.

22 (26) Meetings of a mortality review team appointed
23 under the Department of Juvenile Justice Mortality Review
24 Team Act.

25 (27) (Blank).

26 (28) Correspondence and records (i) that may not be

1 disclosed under Section 11-9 of the Illinois Public Aid
2 Code or (ii) that pertain to appeals under Section 11-8 of
3 the Illinois Public Aid Code.

4 (29) Meetings between internal or external auditors
5 and governmental audit committees, finance committees, and
6 their equivalents, when the discussion involves internal
7 control weaknesses, identification of potential fraud risk
8 areas, known or suspected frauds, and fraud interviews
9 conducted in accordance with generally accepted auditing
10 standards of the United States of America.

11 (30) Those meetings or portions of meetings of a
12 fatality review team or the Illinois Fatality Review Team
13 Advisory Council during which a review of the death of an
14 eligible adult in which abuse or neglect is suspected,
15 alleged, or substantiated is conducted pursuant to Section
16 15 of the Adult Protective Services Act.

17 (31) Meetings and deliberations for decisions of the
18 Concealed Carry Licensing Review Board under the Firearm
19 Concealed Carry Act.

20 (32) Meetings between the Regional Transportation
21 Authority Board and its Service Boards when the discussion
22 involves review by the Regional Transportation Authority
23 Board of employment contracts under Section 28d of the
24 Metropolitan Transit Authority Act and Sections 3A.18 and
25 3B.26 of the Regional Transportation Authority Act.

26 (33) Those meetings or portions of meetings of the

1 advisory committee and peer review subcommittee created
2 under Section 320 of the Illinois Controlled Substances
3 Act during which specific controlled substance prescriber,
4 dispenser, or patient information is discussed.

5 (34) Meetings of the Tax Increment Financing Reform
6 Task Force under Section 2505-800 of the Department of
7 Revenue Law of the Civil Administrative Code of Illinois.

8 (35) Meetings of the group established to discuss
9 Medicaid capitation rates under Section 5-30.8 of the
10 Illinois Public Aid Code.

11 (36) Those deliberations or portions of deliberations
12 for decisions of the Illinois Gaming Board in which there
13 is discussed any of the following: (i) personal,
14 commercial, financial, or other information obtained from
15 any source that is privileged, proprietary, confidential,
16 or a trade secret; or (ii) information specifically
17 exempted from the disclosure by federal or State law.

18 (37) Deliberations for decisions of the Illinois Law
19 Enforcement Training Standards Board, the Certification
20 Review Panel, and the Illinois State Police Merit Board
21 regarding certification and decertification.

22 (38) Meetings of the Ad Hoc Statewide Domestic
23 Violence Fatality Review Committee of the Illinois
24 Criminal Justice Information Authority Board that occur in
25 closed executive session under subsection (d) of Section
26 35 of the Domestic Violence Fatality Review Act.

1 (39) Meetings of the regional review teams under
2 subsection (a) of Section 75 of the Domestic Violence
3 Fatality Review Act.

4 (40) Meetings of the Firearm Owner's Identification
5 Card Review Board under Section 10 of the Firearm Owners
6 Identification Card Act before the effective date of this
7 amendatory Act of the 103rd General Assembly.

8 (d) Definitions. For purposes of this Section:

9 "Employee" means a person employed by a public body whose
10 relationship with the public body constitutes an
11 employer-employee relationship under the usual common law
12 rules, and who is not an independent contractor.

13 "Public office" means a position created by or under the
14 Constitution or laws of this State, the occupant of which is
15 charged with the exercise of some portion of the sovereign
16 power of this State. The term "public office" shall include
17 members of the public body, but it shall not include
18 organizational positions filled by members thereof, whether
19 established by law or by a public body itself, that exist to
20 assist the body in the conduct of its business.

21 "Quasi-adjudicative body" means an administrative body
22 charged by law or ordinance with the responsibility to conduct
23 hearings, receive evidence or testimony and make
24 determinations based thereon, but does not include local
25 electoral boards when such bodies are considering petition
26 challenges.

1 (e) Final action. No final action may be taken at a closed
2 meeting. Final action shall be preceded by a public recital of
3 the nature of the matter being considered and other
4 information that will inform the public of the business being
5 conducted.

6 (Source: P.A. 102-237, eff. 1-1-22; 102-520, eff. 8-20-21;
7 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-311, eff.
8 7-28-23.)

9 Section 10. The Freedom of Information Act is amended by
10 changing Section 7.5 as follows:

11 (5 ILCS 140/7.5)

12 (Text of Section before amendment by P.A. 103-472)

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

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

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

22 (c) Applications, related documents, and medical
23 records received by the Experimental Organ Transplantation
24 Procedures Board and any and all documents or other

1 records prepared by the Experimental Organ Transplantation
2 Procedures Board or its staff relating to applications it
3 has received.

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

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

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

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

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

24 (i) Information contained in a local emergency energy
25 plan submitted to a municipality in accordance with a
26 local emergency energy plan ordinance that is adopted

1 under Section 11-21.5-5 of the Illinois Municipal Code.

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

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

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

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

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

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

1 (p) Security portions of system safety program plans,
2 investigation reports, surveys, schedules, lists, data, or
3 information compiled, collected, or prepared by or for the
4 Department of Transportation under Sections 2705-300 and
5 2705-616 of the Department of Transportation Law of the
6 Civil Administrative Code of Illinois, the Regional
7 Transportation Authority under Section 2.11 of the
8 Regional Transportation Authority Act, or the St. Clair
9 County Transit District under the Bi-State Transit Safety
10 Act (repealed).

11 (q) Information prohibited from being disclosed by the
12 Personnel Record Review Act.

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

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

17 (t) (Blank).

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

21 (v) Names and information of people who have applied
22 for or received Firearm Owner's Identification Cards under
23 the Firearm Owners Identification Card Act or applied for
24 or received a concealed carry license under the Firearm
25 Concealed Carry Act, unless otherwise authorized by the
26 Firearm Concealed Carry Act; and databases under the

1 Firearm Concealed Carry Act, records of the Concealed
2 Carry Licensing Review Board under the Firearm Concealed
3 Carry Act, and law enforcement agency objections under the
4 Firearm Concealed Carry Act.

5 (v-5) Records of the Firearm Owner's Identification
6 Card Review Board that are exempted from disclosure under
7 Section 10 of the Firearm Owners Identification Card Act.

8 (w) Personally identifiable information which is
9 exempted from disclosure under subsection (g) of Section
10 19.1 of the Toll Highway Act.

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

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

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

26 (aa) Information which is exempted from disclosure

1 under Section 2.37 of the Wildlife Code.

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

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

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

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

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

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

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

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

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

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

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

6 (mm) Records that are exempt from disclosure under
7 Section 4.2 of the Crime Victims Compensation Act.

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

10 (oo) Communications, notes, records, and reports
11 arising out of a peer support counseling session
12 prohibited from disclosure under the First Responders
13 Suicide Prevention Act.

14 (pp) Names and all identifying information relating to
15 an employee of an emergency services provider or law
16 enforcement agency under the First Responders Suicide
17 Prevention Act.

18 (qq) Information and records held by the Department of
19 Public Health and its authorized representatives collected
20 under the Reproductive Health Act.

21 (rr) Information that is exempt from disclosure under
22 the Cannabis Regulation and Tax Act.

23 (ss) Data reported by an employer to the Department of
24 Human Rights pursuant to Section 2-108 of the Illinois
25 Human Rights Act.

26 (tt) Recordings made under the Children's Advocacy

1 Center Act, except to the extent authorized under that
2 Act.

3 (uu) Information that is exempt from disclosure under
4 Section 50 of the Sexual Assault Evidence Submission Act.

5 (vv) Information that is exempt from disclosure under
6 subsections (f) and (j) of Section 5-36 of the Illinois
7 Public Aid Code.

8 (ww) Information that is exempt from disclosure under
9 Section 16.8 of the State Treasurer Act.

10 (xx) Information that is exempt from disclosure or
11 information that shall not be made public under the
12 Illinois Insurance Code.

13 (yy) Information prohibited from being disclosed under
14 the Illinois Educational Labor Relations Act.

15 (zz) Information prohibited from being disclosed under
16 the Illinois Public Labor Relations Act.

17 (aaa) Information prohibited from being disclosed
18 under Section 1-167 of the Illinois Pension Code.

19 (bbb) Information that is prohibited from disclosure
20 by the Illinois Police Training Act and the Illinois State
21 Police Act.

22 (ccc) Records exempt from disclosure under Section
23 2605-304 of the Illinois State Police Law of the Civil
24 Administrative Code of Illinois.

25 (ddd) Information prohibited from being disclosed
26 under Section 35 of the Address Confidentiality for

1 Victims of Domestic Violence, Sexual Assault, Human
2 Trafficking, or Stalking Act.

3 (eee) Information prohibited from being disclosed
4 under subsection (b) of Section 75 of the Domestic
5 Violence Fatality Review Act.

6 (fff) Images from cameras under the Expressway Camera
7 Act. This subsection (fff) is inoperative on and after
8 July 1, 2025.

9 (ggg) Information prohibited from disclosure under
10 paragraph (3) of subsection (a) of Section 14 of the Nurse
11 Agency Licensing Act.

12 (hhh) Information submitted to the Illinois State
13 Police in an affidavit or application for an assault
14 weapon endorsement, assault weapon attachment endorsement,
15 .50 caliber rifle endorsement, or .50 caliber cartridge
16 endorsement ~~under the Firearm Owners Identification Card~~
17 ~~Act.~~

18 (iii) Data exempt from disclosure under Section 50 of
19 the School Safety Drill Act.

20 (jjj) ~~(hhh)~~ Information exempt from disclosure under
21 Section 30 of the Insurance Data Security Law.

22 (kkk) ~~(iii)~~ Confidential business information
23 prohibited from disclosure under Section 45 of the Paint
24 Stewardship Act.

25 (lll) (Reserved).

26 (mmm) ~~(iii)~~ Information prohibited from being

1 disclosed under subsection (e) of Section 1-129 of the
2 Illinois Power Agency Act.

3 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
4 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
5 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
6 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
7 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
8 eff. 1-1-24; 103-508, eff. 8-4-23; 103-580, eff. 12-8-23;
9 revised 1-2-24.)

10 (Text of Section after amendment by P.A. 103-472)

11 Sec. 7.5. Statutory exemptions. To the extent provided for
12 by the statutes referenced below, the following shall be
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22 Procedures Board and any and all documents or other
23 records prepared by the Experimental Organ Transplantation
24 Procedures Board or its staff relating to applications it
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17 records of any lawfully created State or local inspector
18 general's office that would be exempt if created or
19 obtained by an Executive Inspector General's office under
20 that Act.

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

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26 of surcharge moneys collected and remitted by carriers

1 under the Emergency Telephone System Act.

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4 enforcement agency or the Department of Transportation
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7 health care facility resident sexual assault and death
8 review team or the Executive Council under the Abuse
9 Prevention Review Team Act.

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

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15 compensation and expenses for court appointed trial
16 counsel as provided under Sections 10 and 15 of the
17 Capital Crimes Litigation Act (repealed). This subsection
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19 case, even if the prosecution chooses not to pursue the
20 death penalty prior to trial or sentencing.

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22 disclosed under Section 4 of the Illinois Health and
23 Hazardous Substances Registry Act.

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25 investigation reports, surveys, schedules, lists, data, or
26 information compiled, collected, or prepared by or for the

1 Department of Transportation under Sections 2705-300 and
2 2705-616 of the Department of Transportation Law of the
3 Civil Administrative Code of Illinois, the Regional
4 Transportation Authority under Section 2.11 of the
5 Regional Transportation Authority Act, or the St. Clair
6 County Transit District under the Bi-State Transit Safety
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8 (q) Information prohibited from being disclosed by the
9 Personnel Record Review Act.

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

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

14 (t) (Blank).

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

18 (v) Names and information of people who have applied
19 for or received Firearm Owner's Identification Cards under
20 the Firearm Owners Identification Card Act before the
21 effective date of this amendatory Act of the 103rd General
22 Assembly or applied for or received a concealed carry
23 license under the Firearm Concealed Carry Act, unless
24 otherwise authorized by the Firearm Concealed Carry Act;
25 and databases under the Firearm Concealed Carry Act,
26 records of the Concealed Carry Licensing Review Board

1 under the Firearm Concealed Carry Act, and law enforcement
2 agency objections under the Firearm Concealed Carry Act.

3 (v-5) Records of the Firearm Owner's Identification
4 Card Review Board that were ~~are~~ exempted from disclosure
5 under Section 10 of the Firearm Owners Identification Card
6 Act before the effective date of this amendatory Act of
7 the 103rd General Assembly.

8 (w) Personally identifiable information which is
9 exempted from disclosure under subsection (g) of Section
10 19.1 of the Toll Highway Act.

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

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

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

26 (aa) Information which is exempted from disclosure

1 under Section 2.37 of the Wildlife Code.

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

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

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

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

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

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

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

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

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

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

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

6 (mm) Records that are exempt from disclosure under
7 Section 4.2 of the Crime Victims Compensation Act.

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

10 (oo) Communications, notes, records, and reports
11 arising out of a peer support counseling session
12 prohibited from disclosure under the First Responders
13 Suicide Prevention Act.

14 (pp) Names and all identifying information relating to
15 an employee of an emergency services provider or law
16 enforcement agency under the First Responders Suicide
17 Prevention Act.

18 (qq) Information and records held by the Department of
19 Public Health and its authorized representatives collected
20 under the Reproductive Health Act.

21 (rr) Information that is exempt from disclosure under
22 the Cannabis Regulation and Tax Act.

23 (ss) Data reported by an employer to the Department of
24 Human Rights pursuant to Section 2-108 of the Illinois
25 Human Rights Act.

26 (tt) Recordings made under the Children's Advocacy

1 Center Act, except to the extent authorized under that
2 Act.

3 (uu) Information that is exempt from disclosure under
4 Section 50 of the Sexual Assault Evidence Submission Act.

5 (vv) Information that is exempt from disclosure under
6 subsections (f) and (j) of Section 5-36 of the Illinois
7 Public Aid Code.

8 (ww) Information that is exempt from disclosure under
9 Section 16.8 of the State Treasurer Act.

10 (xx) Information that is exempt from disclosure or
11 information that shall not be made public under the
12 Illinois Insurance Code.

13 (yy) Information prohibited from being disclosed under
14 the Illinois Educational Labor Relations Act.

15 (zz) Information prohibited from being disclosed under
16 the Illinois Public Labor Relations Act.

17 (aaa) Information prohibited from being disclosed
18 under Section 1-167 of the Illinois Pension Code.

19 (bbb) Information that is prohibited from disclosure
20 by the Illinois Police Training Act and the Illinois State
21 Police Act.

22 (ccc) Records exempt from disclosure under Section
23 2605-304 of the Illinois State Police Law of the Civil
24 Administrative Code of Illinois.

25 (ddd) Information prohibited from being disclosed
26 under Section 35 of the Address Confidentiality for

1 Victims of Domestic Violence, Sexual Assault, Human
2 Trafficking, or Stalking Act.

3 (eee) Information prohibited from being disclosed
4 under subsection (b) of Section 75 of the Domestic
5 Violence Fatality Review Act.

6 (fff) Images from cameras under the Expressway Camera
7 Act. This subsection (fff) is inoperative on and after
8 July 1, 2025.

9 (ggg) Information prohibited from disclosure under
10 paragraph (3) of subsection (a) of Section 14 of the Nurse
11 Agency Licensing Act.

12 (hhh) Information submitted to the Illinois State
13 Police in an affidavit or application for an assault
14 weapon endorsement, assault weapon attachment endorsement,
15 .50 caliber rifle endorsement, or .50 caliber cartridge
16 endorsement under the Firearm Owners Identification Card
17 Act.

18 (iii) Data exempt from disclosure under Section 50 of
19 the School Safety Drill Act.

20 (jjj) ~~(hhh)~~ Information exempt from disclosure under
21 Section 30 of the Insurance Data Security Law.

22 (kkk) ~~(iii)~~ Confidential business information
23 prohibited from disclosure under Section 45 of the Paint
24 Stewardship Act.

25 (lll) ~~(iii)~~ Data exempt from disclosure under Section
26 2-3.196 of the School Code.

1 (mmm) ~~(iii)~~ Information prohibited from being
2 disclosed under subsection (e) of Section 1-129 of the
3 Illinois Power Agency Act.

4 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
5 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
6 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
7 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
8 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
9 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
10 103-580, eff. 12-8-23; revised 1-2-24.)

11 Section 15. The Illinois TRUST Act is amended by changing
12 Section 15 as follows:

13 (5 ILCS 805/15)

14 Sec. 15. Prohibition on enforcing federal civil
15 immigration laws.

16 (a) A law enforcement agency or law enforcement official
17 shall not detain or continue to detain any individual solely
18 on the basis of any immigration detainer or civil immigration
19 warrant or otherwise comply with an immigration detainer or
20 civil immigration warrant.

21 (b) A law enforcement agency or law enforcement official
22 shall not stop, arrest, search, detain, or continue to detain
23 a person solely based on an individual's citizenship or
24 immigration status.

1 (c) (Blank).

2 (d) A law enforcement agency or law enforcement official
3 acting in good faith in compliance with this Section who
4 releases a person subject to an immigration detainer or civil
5 immigration warrant shall have immunity from any civil or
6 criminal liability that might otherwise occur as a result of
7 making the release, with the exception of willful or wanton
8 misconduct.

9 (e) A law enforcement agency or law enforcement official
10 may not inquire about or investigate the citizenship or
11 immigration status or place of birth of any individual in the
12 agency or official's custody or who has otherwise been stopped
13 or detained by the agency or official. Nothing in this
14 subsection shall be construed to limit the ability of a law
15 enforcement agency or law enforcement official, pursuant to
16 State or federal law, to notify a person in the law enforcement
17 agency's custody about that person's right to communicate with
18 consular officers from that person's country of nationality,
19 or facilitate such communication, in accordance with the
20 Vienna Convention on Consular Relations or other bilateral
21 agreements. Nothing in this subsection shall be construed to
22 limit the ability of a law enforcement agency or law
23 enforcement official to request evidence of citizenship or
24 immigration status pursuant to the ~~Firearm Owners~~
25 ~~Identification Card Act, the~~ Firearm Concealed Carry Act,
26 Article 24 of the Criminal Code of 2012, or 18 United States

1 Code Sections 921 through 931.

2 (f) Unless otherwise limited by federal law, a law
3 enforcement agency or law enforcement official may not deny
4 services, benefits, privileges, or opportunities to an
5 individual in custody or under probation status, including,
6 but not limited to, eligibility for or placement in a lower
7 custody classification, educational, rehabilitative, or
8 diversionary programs, on the basis of the individual's
9 citizenship or immigration status, the issuance of an
10 immigration detainer or civil immigration warrant against the
11 individual, or the individual being in immigration removal
12 proceedings.

13 (g) (1) No law enforcement agency, law enforcement
14 official, or any unit of State or local government may enter
15 into or renew any contract, intergovernmental service
16 agreement, or any other agreement to house or detain
17 individuals for federal civil immigration violations.

18 (2) Any law enforcement agency, law enforcement official,
19 or unit of State or local government with an existing
20 contract, intergovernmental agreement, or other agreement,
21 whether in whole or in part, that is utilized to house or
22 detain individuals for civil immigration violations shall
23 exercise the termination provision in the agreement as applied
24 to housing or detaining individuals for civil immigration
25 violations no later than January 1, 2022.

26 (h) Unless presented with a federal criminal warrant, or

1 otherwise required by federal law, a law enforcement agency or
2 official may not:

3 (1) participate, support, or assist in any capacity
4 with an immigration agent's enforcement operations,
5 including any collateral assistance such as coordinating
6 an arrest in a courthouse or other public facility,
7 providing use of any equipment, transporting any
8 individuals, or establishing a security or traffic
9 perimeter surrounding such operations, or any other
10 on-site support;

11 (2) give any immigration agent access, including by
12 telephone, to any individual who is in that agency's
13 custody;

14 (3) transfer any person into an immigration agent's
15 custody;

16 (4) permit immigration agents use of agency facilities
17 or equipment, including any agency electronic databases
18 not available to the public, for investigative interviews
19 or other investigative or immigration enforcement purpose;

20 (5) enter into or maintain any agreement regarding
21 direct access to any electronic database or other
22 data-sharing platform maintained by any law enforcement
23 agency, or otherwise provide such direct access to the
24 U.S. Immigration and Customs Enforcement, United States
25 Customs and Border Protection or any other federal entity
26 enforcing civil immigration violations;

1 (6) provide information in response to any immigration
2 agent's inquiry or request for information regarding any
3 individual in the agency's custody; or

4 (7) provide to any immigration agent information not
5 otherwise available to the public relating to an
6 individual's release or contact information, or otherwise
7 facilitate for an immigration agent to apprehend or
8 question an individual for immigration enforcement.

9 (i) Nothing in this Section shall preclude a law
10 enforcement official from otherwise executing that official's
11 duties in investigating violations of criminal law and
12 cooperating in such investigations with federal and other law
13 enforcement agencies (including criminal investigations
14 conducted by federal Homeland Security Investigations (HSI))
15 in order to ensure public safety.

16 (Source: P.A. 102-234, eff. 8-2-21; 103-154, eff. 6-30-23.)

17 Section 20. The Gun Trafficking Information Act is amended
18 by changing Section 10-5 as follows:

19 (5 ILCS 830/10-5)

20 Sec. 10-5. Gun trafficking information.

21 (a) The Illinois State Police shall use all reasonable
22 efforts, as allowed by State law and regulations, federal law
23 and regulations, and executed Memoranda of Understanding
24 between Illinois law enforcement agencies and the U.S. Bureau

1 of Alcohol, Tobacco, Firearms and Explosives, in making
2 publicly available, on a regular and ongoing basis, key
3 information related to firearms used in the commission of
4 crimes in this State, including, but not limited to: reports
5 on crimes committed with firearms, locations where the crimes
6 occurred, the number of persons killed or injured in the
7 commission of the crimes, the state where the firearms used
8 originated, the Federal Firearms Licensee that sold the
9 firearm, the type of firearms used, if known, ~~annual~~
10 ~~statistical information concerning Firearm Owner's~~
11 ~~Identification Card~~ and concealed carry license applications,
12 ~~revocations, and compliance with Section 9.5 of the Firearm~~
13 ~~Owners Identification Card Act,~~ the information required in
14 the report or on the Illinois State Police's website under
15 Section 85 of the Firearms Restraining Order Act, and firearm
16 dealer license certification inspections. The Illinois State
17 Police shall make the information available on its website,
18 which may be presented in a dashboard format, in addition to
19 electronically filing a report with the Governor and the
20 General Assembly. The report to the General Assembly shall be
21 filed with the Clerk of the House of Representatives and the
22 Secretary of the Senate in electronic form only, in the manner
23 that the Clerk and the Secretary shall direct.

24 (b) (Blank). ~~The Illinois State Police shall study, on a~~
25 ~~regular and ongoing basis, and compile reports on the number~~
26 ~~of Firearm Owner's Identification Card checks to determine~~

1 ~~firearms trafficking or straw purchase patterns. The Illinois~~
2 ~~State Police shall, to the extent not inconsistent with law,~~
3 ~~share such reports and underlying data with academic centers,~~
4 ~~foundations, and law enforcement agencies studying firearms~~
5 ~~trafficking, provided that personally identifying information~~
6 ~~is protected. For purposes of this subsection (b), a Firearm~~
7 ~~Owner's Identification Card number is not personally~~
8 ~~identifying information, provided that no other personal~~
9 ~~information of the card holder is attached to the record. The~~
10 ~~Illinois State Police may create and attach an alternate~~
11 ~~unique identifying number to each Firearm Owner's~~
12 ~~Identification Card number, instead of releasing the Firearm~~
13 ~~Owner's Identification Card number itself.~~

14 (c) Each department, office, division, and agency of this
15 State shall, to the extent not inconsistent with law,
16 cooperate fully with the Illinois State Police and furnish the
17 Illinois State Police with all relevant information and
18 assistance on a timely basis as is necessary to accomplish the
19 purpose of this Act. The Illinois Criminal Justice Information
20 Authority shall submit the information required in subsection
21 (a) of this Section to the Illinois State Police, and any other
22 information as the Illinois State Police may request, to
23 assist the Illinois State Police in carrying out its duties
24 under this Act.

25 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
26 102-813, eff. 5-13-22; 103-34, eff. 6-9-23.)

1 Section 25. The First Responders Suicide Prevention Act is
2 amended by changing Section 40 as follows:

3 (5 ILCS 840/40)

4 Sec. 40. Task Force recommendations.

5 (a) Task Force members shall recommend that agencies and
6 organizations guarantee access to mental health and wellness
7 services, including, but not limited to, peer support programs
8 and providing ongoing education related to the ever-evolving
9 concept of mental health wellness. These recommendations could
10 be accomplished by:

11 (1) Revising agencies' and organizations' employee
12 assistance programs (EAPs).

13 (2) Urging health care providers to replace outdated
14 healthcare plans and include more progressive options
15 catering to the needs and disproportionate risks
16 shouldered by our first responders.

17 (3) Allocating funding or resources for public service
18 announcements (PSA) and messaging campaigns aimed at
19 raising awareness of available assistance options.

20 (4) Encouraging agencies and organizations to attach
21 lists of all available resources to training manuals and
22 continuing education requirements.

23 (b) Task Force members shall recommend agencies and
24 organizations sponsor or facilitate first responders with

1 specialized training in the areas of psychological fitness,
2 depressive disorders, early detection, and mitigation best
3 practices. Such trainings could be accomplished by:

4 (1) Assigning, appointing, or designating one member
5 of an agency or organization to attend specialized
6 training(s) sponsored by an accredited agency,
7 association, or organization recognized in their fields of
8 study.

9 (2) Seeking sponsorships or conducting fund-raisers,
10 to host annual or semiannual on-site visits from qualified
11 clinicians or physicians to provide early detection
12 training techniques, or to provide regular access to
13 mental health professionals.

14 (3) Requiring a minimum number of hours of disorders
15 and wellness training be incorporated into reoccurring,
16 annual or biannual training standards, examinations, and
17 curriculums, taking into close consideration respective
18 agency or organization size, frequency, and number of all
19 current federal and state mandatory examinations and
20 trainings expected respectively.

21 (4) Not underestimating the crucial importance of a
22 balanced diet, sleep, mindfulness-based stress reduction
23 techniques, moderate and vigorous intensity activities,
24 and recreational hobbies, which have been scientifically
25 proven to play a major role in brain health and mental
26 wellness.

1 (c) Task Force members shall recommend that administrators
2 and leadership personnel solicit training services from
3 evidence-based, data driven organizations. Organizations with
4 personnel trained on the analytical review and interpretation
5 of specific fields related to the nature of first responders'
6 exploits, such as PTSD, substance abuse, chronic state of
7 duress. Task Force members shall further recommend funding for
8 expansion and messaging campaigns of preliminary
9 self-diagnosing technologies like the one described above.
10 These objectives could be met by:

11 (1) Contacting an accredited agency, association, or
12 organization recognized in the field or fields of specific
13 study. Unbeknownst to the majority, many of the agencies
14 and organizations listed above receive grants and
15 allocations to assist communities with the very issues
16 being discussed in this Section.

17 (2) Normalizing help-seeking behaviors for both first
18 responders and their families through regular messaging
19 and peer support outreach, beginning with academy
20 curricula and continuing education throughout individuals'
21 careers.

22 (3) Funding and implementing PSA campaigns that
23 provide clear and concise calls to action about mental
24 health and wellness, resiliency, help-seeking, treatment,
25 and recovery.

26 (4) Promoting and raising awareness of not-for-profit

1 organizations currently available to assist individuals in
2 search of care and treatment. Organizations have intuitive
3 user-friendly sites, most of which have mobile
4 applications, so first responders can access at a moment's
5 notice. However, because of limited funds, these
6 organizations have a challenging time of getting the word
7 out there about their existence.

8 (5) Expanding Family and Medical Leave Act protections
9 for individuals voluntarily seeking preventative
10 treatment.

11 (6) Promoting and ensuring complete patient
12 confidentiality protections.

13 (d) Task Force members shall recommend that agencies and
14 organizations incorporate the following training components
15 into already existing modules and educational curriculums.
16 Doing so could be done by:

17 (1) Bolstering academy and school curricula by
18 requiring depressive disorder training catered to PTSD,
19 substance abuse, and early detection techniques training,
20 taking into close consideration respective agency or
21 organization size, and the frequency and number of all
22 current federal and state mandatory examinations and
23 trainings expected respectively.

24 (2) Continuing to allocate or match federal and state
25 funds to maintain Mobile Training Units (MTUs).

26 (3) Incorporating a state certificate for peer support

1 training into already existing ~~existing~~ statewide
2 curriculums and mandatory examinations, annual State Fire
3 Marshal examinations, and physical fitness examinations.
4 The subject matter of the certificate should have an
5 emphasis on mental health and wellness, as well as
6 familiarization with topics ranging from clinical social
7 work, clinical psychology, clinical behaviorist, and
8 clinical psychiatry.

9 (4) Incorporating and performing statewide mental
10 health check-ins during the same times as already mandated
11 trainings. These checks are not to be compared or used as
12 measures of fitness for duty evaluations or structured
13 psychological examinations.

14 (5) Recommending comprehensive and evidence-based
15 training on the importance of preventative measures on the
16 topics of sleep, nutrition, mindfulness, and physical
17 movement.

18 (6) (Blank). ~~Law enforcement agencies should provide~~
19 ~~training on the Firearm Owner's Identification Card Act,~~
20 ~~including seeking relief from the Illinois State Police~~
21 ~~under Section 10 of the Firearm Owners Identification Card~~
22 ~~Act and a FOID card being a continued condition of~~
23 ~~employment under Section 7.2 of the Uniform Peace~~
24 ~~Officers' Disciplinary Act.~~

25 (Source: P.A. 102-352, eff. 6-1-22; 103-154, eff. 6-30-23;
26 revised 1-20-24.)

1 Section 30. The Department of Natural Resources
2 (Conservation) Law of the Civil Administrative Code of
3 Illinois is amended by changing Section 805-538 as follows:

4 (20 ILCS 805/805-538)

5 Sec. 805-538. Retiring officer; purchase of service
6 firearm and police badge. The Director of Natural Resources
7 shall establish a program to allow a Conservation Police
8 Officer who is honorably retiring in good standing to purchase
9 either one or both of the following: (1) any Department of
10 Natural Resources police badge previously issued to that
11 officer; or (2) ~~if the officer has a currently valid Firearm~~
12 ~~Owner's Identification Card,~~ the service firearm issued or
13 previously issued to the officer by the Department of Natural
14 Resources. The cost of the firearm shall be the replacement
15 value of the firearm and not the firearm's fair market value.

16 (Source: P.A. 100-931, eff. 8-17-18.)

17 Section 35. The Department of Revenue Law of the Civil
18 Administrative Code of Illinois is amended by changing Section
19 2505-306 as follows:

20 (20 ILCS 2505/2505-306)

21 Sec. 2505-306. Retiring investigators; purchase of service
22 firearm and badge. The Director shall establish a program to

1 allow a Department investigator who is honorably retiring in
2 good standing to purchase either one or both of the following:
3 (1) any badge previously issued to the investigator by the
4 Department; or (2) ~~if the investigator has a currently valid~~
5 ~~Firearm Owner's Identification Card,~~ the service firearm
6 issued or previously issued to the investigator by the
7 Department. The cost of the firearm shall be the replacement
8 value of the firearm and not the firearm's fair market value.
9 (Source: P.A. 102-719, eff. 5-6-22.)

10 Section 40. The Illinois State Police Law of the Civil
11 Administrative Code of Illinois is amended by changing
12 Sections 2605-10, 2605-45, 2605-200, 2605-595, and 2605-605 as
13 follows:

14 (20 ILCS 2605/2605-10) (was 20 ILCS 2605/55a in part)

15 Sec. 2605-10. Powers and duties, generally.

16 (a) The Illinois State Police shall exercise the rights,
17 powers, and duties that have been vested in the Illinois State
18 Police by the following:

19 The Illinois State Police Act.

20 The Illinois State Police Radio Act.

21 The Criminal Identification Act.

22 The Illinois Vehicle Code.

23 ~~The Firearm Owners Identification Card Act.~~

24 The Firearm Concealed Carry Act.

1 The Firearm Dealer License Certification Act.

2 The Intergovernmental Missing Child Recovery Act of
3 1984.

4 The Intergovernmental Drug Laws Enforcement Act.

5 The Narcotic Control Division Abolition Act.

6 The Illinois Uniform Conviction Information Act.

7 The Murderer and Violent Offender Against Youth
8 Registration Act.

9 (b) The Illinois State Police shall have the powers and
10 duties set forth in the following Sections.

11 (c) The Illinois State Police shall exercise the rights,
12 powers, and duties vested in the Illinois State Police to
13 implement the following protective service functions for State
14 facilities, State officials, and State employees serving in
15 their official capacity:

16 (1) Utilize subject matter expertise and law
17 enforcement authority to strengthen the protection of
18 State government facilities, State employees, State
19 officials, and State critical infrastructure.

20 (2) Coordinate State, federal, and local law
21 enforcement activities involving the protection of State
22 facilities, officials, and employees.

23 (3) Conduct investigations of criminal threats to
24 State facilities, State critical infrastructure, State
25 officials, and State employees.

26 (4) Train State officials and employees in personal

1 protection, crime prevention, facility occupant emergency
2 planning, and incident management.

3 (5) Establish standard protocols for prevention and
4 response to criminal threats to State facilities, State
5 officials, State employees, and State critical
6 infrastructure and standard protocols for reporting of
7 suspicious activities.

8 (6) Establish minimum operational standards,
9 qualifications, training, and compliance requirements for
10 State employees and contractors engaged in the protection
11 of State facilities and employees.

12 (7) At the request of departments or agencies of State
13 government, conduct security assessments, including, but
14 not limited to, examination of alarm systems, cameras
15 systems, access points, personnel readiness, and emergency
16 protocols based on risk and need.

17 (8) Oversee the planning and implementation of
18 security and law enforcement activities necessary for the
19 protection of major, multi-jurisdictional events
20 implicating potential criminal threats to State officials,
21 State employees, or State-owned, State-leased, or
22 State-operated critical infrastructure or facilities.

23 (9) Oversee and direct the planning and implementation
24 of security and law enforcement activities by the
25 departments and agencies of the State necessary for the
26 protection of State employees, State officials, and

1 State-owned, State-leased, or State-operated critical
2 infrastructure or facilities from criminal activity.

3 (10) Advise the Governor and Homeland Security Advisor
4 on any matters necessary for the effective protection of
5 State facilities, critical infrastructure, officials, and
6 employees from criminal threats.

7 (11) Utilize intergovernmental agreements and
8 administrative rules as needed for the effective,
9 efficient implementation of law enforcement and support
10 activities necessary for the protection of State
11 facilities, State infrastructure, State employees, and,
12 upon the express written consent of State constitutional
13 officials, State constitutional officials.

14 (Source: P.A. 102-538, eff. 8-20-21; 103-34, eff. 1-1-24;
15 103-564, eff. 11-17-23.)

16 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

17 Sec. 2605-45. Division of Justice Services. The Division
18 of Justice Services shall provide administrative and technical
19 services and support to the Illinois State Police, criminal
20 justice agencies, and the public and shall exercise the
21 following functions:

22 (1) Operate and maintain the Law Enforcement Agencies
23 Data System (LEADS), a statewide, computerized
24 telecommunications system designed to provide services,
25 information, and capabilities to the law enforcement and

1 criminal justice community in the State of Illinois. The
2 Director is responsible for establishing policy,
3 procedures, and regulations consistent with State and
4 federal rules, policies, and law by which LEADS operates.
5 The Director shall designate a statewide LEADS
6 Administrator for management of the system. The Director
7 may appoint a LEADS Advisory Policy Board to reflect the
8 needs and desires of the law enforcement and criminal
9 justice community and to make recommendations concerning
10 policies and procedures.

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

13 (3) Serve as the State's point of contact for the
14 Federal Bureau of Investigation's Uniform Crime Reporting
15 Program and National Incident-Based Reporting System.

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

19 (5) Exercise the rights, powers, and duties vested in
20 the Illinois State Police by the Cannabis Regulation and
21 Tax Act and the Compassionate Use of Medical Cannabis
22 Program Act.

23 (6) (Blank).

24 (6.5) Exercise the rights, powers, and duties vested
25 in the Illinois State Police by ~~the Firearm Owners~~
26 ~~Identification Card Act,~~ the Firearm Concealed Carry Act,

1 the Firearm Transfer Inquiry Program, the prohibited
2 persons portal under Section 2605-304, and the Firearm
3 Dealer License Certification Act.

4 (7) Exercise other duties that may be assigned by the
5 Director to fulfill the responsibilities and achieve the
6 purposes of the Illinois State Police.

7 (8) Exercise the rights, powers, and duties vested by
8 law in the Illinois State Police by the Criminal
9 Identification Act and the Illinois Uniform Conviction
10 Information Act.

11 (9) Exercise the powers and perform the duties that
12 have been vested in the Illinois State Police by the
13 Murderer and Violent Offender Against Youth Registration
14 Act, the Sex Offender Registration Act, and the Sex
15 Offender Community Notification Law and adopt reasonable
16 rules necessitated thereby.

17 (10) Serve as the State central repository for
18 criminal history record information.

19 (11) Share all necessary information with the
20 Concealed Carry Licensing Review Board and the Firearms
21 Owner's Identification Card Review Board necessary for the
22 execution of their duties.

23 (Source: P.A. 102-538, eff. 8-20-21; 103-34, eff. 1-1-24.)

24 (20 ILCS 2605/2605-200) (was 20 ILCS 2605/55a in part)
25 Sec. 2605-200. Investigations of crime; enforcement of

1 laws; records; crime laboratories; personnel.

2 (a) To do the following:

3 (1) Investigate the origins, activities, personnel,
4 and incidents of crime and the ways and means to redress
5 the victims of crimes; study the impact, if any, of
6 legislation relative to the effusion of crime and growing
7 crime rates; and enforce the criminal laws of this State
8 related thereto.

9 (2) Enforce all laws regulating the production, sale,
10 prescribing, manufacturing, administering, transporting,
11 having in possession, dispensing, delivering,
12 distributing, or use of controlled substances and
13 cannabis.

14 (3) Employ skilled experts, scientists, technicians,
15 investigators, or otherwise specially qualified persons to
16 aid in preventing or detecting crime, apprehending
17 criminals, or preparing and presenting evidence of
18 violations of the criminal laws of the State.

19 (4) Cooperate with the police of cities, villages, and
20 incorporated towns and with the police officers of any
21 county in enforcing the laws of the State and in making
22 arrests and recovering property.

23 (5) Apprehend and deliver up any person charged in
24 this State or any other state of the United States with
25 treason or a felony or other crime who has fled from
26 justice and is found in this State.

- 1 (6) Conduct other investigations as provided by law.
- 2 (7) Be a central repository and custodian of criminal
3 statistics for the State.
- 4 (8) Be a central repository for criminal history
5 record information.
- 6 (9) Procure and file for record information that is
7 necessary and helpful to plan programs of crime
8 prevention, law enforcement, and criminal justice.
- 9 (10) Procure and file for record copies of
10 fingerprints that may be required by law.
- 11 (11) Establish general and field crime laboratories.
- 12 (12) Register and file for record information that may
13 be required by law for the issuance of ~~firearm owner's~~
14 ~~identification cards under the Firearm Owners~~
15 ~~Identification Card Act~~ and concealed carry licenses under
16 the Firearm Concealed Carry Act.
- 17 (13) Employ laboratory technicians and other specially
18 qualified persons to aid in the identification of criminal
19 activity and the identification, collection, and recovery
20 of cyber forensics, including, but not limited to, digital
21 evidence, and may employ polygraph operators and forensic
22 anthropologists.
- 23 (14) Undertake other identification, information,
24 laboratory, statistical, or registration activities that
25 may be required by law.
- 26 (b) Persons exercising the powers set forth in subsection

1 (a) within the Illinois State Police are conservators of the
2 peace and as such have all the powers possessed by policemen in
3 cities and sheriffs, except that they may exercise those
4 powers anywhere in the State in cooperation with and after
5 contact with the local law enforcement officials. Those
6 persons may use false or fictitious names in the performance
7 of their duties under this Section, upon approval of the
8 Director, and shall not be subject to prosecution under the
9 criminal laws for that use.

10 (Source: P.A. 102-538, eff. 8-20-21; 103-34, eff. 1-1-24.)

11 (20 ILCS 2605/2605-595)

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

13 (a) There is created in the State treasury a special fund
14 known as the State Police Firearm Services Fund. The Fund
15 shall receive revenue under the Firearm Concealed Carry Act
16 and ~~7~~ the Firearm Dealer License Certification Act~~7~~, ~~and~~
17 ~~Section 5 of the Firearm Owners Identification Card Act~~. The
18 Fund may also receive revenue from grants, pass-through
19 grants, donations, appropriations, and any other legal source.

20 (a-5) (Blank).

21 (b) The Illinois State Police may use moneys in the Fund to
22 finance any of its lawful purposes, mandates, functions, and
23 duties under ~~the Firearm Owners Identification Card Act~~, the
24 Firearm Dealer License Certification Act~~7~~ and the Firearm
25 Concealed Carry Act, including the cost of sending notices of

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

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

15 (Source: P.A. 102-505, eff. 8-20-21; 102-538, eff. 8-20-21;
16 103-363, eff. 7-28-23.)

17 (20 ILCS 2605/2605-605)

18 Sec. 2605-605. Violent Crime Intelligence Task Force. The
19 Director of the Illinois State Police shall establish a
20 statewide multi-jurisdictional Violent Crime Intelligence Task
21 Force led by the Illinois State Police dedicated to combating
22 gun violence, gun-trafficking, and other violent crime with
23 the primary mission of preservation of life and reducing the
24 occurrence and the fear of crime. The objectives of the Task
25 Force shall include, but not be limited to, reducing and

1 preventing illegal possession and use of firearms,
2 firearm-related homicides, and other violent crimes, and
3 solving firearm-related crimes.

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

8 (2) The Task Force may utilize information sharing,
9 partnerships, crime analysis, and evidence-based practices to
10 assist in the reduction of firearm-related shootings,
11 homicides, and gun-trafficking, including, but not limited to,
12 ballistic data, eTrace data, DNA evidence, latent
13 fingerprints, firearm training data, and National Integrated
14 Ballistic Information Network (NIBIN) data. The Task Force may
15 design a model crime gun intelligence strategy which may
16 include, but is not limited to, comprehensive collection and
17 documentation of all ballistic evidence, timely transfer of
18 NIBIN and eTrace leads to an intelligence center, which may
19 include the Division of Criminal Investigation of the Illinois
20 State Police, timely dissemination of intelligence to
21 investigators, investigative follow-up, and coordinated
22 prosecution.

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

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

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

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

23 (7) (Blank). ~~The Task Force shall conduct enforcement~~
24 ~~operations against persons whose Firearm Owner's~~
25 ~~Identification Cards have been revoked or suspended and~~
26 ~~persons who fail to comply with the requirements of Section~~

1 ~~9.5 of the Firearm Owners Identification Card Act,~~
2 ~~prioritizing individuals presenting a clear and present danger~~
3 ~~to themselves or to others under paragraph (2) of subsection~~
4 ~~(d) of Section 8.1 of the Firearm Owners Identification Card~~
5 ~~Act.~~

6 (8) The Task Force shall collaborate with local law
7 enforcement agencies to enforce provisions of ~~the Firearm~~
8 ~~Owners Identification Card Act,~~ the Firearm Concealed Carry
9 Act, the Firearm Dealer License Certification Act, and Article
10 24 of the Criminal Code of 2012.

11 (9) To implement this Section, the Director of the
12 Illinois State Police may establish intergovernmental
13 agreements with law enforcement agencies in accordance with
14 the Intergovernmental Cooperation Act.

15 (10) Law enforcement agencies that participate in
16 activities described in paragraphs (7) through (9) may apply
17 to the Illinois State Police for grants from the State Police
18 Revocation Enforcement Fund.

19 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
20 102-813, eff. 5-13-22.)

21 (20 ILCS 2605/2605-304 rep.)

22 (20 ILCS 2605/2605-610 rep.)

23 Section 45. The Illinois State Police Law of the Civil
24 Administrative Code of Illinois is amended by repealing
25 Sections 2605-304 and 2605-610.

1 Section 50. The Illinois State Police Act is amended by
2 changing Section 17b as follows:

3 (20 ILCS 2610/17b)

4 Sec. 17b. Retiring officer; purchase of service firearm
5 and police badge. The Director of the Illinois State Police
6 shall establish a policy to allow a State Police officer who is
7 honorably retiring or separating in good standing to purchase
8 either one or both of the following: (i) any State Police badge
9 previously issued to that officer; or (ii) ~~if the officer has a~~
10 ~~currently valid Firearm Owner's Identification Card,~~ the
11 service firearm issued or previously issued to the officer by
12 the Illinois State Police. The cost of the firearm purchased
13 shall be the replacement value of the firearm and not the
14 firearm's fair market value.

15 (Source: P.A. 102-538, eff. 8-20-21.)

16 Section 55. The Criminal Identification Act is amended by
17 changing Section 2.2 as follows:

18 (20 ILCS 2630/2.2)

19 Sec. 2.2. Notification to the Illinois State Police. Upon
20 judgment of conviction of a violation of Section 12-1, 12-2,
21 12-3, 12-3.2, 12-3.4, or 12-3.5 of the Criminal Code of 1961 or
22 the Criminal Code of 2012 when the defendant has been

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

17 (Source: P.A. 102-538, eff. 8-20-21.)

18 Section 60. The Peace Officer Fire Investigation Act is
19 amended by changing Section 1 as follows:

20 (20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)

21 Sec. 1. Peace officer status.

22 (a) Any person who is a sworn member of any organized and
23 paid fire department of a political subdivision of this State
24 and is authorized to investigate fires or explosions for such

1 political subdivision and to determine the cause, origin and
2 circumstances of fires or explosions that are suspected to be
3 arson or arson-related crimes, may be classified as a peace
4 officer by the political subdivision or agency employing such
5 person. A person so classified shall possess the same powers
6 of arrest, search and seizure and the securing and service of
7 warrants as sheriffs of counties, and police officers within
8 the jurisdiction of their political subdivision. While in the
9 actual investigation and matters incident thereto, such person
10 may carry weapons as may be necessary, but only if that person
11 has satisfactorily completed (1) a training program offered or
12 approved by the Illinois Law Enforcement Training Standards
13 Board which substantially conforms to standards promulgated
14 pursuant to the Illinois Police Training Act and the Peace
15 Officer and Probation Officer Firearm Training Act; and (2) a
16 course in fire and arson investigation approved by the Office
17 of the State Fire Marshal pursuant to the Illinois Fire
18 Protection Training Act. Such training need not include
19 exposure to vehicle and traffic law, traffic control and crash
20 investigation, or first aid, but shall include training in the
21 law relating to the rights of persons suspected of involvement
22 in criminal activities.

23 Any person granted the powers enumerated in this
24 subsection (a) may exercise such powers only during the actual
25 investigation of the cause, origin and circumstances of such
26 fires or explosions that are suspected to be arson or

1 arson-related crimes.

2 (b) Persons employed by the Office of the State Fire
3 Marshal to conduct arson investigations shall be designated
4 State Fire Marshal Arson Investigator Special Agents and shall
5 be peace officers with all of the powers of peace officers in
6 cities and sheriffs in counties, except that they may exercise
7 those powers throughout the State. These Special Agents may
8 exercise these powers only when engaging in official duties
9 during the actual investigation of the cause, origin, and
10 circumstances of such fires or explosions that are suspected
11 to be arson or arson-related crimes and may carry weapons at
12 all times, but only if they have satisfactorily completed (1)
13 a training course approved by the Illinois Law Enforcement
14 Training Standards Board that substantially conforms to the
15 standards promulgated pursuant to the Peace Officer and
16 Probation Officer Firearm Training Act and (2) a course in
17 fire and arson investigation approved by the Office of the
18 State Fire Marshal pursuant to the Illinois Fire Protection
19 Training Act. Such training need not include exposure to
20 vehicle and traffic law, traffic control and crash
21 investigation, or first aid, but shall include training in the
22 law relating to the rights of persons suspected of involvement
23 in criminal activities.

24 For purposes of this subsection (b), a "State Fire Marshal
25 Arson Investigator Special Agent" does not include any fire
26 investigator, fireman, police officer, or other employee of

1 the federal government; any fire investigator, fireman, police
2 officer, or other employee of any unit of local government; or
3 any fire investigator, fireman, police officer, or other
4 employee of the State of Illinois other than an employee of the
5 Office of the State Fire Marshal assigned to investigate
6 arson.

7 The State Fire Marshal must authorize to each employee of
8 the Office of the State Fire Marshal who is exercising the
9 powers of a peace officer a distinct badge that, on its face,
10 (i) clearly states that the badge is authorized by the Office
11 of the State Fire Marshal and (ii) contains a unique
12 identifying number. No other badge shall be authorized by the
13 Office of the State Fire Marshal, except that a badge,
14 different from the badge issued to peace officers, may be
15 authorized by the Office of the State Fire Marshal for the use
16 of fire prevention inspectors employed by that Office. Nothing
17 in this subsection prohibits the State Fire Marshal from
18 issuing shields or other distinctive identification to
19 employees not exercising the powers of a peace officer if the
20 State Fire Marshal determines that a shield or distinctive
21 identification is needed by the employee to carry out his or
22 her responsibilities.

23 (c) The Office of the State Fire Marshal shall establish a
24 policy to allow a State Fire Marshal Arson Investigator
25 Special Agent who is honorably retiring or separating in good
26 standing to purchase either one or both of the following: (i)

1 any badge previously issued to that State Fire Marshal Arson
2 Investigator Special Agent; or (ii) ~~if the State Fire Marshal~~
3 ~~Arson Investigator Special Agent has a currently valid Firearm~~
4 ~~Owner's Identification Card,~~ the service firearm issued or
5 previously issued to the State Fire Marshal Arson Investigator
6 Special Agent by the Office of the State Fire Marshal. The cost
7 of the firearm purchased shall be the replacement value of the
8 firearm and not the firearm's fair market value. All funds
9 received by the agency under this program shall be deposited
10 into the Fire Prevention Fund.

11 (Source: P.A. 102-982, eff. 7-1-23.)

12 Section 65. The Illinois Criminal Justice Information Act
13 is amended by changing Section 7.9 as follows:

14 (20 ILCS 3930/7.9)

15 (Section scheduled to be repealed on July 1, 2027)

16 Sec. 7.9. Firearm Prohibitors and Records Improvement Task
17 Force.

18 (a) As used in this Section, "firearms prohibitor" means
19 any factor listed in ~~Section 4 of the Firearm Owners~~
20 ~~Identification Card Act or~~ Section 24-3 or 24-3.1 of the
21 Criminal Code of 2012 that prohibits a person from
22 transferring or possessing a firearm, firearm ammunition,
23 ~~Firearm Owner's Identification Card,~~ or concealed carry
24 license.

1 (b) The Firearm Prohibitors and Records Improvement Task
2 Force is created to identify and research all available
3 grants, resources, and revenue that may be applied for and
4 used by all entities responsible for reporting federal and
5 State firearm prohibitors to the Illinois State Police and the
6 National Instant Criminal Background Check System. These ~~Under~~
7 ~~the Firearm Owners Identification Card Act,~~ these reporting
8 entities include, but are not limited to, hospitals, courts,
9 law enforcement and corrections. The Task Force shall identify
10 weaknesses in reporting and recommend a strategy to direct
11 resources and revenue to ensuring reporting is reliable,
12 accurate, and timely. The Task Force shall inventory all
13 statutorily mandated firearm and gun violence related data
14 collection and reporting requirements, along with the agency
15 responsible for collecting that data, and identify gaps in
16 those requirements. The Task Force shall submit a coordinated
17 application with and through the Illinois Criminal Justice
18 Information Authority for federal funds from the National
19 Criminal History Improvement Program and the NICS Acts Record
20 Improvement Program. The Firearm Prohibitors and Records
21 Improvement Task Force shall be comprised of the following
22 members, all of whom shall serve without compensation:

23 (1) the Executive Director of the Illinois Criminal
24 Justice Information Authority, who shall serve as Chair;

25 (2) the Director of the Illinois State Police, or his
26 or her designee;

1 (3) the Secretary of Human Services, or his or her
2 designee;

3 (4) the Director of Corrections, or his or her
4 designee;

5 (5) the Attorney General, or his or her designee;

6 (6) the Director of the Administrative Office of the
7 Illinois Courts, or his or her designee;

8 (7) a representative of an association representing
9 circuit clerks appointed by the President of the Senate;

10 (8) a representative of an association representing
11 sheriffs appointed by the House Minority Leader;

12 (9) a representative of an association representing
13 State's Attorneys appointed by the House Minority Leader;

14 (10) a representative of an association representing
15 chiefs of police appointed by the Senate Minority Leader;

16 (11) a representative of an association representing
17 hospitals appointed by the Speaker of the House of
18 Representatives;

19 (12) a representative of an association representing
20 counties appointed by the President of the Senate; and

21 (13) a representative of an association representing
22 municipalities appointed by the Speaker of the House of
23 Representatives.

24 (c) The Illinois Criminal Justice Information Authority
25 shall provide administrative and other support to the Task
26 Force. The Illinois State Police Division of Justice Services

1 shall also provide support to the Illinois Criminal Justice
2 Information Authority and the Task Force.

3 (d) The Task Force may meet in person or virtually and
4 shall issue a written report of its findings and
5 recommendations to General Assembly on or before July 1, 2022.
6 The Task Force shall issue an annual report, which shall
7 include information on the state of FOID data, including a
8 review of previous activity by the Task Force to close
9 previously identified gaps; identifying known (or new) gaps; a
10 proposal of policy and practice recommendations to close those
11 gaps; and a preview of expected activities of the Task Force
12 for the coming year.

13 (e) Within 60 days of the effective date of this
14 amendatory Act of the 102nd General Assembly, the Chair shall
15 establish the Task Force.

16 (f) This Section is repealed on July 1, 2027.

17 (Source: P.A. 102-237, eff. 1-1-22.)

18 Section 70. The State Finance Act is amended by changing
19 Sections 6z-99 and 6z-127 as follows:

20 (30 ILCS 105/6z-99)

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

22 (a) There is created in the State treasury a special fund
23 known as the Mental Health Reporting Fund. The Fund shall
24 receive revenue under the Firearm Concealed Carry Act. The

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

3 (b) The Illinois State Police and Department of Human
4 Services shall coordinate to use moneys in the Fund to finance
5 their respective duties of collecting and reporting data on
6 mental health records and ensuring that mental health firearm
7 possession prohibitors are enforced as set forth under the
8 Firearm Concealed Carry Act ~~and the Firearm Owners~~
9 ~~Identification Card Act~~. Any surplus in the Fund beyond what
10 is necessary to ensure compliance with mental health reporting
11 under that Act ~~these Acts~~ shall be used by the Department of
12 Human Services for mental health treatment programs as
13 follows: (1) 50% shall be used to fund community-based mental
14 health programs aimed at reducing gun violence, community
15 integration and education, or mental health awareness and
16 prevention, including administrative costs; and (2) 50% shall
17 be used to award grants that use and promote the National
18 School Mental Health Curriculum model for school-based mental
19 health support, integration, and services.

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

23 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
24 102-813, eff. 5-13-22.)

1 Sec. 6z-127. State Police Revocation Enforcement Fund.

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

10 (b) The Illinois State Police may use moneys from the Fund
11 to establish task forces and, if necessary, include other law
12 enforcement agencies, under intergovernmental contracts
13 written and executed in conformity with the Intergovernmental
14 Cooperation Act.

15 (c) The Illinois State Police may use moneys in the Fund to
16 hire and train State Police officers and for the prevention of
17 violent crime.

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

20 (e) (Blank). ~~Law enforcement agencies that participate in~~
21 ~~Firearm Owner's Identification Card revocation enforcement in~~
22 ~~the Violent Crime Intelligence Task Force may apply for grants~~
23 ~~from the Illinois State Police.~~

24 (f) Any surplus in the Fund beyond what is necessary to
25 ensure compliance with subsections (a) through (e) or moneys
26 that are specifically appropriated for those purposes shall be

1 used by the Illinois State Police to award grants to assist
2 with the data reporting requirements of the Gun Trafficking
3 Information Act.

4 (Source: P.A. 102-237, eff. 1-1-22; 102-813, eff. 5-13-22;
5 103-34, eff. 6-9-23.)

6 Section 75. The Illinois Procurement Code is amended by
7 changing Section 1-10 as follows:

8 (30 ILCS 500/1-10)

9 Sec. 1-10. Application.

10 (a) This Code applies only to procurements for which
11 bidders, offerors, potential contractors, or contractors were
12 first solicited on or after July 1, 1998. This Code shall not
13 be construed to affect or impair any contract, or any
14 provision of a contract, entered into based on a solicitation
15 prior to the implementation date of this Code as described in
16 Article 99, including, but not limited to, any covenant
17 entered into with respect to any revenue bonds or similar
18 instruments. All procurements for which contracts are
19 solicited between the effective date of Articles 50 and 99 and
20 July 1, 1998 shall be substantially in accordance with this
21 Code and its intent.

22 (b) This Code shall apply regardless of the source of the
23 funds with which the contracts are paid, including federal
24 assistance moneys. This Code shall not apply to:

1 (1) Contracts between the State and its political
2 subdivisions or other governments, or between State
3 governmental bodies, except as specifically provided in
4 this Code.

5 (2) Grants, except for the filing requirements of
6 Section 20-80.

7 (3) Purchase of care, except as provided in Section
8 5-30.6 of the Illinois Public Aid Code and this Section.

9 (4) Hiring of an individual as an employee and not as
10 an independent contractor, whether pursuant to an
11 employment code or policy or by contract directly with
12 that individual.

13 (5) Collective bargaining contracts.

14 (6) Purchase of real estate, except that notice of
15 this type of contract with a value of more than \$25,000
16 must be published in the Procurement Bulletin within 10
17 calendar days after the deed is recorded in the county of
18 jurisdiction. The notice shall identify the real estate
19 purchased, the names of all parties to the contract, the
20 value of the contract, and the effective date of the
21 contract.

22 (7) Contracts necessary to prepare for anticipated
23 litigation, enforcement actions, or investigations,
24 provided that the chief legal counsel to the Governor
25 shall give his or her prior approval when the procuring
26 agency is one subject to the jurisdiction of the Governor,

1 and provided that the chief legal counsel of any other
2 procuring entity subject to this Code shall give his or
3 her prior approval when the procuring entity is not one
4 subject to the jurisdiction of the Governor.

5 (8) (Blank).

6 (9) Procurement expenditures by the Illinois
7 Conservation Foundation when only private funds are used.

8 (10) (Blank).

9 (11) Public-private agreements entered into according
10 to the procurement requirements of Section 20 of the
11 Public-Private Partnerships for Transportation Act and
12 design-build agreements entered into according to the
13 procurement requirements of Section 25 of the
14 Public-Private Partnerships for Transportation Act.

15 (12) (A) Contracts for legal, financial, and other
16 professional and artistic services entered into by the
17 Illinois Finance Authority in which the State of Illinois
18 is not obligated. Such contracts shall be awarded through
19 a competitive process authorized by the members of the
20 Illinois Finance Authority and are subject to Sections
21 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
22 as well as the final approval by the members of the
23 Illinois Finance Authority of the terms of the contract.

24 (B) Contracts for legal and financial services entered
25 into by the Illinois Housing Development Authority in
26 connection with the issuance of bonds in which the State

1 of Illinois is not obligated. Such contracts shall be
2 awarded through a competitive process authorized by the
3 members of the Illinois Housing Development Authority and
4 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
5 and 50-37 of this Code, as well as the final approval by
6 the members of the Illinois Housing Development Authority
7 of the terms of the contract.

8 (13) Contracts for services, commodities, and
9 equipment to support the delivery of timely forensic
10 science services in consultation with and subject to the
11 approval of the Chief Procurement Officer as provided in
12 subsection (d) of Section 5-4-3a of the Unified Code of
13 Corrections, except for the requirements of Sections
14 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
15 Code; however, the Chief Procurement Officer may, in
16 writing with justification, waive any certification
17 required under Article 50 of this Code. For any contracts
18 for services which are currently provided by members of a
19 collective bargaining agreement, the applicable terms of
20 the collective bargaining agreement concerning
21 subcontracting shall be followed.

22 On and after January 1, 2019, this paragraph (13),
23 except for this sentence, is inoperative.

24 (14) Contracts for participation expenditures required
25 by a domestic or international trade show or exhibition of
26 an exhibitor, member, or sponsor.

1 (15) Contracts with a railroad or utility that
2 requires the State to reimburse the railroad or utilities
3 for the relocation of utilities for construction or other
4 public purpose. Contracts included within this paragraph
5 (15) shall include, but not be limited to, those
6 associated with: relocations, crossings, installations,
7 and maintenance. For the purposes of this paragraph (15),
8 "railroad" means any form of non-highway ground
9 transportation that runs on rails or electromagnetic
10 guideways and "utility" means: (1) public utilities as
11 defined in Section 3-105 of the Public Utilities Act, (2)
12 telecommunications carriers as defined in Section 13-202
13 of the Public Utilities Act, (3) electric cooperatives as
14 defined in Section 3.4 of the Electric Supplier Act, (4)
15 telephone or telecommunications cooperatives as defined in
16 Section 13-212 of the Public Utilities Act, (5) rural
17 water or waste water systems with 10,000 connections or
18 less, (6) a holder as defined in Section 21-201 of the
19 Public Utilities Act, and (7) municipalities owning or
20 operating utility systems consisting of public utilities
21 as that term is defined in Section 11-117-2 of the
22 Illinois Municipal Code.

23 (16) Procurement expenditures necessary for the
24 Department of Public Health to provide the delivery of
25 timely newborn screening services in accordance with the
26 Newborn Metabolic Screening Act.

1 (17) Procurement expenditures necessary for the
2 Department of Agriculture, the Department of Financial and
3 Professional Regulation, the Department of Human Services,
4 and the Department of Public Health to implement the
5 Compassionate Use of Medical Cannabis Program and Opioid
6 Alternative Pilot Program requirements and ensure access
7 to medical cannabis for patients with debilitating medical
8 conditions in accordance with the Compassionate Use of
9 Medical Cannabis Program Act.

10 (18) This Code does not apply to any procurements
11 necessary for the Department of Agriculture, the
12 Department of Financial and Professional Regulation, the
13 Department of Human Services, the Department of Commerce
14 and Economic Opportunity, and the Department of Public
15 Health to implement the Cannabis Regulation and Tax Act if
16 the applicable agency has made a good faith determination
17 that it is necessary and appropriate for the expenditure
18 to fall within this exemption and if the process is
19 conducted in a manner substantially in accordance with the
20 requirements of Sections 20-160, 25-60, 30-22, 50-5,
21 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
22 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
23 Section 50-35, compliance applies only to contracts or
24 subcontracts over \$100,000. Notice of each contract
25 entered into under this paragraph (18) that is related to
26 the procurement of goods and services identified in

1 paragraph (1) through (9) of this subsection shall be
2 published in the Procurement Bulletin within 14 calendar
3 days after contract execution. The Chief Procurement
4 Officer shall prescribe the form and content of the
5 notice. Each agency shall provide the Chief Procurement
6 Officer, on a monthly basis, in the form and content
7 prescribed by the Chief Procurement Officer, a report of
8 contracts that are related to the procurement of goods and
9 services identified in this subsection. At a minimum, this
10 report shall include the name of the contractor, a
11 description of the supply or service provided, the total
12 amount of the contract, the term of the contract, and the
13 exception to this Code utilized. A copy of any or all of
14 these contracts shall be made available to the Chief
15 Procurement Officer immediately upon request. The Chief
16 Procurement Officer shall submit a report to the Governor
17 and General Assembly no later than November 1 of each year
18 that includes, at a minimum, an annual summary of the
19 monthly information reported to the Chief Procurement
20 Officer. This exemption becomes inoperative 5 years after
21 June 25, 2019 (the effective date of Public Act 101-27).

22 (19) Acquisition of modifications or adjustments,
23 limited to assistive technology devices and assistive
24 technology services, adaptive equipment, repairs, and
25 replacement parts to provide reasonable accommodations (i)
26 that enable a qualified applicant with a disability to

1 complete the job application process and be considered for
2 the position such qualified applicant desires, (ii) that
3 modify or adjust the work environment to enable a
4 qualified current employee with a disability to perform
5 the essential functions of the position held by that
6 employee, (iii) to enable a qualified current employee
7 with a disability to enjoy equal benefits and privileges
8 of employment as are enjoyed by other similarly situated
9 employees without disabilities, and (iv) that allow a
10 customer, client, claimant, or member of the public
11 seeking State services full use and enjoyment of and
12 access to its programs, services, or benefits.

13 For purposes of this paragraph (19):

14 "Assistive technology devices" means any item, piece
15 of equipment, or product system, whether acquired
16 commercially off the shelf, modified, or customized, that
17 is used to increase, maintain, or improve functional
18 capabilities of individuals with disabilities.

19 "Assistive technology services" means any service that
20 directly assists an individual with a disability in
21 selection, acquisition, or use of an assistive technology
22 device.

23 "Qualified" has the same meaning and use as provided
24 under the federal Americans with Disabilities Act when
25 describing an individual with a disability.

26 (20) Procurement expenditures necessary for the

1 Illinois Commerce Commission to hire third-party
2 facilitators pursuant to Sections 16-105.17 and 16-108.18
3 of the Public Utilities Act or an ombudsman pursuant to
4 Section 16-107.5 of the Public Utilities Act, a
5 facilitator pursuant to Section 16-105.17 of the Public
6 Utilities Act, or a grid auditor pursuant to Section
7 16-105.10 of the Public Utilities Act.

8 (21) Procurement expenditures for the purchase,
9 renewal, and expansion of software, software licenses, or
10 software maintenance agreements that support the efforts
11 of the Illinois State Police to enforce, regulate, and
12 administer ~~the Firearm Owners Identification Card Act,~~ the
13 Firearm Concealed Carry Act, the Firearms Restraining
14 Order Act, the Firearm Dealer License Certification Act,
15 the Law Enforcement Agencies Data System (LEADS), the
16 Uniform Crime Reporting Act, the Criminal Identification
17 Act, the Illinois Uniform Conviction Information Act, and
18 the Gun Trafficking Information Act, or establish or
19 maintain record management systems necessary to conduct
20 human trafficking investigations or gun trafficking or
21 other stolen firearm investigations. This paragraph (21)
22 applies to contracts entered into on or after January 10,
23 2023 (the effective date of Public Act 102-1116) and the
24 renewal of contracts that are in effect on January 10,
25 2023 (the effective date of Public Act 102-1116).

26 (22) Contracts for project management services and

1 system integration services required for the completion of
2 the State's enterprise resource planning project. This
3 exemption becomes inoperative 5 years after June 7, 2023
4 (the effective date of the changes made to this Section by
5 Public Act 103-8). This paragraph (22) applies to
6 contracts entered into on or after June 7, 2023 (the
7 effective date of the changes made to this Section by
8 Public Act 103-8) and the renewal of contracts that are in
9 effect on June 7, 2023 (the effective date of the changes
10 made to this Section by Public Act 103-8).

11 (23) Procurements necessary for the Department of
12 Insurance to implement the Illinois Health Benefits
13 Exchange Law if the Department of Insurance has made a
14 good faith determination that it is necessary and
15 appropriate for the expenditure to fall within this
16 exemption. The procurement process shall be conducted in a
17 manner substantially in accordance with the requirements
18 of Sections 20-160 and 25-60 and Article 50 of this Code. A
19 copy of these contracts shall be made available to the
20 Chief Procurement Officer immediately upon request. This
21 paragraph is inoperative 5 years after June 27, 2023 (the
22 effective date of Public Act 103-103).

23 (24) ~~(22)~~ Contracts for public education programming,
24 noncommercial sustaining announcements, public service
25 announcements, and public awareness and education
26 messaging with the nonprofit trade associations of the

1 providers of those services that inform the public on
2 immediate and ongoing health and safety risks and hazards.

3 Notwithstanding any other provision of law, for contracts
4 with an annual value of more than \$100,000 entered into on or
5 after October 1, 2017 under an exemption provided in any
6 paragraph of this subsection (b), except paragraph (1), (2),
7 or (5), each State agency shall post to the appropriate
8 procurement bulletin the name of the contractor, a description
9 of the supply or service provided, the total amount of the
10 contract, the term of the contract, and the exception to the
11 Code utilized. The chief procurement officer shall submit a
12 report to the Governor and General Assembly no later than
13 November 1 of each year that shall include, at a minimum, an
14 annual summary of the monthly information reported to the
15 chief procurement officer.

16 (c) This Code does not apply to the electric power
17 procurement process provided for under Section 1-75 of the
18 Illinois Power Agency Act and Section 16-111.5 of the Public
19 Utilities Act. This Code does not apply to the procurement of
20 technical and policy experts pursuant to Section 1-129 of the
21 Illinois Power Agency Act.

22 (d) Except for Section 20-160 and Article 50 of this Code,
23 and as expressly required by Section 9.1 of the Illinois
24 Lottery Law, the provisions of this Code do not apply to the
25 procurement process provided for under Section 9.1 of the
26 Illinois Lottery Law.

1 (e) This Code does not apply to the process used by the
2 Capital Development Board to retain a person or entity to
3 assist the Capital Development Board with its duties related
4 to the determination of costs of a clean coal SNG brownfield
5 facility, as defined by Section 1-10 of the Illinois Power
6 Agency Act, as required in subsection (h-3) of Section 9-220
7 of the Public Utilities Act, including calculating the range
8 of capital costs, the range of operating and maintenance
9 costs, or the sequestration costs or monitoring the
10 construction of clean coal SNG brownfield facility for the
11 full duration of construction.

12 (f) (Blank).

13 (g) (Blank).

14 (h) This Code does not apply to the process to procure or
15 contracts entered into in accordance with Sections 11-5.2 and
16 11-5.3 of the Illinois Public Aid Code.

17 (i) Each chief procurement officer may access records
18 necessary to review whether a contract, purchase, or other
19 expenditure is or is not subject to the provisions of this
20 Code, unless such records would be subject to attorney-client
21 privilege.

22 (j) This Code does not apply to the process used by the
23 Capital Development Board to retain an artist or work or works
24 of art as required in Section 14 of the Capital Development
25 Board Act.

26 (k) This Code does not apply to the process to procure

1 contracts, or contracts entered into, by the State Board of
2 Elections or the State Electoral Board for hearing officers
3 appointed pursuant to the Election Code.

4 (l) This Code does not apply to the processes used by the
5 Illinois Student Assistance Commission to procure supplies and
6 services paid for from the private funds of the Illinois
7 Prepaid Tuition Fund. As used in this subsection (l), "private
8 funds" means funds derived from deposits paid into the
9 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

10 (m) This Code shall apply regardless of the source of
11 funds with which contracts are paid, including federal
12 assistance moneys. Except as specifically provided in this
13 Code, this Code shall not apply to procurement expenditures
14 necessary for the Department of Public Health to conduct the
15 Healthy Illinois Survey in accordance with Section 2310-431 of
16 the Department of Public Health Powers and Duties Law of the
17 Civil Administrative Code of Illinois.

18 (Source: P.A. 102-175, eff. 7-29-21; 102-483, eff. 1-1-22;
19 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662, eff.
20 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;
21 102-1116, eff. 1-10-23; 103-8, eff. 6-7-23; 103-103, eff.
22 6-27-23; 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; revised
23 1-2-24.)

24 Section 80. The Intergovernmental Drug Laws Enforcement
25 Act is amended by changing Section 3 as follows:

1 (30 ILCS 715/3) (from Ch. 56 1/2, par. 1703)

2 Sec. 3. A Metropolitan Enforcement Group which meets the
3 minimum criteria established in this Section is eligible to
4 receive State grants to help defray the costs of operation. To
5 be eligible a MEG must:

6 (1) Be established and operating pursuant to
7 intergovernmental contracts written and executed in
8 conformity with the Intergovernmental Cooperation Act, and
9 involve 2 or more units of local government.

10 (2) Establish a MEG Policy Board composed of an
11 elected official, or his designee, and the chief law
12 enforcement officer, or his designee, from each
13 participating unit of local government to oversee the
14 operations of the MEG and make such reports to the
15 Illinois State Police as the Illinois State Police may
16 require.

17 (3) Designate a single appropriate elected official of
18 a participating unit of local government to act as the
19 financial officer of the MEG for all participating units
20 of local government and to receive funds for the operation
21 of the MEG.

22 (4) Limit its operations to enforcement of drug laws;
23 enforcement of Sections 10-9, 24-1, 24-1.1, 24-1.2,
24 24-1.2-5, 24-1.5, 24-1.7, 24-1.8, 24-2.1, 24-2.2, 24-3,
25 24-3.1, 24-3.2, 24-3.3, 24-3.4, 24-3.5, 24-3.7, 24-3.8,

1 24-3.9, 24-3A, 24-3B, 24-4, and 24-5 of the Criminal Code
2 of 2012; ~~Sections 2, 3, 6.1, 9.5, and 14 of the Firearm~~
3 ~~Owners Identification Card Act;~~ and the investigation of
4 streetgang related offenses.

5 (5) Cooperate with the Illinois State Police in order
6 to assure compliance with this Act and to enable the
7 Illinois State Police to fulfill its duties under this
8 Act, and supply the Illinois State Police with all
9 information the Illinois State Police deems necessary
10 therefor.

11 (6) Receive funding of at least 50% of the total
12 operating budget of the MEG from the participating units
13 of local government.

14 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
15 102-813, eff. 5-13-22; 103-34, eff. 6-9-23.)

16 Section 85. The Peace Officer Firearm Training Act is
17 amended by changing Section 1 as follows:

18 (50 ILCS 710/1) (from Ch. 85, par. 515)

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

20 (a) "Peace officer" means (i) any person who by virtue of
21 his office or public employment is vested by law with a primary
22 duty to maintain public order or to make arrests for offenses,
23 whether that duty extends to all offenses or is limited to
24 specific offenses, and who is employed in such capacity by any

1 county or municipality or (ii) any retired law enforcement
2 officers qualified under federal law to carry a concealed
3 weapon.

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

9 (b) "Firearms" means any weapon or device defined as a
10 firearm in Section 2-7.5 of the Criminal Code of 2012 ~~1.1 of~~
11 ~~"An Act relating to the acquisition, possession and transfer~~
12 ~~of firearms and firearm ammunition, to provide a penalty for~~
13 ~~the violation thereof and to make an appropriation in~~
14 ~~connection therewith", approved August 3, 1967, as amended.~~
15 (Source: P.A. 98-725, eff. 1-1-15.)

16 (50 ILCS 725/7.2 rep.)

17 Section 90. The Uniform Peace Officers' Disciplinary Act
18 is amended by repealing Section 7.2.

19 Section 95. The Counties Code is amended by changing
20 Section 3-6042 as follows:

21 (55 ILCS 5/3-6042)

22 Sec. 3-6042. Retiring employee; purchase of service
23 firearm and badge. Each Sheriff shall establish a program to

1 allow an employee of the Sheriff's Department who is honorably
2 retiring in good standing to purchase either one or both of the
3 following: (1) any badge previously issued to the employee by
4 the Sheriff's Department; or (2) ~~if the employee has a~~
5 ~~currently valid Firearm Owner's Identification Card,~~ the
6 service firearm issued or previously issued to the employee by
7 the Sheriff's Department. The badge must be permanently and
8 conspicuously marked in such a manner that the individual who
9 possesses the badge is not mistaken for an actively serving
10 law enforcement officer. The cost of the firearm shall be the
11 replacement value of the firearm and not the firearm's fair
12 market value.

13 (Source: P.A. 102-719, eff. 5-6-22.)

14 Section 100. The School Code is amended by changing
15 Sections 10-22.6, 10-27.1A and 34-8.05 as follows:

16 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

17 (Text of Section before amendment by P.A. 102-466)

18 Sec. 10-22.6. Suspension or expulsion of pupils; school
19 searches.

20 (a) To expel pupils guilty of gross disobedience or
21 misconduct, including gross disobedience or misconduct
22 perpetuated by electronic means, pursuant to subsection (b-20)
23 of this Section, and no action shall lie against them for such
24 expulsion. Expulsion shall take place only after the parents

1 have been requested to appear at a meeting of the board, or
2 with a hearing officer appointed by it, to discuss their
3 child's behavior. Such request shall be made by registered or
4 certified mail and shall state the time, place and purpose of
5 the meeting. The board, or a hearing officer appointed by it,
6 at such meeting shall state the reasons for dismissal and the
7 date on which the expulsion is to become effective. If a
8 hearing officer is appointed by the board, he shall report to
9 the board a written summary of the evidence heard at the
10 meeting and the board may take such action thereon as it finds
11 appropriate. If the board acts to expel a pupil, the written
12 expulsion decision shall detail the specific reasons why
13 removing the pupil from the learning environment is in the
14 best interest of the school. The expulsion decision shall also
15 include a rationale as to the specific duration of the
16 expulsion. An expelled pupil may be immediately transferred to
17 an alternative program in the manner provided in Article 13A
18 or 13B of this Code. A pupil must not be denied transfer
19 because of the expulsion, except in cases in which such
20 transfer is deemed to cause a threat to the safety of students
21 or staff in the alternative program.

22 (b) To suspend or by policy to authorize the
23 superintendent of the district or the principal, assistant
24 principal, or dean of students of any school to suspend pupils
25 guilty of gross disobedience or misconduct, or to suspend
26 pupils guilty of gross disobedience or misconduct on the

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

11 Any suspension shall be reported immediately to the
12 parents or guardian of a pupil along with a full statement of
13 the reasons for such suspension and a notice of their right to
14 a review. The school board must be given a summary of the
15 notice, including the reason for the suspension and the
16 suspension length. Upon request of the parents or guardian,
17 the school board or a hearing officer appointed by it shall
18 review such action of the superintendent or principal,
19 assistant principal, or dean of students. At such review, the
20 parents or guardian of the pupil may appear and discuss the
21 suspension with the board or its hearing officer. If a hearing
22 officer is appointed by the board, he shall report to the board
23 a written summary of the evidence heard at the meeting. After
24 its hearing or upon receipt of the written report of its
25 hearing officer, the board may take such action as it finds
26 appropriate. If a student is suspended pursuant to this

1 subsection (b), the board shall, in the written suspension
2 decision, detail the specific act of gross disobedience or
3 misconduct resulting in the decision to suspend. The
4 suspension decision shall also include a rationale as to the
5 specific duration of the suspension. A pupil who is suspended
6 in excess of 20 school days may be immediately transferred to
7 an alternative program in the manner provided in Article 13A
8 or 13B of this Code. A pupil must not be denied transfer
9 because of the suspension, except in cases in which such
10 transfer is deemed to cause a threat to the safety of students
11 or staff in the alternative program.

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

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

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

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

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

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

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

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

24 (b-30) A school district shall create a policy by which
25 suspended pupils, including those pupils suspended from the
26 school bus who do not have alternate transportation to school,

1 shall have the opportunity to make up work for equivalent
2 academic credit. It shall be the responsibility of a pupil's
3 parent or guardian to notify school officials that a pupil
4 suspended from the school bus does not have alternate
5 transportation to school.

6 (c) A school board must invite a representative from a
7 local mental health agency to consult with the board at the
8 meeting whenever there is evidence that mental illness may be
9 the cause of a student's expulsion or suspension.

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

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

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

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

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

24 (d-5) The board may suspend or by regulation authorize the
25 superintendent of the district or the principal, assistant
26 principal, or dean of students of any school to suspend a

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

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

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

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

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

23 (h) School officials shall not advise or encourage
24 students to drop out voluntarily due to behavioral or academic
25 difficulties.

26 (i) A student may not be issued a monetary fine or fee as a

1 disciplinary consequence, though this shall not preclude
2 requiring a student to provide restitution for lost, stolen,
3 or damaged property.

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

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

12 (l) Beginning with the 2018-2019 school year, an in-school
13 suspension program provided by a school district for any
14 students in kindergarten through grade 12 may focus on
15 promoting non-violent conflict resolution and positive
16 interaction with other students and school personnel. A school
17 district may employ a school social worker or a licensed
18 mental health professional to oversee an in-school suspension
19 program in kindergarten through grade 12.

20 (Source: P.A. 101-81, eff. 7-12-19; 102-539, eff. 8-20-21;
21 102-813, eff. 5-13-22.)

22 (Text of Section after amendment by P.A. 102-466)

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

25 (a) To expel pupils guilty of gross disobedience or

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

26 (b) To suspend or by policy to authorize the

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

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

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

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

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

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

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

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

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

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

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

1 expelled, or returning from an alternative school setting.

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

10 (b-35) In all suspension review hearings conducted under
11 subsection (b) or expulsion hearings conducted under
12 subsection (a), a student may disclose any factor to be
13 considered in mitigation, including his or her status as a
14 parent, expectant parent, or victim of domestic or sexual
15 violence, as defined in Article 26A. A representative of the
16 parent's or guardian's choice, or of the student's choice if
17 emancipated, must be permitted to represent the student
18 throughout the proceedings and to address the school board or
19 its appointed hearing officer. With the approval of the
20 student's parent or guardian, or of the student if
21 emancipated, a support person must be permitted to accompany
22 the student to any disciplinary hearings or proceedings. The
23 representative or support person must comply with any rules of
24 the school district's hearing process. If the representative
25 or support person violates the rules or engages in behavior or
26 advocacy that harasses, abuses, or intimidates either party, a

1 witness, or anyone else in attendance at the hearing, the
2 representative or support person may be prohibited from
3 further participation in the hearing or proceeding. A
4 suspension or expulsion proceeding under this subsection
5 (b-35) must be conducted independently from any ongoing
6 criminal investigation or proceeding, and an absence of
7 pending or possible criminal charges, criminal investigations,
8 or proceedings may not be a factor in school disciplinary
9 decisions.

10 (b-40) During a suspension review hearing conducted under
11 subsection (b) or an expulsion hearing conducted under
12 subsection (a) that involves allegations of sexual violence by
13 the student who is subject to discipline, neither the student
14 nor his or her representative shall directly question nor have
15 direct contact with the alleged victim. The student who is
16 subject to discipline or his or her representative may, at the
17 discretion and direction of the school board or its appointed
18 hearing officer, suggest questions to be posed by the school
19 board or its appointed hearing officer to the alleged victim.

20 (c) A school board must invite a representative from a
21 local mental health agency to consult with the board at the
22 meeting whenever there is evidence that mental illness may be
23 the cause of a student's expulsion or suspension.

24 (c-5) School districts shall make reasonable efforts to
25 provide ongoing professional development to teachers,
26 administrators, school board members, school resource

1 officers, and staff on the adverse consequences of school
2 exclusion and justice-system involvement, effective classroom
3 management strategies, culturally responsive discipline, the
4 appropriate and available supportive services for the
5 promotion of student attendance and engagement, and
6 developmentally appropriate disciplinary methods that promote
7 positive and healthy school climates.

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

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

24 (2) A knife, brass knuckles or other knuckle weapon
25 regardless of its composition, a billy club, or any other
26 object if used or attempted to be used to cause bodily

1 harm, including "look alike" of any firearm as defined in
2 subdivision (1) of this subsection (d). The expulsion
3 requirement under this subdivision (2) may be modified by
4 the superintendent, and the superintendent's determination
5 may be modified by the board on a case-by-case basis.

6 Expulsion or suspension shall be construed in a manner
7 consistent with the federal Individuals with Disabilities
8 Education Act. A student who is subject to suspension or
9 expulsion as provided in this Section may be eligible for a
10 transfer to an alternative school program in accordance with
11 Article 13A of the School Code.

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

1 of his or her duties or employment status or status as a
2 student inside the school.

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

25 (f) Suspension or expulsion may include suspension or
26 expulsion from school and all school activities and a

1 prohibition from being present on school grounds.

2 (g) A school district may adopt a policy providing that if
3 a student is suspended or expelled for any reason from any
4 public or private school in this or any other state, the
5 student must complete the entire term of the suspension or
6 expulsion in an alternative school program under Article 13A
7 of this Code or an alternative learning opportunities program
8 under Article 13B of this Code before being admitted into the
9 school district if there is no threat to the safety of students
10 or staff in the alternative program. A school district that
11 adopts a policy under this subsection (g) must include a
12 provision allowing for consideration of any mitigating
13 factors, including, but not limited to, a student's status as
14 a parent, expectant parent, or victim of domestic or sexual
15 violence, as defined in Article 26A.

16 (h) School officials shall not advise or encourage
17 students to drop out voluntarily due to behavioral or academic
18 difficulties.

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

23 (j) Subsections (a) through (i) of this Section shall
24 apply to elementary and secondary schools, charter schools,
25 special charter districts, and school districts organized
26 under Article 34 of this Code.

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

5 (l) Beginning with the 2018-2019 school year, an in-school
6 suspension program provided by a school district for any
7 students in kindergarten through grade 12 may focus on
8 promoting non-violent conflict resolution and positive
9 interaction with other students and school personnel. A school
10 district may employ a school social worker or a licensed
11 mental health professional to oversee an in-school suspension
12 program in kindergarten through grade 12.

13 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;
14 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

15 (105 ILCS 5/10-27.1A)

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

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

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

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

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

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

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

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

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

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

19 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
20 102-813, eff. 5-13-22; 103-34, eff. 6-9-23.)

21 (105 ILCS 5/34-8.05)

22 Sec. 34-8.05. Reporting firearms in schools. On or after
23 January 1, 1997, upon receipt of any written, electronic, or
24 verbal report from any school personnel regarding a verified
25 incident involving a firearm in a school or on school owned or

1 leased property, including any conveyance owned, leased, or
2 used by the school for the transport of students or school
3 personnel, the general superintendent or his or her designee
4 shall report all such firearm-related incidents occurring in a
5 school or on school property to the local law enforcement
6 authorities no later than 24 hours after the occurrence of the
7 incident and to the Illinois State Police in a form, manner,
8 and frequency as prescribed by the Illinois State Police.

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

16 (Source: P.A. 102-538, eff. 8-20-21.)

17 Section 105. The Illinois Explosives Act is amended by
18 changing Section 2005 as follows:

19 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

20 Sec. 2005. Qualifications for licensure.

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

22 (1) is under 21 years of age;

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

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

3 (4) is a fugitive from justice;

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

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

12 (7) is not a legal citizen of the United States or
13 lawfully admitted for permanent residence.

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

19 (Source: P.A. 101-541, eff. 8-23-19.)

20 Section 110. The Private Detective, Private Alarm, Private
21 Security, and Locksmith Act of 2004 is amended by changing
22 Sections 35-30 and 35-35 as follows:

23 (225 ILCS 447/35-30)

24 (Section scheduled to be repealed on January 1, 2029)

1 Sec. 35-30. Employee requirements. All employees of a
2 licensed agency, other than those exempted, shall apply for a
3 permanent employee registration card. The holder of an agency
4 license issued under this Act, known in this Section as
5 "employer", may employ in the conduct of the employer's
6 business employees under the following provisions:

7 (a) No person shall be issued a permanent employee
8 registration card who:

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

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

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

21 (4) Has had a license or permanent employee
22 registration card denied, suspended, or revoked under this
23 Act (i) within one year before the date the person's
24 application for permanent employee registration card is
25 received by the Department; and (ii) that refusal, denial,
26 suspension, or revocation was based on any provision of

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

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

11 (6) Has been dishonorably discharged from the armed
12 services of the United States.

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

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

22 (2) The business or occupation engaged in for the 5
23 years immediately before the date of the execution of the
24 statement, the place where the business or occupation was
25 engaged in, and the names of employers, if any.

26 (3) That the person has not had a license or employee

1 registration denied, revoked, or suspended under this Act
2 (i) within one year before the date the person's
3 application for permanent employee registration card is
4 received by the Department; and (ii) that refusal, denial,
5 suspension, or revocation was based on any provision of
6 this Act other than Section 40-50, item (6) or (8) of
7 subsection (a) of Section 15-10, subsection (b) of Section
8 15-10, item (6) or (8) of subsection (a) of Section 20-10,
9 subsection (b) of Section 20-10, item (6) or (8) of
10 subsection (a) of Section 25-10, subsection (b) of Section
11 25-10, item (7) of subsection (a) of Section 30-10,
12 subsection (b) of Section 30-10, or Section 10-40.

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

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

16 (6) Any dishonorable discharge from the armed services
17 of the United States.

18 (7) Any other information as may be required by any
19 rule of the Department to show the good character,
20 competency, and integrity of the person executing the
21 statement.

22 (c) Each applicant for a permanent employee registration
23 card shall have the applicant's fingerprints submitted to the
24 Illinois State Police in an electronic format that complies
25 with the form and manner for requesting and furnishing
26 criminal history record information as prescribed by the

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

25 (d) The Department shall issue a permanent employee
26 registration card, in a form the Department prescribes, to all

1 qualified applicants. The holder of a permanent employee
2 registration card shall carry the card at all times while
3 actually engaged in the performance of the duties of the
4 employee's employment. Expiration and requirements for renewal
5 of permanent employee registration cards shall be established
6 by rule of the Department. Possession of a permanent employee
7 registration card does not in any way imply that the holder of
8 the card is employed by an agency unless the permanent
9 employee registration card is accompanied by the employee
10 identification card required by subsection (f) of this
11 Section.

12 (e) Each employer shall maintain a record of each employee
13 that is accessible to the duly authorized representatives of
14 the Department. The record shall contain the following
15 information:

16 (1) A photograph taken within 10 days of the date that
17 the employee begins employment with the employer. The
18 photograph shall be replaced with a current photograph
19 every 3 calendar years.

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

22 (3) All correspondence or documents relating to the
23 character and integrity of the employee received by the
24 employer from any official source or law enforcement
25 agency.

26 (4) In the case of former employees, the employee

1 identification card of that person issued under subsection
2 (f) of this Section. Each employee record shall duly note
3 if the employee is employed in an armed capacity. Armed
4 employee files shall contain ~~a copy of an active firearm~~
5 ~~owner's identification card~~ and a copy of an active
6 firearm control card. Each employer shall maintain a
7 record for each armed employee of each instance in which
8 the employee's weapon was discharged during the course of
9 the employee's professional duties or activities. The
10 record shall be maintained on forms provided by the
11 Department, a copy of which must be filed with the
12 Department within 15 days of an instance. The record shall
13 include the date and time of the occurrence, the
14 circumstances involved in the occurrence, and any other
15 information as the Department may require. Failure to
16 provide this information to the Department or failure to
17 maintain the record as a part of each armed employee's
18 permanent file is grounds for disciplinary action. The
19 Department, upon receipt of a report, shall have the
20 authority to make any investigation it considers
21 appropriate into any occurrence in which an employee's
22 weapon was discharged and to take disciplinary action as
23 may be appropriate.

24 (5) A copy of the employee's permanent employee
25 registration card or a copy of the Department's "License
26 Lookup" Webpage showing that the employee has been issued

1 a valid permanent employee registration card by the
2 Department.

3 The Department may, by rule, prescribe further record
4 requirements.

5 (f) Every employer shall furnish an employee
6 identification card to each of the employer's employees. This
7 employee identification card shall contain a recent photograph
8 of the employee, the employee's name, the name and agency
9 license number of the employer, the employee's personal
10 description, the signature of the employer, the signature of
11 that employee, the date of issuance, and an employee
12 identification card number.

13 (g) No employer may issue an employee identification card
14 to any person who is not employed by the employer in accordance
15 with this Section or falsely state or represent that a person
16 is or has been in the employer's employ. It is unlawful for an
17 applicant for registered employment to file with the
18 Department the fingerprints of a person other than himself or
19 herself.

20 (h) Every employer shall obtain the identification card of
21 every employee who terminates employment with the employer.

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

25 (j) No agency may employ any person to perform a licensed
26 activity under this Act unless the person possesses a valid

1 permanent employee registration card or a valid license under
2 this Act, or is exempt pursuant to subsection (n).

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

6 (1) The agency completes in its entirety and submits
7 to the Department an application for a permanent employee
8 registration card, including the required fingerprint
9 receipt and fees.

10 (2) The agency has verification from the Department
11 that the applicant has no record of any criminal
12 conviction pursuant to the criminal history check
13 conducted by the Illinois State Police. The agency shall
14 maintain the verification of the results of the Illinois
15 State Police criminal history check as part of the
16 employee record as required under subsection (e) of this
17 Section.

18 (3) The agency exercises due diligence to ensure that
19 the person is qualified under the requirements of this Act
20 to be issued a permanent employee registration card.

21 (4) The agency maintains a separate roster of the
22 names of all employees whose applications are currently
23 pending with the Department and submits the roster to the
24 Department on a monthly basis. Rosters are to be
25 maintained by the agency for a period of at least 24
26 months.

1 An agency may employ only a permanent employee applicant
2 for which it either submitted a permanent employee application
3 and all required forms and fees or it confirms with the
4 Department that a permanent employee application and all
5 required forms and fees have been submitted by another agency,
6 licensee or the permanent employee and all other requirements
7 of this Section are met.

8 The Department shall have the authority to revoke, without
9 a hearing, the temporary authority of an individual to work
10 upon receipt of Federal Bureau of Investigation fingerprint
11 data or a report of another official authority indicating a
12 criminal conviction. If the Department has not received a
13 temporary employee's Federal Bureau of Investigation
14 fingerprint data within 120 days of the date the Department
15 received the Illinois State Police fingerprint data, the
16 Department may, at its discretion, revoke the employee's
17 temporary authority to work with 15 days written notice to the
18 individual and the employing agency.

19 An agency may not employ a person in a temporary capacity
20 if it knows or reasonably should have known that the person has
21 been convicted of a crime under the laws of this State, has
22 been convicted in another state of any crime that is a crime
23 under the laws of this State, has been convicted of any crime
24 in a federal court, or has been posted as an unapproved
25 applicant by the Department. Notice by the Department to the
26 agency, via certified mail, personal delivery, electronic

1 mail, or posting on the Department's Internet site accessible
2 to the agency that the person has been convicted of a crime
3 shall be deemed constructive knowledge of the conviction on
4 the part of the agency. The Department may adopt rules to
5 implement this subsection (k).

6 (l) No person may be employed under this Section in any
7 capacity if:

8 (1) the person, while so employed, is being paid by
9 the United States or any political subdivision for the
10 time so employed in addition to any payments the person
11 may receive from the employer; or

12 (2) the person wears any portion of the person's
13 official uniform, emblem of authority, or equipment while
14 so employed.

15 (m) If information is discovered affecting the
16 registration of a person whose fingerprints were submitted
17 under this Section, the Department shall so notify the agency
18 that submitted the fingerprints on behalf of that person.

19 (n) Peace officers shall be exempt from the requirements
20 of this Section relating to permanent employee registration
21 cards. The agency shall remain responsible for any peace
22 officer employed under this exemption, regardless of whether
23 the peace officer is compensated as an employee or as an
24 independent contractor and as further defined by rule.

25 (o) Persons who have no access to confidential or security
26 information, who do not go to a client's or prospective

1 client's residence or place of business, and who otherwise do
2 not provide traditional security services are exempt from
3 employee registration. Examples of exempt employees include,
4 but are not limited to, employees working in the capacity of
5 ushers, directors, ticket takers, cashiers, drivers, and
6 reception personnel. Confidential or security information is
7 that which pertains to employee files, scheduling, client
8 contracts, or technical security and alarm data.

9 (p) An applicant who is 21 years of age or older seeking a
10 religious exemption to the photograph requirement of this
11 Section shall furnish with the application an approved copy of
12 United States Department of the Treasury Internal Revenue
13 Service Form 4029. Regardless of age, an applicant seeking a
14 religious exemption to this photograph requirement shall
15 submit fingerprints in a form and manner prescribed by the
16 Department with the applicant's application in lieu of a
17 photograph.

18 (Source: P.A. 102-538, eff. 8-20-21; 103-309, eff. 1-1-24.)

19 (225 ILCS 447/35-35)

20 (Section scheduled to be repealed on January 1, 2029)

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

22 (a) No person shall perform duties that include the use,
23 carrying, or possession of a firearm in the performance of
24 those duties without complying with the provisions of this
25 Section and having been issued a valid firearm control card by

1 the Department.

2 (b) No employer shall employ any person to perform the
3 duties for which licensure or employee registration is
4 required and allow that person to carry a firearm unless that
5 person has complied with all the firearm training requirements
6 of this Section and has been issued a firearm control card.
7 This Act permits only the following to carry firearms while
8 actually engaged in the performance of their duties or while
9 commuting directly to or from their places of employment:
10 persons licensed as private detectives and their registered
11 employees; persons licensed as private security contractors
12 and their registered employees; persons licensed as private
13 alarm contractors and their registered employees; and
14 employees of a registered armed proprietary security force.

15 (c) Possession of a valid firearm control card allows a
16 licensee or employee to carry a firearm not otherwise
17 prohibited by law while the licensee or employee is engaged in
18 the performance of the licensee's or employee's duties or
19 while the licensee or employee is commuting directly to or
20 from the licensee's or employee's place or places of
21 employment.

22 (d) The Department shall issue a firearm control card to a
23 person who has passed an approved firearm training course, who
24 is currently licensed or employed by an agency licensed by
25 this Act and has met all the requirements of this Act, and who
26 is not prohibited under State or federal law from possessing a

1 ~~firearm possesses a valid firearm owner identification card.~~

2 Application for the firearm control card shall be made by the
3 employer to the Department on forms provided by the
4 Department. The Department shall forward the card to the
5 employer who shall be responsible for its issuance to the
6 licensee or employee. The firearm control card shall be issued
7 by the Department and shall identify the person holding it and
8 the name of the course where the licensee or employee received
9 firearm instruction and shall specify the type of weapon or
10 weapons the person is authorized by the Department to carry
11 and for which the person has been trained.

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

14 (f) The Department may, in addition to any other
15 disciplinary action permitted by this Act, refuse to issue,
16 suspend, or revoke a firearm control card if the applicant or
17 holder has been convicted of any felony or crime involving the
18 illegal use, carrying, or possession of a deadly weapon or for
19 a violation of this Act or rules adopted ~~promulgated~~ under
20 this Act. The Department shall refuse to issue or shall revoke
21 a firearm control card if the applicant or holder is
22 prohibited under State or federal law from possessing a
23 firearm ~~fails to possess a valid firearm owners identification~~
24 ~~card without hearing~~. The Secretary shall summarily suspend a
25 firearm control card if the Secretary finds that its continued
26 use would constitute an imminent danger to the public. A

1 hearing shall be held before the Board within 30 days if the
2 Secretary summarily suspends a firearm control card.

3 (g) Notwithstanding any other provision of this Act to the
4 contrary, all requirements relating to firearms control cards
5 do not apply to a peace officer. If an individual ceases to be
6 employed as a peace officer and continues to perform services
7 in an armed capacity under this Act that are licensed
8 activities, then the individual is required to obtain a
9 permanent employee registration card pursuant to Section 35-30
10 of this Act ~~and must possess a valid Firearm Owner's~~
11 ~~Identification Card~~, but is not required to obtain a firearm
12 control card if the individual is otherwise in continuing
13 compliance with the federal Law Enforcement Officers Safety
14 Act of 2004. If an individual elects to carry a firearm
15 pursuant to the federal Law Enforcement Officers Safety Act of
16 2004, then the agency employing the officer shall submit an
17 application to the Department for issuance of a waiver card
18 along with a fee specified by rule.

19 (h) The Department may issue a temporary firearm control
20 card pending issuance of a new firearm control card upon an
21 agency's acquiring of an established armed account. An agency
22 that has acquired armed employees as a result of acquiring an
23 established armed account may, on forms supplied by the
24 Department, request the issuance of a temporary firearm
25 control card for each acquired employee who held a valid
26 firearm control card under the employer's employment with the

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

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

11 (Source: P.A. 103-309, eff. 1-1-24.)

12 Section 115. The Illinois Gambling Act is amended by
13 changing Section 5.4 as follows:

14 (230 ILCS 10/5.4)

15 Sec. 5.4. Retiring investigators; purchase of service
16 firearm and badge. The Board shall establish a program to
17 allow an investigator appointed under paragraph (20.6) of
18 subsection (c) of Section 4 who is honorably retiring in good
19 standing to purchase either one or both of the following: (1)
20 any badge previously issued to the investigator by the Board;
21 or (2) ~~if the investigator has a currently valid Firearm~~
22 ~~Owner's Identification Card,~~ the service firearm issued or
23 previously issued to the investigator by the Board. The badge
24 must be permanently and conspicuously marked in such a manner

1 that the individual who possesses the badge is not mistaken
2 for an actively serving law enforcement officer. The cost of
3 the firearm shall be the replacement value of the firearm and
4 not the firearm's fair market value.

5 (Source: P.A. 102-719, eff. 5-6-22.)

6 Section 120. The Mental Health and Developmental
7 Disabilities Code is amended by changing Sections 1-106,
8 1-116, 6-103.1, 6-103.2, and 6-103.3 as follows:

9 (405 ILCS 5/1-106) (from Ch. 91 1/2, par. 1-106)

10 Sec. 1-106. "Developmental disability" means a severe,
11 chronic disability, other than mental illness, found to be
12 closely related to an intellectual disability because this
13 condition results in impairment of general intellectual
14 functioning or adaptive behavior similar to that of persons
15 with ID, and requires services similar to those required for a
16 person with an intellectual disability. In addition, a
17 developmental disability: (1) is manifested before the
18 individual reaches 22 years of age; (2) is likely to continue
19 indefinitely; (3) results in substantial functional
20 limitations in three or more of the following areas of major
21 life activity: self-care, receptive and expressive language,
22 learning, mobility, self-direction, capacity for independent
23 living, or economic self-sufficiency; and (4) reflects the
24 individual's need for a combination and sequence of special

1 interdisciplinary or generic services, individualized
2 supports, or other forms of assistance that are of lifelong or
3 extended duration and are individually planned and
4 coordinated. ~~This definition does not supersede the~~
5 ~~"developmental disability" definition in Section 1.1 of the~~
6 ~~Firearm Owners Identification Card Act which is required to be~~
7 ~~applied under that Act for the purpose of mandatory reporting.~~
8 (Source: P.A. 102-972, eff. 1-1-23.)

9 (405 ILCS 5/1-116) (from Ch. 91 1/2, par. 1-116)

10 Sec. 1-116. Intellectual disability. "Intellectual
11 disability" means a disorder with onset during the
12 developmental period (before the individual reaches age 22),
13 that includes both intellectual and adaptive deficits in
14 conceptual, social and practical domains. The following 3
15 criteria must be met: (1) deficits in intellectual functions
16 such as reasoning, problem solving, planning, abstract
17 thinking, judgment, academic learning, and learning from
18 experience confirmed by both clinical assessment and
19 individualized, standardized intelligence testing (generally
20 indicated with an IQ score of about 70 or below), (2) deficits
21 in adaptive functioning that result in failure to meet
22 developmental and sociocultural standards for personal
23 independence and social responsibility. Without ongoing
24 support, the adaptive deficits limit functioning in one or
25 more activities of daily life, such as communication, social

1 participation, and independent living, across multiple
2 environments, such as home, school, work, and community, and
3 (3) onset of intellectual and adaptive deficits during the
4 developmental period. ~~This definition does not supersede the~~
5 ~~"intellectual disability" definition in Section 1.1 of the~~
6 ~~Firearm Owners Identification Card Act which is required to be~~
7 ~~applied under that Act for the purpose of mandatory reporting.~~
8 (Source: P.A. 102-972, eff. 1-1-23.)

9 (405 ILCS 5/6-103.1)

10 Sec. 6-103.1. Adjudication as a person with a mental
11 disability. When a person has been adjudicated as a person
12 with a mental disability ~~as defined in Section 1.1 of the~~
13 ~~Firearm Owners Identification Card Act~~, including, but not
14 limited to, an adjudication as a person with a disability as
15 defined in Section 11a-2 of the Probate Act of 1975, the court
16 shall direct the circuit court clerk to notify the Illinois
17 State Police, ~~Firearm Owner's Identification (FOID) Office~~, in
18 a form and manner prescribed by the Illinois State Police, and
19 shall forward a copy of the court order to the Department no
20 later than 7 days after the entry of the order. Upon receipt of
21 the order, the Illinois State Police shall provide
22 notification to the National Instant Criminal Background Check
23 System. In this Section, "has been adjudicated as a mentally
24 disabled person" means the person is the subject of a
25 determination by a court, board, commission, or other lawful

1 authority that the person, as a result of marked subnormal
2 intelligence, or mental illness, mental impairment,
3 incompetency, condition, or disease:

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

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

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

11 (3.5) is guilty but mentally ill, as provided in
12 Section 5-2-6 of the Unified Code of Corrections;

13 (4) is unfit to stand trial in a criminal case;

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

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

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

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

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

26 (10) is a person subject to involuntary admission on

1 an inpatient basis as defined in Section 1-119 of the
2 Mental Health and Developmental Disabilities Code;

3 (11) is a person subject to involuntary admission on
4 an outpatient basis as defined in Section 1-119.1 of the
5 Mental Health and Developmental Disabilities Code;

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

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

11 (Source: P.A. 102-538, eff. 8-20-21.)

12 (405 ILCS 5/6-103.2)

13 Sec. 6-103.2. Developmental disability; notice. If a
14 person 14 years old or older is determined to be a person with
15 a developmental disability by a physician, clinical
16 psychologist, or qualified examiner, the physician, clinical
17 psychologist, or qualified examiner shall notify the
18 Department of Human Services within 7 days of making the
19 determination that the person has a developmental disability.
20 The Department of Human Services shall immediately update its
21 records and information relating to mental health and
22 developmental disabilities, and if appropriate, shall notify
23 the Illinois State Police in a form and manner prescribed by
24 the Illinois State Police. Information disclosed under this
25 Section shall remain privileged and confidential, and shall

1 not be redisclosed, except as required under paragraph (2) of
2 subsection (e) of Section 24-4.5 of the Criminal Code of 2012
3 ~~subsection (c) of Section 3.1 of the Firearm Owners~~
4 ~~Identification Card Act~~, nor used for any other purpose. The
5 method of providing this information shall guarantee that the
6 information is not released beyond that which is necessary for
7 the purpose of this Section and shall be provided by rule by
8 the Department of Human Services. The identity of the person
9 reporting under this Section shall not be disclosed to the
10 subject of the report.

11 The physician, clinical psychologist, or qualified
12 examiner making the determination and his or her employer may
13 not be held criminally, civilly, or professionally liable for
14 making or not making the notification required under this
15 Section, except for willful or wanton misconduct.

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

19 In ~~For purposes of~~ this Section, "developmental
20 disability" means a disability which is attributable to any
21 other condition which results in impairment similar to that
22 caused by an intellectual disability and which requires
23 services similar to those required by intellectually disabled
24 persons. The disability must originate before the age of 18
25 years, be expected to continue indefinitely, and constitute a
26 substantial disability. This disability results, in the

1 professional opinion of a physician, clinical psychologist, or
2 qualified examiner, in significant functional limitations in 3
3 or more of the following areas of major life activity:

- 4 (i) self-care;
5 (ii) receptive and expressive language;
6 (iii) learning;
7 (iv) mobility; or
8 (v) self-direction.

9 "Determined to be a person with a developmental disability
10 by a physician, clinical psychologist, or qualified examiner"
11 means in the professional opinion of the physician, clinical
12 psychologist, or qualified examiner, a person is diagnosed,
13 assessed, or evaluated as having a developmental disability.
14 (Source: P.A. 102-538, eff. 8-20-21.)

15 (405 ILCS 5/6-103.3)

16 Sec. 6-103.3. Clear and present danger; notice. If a
17 person is determined to pose a clear and present danger to
18 himself, herself, or to others by a physician, clinical
19 psychologist, or qualified examiner, whether employed by the
20 State, by any public or private mental health facility or part
21 thereof, or by a law enforcement official or a school
22 administrator, then the physician, clinical psychologist,
23 qualified examiner shall notify the Department of Human
24 Services and a law enforcement official or school
25 administrator shall notify the Illinois State Police, within

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

1 In ~~For the purposes of~~ this Section:

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

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

9 (2) demonstrates threatening physical or verbal
10 behavior, such as violent, suicidal, or assaultive
11 threats, actions, or other behavior, as determined by
12 a physician, clinical psychologist, qualified
13 examiner, school administrator, or law enforcement
14 official.

15 "Physician", "clinical psychologist", and "qualified
16 examiner" have the meanings ascribed to them in the Mental
17 Health and Developmental Disabilities Code ~~has the meaning~~
18 ~~ascribed to it in Section 1.1 of the Firearm Owners~~
19 ~~Identification Card Act.~~

20 "Determined to pose a clear and present danger to
21 himself, herself, or to others by a physician, clinical
22 psychologist, or qualified examiner" means in the
23 professional opinion of the physician, clinical
24 psychologist, or qualified examiner, a person poses a
25 clear and present danger.

26 "School administrator" means the person required to

1 report under the School Administrator Reporting of Mental
2 Health Clear and Present Danger Determinations Law.

3 (Source: P.A. 102-538, eff. 8-20-21.)

4 Section 125. The Lead Poisoning Prevention Act is amended
5 by changing Section 2 as follows:

6 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

8 "Child care facility" means any structure used by a child
9 care provider licensed by the Department of Children and
10 Family Services or public or private school structure
11 frequented by children 6 years of age or younger.

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

17 "Delegate agency" means a unit of local government or
18 health department approved by the Department to carry out the
19 provisions of this Act.

20 "Department" means the Department of Public Health.

21 "Director" means the Director of Public Health.

22 "Dwelling unit" means an individual unit within a
23 residential building used as living quarters for one
24 household.

1 "Elevated blood lead level" means a blood lead level in
2 excess of the limits established under State rules.

3 "Exposed surface" means any interior or exterior surface
4 of a regulated facility.

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

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

23 "Lead abatement contractor" means any person or entity
24 licensed by the Department to perform lead abatement and
25 mitigation.

26 "Lead abatement supervisor" means any person employed by a

1 lead abatement contractor and licensed by the Department to
2 perform lead abatement and lead mitigation and to supervise
3 lead workers who perform lead abatement and lead mitigation.

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

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

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

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

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

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

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

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

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

24 "Lead poisoning" means having an elevated blood lead
25 level.

26 "Lead risk assessment" means an on-site investigation to

1 determine the existence, nature, severity, and location of
2 lead hazards. "Lead risk assessment" includes any lead
3 sampling and visual assessment associated with conducting a
4 lead risk assessment and lead hazard screen and all lead
5 sampling associated with compliance investigations.

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

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

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

20 "Owner" means any person, who alone, jointly, or severally
21 with others:

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

24 (b) Has charge, care, or control of the regulated
25 facility as owner or agent of the owner, or as executor,
26 administrator, trustee, or guardian of the estate of the

1 owner.

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

7 "Regulated facility" means a residential building or child
8 care facility.

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

13 (Source: P.A. 100-723, eff. 1-1-19.)

14 (430 ILCS 65/Act rep.)

15 Section 130. The Firearm Owners Identification Card Act is
16 repealed.

17 Section 135. The Firearm Concealed Carry Act is amended by
18 changing Sections 25, 30, 40, 66, 70, 80, and 105 as follows:

19 (430 ILCS 66/25)

20 Sec. 25. Qualifications for a license.

21 The Illinois State Police shall issue a license to an
22 applicant completing an application in accordance with Section
23 30 of this Act if the person:

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

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

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

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

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

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

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

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

3 (Source: P.A. 102-538, eff. 8-20-21.)

4 (430 ILCS 66/30)

5 Sec. 30. Contents of license application.

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

14 (b) The application shall contain the following:

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

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

23 (3) a waiver of the applicant's privacy and
24 confidentiality rights and privileges under all federal
25 and state laws, including those limiting access to

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

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

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

21 (A) a felony;

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

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

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

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

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

13 (8) ~~unless submitted under subsection (a-25) of~~
14 ~~Section 4 of the Firearm Owners Identification Card Act,~~ a
15 full set of fingerprints submitted to the Illinois State
16 Police in electronic format, provided the Illinois State
17 Police may accept an application submitted without a set
18 of fingerprints, in which case the Illinois State Police
19 shall be granted 30 days in addition to the 90 days
20 provided under subsection (e) of Section 10 of this Act to
21 issue or deny a license;

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

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

1 Act.

2 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
3 102-813, eff. 5-13-22.)

4 (430 ILCS 66/40)

5 Sec. 40. Non-resident license applications.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (Source: P.A. 102-538, eff. 8-20-21.)

22 (430 ILCS 66/66)

23 Sec. 66. Illinois State Police to monitor databases for
24 firearms prohibitors. The Illinois State Police shall
25 continuously monitor relevant State and federal databases for

1 firearms prohibitors and correlate those records with
2 concealed carry license holders to ensure compliance with this
3 Act and any other State and federal laws. As used in this
4 Section, "firearms prohibitor" means any factor listed in
5 ~~Section 8 or Section 8.2 of the Firearm Owners Identification~~
6 ~~Card Act or~~ Section 24-3 or 24-3.1 of the Criminal Code of 2012
7 that prohibits a person from transferring or possessing a
8 firearm, firearm ammunition, ~~Firearm Owner's Identification~~
9 ~~Card~~, or concealed carry license.

10 (Source: P.A. 102-237, eff. 1-1-22.)

11 (430 ILCS 66/70)

12 Sec. 70. Violations.

13 (a) A license issued or renewed under this Act shall be
14 revoked if, at any time, the licensee is found to be ineligible
15 for a license under this Act or the licensee is prohibited from
16 possessing a firearm under State or federal law no longer
17 ~~meets the eligibility requirements of the Firearm Owners~~
18 ~~Identification Card Act.~~

19 (b) A license shall be suspended if an order of
20 protection, including an emergency order of protection,
21 plenary order of protection, or interim order of protection
22 under Article 112A of the Code of Criminal Procedure of 1963 or
23 under the Illinois Domestic Violence Act of 1986, or if a
24 firearms restraining order, including an emergency firearms
25 restraining order, under the Firearms Restraining Order Act,

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

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

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

21 A licensee in violation of this subsection (d) shall be
22 guilty of a Class A misdemeanor for a first or second violation
23 and a Class 4 felony for a third violation. The Illinois State
24 Police may suspend a license for up to 6 months for a second
25 violation and shall permanently revoke a license for a third
26 violation.

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

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

21 (g) A licensee whose license is revoked, suspended, or
22 denied shall, within 48 hours of receiving notice of the
23 revocation, suspension, or denial, surrender his or her
24 concealed carry license to the local law enforcement agency
25 where the person resides. The local law enforcement agency
26 shall provide the licensee a receipt and transmit the

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

14 (h) (Blank). ~~Except as otherwise provided in subsection~~
15 ~~(h-5), a license issued or renewed under this Act shall be~~
16 ~~revoked if, at any time, the licensee is found ineligible for a~~
17 ~~Firearm Owner's Identification Card, or the licensee no longer~~
18 ~~possesses a valid Firearm Owner's Identification Card. If the~~
19 ~~Firearm Owner's Identification Card is expired or suspended~~
20 ~~rather than denied or revoked, the license may be suspended~~
21 ~~for a period of up to one year to allow the licensee to~~
22 ~~reinstate his or her Firearm Owner's Identification Card. The~~
23 ~~Illinois State Police shall adopt rules to enforce this~~
24 ~~subsection. A licensee whose license is revoked under this~~
25 ~~subsection (h) shall surrender his or her concealed carry~~
26 ~~license as provided for in subsection (g) of this Section.~~

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

5 (h-5) (Blank). ~~If the Firearm Owner's Identification Card~~
6 ~~of a licensee under this Act expires during the term of the~~
7 ~~license issued under this Act, the license and the Firearm~~
8 ~~Owner's Identification Card remain valid, and the Illinois~~
9 ~~State Police may automatically renew the licensee's Firearm~~
10 ~~Owner's Identification Card as provided in subsection (c) of~~
11 ~~Section 5 of the Firearm Owners Identification Card Act.~~

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

20 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
21 102-813, eff. 5-13-22.)

22 (430 ILCS 66/80)

23 Sec. 80. Certified firearms instructors.

24 (a) Within 60 days of the effective date of this Act, the
25 Illinois State Police shall begin approval of certified

1 firearms instructors and enter certified firearms instructors
2 into an online registry on the Illinois State Police's
3 website.

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

10 (c) A person seeking to become a certified firearms
11 instructor shall:

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

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

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

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

23 (1) possess a high school diploma or State of Illinois
24 High School Diploma; and

25 (2) have at least one of the following valid firearms
26 instructor certifications:

- 1 (A) certification from a law enforcement agency;
- 2 (B) certification from a firearm instructor course
3 offered by a State or federal governmental agency;
- 4 (C) certification from a firearm instructor
5 qualification course offered by the Illinois Law
6 Enforcement Training Standards Board; or
- 7 (D) certification from an entity approved by the
8 Illinois State Police that offers firearm instructor
9 education and training in the use and safety of
10 firearms.

11 (e) A person may have his or her firearms instructor
12 certification denied or revoked if he or she does not meet the
13 requirements to obtain a license under this Act, provides
14 false or misleading information to the Illinois State Police,
15 or has had a prior instructor certification revoked or denied
16 by the Illinois State Police.

17 (Source: P.A. 102-538, eff. 8-20-21; 102-1100, eff. 1-1-23.)

18 (430 ILCS 66/105)

19 Sec. 105. Duty of school administrator. It is the duty of
20 the principal of a public elementary or secondary school, or
21 his or her designee, and the chief administrative officer of a
22 private elementary or secondary school or a public or private
23 community college, college, or university, or his or her
24 designee, to report to the Illinois State Police when a
25 student is determined to pose a clear and present danger to

1 himself, herself, or to others, within 24 hours of the
2 determination as provided in Section 6-103.3 of the Mental
3 Health and Developmental Disabilities Code. "Clear and present
4 danger" has the meaning as provided in paragraph (2) of the
5 definition of "clear and present danger" in Section 6-103.3 of
6 the Mental Health and Developmental Disabilities Code ~~1.1 of~~
7 ~~the Firearm Owners Identification Card Act.~~

8 (Source: P.A. 102-538, eff. 8-20-21.)

9 Section 140. The Firearms Restraining Order Act is amended
10 by changing Sections 35 and 40 as follows:

11 (430 ILCS 67/35)

12 Sec. 35. Ex parte orders and emergency hearings.

13 (a) A petitioner may request an emergency firearms
14 restraining order by filing an affidavit or verified pleading
15 alleging that the respondent poses an immediate and present
16 danger of causing personal injury to himself, herself, or
17 another by having in his or her custody or control,
18 purchasing, possessing, or receiving a firearm, ammunition, or
19 firearm parts that could be assembled to make an operable
20 firearm. The petition shall also describe the type and
21 location of any firearm or firearms, ammunition, or firearm
22 parts that could be assembled to make an operable firearm
23 presently believed by the petitioner to be possessed or
24 controlled by the respondent.

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

17 (c) Every person who files a petition for an emergency
18 firearms restraining order, knowing the information provided
19 to the court at any hearing or in the affidavit or verified
20 pleading to be false, is guilty of perjury under Section 32-2
21 of the Criminal Code of 2012.

22 (d) An emergency firearms restraining order shall be
23 issued on an ex parte basis, that is, without notice to the
24 respondent.

25 (e) An emergency hearing held on an ex parte basis shall be
26 held the same day that the petition is filed or the next day

1 that the court is in session.

2 (f) If a circuit or associate judge finds probable cause
3 to believe that the respondent poses an immediate and present
4 danger of causing personal injury to himself, herself, or
5 another by having in his or her custody or control,
6 purchasing, possessing, or receiving a firearm, ammunition, or
7 firearm parts that could be assembled to make an operable
8 firearm, the circuit or associate judge shall issue an
9 emergency order.

10 (f-5) If the court issues an emergency firearms
11 restraining order, it shall, upon a finding of probable cause
12 that the respondent possesses firearms, ammunition, or firearm
13 parts that could be assembled to make an operable firearm,
14 issue a search warrant directing a law enforcement agency to
15 seize the respondent's firearms, ammunition, and firearm parts
16 that could be assembled to make an operable firearm. The court
17 may, as part of that warrant, direct the law enforcement
18 agency to search the respondent's residence and other places
19 where the court finds there is probable cause to believe he or
20 she is likely to possess the firearms, ammunition, or firearm
21 parts that could be assembled to make an operable firearm. A
22 return of the search warrant shall be filed by the law
23 enforcement agency within 4 days thereafter, setting forth the
24 time, date, and location that the search warrant was executed
25 and what items, if any, were seized.

26 (g) An emergency firearms restraining order shall require:

1 (1) the respondent to refrain from having in his or
2 her custody or control, purchasing, possessing, or
3 receiving additional firearms, ammunition, or firearm
4 parts that could be assembled to make an operable firearm,
5 or removing firearm parts that could be assembled to make
6 an operable firearm for the duration of the order ~~under~~
7 ~~Section 8.2 of the Firearm Owners Identification Card Act;~~
8 and

9 (2) the respondent to comply with ~~Section 9.5 of the~~
10 ~~Firearm Owners Identification Card Act and~~ subsection (g)
11 of Section 70 of the Firearm Concealed Carry Act.

12 (h) Except as otherwise provided in subsection (h-5) of
13 this Section, upon expiration of the period of safekeeping, if
14 the firearms, ammunition, and firearm parts that could be
15 assembled to make an operable firearm ~~or Firearm Owner's~~
16 ~~Identification Card~~ and concealed carry license cannot be
17 returned to the respondent because the respondent cannot be
18 located, fails to respond to requests to retrieve the
19 firearms, or is not lawfully eligible to possess a firearm,
20 ammunition, or firearm parts that could be assembled to make
21 an operable firearm, upon petition from the local law
22 enforcement agency, the court may order the local law
23 enforcement agency to destroy the firearms, ammunition, and
24 firearm parts that could be assembled to make an operable
25 firearm, use the firearms, ammunition, and firearm parts that
26 could be assembled to make an operable firearm for training

1 purposes, or use the firearms, ammunition, and firearm parts
2 that could be assembled to make an operable firearm for any
3 other application as deemed appropriate by the local law
4 enforcement agency.

5 (h-5) On or before January 1, 2022, a respondent whose
6 firearms have been turned over to a local law enforcement
7 agency ~~Firearm Owner's Identification Card has been revoked or~~
8 ~~suspended~~ may petition the court, if the petitioner is present
9 in court or has notice of the respondent's petition, to
10 transfer the respondent's firearm, ammunition, and firearm
11 parts that could be assembled to make an operable firearm to a
12 person who is lawfully able to possess the firearm,
13 ammunition, and firearm parts that could be assembled to make
14 an operable firearm if the person does not reside at the same
15 address as the respondent. Notice of the petition shall be
16 served upon the person protected by the emergency firearms
17 restraining order. While the order is in effect, the
18 transferee who receives the respondent's firearms, ammunition,
19 and firearm parts that could be assembled to make an operable
20 firearm must swear or affirm by affidavit that he or she shall
21 not transfer the firearm, ammunition, and firearm parts that
22 could be assembled to make an operable firearm to the
23 respondent or to anyone residing in the same residence as the
24 respondent.

25 (h-6) If a person other than the respondent claims title
26 to any firearms, ammunition, and firearm parts that could be

1 assembled to make an operable firearm surrendered under this
2 Section, he or she may petition the court, if the petitioner is
3 present in court or has notice of the petition, to have the
4 firearm, ammunition, and firearm parts that could be assembled
5 to make an operable firearm returned to him or her. If the
6 court determines that person to be the lawful owner of the
7 firearm, ammunition, and firearm parts that could be assembled
8 to make an operable firearm, the firearm, ammunition, and
9 firearm parts that could be assembled to make an operable
10 firearm shall be returned to him or her, provided that:

11 (1) the firearm, ammunition, and firearm parts that
12 could be assembled to make an operable firearm are removed
13 from the respondent's custody, control, or possession and
14 the lawful owner agrees to store the firearm, ammunition,
15 and firearm parts that could be assembled to make an
16 operable firearm in a manner such that the respondent does
17 not have access to or control of the firearm, ammunition,
18 and firearm parts that could be assembled to make an
19 operable firearm; and

20 (2) the firearm, ammunition, and firearm parts that
21 could be assembled to make an operable firearm are not
22 otherwise unlawfully possessed by the owner.

23 The person petitioning for the return of his or her
24 firearm, ammunition, and firearm parts that could be assembled
25 to make an operable firearm must swear or affirm by affidavit
26 that he or she: (i) is the lawful owner of the firearm,

1 ammunition, and firearm parts that could be assembled to make
2 an operable firearm; (ii) shall not transfer the firearm,
3 ammunition, and firearm parts that could be assembled to make
4 an operable firearm to the respondent; and (iii) will store
5 the firearm, ammunition, and firearm parts that could be
6 assembled to make an operable firearm in a manner that the
7 respondent does not have access to or control of the firearm,
8 ammunition, and firearm parts that could be assembled to make
9 an operable firearm.

10 (i) In accordance with subsection (e) of this Section, the
11 court shall schedule a full hearing as soon as possible, but no
12 longer than 14 days from the issuance of an ex parte firearms
13 restraining order, to determine if a 6-month firearms
14 restraining order shall be issued. The court may extend an ex
15 parte order as needed, but not to exceed 14 days, to effectuate
16 service of the order or if necessary to continue protection.
17 The court may extend the order for a greater length of time by
18 mutual agreement of the parties.

19 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
20 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.
21 5-13-22.)

22 (430 ILCS 67/40)

23 Sec. 40. Plenary orders.

24 (a) A petitioner may request a firearms restraining order
25 for up to one year by filing an affidavit or verified pleading

1 alleging that the respondent poses a significant danger of
2 causing personal injury to himself, herself, or another in the
3 near future by having in his or her custody or control,
4 purchasing, possessing, or receiving a firearm, ammunition,
5 and firearm parts that could be assembled to make an operable
6 firearm. The petition shall also describe the number, types,
7 and locations of any firearms, ammunition, and firearm parts
8 that could be assembled to make an operable firearm presently
9 believed by the petitioner to be possessed or controlled by
10 the respondent. The firearms restraining order may be renewed
11 for an additional period of up to one year in accordance with
12 Section 45 of this Act.

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

1 the affidavit or verified pleading should describe what
2 efforts were made.

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

8 (d) Upon receipt of a petition for a plenary firearms
9 restraining order, the court shall order a hearing within 30
10 days.

11 (e) In determining whether to issue a firearms restraining
12 order under this Section, the court shall consider evidence
13 including, but not limited to, the following:

14 (1) The unlawful and reckless use, display, or
15 brandishing of a firearm, ammunition, and firearm parts
16 that could be assembled to make an operable firearm by the
17 respondent.

18 (2) The history of use, attempted use, or threatened
19 use of physical force by the respondent against another
20 person.

21 (3) Any prior arrest of the respondent for a felony
22 offense.

23 (4) Evidence of the abuse of controlled substances or
24 alcohol by the respondent.

25 (5) A recent threat of violence or act of violence by
26 the respondent directed toward himself, herself, or

1 another.

2 (6) A violation of an emergency order of protection
3 issued under Section 217 of the Illinois Domestic Violence
4 Act of 1986 or Section 112A-17 of the Code of Criminal
5 Procedure of 1963 or of an order of protection issued
6 under Section 214 of the Illinois Domestic Violence Act of
7 1986 or Section 112A-14 of the Code of Criminal Procedure
8 of 1963.

9 (7) A pattern of violent acts or violent threats,
10 including, but not limited to, threats of violence or acts
11 of violence by the respondent directed toward himself,
12 herself, or another.

13 (f) At the hearing, the petitioner shall have the burden
14 of proving, by clear and convincing evidence, that the
15 respondent poses a significant danger of personal injury to
16 himself, herself, or another by having in his or her custody or
17 control, purchasing, possessing, or receiving a firearm,
18 ammunition, and firearm parts that could be assembled to make
19 an operable firearm.

20 (g) If the court finds that there is clear and convincing
21 evidence to issue a plenary firearms restraining order, the
22 court shall issue a firearms restraining order that shall be
23 in effect for up to one year, but not less than 6 months,
24 subject to renewal under Section 45 of this Act or termination
25 under that Section.

26 (g-5) If the court issues a plenary firearms restraining

1 order, it shall, upon a finding of probable cause that the
2 respondent possesses firearms, ammunition, and firearm parts
3 that could be assembled to make an operable firearm, issue a
4 search warrant directing a law enforcement agency to seize the
5 respondent's firearms, ammunition, and firearm parts that
6 could be assembled to make an operable firearm. The court may,
7 as part of that warrant, direct the law enforcement agency to
8 search the respondent's residence and other places where the
9 court finds there is probable cause to believe he or she is
10 likely to possess the firearms, ammunition, and firearm parts
11 that could be assembled to make an operable firearm. A return
12 of the search warrant shall be filed by the law enforcement
13 agency within 4 days thereafter, setting forth the time, date,
14 and location that the search warrant was executed and what
15 items, if any, were seized.

16 (h) A plenary firearms restraining order shall require:

17 (1) the respondent to refrain from having in his or
18 her custody or control, purchasing, possessing, or
19 receiving additional firearms, ammunition, and firearm
20 parts that could be assembled to make an operable firearm
21 for the duration of the order ~~under Section 8.2 of the~~
22 ~~Firearm Owners Identification Card Act;~~ and

23 (2) the respondent to comply with ~~Section 9.5 of the~~
24 ~~Firearm Owners Identification Card Act~~ and subsection (g)
25 of Section 70 of the Firearm Concealed Carry Act.

26 (i) Except as otherwise provided in subsection (i-5) of

1 this Section, upon expiration of the period of safekeeping, if
2 the firearms, ammunition, and firearm parts that could be
3 assembled to make an operable firearm ~~or Firearm Owner's~~
4 ~~Identification Card~~ cannot be returned to the respondent
5 because the respondent cannot be located, fails to respond to
6 requests to retrieve the firearms, ammunition, and firearm
7 parts that could be assembled to make an operable firearm, or
8 is not lawfully eligible to possess a firearm, ammunition, and
9 firearm parts that could be assembled to make an operable
10 firearm, upon petition from the local law enforcement agency,
11 the court may order the local law enforcement agency to
12 destroy the firearms, ammunition, and firearm parts that could
13 be assembled to make an operable firearm, use the firearms,
14 ammunition, and firearm parts that could be assembled to make
15 an operable firearm for training purposes, or use the
16 firearms, ammunition, and firearm parts that could be
17 assembled to make an operable firearm for any other
18 application as deemed appropriate by the local law enforcement
19 agency.

20 (i-5) A respondent whose firearms have been turned over to
21 a local law enforcement agency ~~Firearm Owner's Identification~~
22 ~~Card has been revoked or suspended~~ may petition the court, if
23 the petitioner is present in court or has notice of the
24 respondent's petition, to transfer the respondent's firearm,
25 ammunition, and firearm parts that could be assembled to make
26 an operable firearm to a person who is lawfully able to possess

1 the firearm, ammunition, and firearm parts that could be
2 assembled to make an operable firearm if the person does not
3 reside at the same address as the respondent. Notice of the
4 petition shall be served upon the person protected by the
5 emergency firearms restraining order. While the order is in
6 effect, the transferee who receives the respondent's firearms,
7 ammunition, and firearm parts that could be assembled to make
8 an operable firearm must swear or affirm by affidavit that he
9 or she shall not transfer the firearm, ammunition, and firearm
10 parts that could be assembled to make an operable firearm to
11 the respondent or to anyone residing in the same residence as
12 the respondent.

13 (i-6) If a person other than the respondent claims title
14 to any firearms, ammunition, and firearm parts that could be
15 assembled to make an operable firearm surrendered under this
16 Section, he or she may petition the court, if the petitioner is
17 present in court or has notice of the petition, to have the
18 firearm, ammunition, and firearm parts that could be assembled
19 to make an operable firearm returned to him or her. If the
20 court determines that person to be the lawful owner of the
21 firearm, ammunition, and firearm parts that could be assembled
22 to make an operable firearm, the firearm, ammunition, and
23 firearm parts that could be assembled to make an operable
24 firearm shall be returned to him or her, provided that:

25 (1) the firearm, ammunition, and firearm parts that
26 could be assembled to make an operable firearm are removed

1 from the respondent's custody, control, or possession and
2 the lawful owner agrees to store the firearm, ammunition,
3 and firearm parts that could be assembled to make an
4 operable firearm in a manner such that the respondent does
5 not have access to or control of the firearm, ammunition,
6 and firearm parts that could be assembled to make an
7 operable firearm; and

8 (2) the firearm, ammunition, and firearm parts that
9 could be assembled to make an operable firearm are not
10 otherwise unlawfully possessed by the owner.

11 The person petitioning for the return of his or her
12 firearm, ammunition, and firearm parts that could be assembled
13 to make an operable firearm must swear or affirm by affidavit
14 that he or she: (i) is the lawful owner of the firearm,
15 ammunition, and firearm parts that could be assembled to make
16 an operable firearm; (ii) shall not transfer the firearm,
17 ammunition, and firearm parts that could be assembled to make
18 an operable firearm to the respondent; and (iii) will store
19 the firearm, ammunition, and firearm parts that could be
20 assembled to make an operable firearm in a manner that the
21 respondent does not have access to or control of the firearm,
22 ammunition, and firearm parts that could be assembled to make
23 an operable firearm.

24 (j) If the court does not issue a firearms restraining
25 order at the hearing, the court shall dissolve any emergency
26 firearms restraining order then in effect.

1 (k) When the court issues a firearms restraining order
2 under this Section, the court shall inform the respondent that
3 he or she is entitled to one hearing during the period of the
4 order to request a termination of the order, under Section 45
5 of this Act, and shall provide the respondent with a form to
6 request a hearing.

7 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
8 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.
9 5-13-22; 102-1116, eff. 1-10-23.)

10 Section 145. The Firearm Dealer License Certification Act
11 is amended by changing Sections 5-20, 5-25, 5-40, and 5-85 as
12 follows:

13 (430 ILCS 68/5-20)

14 Sec. 5-20. Additional licensee requirements.

15 (a) A certified licensee shall make a photo copy of a
16 buyer's or transferee's valid photo identification card
17 whenever a firearm sale transaction takes place. The photo
18 copy shall be attached to the documentation detailing the
19 record of sale.

20 (b) A certified licensee shall post in a conspicuous
21 position on the premises where the licensee conducts business
22 a sign that contains the following warning in block letters
23 not less than one inch in height:

24 "With few exceptions enumerated in the Criminal Code

1 ~~of 2012 Firearm Owners Identification Card Act~~, it is
2 unlawful for you to:

3 (A) store or leave an unsecured firearm in a place
4 where a child can obtain access to it; or

5 ~~(B) sell or transfer your firearm to someone else~~
6 ~~without receiving approval for the transfer from the~~
7 ~~Illinois State Police, or~~

8 (B) ~~(C)~~ fail to report the loss or theft of your
9 firearm to local law enforcement within 72 hours."

10 This sign shall be created by the Illinois State Police and
11 made available for printing or downloading from the Illinois
12 State Police's website.

13 (c) No retail location established after the effective
14 date of this Act shall be located within 500 feet of any
15 school, pre-school, or day care facility in existence at its
16 location before the retail location is established as measured
17 from the nearest corner of the building holding the retail
18 location to the corner of the school, pre-school, or day care
19 facility building nearest the retail location at the time the
20 retail location seeks licensure.

21 (Source: P.A. 102-538, eff. 8-20-21.)

22 (430 ILCS 68/5-25)

23 Sec. 5-25. Exemptions. The provisions of this Act related
24 to the certification of a license do not apply to a person or
25 entity that engages in the following activities:

1 (1) temporary transfers of firearms solely for use at
2 the location or on the premises where the transfer takes
3 place, such as transfers at a shooting range for use at
4 that location;

5 (2) temporary transfers of firearms solely for use
6 while in the presence of the transferor or transfers for
7 the purposes of firearm safety training by a firearms
8 safety training instructor;

9 (3) transfers of firearms among immediate family or
10 household members, as "immediate family or household
11 member" is defined in Section 3-2.7-10 of the Unified Code
12 of Corrections, provided that both the transferor and
13 transferee are not prohibited from possessing a firearm
14 under federal or State law ~~have a currently valid Firearm~~
15 ~~Owner's Identification Card; however, this paragraph (3)~~
16 ~~does not limit the familial gift exemption under paragraph~~
17 ~~(2) of subsection (a 15) of Section 3 of the Firearm~~
18 ~~Owners Identification Card Act;~~

19 (4) transfers by persons or entities acting under
20 operation of law or a court order;

21 (5) transfers by persons or entities liquidating all
22 or part of a collection. For purposes of this paragraph
23 (5), "collection" means 2 or more firearms which are of
24 special interest to collectors by reason of some quality
25 other than is associated with firearms intended for
26 sporting use or as offensive or defensive weapons;

1 (6) transfers of firearms that have been rendered
2 permanently inoperable to a nonprofit historical society,
3 museum, or institutional collection;

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

7 (8) (blank); ~~transfers to a State or local law~~
8 ~~enforcement agency by a person who has his or her Firearm~~
9 ~~Owner's Identification Card revoked;~~

10 (9) transfers of curios and relics, as defined under
11 federal law, between collectors licensed under subsection
12 (b) of Section 923 of the federal Gun Control Act of 1968;

13 (10) transfers by a person or entity licensed as an
14 auctioneer under the Auction License Act;

15 (10.5) transfers of firearms to a resident registered
16 competitor or attendee or non-resident registered
17 competitor or attendee by a licensed federal firearms
18 dealer under Section 923 of the federal Gun Control Act of
19 1968 at a competitive shooting event held at the World
20 Shooting and Recreational Complex that is sanctioned by a
21 national governing body; or

22 (11) transfers between a pawnshop and a customer which
23 amount to a bailment. For purposes of this paragraph (11),
24 "bailment" means the act of placing property in the
25 custody and control of another, by agreement in which the
26 holder is responsible for the safekeeping and return of

1 the property.

2 (Source: P.A. 100-1178, eff. 1-18-19; 101-80, eff. 7-12-19.)

3 (430 ILCS 68/5-40)

4 Sec. 5-40. Qualifications for operation.

5 (a) Each certified licensee shall submit with each
6 application for certification or renewal an affidavit to the
7 Illinois State Police stating that each owner, employee, or
8 other agent of the certified licensee who sells or conducts
9 transfers of firearms for the certified licensee is at least
10 21 years of age, ~~has a currently valid Firearm Owner's~~
11 ~~Identification Card~~ and, for a renewal, has completed the
12 training required under Section 5-30. The affidavit must also
13 contain the name ~~and Firearm Owner's Identification Card~~
14 ~~number~~ of each owner, employee, or other agent who sells or
15 conducts transfers of firearms for the certified licensee. If
16 an owner, employee, or other agent of the certified licensee
17 is not otherwise a resident of this State, the certified
18 licensee shall submit an affidavit stating that the owner,
19 employee, or other agent has undergone a background check and
20 is not prohibited from owning or possessing firearms.

21 (b) In addition to the affidavit required under subsection
22 (a), within 30 days of a new owner, employee, or other agent
23 beginning selling or conducting transfers of firearms for the
24 certified licensee, the certified licensee shall submit an
25 affidavit to the Illinois State Police stating the date that

1 the new owner, employee, or other agent began selling or
2 conducting transfers of firearms for the certified licensee,
3 and providing the information required in subsection (a) for
4 that new owner, employee, or other agent.

5 (c) If a certified licensee has a license, certificate, or
6 permit to sell, lease, transfer, purchase, or possess firearms
7 issued by the federal government or the government of any
8 state revoked or suspended for good cause within the preceding
9 4 years, the Illinois State Police may consider revoking or
10 suspending the certified licenses in this State. In making a
11 determination of whether or not to revoke or suspend a
12 certified license in this State, the Illinois State Police
13 shall consider the number of retail locations the certified
14 licensee or any related person or entity operates in this
15 State or in other states under the same or different business
16 names, and the severity of the infraction in the state in which
17 a license was revoked or suspended.

18 (d) Applications and affidavits required under this
19 Section are not subject to disclosure by the Illinois State
20 Police under the Freedom of Information Act.

21 (Source: P.A. 102-538, eff. 8-20-21.)

22 (430 ILCS 68/5-85)

23 Sec. 5-85. Disciplinary sanctions.

24 (a) For violations of this Act not penalized under Section
25 5-15, the Illinois State Police may refuse to renew or

1 restore, or may reprimand, place on probation, suspend,
2 revoke, or take other disciplinary or non-disciplinary action
3 against any licensee, and may impose a fine commensurate with
4 the severity of the violation not to exceed \$10,000 for each
5 violation for any of the following, consistent with the
6 Protection of Lawful Commerce in Arms Act, 15 U.S.C. 7901
7 through 7903:

8 (1) Violations of this Act, or any law applicable to
9 the sale or transfer of firearms.

10 (2) A pattern of practice or other behavior which
11 demonstrates incapacity or incompetency to practice under
12 this Act.

13 (3) Aiding or assisting another person in violating
14 any provision of this Act or rules adopted under this Act.

15 (4) Failing, within 60 days, to provide information in
16 response to a written request made by the Illinois State
17 Police.

18 (5) Conviction of, plea of guilty to, or plea of nolo
19 contendere to any crime that disqualifies the person from
20 obtaining a firearm ~~valid Firearm Owner's Identification~~
21 ~~Card~~.

22 (6) Continued practice, although the person has become
23 unfit to practice due to any of the following:

24 (A) Any circumstance that disqualifies the person
25 from obtaining a firearm ~~valid Firearm Owner's~~
26 ~~Identification Card~~ or concealed carry license.

1 (B) Habitual or excessive use or abuse of drugs
2 defined in law as controlled substances, alcohol, or
3 any other substance that results in the inability to
4 practice with reasonable judgment, skill, or safety.

5 (7) Receiving, directly or indirectly, compensation
6 for any firearms sold or transferred illegally.

7 (8) Discipline by another United States jurisdiction,
8 foreign nation, or governmental agency, if at least one of
9 the grounds for the discipline is the same or
10 substantially equivalent to those set forth in this Act.

11 (9) Violation of any disciplinary order imposed on a
12 licensee by the Illinois State Police.

13 (10) A finding by the Illinois State Police that the
14 licensee, after having his or her certified license placed
15 on probationary status, has violated the terms of
16 probation.

17 (11) A fraudulent or material misstatement in the
18 completion of an affirmative obligation or inquiry by law
19 enforcement.

20 (b) All fines imposed under this Section shall be paid
21 within 90 days after the effective date of the final order
22 imposing the fine.

23 (Source: P.A. 102-538, eff. 8-20-21.)

24 Section 150. The Wildlife Code is amended by changing
25 Sections 3.2 and 3.2a as follows:

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

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

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

1 Section. Persons under 18 years of age may be issued a Lifetime
2 Hunting or Sportsmen's Combination License as provided under
3 Section 20-45 of the Fish and Aquatic Life Code but shall not
4 be entitled to hunt alone, without the supervision of an adult
5 age 21 or older, unless they have a certificate of competency
6 as provided in this Section and the certificate is in their
7 possession while hunting.

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

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

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

8 The fee for a hunting license to hunt all species for a
9 resident of Illinois is \$12. For residents age 65 or older,
10 and, commencing with the 2012 license year, resident veterans
11 of the United States Armed Forces after returning from service
12 abroad or mobilization by the President of the United States
13 as an active duty member of the United States Armed Forces, the
14 Illinois National Guard, or the Reserves of the United States
15 Armed Forces, the fee is one-half of the fee charged for a
16 hunting license to hunt all species for a resident of
17 Illinois. Veterans must provide to the Department acceptable
18 verification of their service. The Department shall establish
19 by administrative rule the procedure by which such
20 verification of service shall be made to the Department for
21 the purpose of issuing resident veterans hunting licenses at a
22 reduced fee. The fee for a hunting license to hunt all species
23 shall be \$1 for residents over 75 years of age. Nonresidents
24 shall be charged \$57 for a hunting license.

25 Residents of this State may obtain a 3-year hunting
26 license to hunt all species as described in Section 3.1 for 3

1 times the annual fee. For residents age 65 or older and
2 resident veterans of the United States Armed Forces after
3 returning from service abroad or mobilization by the President
4 of the United States, the fee is one-half of the fee charged
5 for a 3-year hunting license to hunt all species as described
6 in Section 3.1 for a resident of this State. Veterans must
7 provide to the Department, per administrative rule,
8 verification of their service. The Department shall establish
9 what constitutes suitable verification of service for the
10 purpose of issuing resident veterans 3-year hunting licenses
11 at a reduced fee.

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

15 A special nonresident hunting license authorizing a
16 nonresident to take game birds by hunting on a game breeding
17 and hunting preserve area only, established under Section
18 3.27, shall be issued upon proper application being made and
19 payment of a fee equal to that for a resident hunting license.
20 The expiration date of this license shall be on the same date
21 each year that game breeding and hunting preserve area
22 licenses expire.

23 Each applicant for a State Migratory Waterfowl Stamp,
24 regardless of his residence or other condition, shall pay a
25 fee of \$15 and shall receive a stamp. The fee for a State
26 Migratory Waterfowl Stamp shall be waived for residents over

1 75 years of age. Except as provided under Section 20-45 of the
2 Fish and Aquatic Life Code, the stamp shall be signed by the
3 person or affixed to his license or permit in a space
4 designated by the Department for that purpose.

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

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

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

18 The Department shall furnish the holders of hunting
19 licenses and stamps with an insignia as evidence of possession
20 of license, or license and stamp, as the Department may
21 consider advisable. The insignia shall be exhibited and used
22 as the Department may order.

23 All other hunting licenses and all State stamps shall
24 expire upon March 31 of each year. Three-year hunting licenses
25 shall expire on March 31 of the 2nd year after the year in
26 which the license is issued.

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

11 For the purposes of this Section, "acceptable
12 verification" means official documentation from the Department
13 of Defense or the appropriate Major Command showing
14 mobilization dates or service abroad dates, including: (i) a
15 DD-214, (ii) a letter from the Illinois Department of Military
16 Affairs for members of the Illinois National Guard, (iii) a
17 letter from the Regional Reserve Command for members of the
18 Armed Forces Reserve, (iv) a letter from the Major Command
19 covering Illinois for active duty members, (v) personnel
20 records for mobilized State employees, and (vi) any other
21 documentation that the Department, by administrative rule,
22 deems acceptable to establish dates of mobilization or service
23 abroad.

24 For the purposes of this Section, the term "service
25 abroad" means active duty service outside of the 50 United
26 States and the District of Columbia, and includes all active

1 duty service in territories and possessions of the United
2 States.

3 (Source: P.A. 102-780, eff. 5-13-22; 103-456, eff. 1-1-24.)

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

5 Sec. 3.2a. Every person holding any license, permit or
6 stamp issued under the provisions hereof shall have it in his
7 possession for immediate presentation for inspection to the
8 officers and authorized employees of the Department, any
9 sheriff, deputy sheriff or any other peace officer making a
10 demand for it. This provision shall not apply to Department
11 owned or managed sites where it is required that all hunters
12 deposit their license or ~~7~~ permit ~~or~~ ~~Firearm Owner's~~
13 ~~Identification Card~~ at the check station upon entering the
14 hunting areas.

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

16 Section 155. The Illinois Vehicle Code is amended by
17 changing Section 2-116 as follows:

18 (625 ILCS 5/2-116) (from Ch. 95 1/2, par. 2-116)

19 Sec. 2-116. Secretary of State Department of Police.

20 (a) The Secretary of State and the officers, inspectors,
21 and investigators appointed by him shall cooperate with the
22 Illinois State Police and the sheriffs and police in enforcing
23 the laws regulating the operation of vehicles and the use of

1 the highways.

2 (b) The Secretary of State may provide training and
3 education for members of his office in traffic regulation, the
4 promotion of traffic safety and the enforcement of laws vested
5 in the Secretary of State for administration and enforcement
6 regulating the operation of vehicles and the use of the
7 highways.

8 (c) The Secretary of State may provide distinctive
9 uniforms and badges for officers, inspectors and investigators
10 employed in the administration of laws relating to the
11 operation of vehicles and the use of the highways and vesting
12 the administration and enforcement of such laws in the
13 Secretary of State.

14 (c-5) The Director of the Secretary of State Department of
15 Police shall establish a program to allow a Secretary of State
16 Police officer, inspector, or investigator who is honorably
17 retiring in good standing to purchase either one or both of the
18 following: (1) any Secretary of State Department of Police
19 badge previously issued to that officer, inspector, or
20 investigator; or (2) ~~if the officer, inspector, or~~
21 ~~investigator has a currently valid Firearm Owner's~~
22 ~~Identification Card,~~ the service firearm issued or previously
23 issued to the officer, inspector, or investigator by the
24 Secretary of State Department of Police. The cost of the
25 firearm shall be the replacement value of the firearm and not
26 the firearm's fair market value.

1 (d) The Secretary of State Department of Police is
2 authorized to:

3 (1) investigate the origins, activities, persons, and
4 incidents of crime and the ways and means, if any, to
5 redress the victims of crimes, and study the impact, if
6 any, of legislation relative to the criminal laws of this
7 State related thereto and conduct any other investigations
8 as may be provided by law;

9 (2) employ skilled experts, technicians,
10 investigators, special agents, or otherwise specially
11 qualified persons to aid in preventing or detecting crime,
12 apprehending criminals, or preparing and presenting
13 evidence of violations of the criminal laws of the State;

14 (3) cooperate with the police of cities, villages, and
15 incorporated towns, and with the police officers of any
16 county, in enforcing the laws of the State and in making
17 arrests;

18 (4) provide, as may be required by law, assistance to
19 local law enforcement agencies through training,
20 management, and consultant services for local law
21 enforcement agencies, pertaining to law enforcement
22 activities;

23 (5) exercise the rights, powers, and duties which have
24 been vested in it by the Secretary of State Act and this
25 Code; and

26 (6) enforce and administer any other laws in relation

1 to law enforcement as may be vested in the Secretary of
2 State Department of Police.

3 Persons within the Secretary of State Department of Police
4 who exercise these powers are conservators of the peace and
5 have all the powers possessed by policemen in municipalities
6 and sheriffs, and may exercise these powers anywhere in the
7 State in cooperation with local law enforcement officials.
8 These persons may use false or fictitious names in the
9 performance of their duties under this Section, upon approval
10 of the Director of Police-Secretary of State, and shall not be
11 subject to prosecution under the criminal laws for that use.

12 (e) The Secretary of State Department of Police may
13 charge, collect, and receive fees or moneys equivalent to the
14 cost of providing its personnel, equipment, and services to
15 governmental agencies when explicitly requested by a
16 governmental agency and according to an intergovernmental
17 agreement or memorandums of understanding as provided by this
18 Section, including but not limited to fees or moneys
19 equivalent to the cost of providing training to other
20 governmental agencies on terms and conditions that in the
21 judgment of the Director of Police-Secretary of State are in
22 the best interest of the Secretary of State. All fees received
23 by the Secretary of State Police Department under this Act
24 shall be deposited in a special fund in the State Treasury to
25 be known as the Secretary of State Police Services Fund. The
26 money deposited in the Secretary of State Police Services Fund

1 shall be appropriated to the Secretary of State Department of
2 Police as provided for in subsection (g).

3 (f) The Secretary of State Department of Police may apply
4 for grants or contracts and receive, expend, allocate, or
5 disburse moneys made available by public or private entities,
6 including, but not limited to, contracts, bequests, grants, or
7 receiving equipment from corporations, foundations, or public
8 or private institutions of higher learning.

9 (g) The Secretary of State Police Services Fund is hereby
10 created as a special fund in the State Treasury. All moneys
11 received under this Section by the Secretary of State
12 Department of Police shall be deposited into the Secretary of
13 State Police Services Fund to be appropriated to the Secretary
14 of State Department of Police for purposes as indicated by the
15 grantor or contractor or, in the case of moneys bequeathed or
16 granted for no specific purpose, for any purpose as deemed
17 appropriate by the Director of Police-Secretary of State in
18 administering the responsibilities of the Secretary of State
19 Department of Police.

20 (Source: P.A. 102-538, eff. 8-20-21.)

21 Section 160. The Criminal Code of 2012 is amended by
22 changing Sections 2-7.1, 2-7.5, 12-3.05, 16-0.1, 17-30, 24-1,
23 24-1.1, 24-1.6, 24-1.8, 24-1.9, 24-1.10, 24-2, 24-3, 24-3.1,
24 24-3.2, 24-3.4, 24-3.5, 24-3B, 24-4.1, 24-5.1, and 24-9 and
25 adding Section 24-4.5 as follows:

1 (720 ILCS 5/2-7.1)

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

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

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

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

16 (720 ILCS 5/2-7.5)

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

22 (1) any pneumatic gun, spring gun, paint ball gun, or B-B
23 gun which expels a single globular projectile not exceeding
24 .18 inch in diameter or which has a maximum muzzle velocity of

1 less than 700 feet per second;

2 (1.1) any pneumatic gun, spring gun, paint ball gun, or
3 B-B gun which expels breakable paint balls containing washable
4 marking colors;

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

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

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

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

19 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

20 Sec. 12-3.05. Aggravated battery.

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

25 (1) Causes great bodily harm or permanent disability

1 or disfigurement.

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

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

14 (i) performing his or her official duties;

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

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

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

22 (5) Strangles another individual.

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

1 means:

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

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

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

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

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

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

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

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

6 (i) performing his or her official duties;

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

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

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

13 (i) performing his or her official duties;

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

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

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

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

23 (8) A taxi driver on duty.

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

1 means causes bodily harm to the merchant.

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

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

9 (12) A merchant: (i) while performing his or her
10 duties, including, but not limited to, relaying directions
11 for healthcare or safety from his or her supervisor or
12 employer or relaying health or safety guidelines,
13 recommendations, regulations, or rules from a federal,
14 State, or local public health agency; and (ii) during a
15 disaster declared by the Governor, or a state of emergency
16 declared by the mayor of the municipality in which the
17 merchant is located, due to a public health emergency and
18 for a period of 6 months after such declaration.

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

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

25 (2) Discharges a firearm, other than a machine gun or
26 a firearm equipped with a silencer, and causes any injury

1 to a person he or she knows to be a peace officer,
2 community policing volunteer, person summoned by a police
3 officer, fireman, private security officer, correctional
4 institution employee, or emergency management worker:

5 (i) performing his or her official duties;

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

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

10 (3) Discharges a firearm, other than a machine gun or
11 a firearm equipped with a silencer, and causes any injury
12 to a person he or she knows to be emergency medical
13 services personnel:

14 (i) performing his or her official duties;

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

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

19 (4) Discharges a firearm and causes any injury to a
20 person he or she knows to be a teacher, a student in a
21 school, or a school employee, and the teacher, student, or
22 employee is upon school grounds or grounds adjacent to a
23 school or in any part of a building used for school
24 purposes.

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

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

7 (i) performing his or her official duties;

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

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

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

15 (i) performing his or her official duties;

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

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

20 (8) Discharges a machine gun or a firearm equipped
21 with a silencer, and causes any injury to a person he or
22 she knows to be a teacher, or a student in a school, or a
23 school employee, and the teacher, student, or employee is
24 upon school grounds or grounds adjacent to a school or in
25 any part of a building used for school purposes.

26 (f) Offense based on use of a weapon or device. A person

1 commits aggravated battery when, in committing a battery, he
2 or she does any of the following:

3 (1) Uses a deadly weapon other than by discharge of a
4 firearm, or uses an air rifle as defined in Section
5 24.8-0.1 of this Code.

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

8 (3) Knowingly and without lawful justification shines
9 or flashes a laser gunsight or other laser device attached
10 to a firearm, or used in concert with a firearm, so that
11 the laser beam strikes upon or against the person of
12 another.

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

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

18 (1) Violates Section 401 of the Illinois Controlled
19 Substances Act by unlawfully delivering a controlled
20 substance to another and any user experiences great bodily
21 harm or permanent disability as a result of the injection,
22 inhalation, or ingestion of any amount of the controlled
23 substance.

24 (2) Knowingly administers to an individual or causes
25 him or her to take, without his or her consent or by threat
26 or deception, and for other than medical purposes, any

1 intoxicating, poisonous, stupefying, narcotic,
2 anesthetic, or controlled substance, or gives to another
3 person any food containing any substance or object
4 intended to cause physical injury if eaten.

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

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

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

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

19 Aggravated battery as defined in subdivision (a)(1) is a
20 Class 1 felony when the aggravated battery was intentional and
21 involved the infliction of torture, as defined in paragraph
22 (10) of subsection (b-5) of Section 5-8-1 of the Unified Code
23 of Corrections, as the infliction of or subjection to extreme
24 physical pain, motivated by an intent to increase or prolong
25 the pain, suffering, or agony of the victim.

26 Aggravated battery as defined in subdivision (a)(1) is a

1 Class 2 felony when the person causes great bodily harm or
2 permanent disability to an individual whom the person knows to
3 be a member of a congregation engaged in prayer or other
4 religious activities at a church, synagogue, mosque, or other
5 building, structure, or place used for religious worship.

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (i) Definitions. In this Section:

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

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

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

10 "Firearm" has the meaning provided under Section 2-7.5 of
11 this Code ~~1.1 of the Firearm Owners Identification Card Act,~~
12 and does not include an air rifle as defined by Section
13 24.8-0.1 of this Code.

14 "Machine gun" has the meaning ascribed to it in Section
15 24-1 of this Code.

16 "Merchant" has the meaning ascribed to it in Section
17 16-0.1 of this Code.

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

22 (Source: P.A. 103-51, eff. 1-1-24.)

23 (720 ILCS 5/16-0.1)

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

1 defined as indicated:

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

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

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

1 transmissions, signals, or services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 "Library material" includes any book, plate, picture,
25 photograph, engraving, painting, sculpture, statue, artifact,
26 drawing, map, newspaper, pamphlet, broadside, magazine,

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

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

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

1 in those activities.

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

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

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

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

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

24 "Payment card" means a credit card, charge card, debit
25 card, or any other card that is issued to an authorized card
26 user and that allows the user to obtain, purchase, or receive

1 goods, services, money, or anything else of value from a
2 merchant.

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

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

26 "Personal identifying information" means any of the

1 following information:

2 (1) A person's name.

3 (2) A person's address.

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

5 (4) A person's telephone number.

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

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

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

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

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

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

22 (11) Personal identification numbers.

23 (12) Electronic identification numbers.

24 (13) Digital signals.

25 (14) User names, passwords, and any other word,
26 number, character or combination of the same usable in

1 whole or part to access information relating to a specific
2 individual, or to the actions taken, communications made
3 or received, or other activities or transactions of a
4 specific individual.

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

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

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

1 Act; or wireless service or other service regulated by the
2 Federal Communications Commission.

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

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

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

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

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

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

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

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

17 "Stored value card" means any card, gift card, instrument,
18 or device issued with or without fee for the use of the
19 cardholder to obtain money, goods, services, or anything else
20 of value. Stored value cards include, but are not limited to,
21 cards issued for use as a stored value card or gift card, and
22 an account identification number or symbol used to identify a
23 stored value card. "Stored value card" does not include a
24 prepaid card usable at multiple, unaffiliated merchants or at
25 automated teller machines, or both. "Stored value card" shall
26 only apply to Section 16-25.1 of this Act.

1 "Theft detection device remover" means any tool or device
2 specifically designed and intended to be used to remove any
3 theft detection device from any merchandise.

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

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

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

25 "Unlawful communication device" means any electronic
26 serial number, mobile identification number, personal

1 identification number or any communication or wireless device
2 that is capable of acquiring or facilitating the acquisition
3 of a communication service without the express consent or
4 express authorization of the communication service provider,
5 or that has been altered, modified, programmed or
6 reprogrammed, alone or in conjunction with another
7 communication or wireless device or other equipment, to so
8 acquire or facilitate the unauthorized acquisition of a
9 communication service. "Unlawful communication device" also
10 means:

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

20 (2) any communication or wireless device which is
21 capable of, or has been altered, designed, modified,
22 programmed or reprogrammed, alone or in conjunction with
23 another communication or wireless device or devices, so as
24 to be capable of, facilitating the disruption,
25 acquisition, receipt, transmission or decryption of a
26 communication service without the express consent or

1 express authorization of the communication service
2 provider, including, but not limited to, any device,
3 technology, product, service, equipment, computer software
4 or component or part thereof, primarily distributed, sold,
5 designed, assembled, manufactured, modified, programmed,
6 reprogrammed or used for the purpose of providing the
7 unauthorized receipt of, transmission of, disruption of,
8 decryption of, access to or acquisition of any
9 communication service provided by any communication
10 service provider.

11 "Vehicle" means a motor vehicle, motorcycle, or farm
12 implement that is self-propelled and that uses motor fuel for
13 propulsion.

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

22 (Source: P.A. 102-757, eff. 5-13-22.)

23 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

24 Sec. 17-30. Defaced, altered, or removed manufacturer or
25 owner identification number.

1 (a) Unlawful sale of household appliances. A person
2 commits unlawful sale of household appliances when he or she
3 knowingly, with the intent to defraud or deceive another,
4 keeps for sale, within any commercial context, any household
5 appliance with a missing, defaced, obliterated, or otherwise
6 altered manufacturer's identification number.

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

21 The trier of fact may infer that the defendant has
22 knowingly changed, altered, removed, or obliterated the serial
23 number, product identification number, part number, component
24 identification number, owner-applied identification number, or
25 other mark of identification, if the defendant was in
26 possession of any machine or other equipment or a part of such

1 machine or equipment used in the construction, maintenance, or
2 demolition of buildings, structures, bridges, tunnels, sewers,
3 utility pipes or lines, ditches or open cuts, roads, highways,
4 dams, airports, or waterways or in material handling for such
5 projects upon which any such serial number, product
6 identification number, part number, component identification
7 number, owner-applied identification number, or other mark of
8 identification has been changed, altered, removed, or
9 obliterated.

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

21 (d) Sentence.

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

26 (2) A violation of subsection (b) of this Section is a

1 Class A misdemeanor.

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

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

6 (f) Definitions. In this Section:

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

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

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

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

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

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

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

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

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

20 (2.5) Carries or possesses with intent to use the same
21 unlawfully against another, any firearm in a church,
22 synagogue, mosque, or other building, structure, or place
23 used for religious worship; or

24 (3) Carries on or about his person or in any vehicle, a
25 tear gas gun projector or bomb or any object containing
26 noxious liquid gas or substance, other than an object

1 containing a non-lethal noxious liquid gas or substance
2 designed solely for personal defense carried by a person
3 18 years of age or older; or

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

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

14 (ii) are not immediately accessible; or

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

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

24 (5) Sets a spring gun; or

25 (6) Possesses any device or attachment of any kind
26 designed, used or intended for use in silencing the report

1 of any firearm; or

2 (7) Sells, manufactures, purchases, possesses or
3 carries:

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

16 (ii) any rifle having one or more barrels less
17 than 16 inches in length or a shotgun having one or
18 more barrels less than 18 inches in length or any
19 weapon made from a rifle or shotgun, whether by
20 alteration, modification, or otherwise, if such a
21 weapon as modified has an overall length of less than
22 26 inches; or

23 (iii) any bomb, bomb-shell, grenade, bottle or
24 other container containing an explosive substance of
25 over one-quarter ounce for like purposes, such as, but
26 not limited to, black powder bombs and Molotov

1 cocktails or artillery projectiles; or

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

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

14 (9) Carries or possesses in a vehicle or on or about
15 his or her person any pistol, revolver, stun gun or taser
16 or firearm or ballistic knife, when he or she is hooded,
17 robed or masked in such manner as to conceal his or her
18 identity; or

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

1 another person as an invitee with that person's
2 permission, any pistol, revolver, stun gun, or taser or
3 other firearm, except that this subsection (a)(10) does
4 not apply to or affect transportation of weapons that meet
5 one of the following conditions:

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

7 (ii) are not immediately accessible; or

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

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

17 A "stun gun or taser", as used in this paragraph (a)
18 means (i) any device which is powered by electrical
19 charging units, such as, batteries, and which fires one or
20 several barbs attached to a length of wire and which, upon
21 hitting a human, can send out a current capable of
22 disrupting the person's nervous system in such a manner as
23 to render him incapable of normal functioning or (ii) any
24 device which is powered by electrical charging units, such
25 as batteries, and which, upon contact with a human or
26 clothing worn by a human, can send out current capable of

1 disrupting the person's nervous system in such a manner as
2 to render him incapable of normal functioning; or

3 (11) Sells, manufactures, delivers, imports,
4 possesses, or purchases any assault weapon attachment or
5 .50 caliber cartridge in violation of Section 24-1.9 or
6 any explosive bullet. For purposes of this paragraph (a)
7 "explosive bullet" means the projectile portion of an
8 ammunition cartridge which contains or carries an
9 explosive charge which will explode upon contact with the
10 flesh of a human or an animal. "Cartridge" means a tubular
11 metal case having a projectile affixed at the front
12 thereof and a cap or primer at the rear end thereof, with
13 the propellant contained in such tube between the
14 projectile and the cap; or

15 (12) (Blank); or

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

24 (14) Manufactures, possesses, sells, or offers to
25 sell, purchase, manufacture, import, transfer, or use any
26 device, part, kit, tool, accessory, or combination of

1 parts that is designed to and functions to increase the
2 rate of fire of a semiautomatic firearm above the standard
3 rate of fire for semiautomatic firearms that is not
4 equipped with that device, part, or combination of parts;
5 or

6 (15) Carries or possesses any assault weapon or .50
7 caliber rifle in violation of Section 24-1.9; or

8 (16) Manufactures, sells, delivers, imports, or
9 purchases any assault weapon or .50 caliber rifle in
10 violation of Section 24-1.9.

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

1 24-1(a)(9), 24-1(a)(10), or 24-1(a)(15) commits a Class 3
2 felony. A person convicted of a violation of subsection
3 24-1(a)(2.5) or 24-1(a)(14) commits a Class 2 felony. The
4 possession of each weapon or device in violation of this
5 Section constitutes a single and separate violation.

6 (c) Violations in specific places.

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

1 leased by a public housing agency as part of a scattered
2 site or mixed-income development commits a Class 2 felony
3 and shall be sentenced to a term of imprisonment of not
4 less than 3 years and not more than 7 years.

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

1 commits a Class 3 felony.

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

1 (3) Paragraphs (1), (1.5), and (2) of this subsection
2 (c) shall not apply to law enforcement officers or
3 security officers of such school, college, or university
4 or to students carrying or possessing firearms for use in
5 training courses, parades, hunting, target shooting on
6 school ranges, or otherwise with the consent of school
7 authorities and which firearms are transported unloaded
8 enclosed in a suitable case, box, or transportation
9 package.

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

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

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

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

7 (e) Exemptions.

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

12 (2) The provision of paragraph (1) of subsection (a)
13 of this Section prohibiting the sale, manufacture,
14 purchase, possession, or carrying of any knife, commonly
15 referred to as a switchblade knife, which has a blade that
16 opens automatically by hand pressure applied to a button,
17 spring or other device in the handle of the knife, does not
18 apply to a person eligible under State and federal law to
19 possess a firearm ~~who possesses a currently valid Firearm~~
20 ~~Owner's Identification Card previously issued in his or~~
21 ~~her name by the Illinois State Police~~ or to a person or an
22 entity engaged in the business of selling or manufacturing
23 switchblade knives.

24 (Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21;
25 102-1116, eff. 1-10-23.)

1 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

2 Sec. 24-1.1. Unlawful use or possession of weapons by
3 felons or persons in the custody of the Department of
4 Corrections facilities.

5 (a) It is unlawful for a person to knowingly possess on or
6 about his person or on his land or in his own abode or fixed
7 place of business any weapon prohibited under Section 24-1 of
8 this Act or any firearm or any firearm ammunition if the person
9 has been convicted of a felony under the laws of this State or
10 any other jurisdiction. This Section shall not apply if the
11 person has been granted relief under this subsection ~~by the~~
12 ~~Director of the Illinois State Police under Section 10 of the~~
13 ~~Firearm Owners Identification Card Act.~~ A person prohibited
14 from possessing a firearm under this subsection (a) may
15 petition the Director of the Illinois State Police for a
16 hearing and relief from the prohibition, unless the
17 prohibition was based upon a forcible felony, stalking,
18 aggravated stalking, domestic battery, any violation of the
19 Illinois Controlled Substances Act, the Methamphetamine
20 Control and Community Protection Act, or the Cannabis Control
21 Act that is classified as a Class 2 or greater felony, any
22 felony violation of Article 24 of the Criminal Code of 1961 or
23 the Criminal Code of 2012, or any adjudication as a delinquent
24 minor for the commission of an offense that if committed by an
25 adult would be a felony, in which case the person may petition
26 the circuit court in writing in the county of his or her

1 residence for a hearing and relief from the prohibition. The
2 Director or court may grant the relief if it is established by
3 the petitioner to the court's or Director's satisfaction that:

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

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

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

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

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

25 (b) It is unlawful for any person confined in a penal
26 institution, which is a facility of the Illinois Department of

1 Corrections, to possess any weapon prohibited under Section
2 24-1 of this Code or any firearm or firearm ammunition,
3 regardless of the intent with which he possesses it.

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

8 (d) The defense of necessity is not available to a person
9 who is charged with a violation of subsection (b) of this
10 Section.

11 (e) Sentence. Violation of this Section by a person not
12 confined in a penal institution shall be a Class 3 felony for
13 which the person shall be sentenced to no less than 2 years and
14 no more than 10 years. A second or subsequent violation of this
15 Section shall be a Class 2 felony for which the person shall be
16 sentenced to a term of imprisonment of not less than 3 years
17 and not more than 14 years, except as provided for in Section
18 5-4.5-110 of the Unified Code of Corrections. Violation of
19 this Section by a person not confined in a penal institution
20 who has been convicted of a forcible felony, a felony
21 violation of Article 24 of this Code ~~or of the Firearm Owners~~
22 ~~Identification Card Act~~, stalking or aggravated stalking, or a
23 Class 2 or greater felony under the Illinois Controlled
24 Substances Act, the Cannabis Control Act, or the
25 Methamphetamine Control and Community Protection Act is a
26 Class 2 felony for which the person shall be sentenced to not

1 less than 3 years and not more than 14 years, except as
2 provided for in Section 5-4.5-110 of the Unified Code of
3 Corrections. Violation of this Section by a person who is on
4 parole or mandatory supervised release is a Class 2 felony for
5 which the person shall be sentenced to not less than 3 years
6 and not more than 14 years, except as provided for in Section
7 5-4.5-110 of the Unified Code of Corrections. Violation of
8 this Section by a person not confined in a penal institution is
9 a Class X felony when the firearm possessed is a machine gun.
10 Any person who violates this Section while confined in a penal
11 institution, which is a facility of the Illinois Department of
12 Corrections, is guilty of a Class 1 felony, if he possesses any
13 weapon prohibited under Section 24-1 of this Code regardless
14 of the intent with which he possesses it, a Class X felony if
15 he possesses any firearm, firearm ammunition or explosive, and
16 a Class X felony for which the offender shall be sentenced to
17 not less than 12 years and not more than 50 years when the
18 firearm possessed is a machine gun. A violation of this
19 Section while wearing or in possession of body armor as
20 defined in Section 33F-1 is a Class X felony punishable by a
21 term of imprisonment of not less than 10 years and not more
22 than 40 years. The possession of each firearm or firearm
23 ammunition in violation of this Section constitutes a single
24 and separate violation.

25 (Source: P.A. 102-538, eff. 8-20-21.)

1 (720 ILCS 5/24-1.6)

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

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

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

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

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

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

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

7 (B) the firearm, other than a pistol, revolver, or
8 handgun, possessed was uncased, unloaded, and the
9 ammunition for the weapon was immediately accessible
10 at the time of the offense; or

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

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

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

25 (E) the person possessing the weapon was engaged
26 in a misdemeanor violation of the Cannabis Control

1 Act, in a misdemeanor violation of the Illinois
2 Controlled Substances Act, or in a misdemeanor
3 violation of the Methamphetamine Control and Community
4 Protection Act; or

5 (F) (blank); or

6 (G) the person possessing the weapon had an order
7 of protection issued against him or her within the
8 previous 2 years; or

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

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

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

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

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

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

25 (ii) are not immediately accessible; or

26 (iii) are unloaded and enclosed in a case, firearm

1 carrying box, shipping box, or other container by a person
2 is eligible under State and federal law to possess a
3 firearm ~~who has been issued a currently valid Firearm~~
4 ~~Owner's Identification Card.~~

5 (d) Sentence.

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

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

21 (3) Aggravated unlawful use of a weapon by a person
22 who has been previously convicted of a felony in this
23 State or another jurisdiction is a Class 2 felony for
24 which the person shall be sentenced to a term of
25 imprisonment of not less than 3 years and not more than 7
26 years, except as provided for in Section 5-4.5-110 of the

1 Unified Code of Corrections.

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

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

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

12 (720 ILCS 5/24-1.8)

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

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

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

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

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

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

16 (c) For purposes of this Section:

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

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

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

24 (720 ILCS 5/24-1.9)

25 Sec. 24-1.9. Manufacture, possession, delivery, sale, and

1 purchase of assault weapons, .50 caliber rifles, and .50
2 caliber cartridges.

3 (a) Definitions. In this Section:

4 (1) "Assault weapon" means any of the following, except as
5 provided in subdivision (2) of this subsection:

6 (A) A semiautomatic rifle that has the capacity to
7 accept a detachable magazine or that may be readily
8 modified to accept a detachable magazine, if the firearm
9 has one or more of the following:

10 (i) a pistol grip or thumbhole stock;

11 (ii) any feature capable of functioning as a
12 protruding grip that can be held by the non-trigger
13 hand;

14 (iii) a folding, telescoping, thumbhole, or
15 detachable stock, or a stock that is otherwise
16 foldable or adjustable in a manner that operates to
17 reduce the length, size, or any other dimension, or
18 otherwise enhances the concealability of, the weapon;

19 (iv) a flash suppressor;

20 (v) a grenade launcher;

21 (vi) a shroud attached to the barrel or that
22 partially or completely encircles the barrel, allowing
23 the bearer to hold the firearm with the non-trigger
24 hand without being burned, but excluding a slide that
25 encloses the barrel.

26 (B) A semiautomatic rifle that has a fixed magazine

1 with the capacity to accept more than 10 rounds, except
2 for an attached tubular device designed to accept, and
3 capable of operating only with, .22 caliber rimfire
4 ammunition.

5 (C) A semiautomatic pistol that has the capacity to
6 accept a detachable magazine or that may be readily
7 modified to accept a detachable magazine, if the firearm
8 has one or more of the following:

9 (i) a threaded barrel;

10 (ii) a second pistol grip or another feature
11 capable of functioning as a protruding grip that can
12 be held by the non-trigger hand;

13 (iii) a shroud attached to the barrel or that
14 partially or completely encircles the barrel, allowing
15 the bearer to hold the firearm with the non-trigger
16 hand without being burned, but excluding a slide that
17 encloses the barrel;

18 (iv) a flash suppressor;

19 (v) the capacity to accept a detachable magazine
20 at some location outside of the pistol grip; or

21 (vi) a buffer tube, arm brace, or other part that
22 protrudes horizontally behind the pistol grip and is
23 designed or redesigned to allow or facilitate a
24 firearm to be fired from the shoulder.

25 (D) A semiautomatic pistol that has a fixed magazine
26 with the capacity to accept more than 15 rounds.

1 (E) Any shotgun with a revolving cylinder.

2 (F) A semiautomatic shotgun that has one or more of
3 the following:

4 (i) a pistol grip or thumbhole stock;

5 (ii) any feature capable of functioning as a
6 protruding grip that can be held by the non-trigger
7 hand;

8 (iii) a folding or thumbhole stock;

9 (iv) a grenade launcher;

10 (v) a fixed magazine with the capacity of more
11 than 5 rounds; or

12 (vi) the capacity to accept a detachable magazine.

13 (G) Any semiautomatic firearm that has the capacity to
14 accept a belt ammunition feeding device.

15 (H) Any firearm that has been modified to be operable
16 as an assault weapon as defined in this Section.

17 (I) Any part or combination of parts designed or
18 intended to convert a firearm into an assault weapon,
19 including any combination of parts from which an assault
20 weapon may be readily assembled if those parts are in the
21 possession or under the control of the same person.

22 (J) All of the following rifles, copies, duplicates,
23 variants, or altered facsimiles with the capability of any
24 such weapon:

25 (i) All AK types, including the following:

26 (I) AK, AK47, AK47S, AK-74, AKM, AKS, ARM,

1 MAK90, MISR, NHM90, NHM91, SA85, SA93, Vector Arms
2 AK-47, VEPR, WASR-10, and WUM.

3 (II) IZHMAASH Saiga AK.

4 (III) MAADI AK47 and ARM.

5 (IV) Norinco 56S, 56S2, 84S, and 86S.

6 (V) Poly Technologies AK47 and AKS.

7 (VI) SKS with a detachable magazine.

8 (ii) all AR types, including the following:

9 (I) AR-10.

10 (II) AR-15.

11 (III) Alexander Arms Overmatch Plus 16.

12 (IV) Armalite M15 22LR Carbine.

13 (V) Armalite M15-T.

14 (VI) Barrett REC7.

15 (VII) Beretta AR-70.

16 (VIII) Black Rain Ordnance Recon Scout.

17 (IX) Bushmaster ACR.

18 (X) Bushmaster Carbon 15.

19 (XI) Bushmaster MOE series.

20 (XII) Bushmaster XM15.

21 (XIII) Chiappa Firearms MFour rifles.

22 (XIV) Colt Match Target rifles.

23 (XV) CORE Rifle Systems CORE15 rifles.

24 (XVI) Daniel Defense M4A1 rifles.

25 (XVII) Devil Dog Arms 15 Series rifles.

26 (XVIII) Diamondback DB15 rifles.

- 1 (XIX) DoubleStar AR rifles.
- 2 (XX) DPMS Tactical rifles.
- 3 (XXI) DSA Inc. ZM-4 Carbine.
- 4 (XXII) Heckler & Koch MR556.
- 5 (XXIII) High Standard HSA-15 rifles.
- 6 (XXIV) Jesse James Nomad AR-15 rifle.
- 7 (XXV) Knight's Armament SR-15.
- 8 (XXVI) Lancer L15 rifles.
- 9 (XXVII) MGI Hydra Series rifles.
- 10 (XXVIII) Mossberg MMR Tactical rifles.
- 11 (XXIX) Noreen Firearms BN 36 rifle.
- 12 (XXX) Olympic Arms.
- 13 (XXXI) POF USA P415.
- 14 (XXXII) Precision Firearms AR rifles.
- 15 (XXXIII) Remington R-15 rifles.
- 16 (XXXIV) Rhino Arms AR rifles.
- 17 (XXXV) Rock River Arms LAR-15 or Rock River
18 Arms LAR-47.
- 19 (XXXVI) Sig Sauer SIG516 rifles and MCX
20 rifles.
- 21 (XXXVII) Smith & Wesson M&P15 rifles.
- 22 (XXXVIII) Stag Arms AR rifles.
- 23 (XXXIX) Sturm, Ruger & Co. SR556 and AR-556
24 rifles.
- 25 (XL) Uselton Arms Air-Lite M-4 rifles.
- 26 (XLI) Windham Weaponry AR rifles.

- 1 (XLII) WMD Guns Big Beast.
- 2 (XLIII) Yankee Hill Machine Company, Inc.
- 3 YHM-15 rifles.
- 4 (iii) Barrett M107A1.
- 5 (iv) Barrett M82A1.
- 6 (v) Beretta CX4 Storm.
- 7 (vi) Calico Liberty Series.
- 8 (vii) CETME Sporter.
- 9 (viii) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and
- 10 AR 110C.
- 11 (ix) Fabrique Nationale/FN Herstal FAL, LAR, 22
- 12 FNC, 308 Match, L1A1 Sporter, PS90, SCAR, and FS2000.
- 13 (x) Feather Industries AT-9.
- 14 (xi) Galil Model AR and Model ARM.
- 15 (xii) Hi-Point Carbine.
- 16 (xiii) HK-91, HK-93, HK-94, HK-PSG-1, and HK USC.
- 17 (xiv) IWI TAVOR, Galil ACE rifle.
- 18 (xv) Kel-Tec Sub-2000, SU-16, and RFB.
- 19 (xvi) SIG AMT, SIG PE-57, Sig Sauer SG 550, Sig
- 20 Sauer SG 551, and SIG MCX.
- 21 (xvii) Springfield Armory SAR-48.
- 22 (xviii) Steyr AUG.
- 23 (xix) Sturm, Ruger & Co. Mini-14 Tactical Rifle
- 24 M-14/20CF.
- 25 (xx) All Thompson rifles, including the following:
- 26 (I) Thompson M1SB.

- 1 (II) Thompson T1100D.
2 (III) Thompson T150D.
3 (IV) Thompson T1B.
4 (V) Thompson T1B100D.
5 (VI) Thompson T1B50D.
6 (VII) Thompson T1BSB.
7 (VIII) Thompson T1-C.
8 (IX) Thompson T1D.
9 (X) Thompson T1SB.
10 (XI) Thompson T5.
11 (XII) Thompson T5100D.
12 (XIII) Thompson TM1.
13 (XIV) Thompson TM1C.
14 (xxi) UMAREX UZI rifle.
15 (xxii) UZI Mini Carbine, UZI Model A Carbine, and
16 UZI Model B Carbine.
17 (xxiii) Valmet M62S, M71S, and M78.
18 (xxiv) Vector Arms UZI Type.
19 (xxv) Weaver Arms Nighthawk.
20 (xxvi) Wilkinson Arms Linda Carbine.
21 (K) All of the following pistols, copies, duplicates,
22 variants, or altered facsimiles with the capability of any
23 such weapon thereof:
24 (i) All AK types, including the following:
25 (I) Centurion 39 AK pistol.
26 (II) CZ Scorpion pistol.

- 1 (III) Draco AK-47 pistol.
- 2 (IV) HCR AK-47 pistol.
- 3 (V) IO Inc. Hellpup AK-47 pistol.
- 4 (VI) Krinkov pistol.
- 5 (VII) Mini Draco AK-47 pistol.
- 6 (VIII) PAP M92 pistol.
- 7 (IX) Yugo Krebs Krink pistol.
- 8 (ii) All AR types, including the following:
 - 9 (I) American Spirit AR-15 pistol.
 - 10 (II) Bushmaster Carbon 15 pistol.
 - 11 (III) Chiappa Firearms M4 Pistol GEN II.
 - 12 (IV) CORE Rifle Systems CORE15 Roscoe pistol.
 - 13 (V) Daniel Defense MK18 pistol.
 - 14 (VI) DoubleStar Corporation AR pistol.
 - 15 (VII) DPMS AR-15 pistol.
 - 16 (VIII) Jesse James Nomad AR-15 pistol.
 - 17 (IX) Olympic Arms AR-15 pistol.
 - 18 (X) Osprey Armament MK-18 pistol.
 - 19 (XI) POF USA AR pistols.
 - 20 (XII) Rock River Arms LAR 15 pistol.
 - 21 (XIII) Uselton Arms Air-Lite M-4 pistol.
- 22 (iii) Calico pistols.
- 23 (iv) DSA SA58 PKP FAL pistol.
- 24 (v) Encom MP-9 and MP-45.
- 25 (vi) Heckler & Koch model SP-89 pistol.
- 26 (vii) Intratec AB-10, TEC-22 Scorpion, TEC-9, and

1 TEC-DC9.

2 (viii) IWI Galil Ace pistol, UZI PRO pistol.

3 (ix) Kel-Tec PLR 16 pistol.

4 (x) All MAC types, including the following:

5 (I) MAC-10.

6 (II) MAC-11.

7 (III) Masterpiece Arms MPA A930 Mini Pistol,
8 MPA460 Pistol, MPA Tactical Pistol, and MPA Mini
9 Tactical Pistol.

10 (IV) Military Armament Corp. Ingram M-11.

11 (V) Velocity Arms VMAC.

12 (xi) Sig Sauer P556 pistol.

13 (xii) Sites Spectre.

14 (xiii) All Thompson types, including the
15 following:

16 (I) Thompson TA510D.

17 (II) Thompson TA5.

18 (xiv) All UZI types, including Micro-UZI.

19 (L) All of the following shotguns, copies, duplicates,
20 variants, or altered facsimiles with the capability of any
21 such weapon thereof:

22 (i) DERYA Anakon MC-1980, Anakon SD12.

23 (ii) Doruk Lethal shotguns.

24 (iii) Franchi LAW-12 and SPAS 12.

25 (iv) All IZHMAASH Saiga 12 types, including the
26 following:

- 1 (I) IZHMASH Saiga 12.
2 (II) IZHMASH Saiga 12S.
3 (III) IZHMASH Saiga 12S EXP-01.
4 (IV) IZHMASH Saiga 12K.
5 (V) IZHMASH Saiga 12K-030.
6 (VI) IZHMASH Saiga 12K-040 Taktika.
7 (v) Streetsweeper.
8 (vi) Striker 12.

9 (2) "Assault weapon" does not include:

10 (A) Any firearm that is an unserviceable firearm or
11 has been made permanently inoperable.

12 (B) An antique firearm or a replica of an antique
13 firearm.

14 (C) A firearm that is manually operated by bolt, pump,
15 lever or slide action, unless the firearm is a shotgun
16 with a revolving cylinder.

17 (D) Any air rifle as defined in Section 24.8-0.1 of
18 this Code.

19 (E) Any handgun, as defined under the Firearm
20 Concealed Carry Act, unless otherwise listed in this
21 Section.

22 (3) "Assault weapon attachment" means any device capable
23 of being attached to a firearm that is specifically designed
24 for making or converting a firearm into any of the firearms
25 listed in paragraph (1) of this subsection (a).

26 (4) "Antique firearm" has the meaning ascribed to it in 18

1 U.S.C. 921(a)(16).

2 (5) ".50 caliber rifle" means a centerfire rifle capable
3 of firing a .50 caliber cartridge. The term does not include
4 any antique firearm, any shotgun including a shotgun that has
5 a rifle barrel, or any muzzle-loader which uses black powder
6 for hunting or historical reenactments.

7 (6) ".50 caliber cartridge" means a cartridge in .50 BMG
8 caliber, either by designation or actual measurement, that is
9 capable of being fired from a centerfire rifle. The term ".50
10 caliber cartridge" does not include any memorabilia or display
11 item that is filled with a permanent inert substance or that is
12 otherwise permanently altered in a manner that prevents ready
13 modification for use as live ammunition or shotgun ammunition
14 with a caliber measurement that is equal to or greater than .50
15 caliber.

16 (7) "Detachable magazine" means an ammunition feeding
17 device that may be removed from a firearm without disassembly
18 of the firearm action, including an ammunition feeding device
19 that may be readily removed from a firearm with the use of a
20 bullet, cartridge, accessory, or other tool, or any other
21 object that functions as a tool, including a bullet or
22 cartridge.

23 (8) "Fixed magazine" means an ammunition feeding device
24 that is permanently attached to a firearm, or contained in and
25 not removable from a firearm, or that is otherwise not a
26 detachable magazine, but does not include an attached tubular

1 device designed to accept, and capable of operating only with,
2 .22 caliber rimfire ammunition.

3 (b) Except as provided in subsections (c), (d), and (e),
4 on or after January 10, 2023 (the effective date of Public Act
5 102-1116) ~~this amendatory Act of the 102nd General Assembly,~~
6 it is unlawful for any person within this State to knowingly
7 manufacture, deliver, sell, import, or purchase or cause to be
8 manufactured, delivered, sold, imported, or purchased by
9 another, an assault weapon, assault weapon attachment, .50
10 caliber rifle, or .50 caliber cartridge.

11 (c) Except as otherwise provided in subsection (d),
12 beginning January 1, 2024, it is unlawful for any person
13 within this State to knowingly possess an assault weapon,
14 assault weapon attachment, .50 caliber rifle, or .50 caliber
15 cartridge.

16 (d) This Section does not apply to a person's possession
17 of an assault weapon, assault weapon attachment, .50 caliber
18 rifle, or .50 caliber cartridge device if the person lawfully
19 possessed that assault weapon, assault weapon attachment, .50
20 caliber rifle, or .50 caliber cartridge prohibited by
21 subsection (c) of this Section, if the person has provided in
22 an endorsement affidavit, prior to January 1, 2024, under oath
23 or affirmation and in the form and manner prescribed by the
24 Illinois State Police, no later than October 1, 2023:

25 (1) (blank) ~~the affiant's Firearm Owner's~~
26 ~~Identification Card number;~~

1 (2) an affirmation that the affiant: (i) possessed an
2 assault weapon, assault weapon attachment, .50 caliber
3 rifle, or .50 caliber cartridge before January 10, 2023
4 (the effective date of Public Act 102-1116) ~~this~~
5 ~~amendatory Act of the 102nd General Assembly;~~ or (ii)
6 inherited the assault weapon, assault weapon attachment,
7 .50 caliber rifle, or .50 caliber cartridge from a person
8 with an endorsement under this Section or from a person
9 authorized under subdivisions (1) through (5) of
10 subsection (e) to possess the assault weapon, assault
11 weapon attachment, .50 caliber rifle, or .50 caliber
12 cartridge; and

13 (3) the make, model, caliber, and serial number of the
14 .50 caliber rifle or assault weapon or assault weapons
15 listed in paragraphs (J), (K), and (L) of subdivision (1)
16 of subsection (a) of this Section possessed by the affiant
17 prior to January 10, 2023 (the effective date of Public
18 Act 102-1116) ~~this amendatory Act of the 102nd General~~
19 ~~Assembly~~ and any assault weapons identified and published
20 by the Illinois State Police pursuant to this subdivision
21 (3). No later than October 1, 2023, and every October 1
22 thereafter, the Illinois State Police shall, via
23 rulemaking, identify, publish, and make available on its
24 website, the list of assault weapons subject to an
25 endorsement affidavit under this subsection (d). The list
26 shall identify, but is not limited to, the copies,

1 duplicates, variants, and altered facsimiles of the
2 assault weapons identified in paragraphs (J), (K), and (L)
3 of subdivision (1) of subsection (a) of this Section and
4 shall be consistent with the definition of "assault
5 weapon" identified in this Section. The Illinois State
6 Police may adopt emergency rulemaking in accordance with
7 Section 5-45 of the Illinois Administrative Procedure Act.
8 The adoption of emergency rules authorized by Section 5-45
9 of the Illinois Administrative Procedure Act and this
10 paragraph is deemed to be necessary for the public
11 interest, safety, and welfare.

12 The affidavit form shall include the following statement
13 printed in bold type: "Warning: Entering false information on
14 this form is punishable as perjury under Section 32-2 of the
15 Criminal Code of 2012. ~~Entering false information on this form
16 is a violation of the Firearm Owners Identification Card Act."~~

17 In any administrative, civil, or criminal proceeding in
18 this State, a completed endorsement affidavit submitted to the
19 Illinois State Police by a person under this Section creates a
20 rebuttable presumption that the person is entitled to possess
21 and transport the assault weapon, assault weapon attachment,
22 .50 caliber rifle, or .50 caliber cartridge.

23 Beginning 90 days after January 10, 2023 (the effective
24 date of Public Act 102-1116) ~~this amendatory Act of the 102nd
25 General Assembly~~, a person authorized under this Section to
26 possess an assault weapon, assault weapon attachment, .50

1 caliber rifle, or .50 caliber cartridge shall possess such
2 items only:

3 (1) on private property owned or immediately
4 controlled by the person;

5 (2) on private property that is not open to the public
6 with the express permission of the person who owns or
7 immediately controls such property;

8 (3) while on the premises of a licensed firearms
9 dealer or gunsmith for the purpose of lawful repair;

10 (4) while engaged in the legal use of the assault
11 weapon, assault weapon attachment, .50 caliber rifle, or
12 .50 caliber cartridge at a properly licensed firing range
13 or sport shooting competition venue; or

14 (5) while traveling to or from these locations,
15 provided that the assault weapon, assault weapon
16 attachment, or .50 caliber rifle is unloaded and the
17 assault weapon, assault weapon attachment, .50 caliber
18 rifle, or .50 caliber cartridge is enclosed in a case,
19 firearm carrying box, shipping box, or other container.

20 Beginning on January 1, 2024, the person with the
21 endorsement for an assault weapon, assault weapon attachment,
22 .50 caliber rifle, or .50 caliber cartridge or a person
23 authorized under subdivisions (1) through (5) of subsection
24 (e) to possess an assault weapon, assault weapon attachment,
25 .50 caliber rifle, or .50 caliber cartridge may transfer the
26 assault weapon, assault weapon attachment, .50 caliber rifle,

1 or .50 caliber cartridge only to an heir, an individual
2 residing in another state maintaining it in another state, or
3 a dealer licensed as a federal firearms dealer under Section
4 923 of the federal Gun Control Act of 1968. Within 10 days
5 after transfer of the weapon except to an heir, the person
6 shall notify the Illinois State Police of the name and address
7 of the transferee ~~and comply with the requirements of~~
8 ~~subsection (b) of Section 3 of the Firearm Owners~~
9 ~~Identification Card Act.~~ The person to whom the weapon or
10 ammunition is transferred shall, within 60 days of the
11 transfer, complete an affidavit required under this Section. A
12 person to whom the weapon is transferred may transfer it only
13 as provided in this subsection.

14 Except as provided in subsection (e) and beginning on
15 January 1, 2024, any person who moves into this State in
16 possession of an assault weapon, assault weapon attachment,
17 .50 caliber rifle, or .50 caliber cartridge shall, within 60
18 days, ~~apply for a Firearm Owners Identification Card and~~
19 complete an endorsement application as outlined in subsection
20 (d).

21 Notwithstanding any other law, information contained in
22 the endorsement affidavit shall be confidential, is exempt
23 from disclosure under the Freedom of Information Act, and
24 shall not be disclosed, except to law enforcement agencies
25 acting in the performance of their duties.

26 (e) The provisions of this Section regarding the purchase

1 or possession of assault weapons, assault weapon attachments,
2 .50 caliber rifles, and .50 cartridges, as well as the
3 provisions of this Section that prohibit causing those items
4 to be purchased or possessed, do not apply to:

5 (1) Peace officers, as defined in Section 2-13 of this
6 Code.

7 (2) Qualified law enforcement officers and qualified
8 retired law enforcement officers as defined in the Law
9 Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B
10 and 926C) and as recognized under Illinois law.

11 (3) Acquisition and possession by a federal, State, or
12 local law enforcement agency for the purpose of equipping
13 the agency's peace officers as defined in paragraph (1) or
14 (2) of this subsection (e).

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

18 (5) Members of the Armed Services or Reserve Forces of
19 the United States or the Illinois National Guard, while
20 performing their official duties or while traveling to or
21 from their places of duty.

22 (6) Any company that employs armed security officers
23 in this State at a nuclear energy, storage, weapons, or
24 development site or facility regulated by the federal
25 Nuclear Regulatory Commission and any person employed as
26 an armed security force member at a nuclear energy,

1 storage, weapons, or development site or facility
2 regulated by the federal Nuclear Regulatory Commission who
3 has completed the background screening and training
4 mandated by the rules and regulations of the federal
5 Nuclear Regulatory Commission and while performing
6 official duties.

7 (7) Any private security contractor agency licensed
8 under the Private Detective, Private Alarm, Private
9 Security, Fingerprint Vendor, and Locksmith Act of 2004
10 that employs private security contractors and any private
11 security contractor who is licensed and has been issued a
12 firearm control card under the Private Detective, Private
13 Alarm, Private Security, Fingerprint Vendor, and Locksmith
14 Act of 2004 while performing official duties.

15 The provisions of this Section do not apply to the
16 manufacture, delivery, sale, import, purchase, or possession
17 of an assault weapon, assault weapon attachment, .50 caliber
18 rifle, or .50 caliber cartridge or causing the manufacture,
19 delivery, sale, importation, purchase, or possession of those
20 items:

21 (A) for sale or transfer to persons authorized under
22 subdivisions (1) through (7) of this subsection (e) to
23 possess those items;

24 (B) for sale or transfer to the United States or any
25 department or agency thereof; or

26 (C) for sale or transfer in another state or for

1 export.

2 This Section does not apply to or affect any of the
3 following:

4 (i) Possession of any firearm if that firearm is
5 sanctioned by the International Olympic Committee and by
6 USA Shooting, the national governing body for
7 international shooting competition in the United States,
8 but only when the firearm is in the actual possession of an
9 Olympic target shooting competitor or target shooting
10 coach for the purpose of storage, transporting to and from
11 Olympic target shooting practice or events if the firearm
12 is broken down in a nonfunctioning state, is not
13 immediately accessible, or is unloaded and enclosed in a
14 firearm case, carrying box, shipping box, or other similar
15 portable container designed for the safe transportation of
16 firearms, and when the Olympic target shooting competitor
17 or target shooting coach is engaging in those practices or
18 events. For the purposes of this paragraph (8), "firearm"
19 has the meaning provided in Section 2-7.5 ~~1.1 of the~~
20 ~~Firearm Owners Identification Card Act.~~

21 (ii) Any nonresident who transports, within 24 hours,
22 a weapon for any lawful purpose from any place where the
23 nonresident may lawfully possess and carry that weapon to
24 any other place where the nonresident may lawfully possess
25 and carry that weapon if, during the transportation, the
26 weapon is unloaded, and neither the weapon nor any

1 ammunition being transported is readily accessible or is
2 directly accessible from the passenger compartment of the
3 transporting vehicle. In the case of a vehicle without a
4 compartment separate from the driver's compartment, the
5 weapon or ammunition shall be contained in a locked
6 container other than the glove compartment or console.

7 (iii) Possession of a weapon at an event taking place
8 at the World Shooting and Recreational Complex at Sparta,
9 only while engaged in the legal use of the weapon, or while
10 traveling to or from that location if the weapon is broken
11 down in a nonfunctioning state, is not immediately
12 accessible, or is unloaded and enclosed in a firearm case,
13 carrying box, shipping box, or other similar portable
14 container designed for the safe transportation of
15 firearms.

16 (iv) Possession of a weapon only for hunting use
17 expressly permitted under the Wildlife Code, or while
18 traveling to or from a location authorized for this
19 hunting use under the Wildlife Code if the weapon is
20 broken down in a nonfunctioning state, is not immediately
21 accessible, or is unloaded and enclosed in a firearm case,
22 carrying box, shipping box, or other similar portable
23 container designed for the safe transportation of
24 firearms. By October 1, 2023, the Illinois State Police,
25 in consultation with the Department of Natural Resources,
26 shall adopt rules concerning the list of applicable

1 weapons approved under this subparagraph (iv). The
2 Illinois State Police may adopt emergency rules in
3 accordance with Section 5-45 of the Illinois
4 Administrative Procedure Act. The adoption of emergency
5 rules authorized by Section 5-45 of the Illinois
6 Administrative Procedure Act and this paragraph is deemed
7 to be necessary for the public interest, safety, and
8 welfare.

9 (v) The manufacture, transportation, possession, sale,
10 or rental of blank-firing assault weapons and .50 caliber
11 rifles, or the weapon's respective attachments, to persons
12 authorized or permitted, or both authorized and permitted,
13 to acquire and possess these weapons or attachments for
14 the purpose of rental for use solely as props for a motion
15 picture, television, or video production or entertainment
16 event.

17 Any person not subject to this Section may submit an
18 endorsement affidavit if the person chooses.

19 (f) Any sale or transfer with a background check initiated
20 to the Illinois State Police on or before January 10, 2023 (the
21 effective date of Public Act 102-1116) ~~this amendatory Act of~~
22 ~~the 102nd General Assembly~~ is allowed to be completed after
23 January 10, 2023 ~~the effective date of this amendatory Act~~
24 once an approval is issued by the Illinois State Police and any
25 applicable waiting period under Section 24-3 has expired.

26 (g) The Illinois State Police shall take all steps

1 necessary to carry out the requirements of this Section ~~within~~
2 by October 1, 2023.

3 (h) The Illinois ~~Department of the~~ State Police shall also
4 develop and implement a public notice and public outreach
5 campaign to promote awareness about the provisions of Public
6 Act 102-1116 ~~this amendatory Act of the 102nd General Assembly~~
7 and to increase compliance with this Section.

8 (Source: P.A. 102-1116, eff. 1-10-23; revised 4-6-23.)

9 (720 ILCS 5/24-1.10)

10 Sec. 24-1.10. Manufacture, delivery, sale, and possession
11 of large capacity ammunition feeding devices.

12 (a) In this Section:

13 "Handgun" has the meaning ascribed to it in the Firearm
14 Concealed Carry Act.

15 "Long gun" means a rifle or shotgun.

16 "Large capacity ammunition feeding device" means:

17 (1) a magazine, belt, drum, feed strip, or similar
18 device that has a capacity of, or that can be readily
19 restored or converted to accept, more than 10 rounds of
20 ammunition for long guns and more than 15 rounds of
21 ammunition for handguns; or

22 (2) any combination of parts from which a device
23 described in paragraph (1) can be assembled.

24 "Large capacity ammunition feeding device" does not
25 include an attached tubular device designed to accept, and

1 capable of operating only with, .22 caliber rimfire
2 ammunition. "Large capacity ammunition feeding device" does
3 not include a tubular magazine that is contained in a
4 lever-action firearm or any device that has been made
5 permanently inoperable.

6 (b) Except as provided in subsections (e) and (f), it is
7 unlawful for any person within this State to knowingly
8 manufacture, deliver, sell, purchase, or cause to be
9 manufactured, delivered, sold, or purchased a large capacity
10 ammunition feeding device.

11 (c) Except as provided in subsections (d), (e), and (f),
12 and beginning 90 days after January 10, 2023 (the effective
13 date of Public Act 102-1116) ~~this amendatory Act of the 102nd~~
14 ~~General Assembly~~, it is unlawful to knowingly possess a large
15 capacity ammunition feeding device.

16 (d) Subsection (c) does not apply to a person's possession
17 of a large capacity ammunition feeding device if the person
18 lawfully possessed that large capacity ammunition feeding
19 device before January 10, 2023 (the effective date of Public
20 Act 102-1116) ~~this amendatory Act of the 102nd General~~
21 ~~Assembly~~, provided that the person shall possess such device
22 only:

23 (1) on private property owned or immediately
24 controlled by the person;

25 (2) on private property that is not open to the public
26 with the express permission of the person who owns or

1 immediately controls such property;

2 (3) while on the premises of a licensed firearms
3 dealer or gunsmith for the purpose of lawful repair;

4 (4) while engaged in the legal use of the large
5 capacity ammunition feeding device at a properly licensed
6 firing range or sport shooting competition venue; or

7 (5) while traveling to or from these locations,
8 provided that the large capacity ammunition feeding device
9 is stored unloaded and enclosed in a case, firearm
10 carrying box, shipping box, or other container.

11 A person authorized under this Section to possess a large
12 capacity ammunition feeding device may transfer the large
13 capacity ammunition feeding device only to an heir, an
14 individual residing in another state maintaining it in another
15 state, or a dealer licensed as a federal firearms dealer under
16 Section 923 of the federal Gun Control Act of 1968. Within 10
17 days after transfer of the large capacity ammunition feeding
18 device except to an heir, the person shall notify the Illinois
19 State Police of the name and address of the transferee ~~and~~
20 ~~comply with the requirements of subsection (b) of Section 3 of~~
21 ~~the Firearm Owners Identification Card Act.~~ The person to whom
22 the large capacity ammunition feeding device is transferred
23 shall, within 60 days of the transfer, notify the Illinois
24 State Police of the person's acquisition ~~and comply with the~~
25 ~~requirements of subsection (b) of Section 3 of the Firearm~~
26 ~~Owners Identification Card Act.~~ A person to whom the large

1 capacity ammunition feeding device is transferred may transfer
2 it only as provided in this subsection.

3 ~~Except as provided in subsections (e) and (f) and~~
4 ~~beginning 90 days after the effective date of this amendatory~~
5 ~~Act of the 102nd General Assembly, any person who moves into~~
6 ~~this State in possession of a large capacity ammunition~~
7 ~~feeding device shall, within 60 days, apply for a Firearm~~
8 ~~Owners Identification Card.~~

9 (e) The provisions of this Section regarding the purchase
10 or possession of large capacity ammunition feeding devices, as
11 well as the provisions of this Section that prohibit causing
12 those items to be purchased or possessed, do not apply to:

13 (1) Peace officers as defined in Section 2-13 of this
14 Code.

15 (2) Qualified law enforcement officers and qualified
16 retired law enforcement officers as defined in the Law
17 Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B
18 and 926C) and as recognized under Illinois law.

19 (3) A federal, State, or local law enforcement agency
20 for the purpose of equipping the agency's peace officers
21 as defined in paragraph (1) or (2) of this subsection (e).

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

25 (5) Members of the Armed Services or Reserve Forces of
26 the United States or the Illinois National Guard, while

1 performing their official duties or while traveling to or
2 from their places of duty.

3 (6) Any company that employs armed security officers
4 in this State at a nuclear energy, storage, weapons, or
5 development site or facility regulated by the federal
6 Nuclear Regulatory Commission and any person employed as
7 an armed security force member at a nuclear energy,
8 storage, weapons, or development site or facility
9 regulated by the federal Nuclear Regulatory Commission who
10 has completed the background screening and training
11 mandated by the rules and regulations of the federal
12 Nuclear Regulatory Commission and while performing
13 official duties.

14 (7) Any private security contractor agency licensed
15 under the Private Detective, Private Alarm, Private
16 Security, Fingerprint Vendor, and Locksmith Act of 2004
17 that employs private security contractors and any private
18 security contractor who is licensed and has been issued a
19 firearm control card under the Private Detective, Private
20 Alarm, Private Security, Fingerprint Vendor, and Locksmith
21 Act of 2004 while performing official duties.

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

24 (1) Manufacture, delivery, sale, importation,
25 purchase, or possession or causing to be manufactured,
26 delivered, sold, imported, purchased, or possessed a large

1 capacity ammunition feeding device:

2 (A) for sale or transfer to persons authorized
3 under subdivisions (1) through (7) of subsection (e)
4 to possess those items;

5 (B) for sale or transfer to the United States or
6 any department or agency thereof; or

7 (C) for sale or transfer in another state or for
8 export.

9 (2) Sale or rental of large capacity ammunition
10 feeding devices for blank-firing assault weapons and .50
11 caliber rifles, to persons authorized or permitted, or
12 both authorized and permitted, to acquire these devices
13 for the purpose of rental for use solely as props for a
14 motion picture, television, or video production or
15 entertainment event.

16 (g) Sentence. A person who knowingly manufactures,
17 delivers, sells, purchases, possesses, or causes to be
18 manufactured, delivered, sold, possessed, or purchased in
19 violation of this Section a large capacity ammunition feeding
20 device capable of holding more than 10 rounds of ammunition
21 for long guns or more than 15 rounds of ammunition for handguns
22 commits a petty offense with a fine of \$1,000 for each
23 violation.

24 (h) The Illinois ~~Department of the~~ State Police shall also
25 develop and implement a public notice and public outreach
26 campaign to promote awareness about the provisions of Public

1 ~~Act 102-1116 this amendatory Act of the 102nd General Assembly~~
2 and to increase compliance with this Section.

3 (Source: P.A. 102-1116, eff. 1-10-23; revised 4-6-23.)

4 (720 ILCS 5/24-2)

5 Sec. 24-2. Exemptions.

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

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

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

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

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

1 actually engaged in the performance of the duties of their
2 employment.

3 (5) Persons licensed as private security contractors,
4 private detectives, or private alarm contractors, or
5 employed by a private security contractor, private
6 detective, or private alarm contractor agency licensed by
7 the Department of Financial and Professional Regulation,
8 if their duties include the carrying of a weapon under the
9 provisions of the Private Detective, Private Alarm,
10 Private Security, Fingerprint Vendor, and Locksmith Act of
11 2004, while actually engaged in the performance of the
12 duties of their employment or commuting between their
13 homes and places of employment. A person shall be
14 considered eligible for this exemption if he or she has
15 completed the required 20 hours of training for a private
16 security contractor, private detective, or private alarm
17 contractor, or employee of a licensed private security
18 contractor, private detective, or private alarm contractor
19 agency and 28 hours of required firearm training, and has
20 been issued a firearm control card by the Department of
21 Financial and Professional Regulation. Conditions for the
22 renewal of firearm control cards issued under the
23 provisions of this Section shall be the same as for those
24 cards issued under the provisions of the Private
25 Detective, Private Alarm, Private Security, Fingerprint
26 Vendor, and Locksmith Act of 2004. The firearm control

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

7 (6) Any person regularly employed in a commercial or
8 industrial operation as a security guard for the
9 protection of persons employed and private property
10 related to such commercial or industrial operation, while
11 actually engaged in the performance of his or her duty or
12 traveling between sites or properties belonging to the
13 employer, and who, as a security guard, is a member of a
14 security force registered with the Department of Financial
15 and Professional Regulation; provided that such security
16 guard has successfully completed a course of study,
17 approved by and supervised by the Department of Financial
18 and Professional Regulation, consisting of not less than
19 48 hours of training that includes the theory of law
20 enforcement, liability for acts, and the handling of
21 weapons. A person shall be considered eligible for this
22 exemption if he or she has completed the required 20 hours
23 of training for a security officer and 28 hours of
24 required firearm training, and has been issued a firearm
25 control card by the Department of Financial and
26 Professional Regulation. Conditions for the renewal of

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

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

14 (8) Persons employed by a financial institution as a
15 security guard for the protection of other employees and
16 property related to such financial institution, while
17 actually engaged in the performance of their duties,
18 commuting between their homes and places of employment, or
19 traveling between sites or properties owned or operated by
20 such financial institution, and who, as a security guard,
21 is a member of a security force registered with the
22 Department; provided that any person so employed has
23 successfully completed a course of study, approved by and
24 supervised by the Department of Financial and Professional
25 Regulation, consisting of not less than 48 hours of
26 training which includes theory of law enforcement,

1 liability for acts, and the handling of weapons. A person
2 shall be considered to be eligible for this exemption if
3 he or she has completed the required 20 hours of training
4 for a security officer and 28 hours of required firearm
5 training, and has been issued a firearm control card by
6 the Department of Financial and Professional Regulation.
7 Conditions for renewal of firearm control cards issued
8 under the provisions of this Section shall be the same as
9 for those issued under the provisions of the Private
10 Detective, Private Alarm, Private Security, Fingerprint
11 Vendor, and Locksmith Act of 2004. The firearm control
12 card shall be carried by the security guard at all times
13 when he or she is in possession of a concealable weapon
14 permitted by his or her firearm control card. For purposes
15 of this subsection, "financial institution" means a bank,
16 savings and loan association, credit union or company
17 providing armored car services.

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

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

24 (11) Investigators of the Office of the State's
25 Attorneys Appellate Prosecutor authorized by the board of
26 governors of the Office of the State's Attorneys Appellate

1 Prosecutor to carry weapons pursuant to Section 7.06 of
2 the State's Attorneys Appellate Prosecutor's Act.

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

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

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

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

23 (14) Manufacture, transportation, or sale of weapons
24 to persons authorized under subdivisions (1) through
25 (13.5) of this subsection to possess those weapons.

26 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply

1 to or affect any person carrying a concealed pistol, revolver,
2 or handgun and the person has been issued a currently valid
3 license under the Firearm Concealed Carry Act at the time of
4 the commission of the offense.

5 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
6 to or affect a qualified current or retired law enforcement
7 officer or a current or retired deputy, county correctional
8 officer, or correctional officer of the Department of
9 Corrections qualified under the laws of this State or under
10 the federal Law Enforcement Officers Safety Act.

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

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

18 (2) Duly authorized military or civil organizations
19 while parading, with the special permission of the
20 Governor.

21 (3) Hunters, trappers, or fishermen while engaged in
22 lawful hunting, trapping, or fishing under the provisions
23 of the Wildlife Code or the Fish and Aquatic Life Code.

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

26 (5) Carrying or possessing any pistol, revolver, stun

1 gun or taser or other firearm on the land or in the legal
2 dwelling of another person as an invitee with that
3 person's permission.

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

6 (1) Peace officers while in performance of their
7 official duties.

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

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

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

19 (5) Persons licensed under federal law to manufacture
20 any weapon from which 8 or more shots or bullets can be
21 discharged by a single function of the firing device, or
22 ammunition for such weapons, and actually engaged in the
23 business of manufacturing such weapons or ammunition, but
24 only with respect to activities which are within the
25 lawful scope of such business, such as the manufacture,
26 transportation, or testing of such weapons or ammunition.

1 This exemption does not authorize the general private
2 possession of any weapon from which 8 or more shots or
3 bullets can be discharged by a single function of the
4 firing device, but only such possession and activities as
5 are within the lawful scope of a licensed manufacturing
6 business described in this paragraph.

7 During transportation, such weapons shall be broken
8 down in a non-functioning state or not immediately
9 accessible.

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

22 The exemption granted under this subdivision (c)(6)
23 shall also apply to any authorized agent of any such
24 contractor or subcontractor who is operating within the
25 scope of his employment, where such activities involving
26 such weapon, weapons or ammunition are necessary and

1 incident to fulfilling the terms of such contract.

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

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

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

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

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

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

4 (2) Bonafide collectors of antique or surplus military
5 ordnance.

6 (3) Laboratories having a department of forensic
7 ballistics, or specializing in the development of
8 ammunition or explosive ordnance.

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

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

1 devices, firearms, or ammunition. This exemption does not
2 authorize the general private possession of any device or
3 attachment of any kind designed, used, or intended for use in
4 silencing the report of any firearm, but only such possession
5 and activities as are within the lawful scope of a licensed
6 manufacturing business described in this subsection (g-5).
7 During transportation, these devices shall be detached from
8 any weapon or not immediately accessible.

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

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

22 (g-10) (Blank).

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

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

17 (Source: P.A. 102-152, eff. 1-1-22; 102-779, eff. 1-1-23;
18 102-837, eff. 5-13-22; 103-154, eff. 6-30-23.)

19 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

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

1 age.

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

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

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

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

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

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

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

25 (g) Delivers any firearm, incidental to a sale,
26 without withholding delivery of the firearm for at least

1 72 hours after application for its purchase has been made,
2 or delivers a stun gun or taser, incidental to a sale,
3 without withholding delivery of the stun gun or taser for
4 at least 24 hours after application for its purchase has
5 been made. However, this paragraph (g) does not apply to:
6 (1) the sale of a firearm to a law enforcement officer if
7 the seller of the firearm knows that the person to whom he
8 or she is selling the firearm is a law enforcement officer
9 or the sale of a firearm to a person who desires to
10 purchase a firearm for use in promoting the public
11 interest incident to his or her employment as a bank
12 guard, armed truck guard, or other similar employment; (2)
13 a mail order sale of a firearm from a federally licensed
14 firearms dealer to a nonresident of Illinois under which
15 the firearm is mailed to a federally licensed firearms
16 dealer outside the boundaries of Illinois; (3) (blank);
17 (4) the sale of a firearm to a dealer licensed as a federal
18 firearms dealer under Section 923 of the federal Gun
19 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
20 sale of any rifle, shotgun, or other long gun to a resident
21 registered competitor or attendee or non-resident
22 registered competitor or attendee by any dealer licensed
23 as a federal firearms dealer under Section 923 of the
24 federal Gun Control Act of 1968 at competitive shooting
25 events held at the World Shooting Complex sanctioned by a
26 national governing body. For purposes of transfers or

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

25 (h) While holding any license as a dealer, importer,
26 manufacturer or pawnbroker under the federal Gun Control

1 Act of 1968, manufactures, sells or delivers to any
2 unlicensed person a handgun having a barrel, slide, frame
3 or receiver which is a die casting of zinc alloy or any
4 other nonhomogeneous metal which will melt or deform at a
5 temperature of less than 800 degrees Fahrenheit. For
6 purposes of this paragraph, (1) "firearm" has the meaning
7 provided in Section 2-7.5 of the Criminal Code of 2012 ~~is~~
8 ~~defined as in the Firearm Owners Identification Card Act;~~
9 and (2) "handgun" is defined as a firearm designed to be
10 held and fired by the use of a single hand, and includes a
11 combination of parts from which such a firearm can be
12 assembled.

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

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

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

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

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

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

1 ~~Firearm Owner's Identification Card or license to carry a~~
2 ~~concealed firearm means receipt of an approval number~~
3 ~~issued in accordance with subsection (a-10) of Section 3~~
4 ~~or Section 3.1 of the Firearm Owners Identification Card~~
5 ~~Act.~~

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

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

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

26 (B) Paragraph (h) of subsection (A) does not include

1 firearms sold within 6 months after enactment of Public Act
2 78-355 (approved August 21, 1973, effective October 1, 1973),
3 nor is any firearm legally owned or possessed by any citizen or
4 purchased by any citizen within 6 months after the enactment
5 of Public Act 78-355 subject to confiscation or seizure under
6 the provisions of that Public Act. Nothing in Public Act
7 78-355 shall be construed to prohibit the gift or trade of any
8 firearm if that firearm was legally held or acquired within 6
9 months after the enactment of that Public Act.

10 (C) Sentence.

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

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

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

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

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

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

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

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

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

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

1 under 18 years of age who was sold or given the firearm.

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

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

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

12 (D) For purposes of this Section:

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

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

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

26 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;

1 102-813, eff. 5-13-22.)

2 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

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

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

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

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

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

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

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

25 "Patient in a mental institution" means the person

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

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

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

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

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

1 the Criminal Code of 2012, or any adjudication as a delinquent
2 minor for the commission of an offense that if committed by an
3 adult would be a felony, in which case the person may petition
4 the circuit court in writing in the county of his or her
5 residence for a hearing and relief from the prohibition. The
6 Director or court may grant the relief if it is established by
7 the petitioner to the court's or Director's satisfaction that:

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

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

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

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

26 (5) granting relief would not be contrary to federal

1 law.

2 (b) Sentence.

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

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

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

16 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

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

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

22 For purposes of this Section:

23 "Armor piercing bullet" means any handgun bullet or
24 handgun ammunition with projectiles or projectile cores
25 constructed entirely (excluding the presence of traces of

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

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

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

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

24 (b) A person commits a Class X felony when he or she,
25 knowing that a firearm, ~~as defined in Section 1.1 of the~~
26 ~~Firearm Owners Identification Card Act,~~ is loaded with an

1 armor piercing bullet, dragon's breath shotgun shell, bolo
2 shell, or flechette shell, intentionally or recklessly
3 discharges such firearm and such bullet or shell strikes any
4 other person.

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

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

11 (1) Peace officers;

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

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

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

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

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

23 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

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

25 (a) It shall be unlawful for any person who holds a license

1 to sell at retail any alcoholic liquor issued by the Illinois
2 Liquor Control Commission or local liquor control commissioner
3 under the Liquor Control Act of 1934 or an agent or employee of
4 the licensee to sell or deliver to any other person a firearm
5 in or on the real property of the establishment where the
6 licensee is licensed to sell alcoholic liquors unless the sale
7 or delivery of the firearm is otherwise lawful under this
8 Article ~~and under the Firearm Owners Identification Card Act.~~

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

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

12 (720 ILCS 5/24-3.5)

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

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

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

23 (2) on which the transferee certifies that he or she
24 is not prohibited by federal law from transporting or
25 shipping a firearm in interstate or foreign commerce or

1 receiving a firearm that has been shipped or transported
2 in interstate or foreign commerce or possessing a firearm
3 in or affecting commerce.

4 (b) A person commits the offense of unlawful purchase of a
5 firearm who knowingly purchases or attempts to purchase a
6 firearm with the intent to deliver that firearm to another
7 person who is prohibited by federal or State law from
8 possessing a firearm.

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

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

21 (e) Sentence.

22 (1) A person who commits the offense of unlawful
23 purchase of a firearm:

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

26 (B) is guilty of a Class 1 felony for purchasing or

1 attempting to purchase not less than 2 firearms and
2 not more than 5 firearms at the same time or within a
3 one year period;

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

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

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

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

18 (720 ILCS 5/24-3B)

19 Sec. 24-3B. Firearms trafficking.

20 (a) A person commits firearms trafficking when he or she
21 is prohibited under federal or State law from possessing a
22 firearm ~~has not been issued a currently valid Firearm Owner's~~
23 ~~Identification Card~~ and knowingly:

24 (1) brings, or causes to be brought, into this State,
25 a firearm or firearm ammunition for the purpose of sale,

1 delivery, or transfer to any other person or with the
2 intent to sell, deliver, or transfer the firearm or
3 firearm ammunition to any other person; or

4 (2) brings, or causes to be brought, into this State,
5 a firearm and firearm ammunition for the purpose of sale,
6 delivery, or transfer to any other person or with the
7 intent to sell, deliver, or transfer the firearm and
8 firearm ammunition to any other person.

9 (a-5) (Blank). ~~This Section does not apply to:~~

10 ~~(1) a person exempt under Section 2 of the Firearm~~
11 ~~Owners Identification Card Act from the requirement of~~
12 ~~having possession of a Firearm Owner's Identification Card~~
13 ~~previously issued in his or her name by the Illinois State~~
14 ~~Police in order to acquire or possess a firearm or firearm~~
15 ~~ammunition;~~

16 ~~(2) a common carrier under subsection (i) of Section~~
17 ~~24-2 of this Code; or~~

18 ~~(3) a non resident who may lawfully possess a firearm~~
19 ~~in his or her resident state.~~

20 (b) Sentence.

21 (1) Firearms trafficking is a Class 1 felony for which
22 the person, if sentenced to a term of imprisonment, shall
23 be sentenced to not less than 4 years and not more than 20
24 years.

25 (2) Firearms trafficking by a person who has been
26 previously convicted of firearms trafficking, gunrunning,

1 or a felony offense for the unlawful sale, delivery, or
2 transfer of a firearm or firearm ammunition in this State
3 or another jurisdiction is a Class X felony.

4 (Source: P.A. 102-538, eff. 8-20-21.)

5 (720 ILCS 5/24-4.1)

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

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

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

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

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

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

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

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

5 (720 ILCS 5/24-4.5 new)

6 Sec. 24-4.5. Dial-up system.

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

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

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

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

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

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

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

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

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

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

5 (f) The Illinois State Police shall adopt rules not
6 inconsistent with this Section to implement this system.

7 (720 ILCS 5/24-5.1)

8 Sec. 24-5.1. Serialization of unfinished frames or
9 receivers; prohibition on unserialized firearms; exceptions;
10 penalties.

11 (a) In this Section:

12 "Bona fide supplier" means an established business entity
13 engaged in the development and sale of firearms parts to one or
14 more federal firearms manufacturers or federal firearms
15 importers.

16 "Federal firearms dealer" means a licensed manufacturer
17 pursuant to 18 U.S.C. 921(a)(11).

18 "Federal firearms importer" means a licensed importer
19 pursuant to 18 U.S.C. 921(a)(9).

20 "Federal firearms manufacturer" means a licensed
21 manufacturer pursuant to 18 U.S.C. 921(a)(10).

22 "Frame or receiver" means a part of a firearm that, when
23 the complete weapon is assembled, is visible from the exterior
24 and provides housing or a structure designed to hold or
25 integrate one or more fire control components, even if pins or

1 other attachments are required to connect those components to
2 the housing or structure. For models of firearms in which
3 multiple parts provide such housing or structure, the part or
4 parts that the Director of the federal Bureau of Alcohol,
5 Tobacco, Firearms and Explosives has determined are a frame or
6 receiver constitute the frame or receiver. For purposes of
7 this definition, "fire control component" means a component
8 necessary for the firearm to initiate, complete, or continue
9 the firing sequence, including any of the following: hammer,
10 bolt, bolt carrier, breechblock, cylinder, trigger mechanism,
11 firing pin, striker, or slide rails.

12 "Security exemplar" means an object to be fabricated at
13 the direction of the United States Attorney General that is
14 (1) constructed of 3.7 ounces of material type 17-4 PH
15 stainless steel in a shape resembling a handgun and (2)
16 suitable for testing and calibrating metal detectors.

17 "Three-dimensional printer" means a computer or
18 computer-drive machine capable of producing a
19 three-dimensional object from a digital model.

20 "Undetectable firearm" means (1) a firearm constructed
21 entirely of non-metal substances; (2) a firearm that, after
22 removal of all parts but the major components of the firearm,
23 is not detectable by walk-through metal detectors calibrated
24 and operated to detect the security exemplar; or (3) a firearm
25 that includes a major component of a firearm, which, if
26 subject to the types of detection devices commonly used at

1 airports for security screening, would not generate an image
2 that accurately depicts the shape of the component.
3 "Undetectable firearm" does not include a firearm subject to
4 the provisions of 18 U.S.C. 922(p) (3) through (6).

5 "Unfinished frame or receiver" means any forging, casting,
6 printing, extrusion, machined body, or similar article that:

7 (1) has reached a stage in manufacture where it may
8 readily be completed, assembled, or converted to be a
9 functional firearm; or

10 (2) is marketed or sold to the public to become or be
11 used as the frame or receiver of a functional firearm once
12 completed, assembled, or converted.

13 "Unserialized" means lacking a serial number imprinted by:

14 (1) a federal firearms manufacturer, federal firearms
15 importer, federal firearms dealer, or other federal
16 licensee authorized to provide marking services, pursuant
17 to a requirement under federal law; or

18 (2) a federal firearms dealer or other federal
19 licensee authorized to provide marking services pursuant
20 to subsection (f) of this Section.

21 (b) It is unlawful for any person to knowingly sell, offer
22 to sell, or transfer an unserialized unfinished frame or
23 receiver or unserialized firearm, including those produced
24 using a three-dimensional printer, unless the party purchasing
25 or receiving the unfinished frame or receiver or unserialized
26 firearm is a federal firearms importer, federal firearms

1 manufacturer, or federal firearms dealer.

2 (c) Beginning 180 days after May 18, 2022 (the effective
3 date of Public Act 102-889) ~~this amendatory Act of the 102nd~~
4 ~~General Assembly~~, it is unlawful for any person to knowingly
5 possess, transport, or receive an unfinished frame or
6 receiver, unless:

7 (1) the party possessing or receiving the unfinished
8 frame or receiver is a federal firearms importer or
9 federal firearms manufacturer;

10 (2) the unfinished frame or receiver is possessed or
11 transported by a person for transfer to a federal firearms
12 importer or federal firearms manufacturer; or

13 (3) the unfinished frame or receiver has been
14 imprinted with a serial number issued by a federal
15 firearms importer or federal firearms manufacturer in
16 compliance with subsection (f) of this Section.

17 (d) Beginning 180 days after May 18, 2022 (the effective
18 date of Public Act 102-889) ~~this amendatory Act of the 102nd~~
19 ~~General Assembly~~, unless the party receiving the firearm is a
20 federal firearms importer or federal firearms manufacturer, it
21 is unlawful for any person to knowingly possess, purchase,
22 transport, or receive a firearm that is not imprinted with a
23 serial number by (1) a federal firearms importer or federal
24 firearms manufacturer in compliance with all federal laws and
25 regulations regulating the manufacture and import of firearms
26 or (2) a federal firearms manufacturer, federal firearms

1 dealer, or other federal licensee authorized to provide
2 marking services in compliance with the unserialized firearm
3 serialization process under subsection (f) of this Section.

4 (e) Any firearm or unfinished frame or receiver
5 manufactured using a three-dimensional printer must also be
6 serialized in accordance with the requirements of subsection
7 (f) within 30 days after May 18, 2022 (the effective date of
8 Public Act 102-889) ~~this amendatory Act of the 102nd General~~
9 ~~Assembly~~, or prior to reaching a stage of manufacture where it
10 may be readily completed, assembled, or converted to be a
11 functional firearm.

12 (f) Unserialized unfinished frames or receivers and
13 unserialized firearms serialized pursuant to this Section
14 shall be serialized in compliance with all of the following:

15 (1) An unserialized unfinished frame or receiver and
16 unserialized firearm shall be serialized by a federally
17 licensed firearms dealer or other federal licensee
18 authorized to provide marking services with the licensee's
19 abbreviated federal firearms license number as a prefix
20 (which is the first 3 and last 5 digits) followed by a
21 hyphen, and then followed by a number as a suffix, such as
22 12345678-(number). The serial number or numbers must be
23 placed in a manner that accords with the requirements
24 under federal law for affixing serial numbers to firearms,
25 including the requirements that the serial number or
26 numbers be at the minimum size and depth, and not

1 susceptible to being readily obliterated, altered, or
2 removed, and the licensee must retain records that accord
3 with the requirements under federal law in the case of the
4 sale of a firearm. The imprinting of any serial number
5 upon an ~~a~~ undetectable firearm must be done on a steel
6 plaque in compliance with 18 U.S.C. 922(p).

7 (2) Every federally licensed firearms dealer or other
8 federal licensee that engraves, casts, stamps, or
9 otherwise conspicuously and permanently places a unique
10 serial number pursuant to this Section shall maintain a
11 record of such indefinitely. Licensees subject to the
12 Firearm Dealer License Certification Act shall make all
13 records accessible for inspection upon the request of the
14 Illinois State Police or a law enforcement agency in
15 accordance with Section 5-35 of the Firearm Dealer License
16 Certification Act.

17 (3) Every federally licensed firearms dealer or other
18 federal licensee that engraves, casts, stamps, or
19 otherwise conspicuously and permanently places a unique
20 serial number pursuant to this Section shall record it at
21 the time of every transaction involving the transfer of a
22 firearm, rifle, shotgun, finished frame or receiver, or
23 unfinished frame or receiver that has been so marked in
24 compliance with the federal guidelines set forth in 27 CFR
25 478.124.

26 (4) (Blank). ~~Every federally licensed firearms dealer~~

1 ~~or other federal licensee that engraves, casts, stamps, or~~
2 ~~otherwise conspicuously and permanently places a unique~~
3 ~~serial number pursuant to this Section shall review and~~
4 ~~confirm the validity of the owner's Firearm Owner's~~
5 ~~Identification Card issued under the Firearm Owners~~
6 ~~Identification Card Act prior to returning the firearm to~~
7 ~~the owner.~~

8 (g) Within 30 days after May 18, 2022 (the effective date
9 of Public Act 102-889) ~~this amendatory Act of the 102nd~~
10 ~~General Assembly~~, the Director of the Illinois State Police
11 shall issue a public notice regarding the provisions of this
12 Section. The notice shall include posting on the Illinois
13 State Police website and may include written notification or
14 any other means of communication statewide to all
15 Illinois-based federal firearms manufacturers, federal
16 firearms dealers, or other federal licensees authorized to
17 provide marking services in compliance with the serialization
18 process in subsection (f) in order to educate the public.

19 (h) Exceptions. This Section does not apply to an
20 unserialized unfinished frame or receiver or an unserialized
21 firearm that:

22 (1) has been rendered permanently inoperable;

23 (2) is an antique firearm, as defined in 18 U.S.C.
24 921(a)(16);

25 (3) was manufactured prior to October 22, 1968;

26 (4) is an unfinished frame or receiver and is

1 possessed by a bona fide supplier exclusively for transfer
2 to a federal firearms manufacturer or federal firearms
3 importer, or is possessed by a federal firearms
4 manufacturer or federal firearms importer in compliance
5 with all federal laws and regulations regulating the
6 manufacture and import of firearms; except this exemption
7 does not apply if an unfinished frame or receiver is
8 possessed for transfer or is transferred to a person other
9 than a federal firearms manufacturer or federal firearms
10 importer; or

11 (5) is possessed by a person who received the
12 unserialized unfinished frame or receiver or unserialized
13 firearm through inheritance, and is not otherwise
14 prohibited from possessing the unserialized unfinished
15 frame or receiver or unserialized firearm, for a period
16 not exceeding 30 days after inheriting the unserialized
17 unfinished frame or receiver or unserialized firearm.

18 (i) Penalties.

19 (1) A person who violates subsection (c) or (d) is
20 guilty of a Class A misdemeanor for a first violation and
21 is guilty of a Class 3 felony for a second or subsequent
22 violation.

23 (2) A person who violates subsection (b) is guilty of
24 a Class 4 felony for a first violation and is guilty of a
25 Class 2 felony for a second or subsequent violation.

26 (Source: P.A. 102-889, eff. 5-18-22; revised 1-3-24.)

1 (720 ILCS 5/24-9)

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

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

12 (1) secured by a device or mechanism, other than the
13 firearm safety, designed to render a firearm temporarily
14 inoperable; or

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

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

19 (b) Sentence. A person who violates this Section is guilty
20 of a Class C misdemeanor and shall be fined not less than
21 \$1,000. A second or subsequent violation of this Section is a
22 Class A misdemeanor.

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

24 (1) if the minor under 14 years of age gains access to
25 a firearm and uses it in a lawful act of self-defense or

1 defense of another; or

2 (2) to any firearm obtained by a minor under the age of
3 14 because of an unlawful entry of the premises by the
4 minor or another person.

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

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

9 Section 165. The Methamphetamine Control and Community
10 Protection Act is amended by changing Section 10 as follows:

11 (720 ILCS 646/10)

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

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

15 "Anhydrous ammonia equipment" means all items used to
16 store, hold, contain, handle, transfer, transport, or apply
17 anhydrous ammonia for lawful purposes.

18 "Booby trap" means any device designed to cause physical
19 injury when triggered by an act of a person approaching,
20 entering, or moving through a structure, a vehicle, or any
21 location where methamphetamine has been manufactured, is being
22 manufactured, or is intended to be manufactured.

23 "Deliver" or "delivery" has the meaning provided in
24 subsection (h) of Section 102 of the Illinois Controlled

1 Substances Act.

2 "Director" means the Director of the Illinois State Police
3 or the Director's designated agents.

4 "Dispose" or "disposal" means to abandon, discharge,
5 release, deposit, inject, dump, spill, leak, or place
6 methamphetamine waste onto or into any land, water, or well of
7 any type so that the waste has the potential to enter the
8 environment, be emitted into the air, or be discharged into
9 the soil or any waters, including groundwater.

10 "Emergency response" means the act of collecting evidence
11 from or securing a methamphetamine laboratory site,
12 methamphetamine waste site or other methamphetamine-related
13 site and cleaning up the site, whether these actions are
14 performed by public entities or private contractors paid by
15 public entities.

16 "Emergency service provider" means a local, State, or
17 federal peace officer, firefighter, emergency medical
18 technician-ambulance, emergency medical
19 technician-intermediate, emergency medical
20 technician-paramedic, ambulance driver, or other medical or
21 first aid personnel rendering aid, or any agent or designee of
22 the foregoing.

23 "Finished methamphetamine" means methamphetamine in a form
24 commonly used for personal consumption.

25 "Firearm" has the meaning provided in Section 2-7.5 of the
26 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~

1 ~~Card Act.~~

2 "Manufacture" means to produce, prepare, compound,
3 convert, process, synthesize, concentrate, purify, separate,
4 extract, or package any methamphetamine, methamphetamine
5 precursor, methamphetamine manufacturing catalyst,
6 methamphetamine manufacturing reagent, methamphetamine
7 manufacturing solvent, or any substance containing any of the
8 foregoing.

9 "Methamphetamine" means the chemical methamphetamine (a
10 Schedule II controlled substance under the Illinois Controlled
11 Substances Act) or any salt, optical isomer, salt of optical
12 isomer, or analog thereof, with the exception of
13 3,4-Methylenedioxymethamphetamine (MDMA) or any other
14 scheduled substance with a separate listing under the Illinois
15 Controlled Substances Act.

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

20 "Methamphetamine manufacturing environment" means a
21 structure or vehicle in which:

- 22 (1) methamphetamine is being or has been manufactured;
23 (2) chemicals that are being used, have been used, or
24 are intended to be used to manufacture methamphetamine are
25 stored;
26 (3) methamphetamine manufacturing materials that have

1 been used to manufacture methamphetamine are stored; or

2 (4) methamphetamine manufacturing waste is stored.

3 "Methamphetamine manufacturing material" means any
4 methamphetamine precursor, substance containing any
5 methamphetamine precursor, methamphetamine manufacturing
6 catalyst, substance containing any methamphetamine
7 manufacturing catalyst, methamphetamine manufacturing
8 reagent, substance containing any methamphetamine
9 manufacturing reagent, methamphetamine manufacturing solvent,
10 substance containing any methamphetamine manufacturing
11 solvent, or any other chemical, substance, ingredient,
12 equipment, apparatus, or item that is being used, has been
13 used, or is intended to be used in the manufacture of
14 methamphetamine.

15 "Methamphetamine manufacturing reagent" means any
16 substance other than a methamphetamine manufacturing catalyst
17 that has been used, is being used, or is intended to be used to
18 react with and chemically alter any methamphetamine precursor.

19 "Methamphetamine manufacturing solvent" means any
20 substance that has been used, is being used, or is intended to
21 be used as a medium in which any methamphetamine precursor,
22 methamphetamine manufacturing catalyst, methamphetamine
23 manufacturing reagent, or any substance containing any of the
24 foregoing is dissolved, diluted, or washed during any part of
25 the methamphetamine manufacturing process.

26 "Methamphetamine manufacturing waste" means any chemical,

1 substance, ingredient, equipment, apparatus, or item that is
2 left over from, results from, or is produced by the process of
3 manufacturing methamphetamine, other than finished
4 methamphetamine.

5 "Methamphetamine precursor" means ephedrine,
6 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
7 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
8 isomer, or salt of an optical isomer of any of these chemicals.

9 "Multi-unit dwelling" means a unified structure used or
10 intended for use as a habitation, home, or residence that
11 contains 2 or more condominiums, apartments, hotel rooms,
12 motel rooms, or other living units.

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

16 "Participate" or "participation" in the manufacture of
17 methamphetamine means to produce, prepare, compound, convert,
18 process, synthesize, concentrate, purify, separate, extract,
19 or package any methamphetamine, methamphetamine precursor,
20 methamphetamine manufacturing catalyst, methamphetamine
21 manufacturing reagent, methamphetamine manufacturing solvent,
22 or any substance containing any of the foregoing, or to assist
23 in any of these actions, or to attempt to take any of these
24 actions, regardless of whether this action or these actions
25 result in the production of finished methamphetamine.

26 "Person with a disability" means a person who suffers from

1 a permanent physical or mental impairment resulting from
2 disease, injury, functional disorder, or congenital condition
3 which renders the person incapable of adequately providing for
4 his or her own health and personal care.

5 "Procure" means to purchase, steal, gather, or otherwise
6 obtain, by legal or illegal means, or to cause another to take
7 such action.

8 "Second or subsequent offense" means an offense under this
9 Act committed by an offender who previously committed an
10 offense under this Act, the Illinois Controlled Substances
11 Act, the Cannabis Control Act, or another Act of this State,
12 another state, or the United States relating to
13 methamphetamine, cannabis, or any other controlled substance.

14 "Standard dosage form", as used in relation to any
15 methamphetamine precursor, means that the methamphetamine
16 precursor is contained in a pill, tablet, capsule, caplet, gel
17 cap, or liquid cap that has been manufactured by a lawful
18 entity and contains a standard quantity of methamphetamine
19 precursor.

20 "Unauthorized container", as used in relation to anhydrous
21 ammonia, means any container that is not designed for the
22 specific and sole purpose of holding, storing, transporting,
23 or applying anhydrous ammonia. "Unauthorized container"
24 includes, but is not limited to, any propane tank, fire
25 extinguisher, oxygen cylinder, gasoline can, food or beverage
26 cooler, or compressed gas cylinder used in dispensing fountain

1 drinks. "Unauthorized container" does not encompass anhydrous
2 ammonia manufacturing plants, refrigeration systems where
3 anhydrous ammonia is used solely as a refrigerant, anhydrous
4 ammonia transportation pipelines, anhydrous ammonia tankers,
5 or anhydrous ammonia barges.

6 (Source: P.A. 102-538, eff. 8-20-21.)

7 Section 170. The Code of Criminal Procedure of 1963 is
8 amended by changing Sections 102-7.1, 110-10, 112A-5.5,
9 112A-11.1, 112A-11.2, 112A-14, 112A-14.7, and 112A-17.5 as
10 follows:

11 (725 ILCS 5/102-7.1)

12 Sec. 102-7.1. "Category A offense". "Category A offense"
13 means a Class 1 felony, Class 2 felony, Class X felony, first
14 degree murder, a violation of Section 11-204 of the Illinois
15 Vehicle Code, a second or subsequent violation of Section
16 11-501 of the Illinois Vehicle Code, a violation of subsection
17 (d) of Section 11-501 of the Illinois Vehicle Code, a
18 violation of Section 11-401 of the Illinois Vehicle Code if
19 the crash results in injury and the person failed to report the
20 crash within 30 minutes, a violation of Section 9-3, 9-3.4,
21 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5, 11-25,
22 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5, 12-6,
23 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5, 24-3,
24 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a second or

1 subsequent violation of 12-3.2 or 12-3.4 of the Criminal Code
2 of 2012, a violation of paragraph (5) or (6) of subsection (b)
3 of Section 10-9 of the Criminal Code of 2012, a violation of
4 subsection (b) or (c) or paragraph (1) or (2) of subsection (a)
5 of Section 11-1.50 of the Criminal Code of 2012, a violation of
6 Section 12-7 of the Criminal Code of 2012 if the defendant
7 inflicts bodily harm on the victim to obtain a confession,
8 statement, or information, a violation of Section 12-7.5 of
9 the Criminal Code of 2012 if the action results in bodily harm,
10 a violation of paragraph (3) of subsection (b) of Section 17-2
11 of the Criminal Code of 2012, a violation of subdivision
12 (a)(7)(ii) of Section 24-1 of the Criminal Code of 2012, a
13 violation of paragraph (6) of subsection (a) of Section 24-1
14 of the Criminal Code of 2012, a first violation of Section
15 24-1.6 of the Criminal Code of 2012 by a person 18 years of age
16 or older where the factors listed in both items (A) and (C) or
17 both items (A-5) and (C) of paragraph (3) of subsection (a) of
18 Section 24-1.6 of the Criminal Code of 2012 are present, a
19 Class 3 felony violation of paragraph (1) of subsection (a) of
20 Section 2 of the Firearm Owners Identification Card Act
21 committed before the effective date of this amendatory Act of
22 the 103rd General Assembly, or a violation of Section 10 of the
23 Sex Offender Registration Act.

24 (Source: P.A. 102-982, eff. 7-1-23.)

25 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

1 Sec. 110-10. Conditions of pretrial release.

2 (a) If a person is released prior to conviction, the
3 conditions of pretrial release shall be that he or she will:

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

7 (2) Submit himself or herself to the orders and
8 process of the court;

9 (3) (Blank);

10 (4) Not violate any criminal statute of any
11 jurisdiction;

12 (5) At a time and place designated by the court,
13 surrender all firearms in his or her possession to a law
14 enforcement officer designated by the court to take
15 custody of and impound the firearms ~~and physically~~
16 ~~surrender his or her Firearm Owner's Identification Card~~
17 to the clerk of the circuit court when the offense the
18 person has been charged with is a forcible felony,
19 stalking, aggravated stalking, domestic battery, any
20 violation of the Illinois Controlled Substances Act, the
21 Methamphetamine Control and Community Protection Act, or
22 the Cannabis Control Act that is classified as a Class 2 or
23 greater felony, or any felony violation of Article 24 of
24 the Criminal Code of 1961 or the Criminal Code of 2012; the
25 court may, however, forgo the imposition of this condition
26 when the circumstances of the case clearly do not warrant

1 it or when its imposition would be impractical; ~~if the~~
2 ~~Firearm Owner's Identification Card is confiscated, the~~
3 ~~clerk of the circuit court shall mail the confiscated card~~
4 ~~to the Illinois State Police;~~ all legally possessed
5 firearms shall be returned to the person upon the charges
6 being dismissed, or if the person is found not guilty,
7 unless the finding of not guilty is by reason of insanity;
8 and

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

18 Psychological evaluations ordered pursuant to this Section
19 shall be completed promptly and made available to the State,
20 the defendant, and the court. As a further condition of
21 pretrial release under these circumstances, the court shall
22 order the defendant to refrain from entering upon the property
23 of the school, including any conveyance owned, leased, or
24 contracted by a school to transport students to or from school
25 or a school-related activity, or on any public way within
26 1,000 feet of real property comprising any school. Upon

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

12 (b) Additional conditions of release shall be set only
13 when it is determined that they are necessary to ensure the
14 defendant's appearance in court, ensure the defendant does not
15 commit any criminal offense, ensure the defendant complies
16 with all conditions of pretrial release, prevent the
17 defendant's unlawful interference with the orderly
18 administration of justice, or ensure compliance with the rules
19 and procedures of problem solving courts. However, conditions
20 shall include the least restrictive means and be
21 individualized. Conditions shall not mandate rehabilitative
22 services unless directly tied to the risk of pretrial
23 misconduct. Conditions of supervision shall not include
24 punitive measures such as community service work or
25 restitution. Conditions may include the following:

26 (0.05) Not depart this State without leave of the

1 court;

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

4 (2) Refrain from possessing a firearm or other
5 dangerous weapon;

6 (3) Refrain from approaching or communicating with
7 particular persons or classes of persons;

8 (4) Refrain from going to certain described geographic
9 areas or premises;

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

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

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

6 (8) Sign a written admonishment requiring that he or
7 she comply with the provisions of Section 110-12 regarding
8 any change in his or her address. The defendant's address
9 shall at all times remain a matter of record with the clerk
10 of the court; and

11 (9) Such other reasonable conditions as the court may
12 impose, so long as these conditions are the least
13 restrictive means to achieve the goals listed in
14 subsection (b), are individualized, and are in accordance
15 with national best practices as detailed in the Pretrial
16 Supervision Standards of the Supreme Court.

17 The defendant shall receive verbal and written
18 notification of conditions of pretrial release and future
19 court dates, including the date, time, and location of court.

20 (c) When a person is charged with an offense under Section
21 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
22 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, involving a victim who is a minor under
24 18 years of age living in the same household with the defendant
25 at the time of the offense, in releasing the defendant, the
26 judge shall impose conditions to restrict the defendant's

1 access to the victim which may include, but are not limited to
2 conditions that he will:

3 1. Vacate the household.

4 2. Make payment of temporary support to his
5 dependents.

6 3. Refrain from contact or communication with the
7 child victim, except as ordered by the court.

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

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

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

21 (e) Local law enforcement agencies shall develop
22 standardized pretrial release forms for use in cases involving
23 family or household members as defined in Article 112A,
24 including specific conditions of pretrial release as provided
25 in subsection (d). Failure of any law enforcement department
26 to develop or use those forms shall in no way limit the

1 applicability and enforcement of subsections (d) and (f).

2 (f) If the defendant is released after conviction
3 following appeal or other post-conviction proceeding, the
4 conditions of the pretrial release shall be that he will, in
5 addition to the conditions set forth in subsections (a) and
6 (b) hereof:

7 (1) Duly prosecute his appeal;

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

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

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

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

16 (g) Upon a finding of guilty for any felony offense, the
17 defendant shall physically surrender, at a time and place
18 designated by the court, any and all firearms in his or her
19 possession ~~and his or her Firearm Owner's Identification Card~~
20 as a condition of being released pending sentencing.

21 (Source: P.A. 101-138, eff. 1-1-20; 101-652, eff. 1-1-23;
22 102-1104, eff. 1-1-23.)

23 (725 ILCS 5/112A-5.5)

24 Sec. 112A-5.5. Time for filing petition; service on
25 respondent, hearing on petition, and default orders.

1 (a) A petition for a protective order may be filed at any
2 time, in person or online, after a criminal charge or
3 delinquency petition is filed and before the charge or
4 delinquency petition is dismissed, the defendant or juvenile
5 is acquitted, or the defendant or juvenile completes service
6 of his or her sentence.

7 (b) The request for an ex parte protective order may be
8 considered without notice to the respondent under Section
9 112A-17.5 of this Code.

10 (c) A summons shall be issued and served for a protective
11 order. The summons may be served by delivery to the respondent
12 personally in open court in the criminal or juvenile
13 delinquency proceeding, in the form prescribed by subsection
14 (d) of Supreme Court Rule 101, except that it shall require the
15 respondent to answer or appear within 7 days. Attachments to
16 the summons shall include the petition for protective order,
17 supporting affidavits, if any, and any ex parte protective
18 order that has been issued.

19 (d) The summons shall be served by the sheriff or other law
20 enforcement officer at the earliest time available and shall
21 take precedence over any other summons, except those of a
22 similar emergency nature. Attachments to the summons shall
23 include the petition for protective order, supporting
24 affidavits, if any, and any ex parte protective order that has
25 been issued. Special process servers may be appointed at any
26 time and their designation shall not affect the

1 responsibilities and authority of the sheriff or other
2 official process servers. In a county with a population over
3 3,000,000, a special process server may not be appointed if
4 the protective order grants the surrender of a child, the
5 surrender of a firearm ~~or Firearm Owner's Identification Card,~~
6 or the exclusive possession of a shared residence.

7 (e) If the respondent is not served within 30 days of the
8 filing of the petition, the court shall schedule a court
9 proceeding on the issue of service. Either the petitioner, the
10 petitioner's counsel, or the State's Attorney shall appear and
11 the court shall either order continued attempts at personal
12 service or shall order service by publication, in accordance
13 with Sections 2-203, 2-206, and 2-207 of the Code of Civil
14 Procedure.

15 (f) The request for a final protective order can be
16 considered at any court proceeding in the delinquency or
17 criminal case after service of the petition. If the petitioner
18 has not been provided notice of the court proceeding at least
19 10 days in advance of the proceeding, the court shall schedule
20 a hearing on the petition and provide notice to the
21 petitioner.

22 (f-5) A court in a county with a population above 250,000
23 shall offer the option of a remote hearing to a petitioner for
24 a protective order. The court has the discretion to grant or
25 deny the request for a remote hearing. Each court shall
26 determine the procedure for a remote hearing. The petitioner

1 and respondent may appear remotely or in person.

2 The court shall issue and publish a court order, standing
3 order, or local rule detailing information about the process
4 for requesting and participating in a remote court appearance.
5 The court order, standing order, or local rule shall be
6 published on the court's website and posted on signs
7 throughout the courthouse, including in the clerk's office.
8 The sign shall be written in plain language and include
9 information about the availability of remote court appearances
10 and the process for requesting a remote hearing.

11 (g) Default orders.

12 (1) A final domestic violence order of protection may
13 be entered by default:

14 (A) for any of the remedies sought in the
15 petition, if the respondent has been served with
16 documents under subsection (b) or (c) of this Section
17 and if the respondent fails to appear on the specified
18 return date or any subsequent hearing date agreed to
19 by the petitioner and respondent or set by the court;
20 or

21 (B) for any of the remedies provided under
22 paragraph (1), (2), (3), (5), (6), (7), (8), (9),
23 (10), (11), (14), (15), (17), or (18) of subsection
24 (b) of Section 112A-14 of this Code, or if the
25 respondent fails to answer or appear in accordance
26 with the date set in the publication notice or the

1 return date indicated on the service of a household
2 member.

3 (2) A final civil no contact order may be entered by
4 default for any of the remedies provided in Section
5 112A-14.5 of this Code, if the respondent has been served
6 with documents under subsection (b) or (c) of this
7 Section, and if the respondent fails to answer or appear
8 in accordance with the date set in the publication notice
9 or the return date indicated on the service of a household
10 member.

11 (3) A final stalking no contact order may be entered
12 by default for any of the remedies provided by Section
13 112A-14.7 of this Code, if the respondent has been served
14 with documents under subsection (b) or (c) of this Section
15 and if the respondent fails to answer or appear in
16 accordance with the date set in the publication notice or
17 the return date indicated on the service of a household
18 member.

19 (Source: P.A. 102-853, eff. 1-1-23; 103-154, eff. 6-30-23.)

20 (725 ILCS 5/112A-11.1)

21 Sec. 112A-11.1. Procedure for determining whether certain
22 misdemeanor crimes are crimes of domestic violence for
23 purposes of federal law.

24 (a) When a defendant has been charged with a violation of
25 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the

1 Criminal Code of 1961 or the Criminal Code of 2012, the State
2 may, at arraignment or no later than 45 days after
3 arraignment, for the purpose of notification to the Illinois
4 State Police ~~Firearm Owner's Identification Card Office~~, serve
5 on the defendant and file with the court a notice alleging that
6 conviction of the offense would subject the defendant to the
7 prohibitions of 18 U.S.C. 922(g)(9) because of the
8 relationship between the defendant and the alleged victim and
9 the nature of the alleged offense.

10 (b) The notice shall include the name of the person
11 alleged to be the victim of the crime and shall specify the
12 nature of the alleged relationship as set forth in 18 U.S.C.
13 921(a)(33)(A)(ii). It shall also specify the element of the
14 charged offense which requires the use or attempted use of
15 physical force, or the threatened use of a deadly weapon, as
16 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include
17 notice that the defendant is entitled to a hearing on the
18 allegation contained in the notice and that if the allegation
19 is sustained, that determination and conviction shall be
20 reported to the Illinois State Police ~~Firearm Owner's~~
21 ~~Identification Card Office~~.

22 (c) After having been notified as provided in subsection
23 (b) of this Section, the defendant may stipulate or admit,
24 orally on the record or in writing, that conviction of the
25 offense would subject the defendant to the prohibitions of 18
26 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.

1 922(g) (9) shall be deemed established for purposes of Section
2 112A-11.2. If the defendant denies the applicability of 18
3 U.S.C. 922(g) (9) as alleged in the notice served by the State,
4 or stands mute with respect to that allegation, then the State
5 shall bear the burden to prove beyond a reasonable doubt that
6 the offense is one to which the prohibitions of 18 U.S.C.
7 922(g) (9) apply. The court may consider reliable hearsay
8 evidence submitted by either party provided that it is
9 relevant to the determination of the allegation. Facts
10 previously proven at trial or elicited at the time of entry of
11 a plea of guilty shall be deemed established beyond a
12 reasonable doubt and shall not be relitigated. At the
13 conclusion of the hearing, or upon a stipulation or admission,
14 as applicable, the court shall make a specific written
15 determination with respect to the allegation.

16 (Source: P.A. 102-538, eff. 8-20-21.)

17 (725 ILCS 5/112A-11.2)

18 Sec. 112A-11.2. Notification to the Illinois State Police
19 ~~Firearm Owner's Identification Card Office~~ of determinations
20 in certain misdemeanor cases. Upon judgment of conviction of a
21 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
22 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
23 2012 when the defendant has been determined, under Section
24 112A-11.1, to be subject to the prohibitions of 18 U.S.C.
25 922(g) (9), the circuit court clerk shall include notification

1 and a copy of the written determination in a report of the
2 conviction to the Illinois State Police ~~Firearm Owner's~~
3 ~~Identification Card Office~~ to enable the office to report that
4 determination to the Federal Bureau of Investigation and
5 assist the Bureau in identifying persons prohibited from
6 purchasing and possessing a firearm pursuant to the provisions
7 of 18 U.S.C. 922.

8 (Source: P.A. 102-538, eff. 8-20-21.)

9 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

10 Sec. 112A-14. Domestic violence order of protection;
11 remedies.

12 (a) (Blank).

13 (b) The court may order any of the remedies listed in this
14 subsection (b). The remedies listed in this subsection (b)
15 shall be in addition to other civil or criminal remedies
16 available to petitioner.

17 (1) Prohibition of abuse. Prohibit respondent's
18 harassment, interference with personal liberty,
19 intimidation of a dependent, physical abuse, or willful
20 deprivation, as defined in this Article, if such abuse has
21 occurred or otherwise appears likely to occur if not
22 prohibited.

23 (2) Grant of exclusive possession of residence.
24 Prohibit respondent from entering or remaining in any
25 residence, household, or premises of the petitioner,

1 including one owned or leased by respondent, if petitioner
2 has a right to occupancy thereof. The grant of exclusive
3 possession of the residence, household, or premises shall
4 not affect title to real property, nor shall the court be
5 limited by the standard set forth in subsection (c-2) of
6 Section 501 of the Illinois Marriage and Dissolution of
7 Marriage Act.

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

17 (B) Presumption of hardships. If petitioner and
18 respondent each has the right to occupancy of a
19 residence or household, the court shall balance (i)
20 the hardships to respondent and any minor child or
21 dependent adult in respondent's care resulting from
22 entry of this remedy with (ii) the hardships to
23 petitioner and any minor child or dependent adult in
24 petitioner's care resulting from continued exposure to
25 the risk of abuse (should petitioner remain at the
26 residence or household) or from loss of possession of

1 the residence or household (should petitioner leave to
2 avoid the risk of abuse). When determining the balance
3 of hardships, the court shall also take into account
4 the accessibility of the residence or household.
5 Hardships need not be balanced if respondent does not
6 have a right to occupancy.

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

18 (3) Stay away order and additional prohibitions. Order
19 respondent to stay away from petitioner or any other
20 person protected by the domestic violence order of
21 protection, or prohibit respondent from entering or
22 remaining present at petitioner's school, place of
23 employment, or other specified places at times when
24 petitioner is present, or both, if reasonable, given the
25 balance of hardships. Hardships need not be balanced for
26 the court to enter a stay away order or prohibit entry if

1 respondent has no right to enter the premises.

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

14 (B) When the petitioner and the respondent attend
15 the same public, private, or non-public elementary,
16 middle, or high school, the court when issuing a
17 domestic violence order of protection and providing
18 relief shall consider the severity of the act, any
19 continuing physical danger or emotional distress to
20 the petitioner, the educational rights guaranteed to
21 the petitioner and respondent under federal and State
22 law, the availability of a transfer of the respondent
23 to another school, a change of placement or a change of
24 program of the respondent, the expense, difficulty,
25 and educational disruption that would be caused by a
26 transfer of the respondent to another school, and any

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

1 petitioner and the respondent requests a transfer to
2 another attendance center within the respondent's
3 school district or private or non-public school, the
4 school district or private or non-public school shall
5 have sole discretion to determine the attendance
6 center to which the respondent is transferred. If the
7 court order results in a transfer of the minor
8 respondent to another attendance center, a change in
9 the respondent's placement, or a change of the
10 respondent's program, the parents, guardian, or legal
11 custodian of the respondent is responsible for
12 transportation and other costs associated with the
13 transfer or change.

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

23 (4) Counseling. Require or recommend the respondent to
24 undergo counseling for a specified duration with a social
25 worker, psychologist, clinical psychologist,
26 psychiatrist, family service agency, alcohol or substance

1 abuse program, mental health center guidance counselor,
2 agency providing services to elders, program designed for
3 domestic violence abusers, or any other guidance service
4 the court deems appropriate. The court may order the
5 respondent in any intimate partner relationship to report
6 to an Illinois Department of Human Services protocol
7 approved partner abuse intervention program for an
8 assessment and to follow all recommended treatment.

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

19 If the respondent is charged with abuse (as defined in
20 Section 112A-3 of this Code) of a minor child, there shall
21 be a rebuttable presumption that awarding physical care to
22 respondent would not be in the minor child's best
23 interest.

24 (6) Temporary allocation of parental responsibilities
25 and significant decision-making responsibilities. Award
26 temporary significant decision-making responsibility to

1 petitioner in accordance with this Section, the Illinois
2 Marriage and Dissolution of Marriage Act, the Illinois
3 Parentage Act of 2015, and this State's Uniform
4 Child-Custody Jurisdiction and Enforcement Act.

5 If the respondent is charged with abuse (as defined in
6 Section 112A-3 of this Code) of a minor child, there shall
7 be a rebuttable presumption that awarding temporary
8 significant decision-making responsibility to respondent
9 would not be in the child's best interest.

10 (7) Parenting time. Determine the parenting time, if
11 any, of respondent in any case in which the court awards
12 physical care or temporary significant decision-making
13 responsibility of a minor child to petitioner. The court
14 shall restrict or deny respondent's parenting time with a
15 minor child if the court finds that respondent has done or
16 is likely to do any of the following:

17 (i) abuse or endanger the minor child during
18 parenting time;

19 (ii) use the parenting time as an opportunity to
20 abuse or harass petitioner or petitioner's family or
21 household members;

22 (iii) improperly conceal or detain the minor
23 child; or

24 (iv) otherwise act in a manner that is not in the
25 best interests of the minor child.

26 The court shall not be limited by the standards set

1 forth in Section 603.10 of the Illinois Marriage and
2 Dissolution of Marriage Act. If the court grants parenting
3 time, the order shall specify dates and times for the
4 parenting time to take place or other specific parameters
5 or conditions that are appropriate. No order for parenting
6 time shall refer merely to the term "reasonable parenting
7 time". Petitioner may deny respondent access to the minor
8 child if, when respondent arrives for parenting time,
9 respondent is under the influence of drugs or alcohol and
10 constitutes a threat to the safety and well-being of
11 petitioner or petitioner's minor children or is behaving
12 in a violent or abusive manner. If necessary to protect
13 any member of petitioner's family or household from future
14 abuse, respondent shall be prohibited from coming to
15 petitioner's residence to meet the minor child for
16 parenting time, and the petitioner and respondent shall
17 submit to the court their recommendations for reasonable
18 alternative arrangements for parenting time. A person may
19 be approved to supervise parenting time only after filing
20 an affidavit accepting that responsibility and
21 acknowledging accountability to the court.

22 (8) Removal or concealment of minor child. Prohibit
23 respondent from removing a minor child from the State or
24 concealing the child within the State.

25 (9) Order to appear. Order the respondent to appear in
26 court, alone or with a minor child, to prevent abuse,

1 neglect, removal or concealment of the child, to return
2 the child to the custody or care of the petitioner, or to
3 permit any court-ordered interview or examination of the
4 child or the respondent.

5 (10) Possession of personal property. Grant petitioner
6 exclusive possession of personal property and, if
7 respondent has possession or control, direct respondent to
8 promptly make it available to petitioner, if:

9 (i) petitioner, but not respondent, owns the
10 property; or

11 (ii) the petitioner and respondent own the
12 property jointly; sharing it would risk abuse of
13 petitioner by respondent or is impracticable; and the
14 balance of hardships favors temporary possession by
15 petitioner.

16 If petitioner's sole claim to ownership of the
17 property is that it is marital property, the court may
18 award petitioner temporary possession thereof under the
19 standards of subparagraph (ii) of this paragraph only if a
20 proper proceeding has been filed under the Illinois
21 Marriage and Dissolution of Marriage Act, as now or
22 hereafter amended.

23 No order under this provision shall affect title to
24 property.

25 (11) Protection of property. Forbid the respondent
26 from taking, transferring, encumbering, concealing,

1 damaging, or otherwise disposing of any real or personal
2 property, except as explicitly authorized by the court,
3 if:

4 (i) petitioner, but not respondent, owns the
5 property; or

6 (ii) the petitioner and respondent own the
7 property jointly, and the balance of hardships favors
8 granting this remedy.

9 If petitioner's sole claim to ownership of the
10 property is that it is marital property, the court may
11 grant petitioner relief under subparagraph (ii) of this
12 paragraph only if a proper proceeding has been filed under
13 the Illinois Marriage and Dissolution of Marriage Act, as
14 now or hereafter amended.

15 The court may further prohibit respondent from
16 improperly using the financial or other resources of an
17 aged member of the family or household for the profit or
18 advantage of respondent or of any other person.

19 (11.5) Protection of animals. Grant the petitioner the
20 exclusive care, custody, or control of any animal owned,
21 possessed, leased, kept, or held by either the petitioner
22 or the respondent or a minor child residing in the
23 residence or household of either the petitioner or the
24 respondent and order the respondent to stay away from the
25 animal and forbid the respondent from taking,
26 transferring, encumbering, concealing, harming, or

1 otherwise disposing of the animal.

2 (12) Order for payment of support. Order respondent to
3 pay temporary support for the petitioner or any child in
4 the petitioner's care or over whom the petitioner has been
5 allocated parental responsibility, when the respondent has
6 a legal obligation to support that person, in accordance
7 with the Illinois Marriage and Dissolution of Marriage
8 Act, which shall govern, among other matters, the amount
9 of support, payment through the clerk and withholding of
10 income to secure payment. An order for child support may
11 be granted to a petitioner with lawful physical care of a
12 child, or an order or agreement for physical care of a
13 child, prior to entry of an order allocating significant
14 decision-making responsibility. Such a support order shall
15 expire upon entry of a valid order allocating parental
16 responsibility differently and vacating petitioner's
17 significant decision-making responsibility unless
18 otherwise provided in the order.

19 (13) Order for payment of losses. Order respondent to
20 pay petitioner for losses suffered as a direct result of
21 the abuse. Such losses shall include, but not be limited
22 to, medical expenses, lost earnings or other support,
23 repair or replacement of property damaged or taken,
24 reasonable attorney's fees, court costs, and moving or
25 other travel expenses, including additional reasonable
26 expenses for temporary shelter and restaurant meals.

1 (i) Losses affecting family needs. If a party is
2 entitled to seek maintenance, child support, or
3 property distribution from the other party under the
4 Illinois Marriage and Dissolution of Marriage Act, as
5 now or hereafter amended, the court may order
6 respondent to reimburse petitioner's actual losses, to
7 the extent that such reimbursement would be
8 "appropriate temporary relief", as authorized by
9 subsection (a) (3) of Section 501 of that Act.

10 (ii) Recovery of expenses. In the case of an
11 improper concealment or removal of a minor child, the
12 court may order respondent to pay the reasonable
13 expenses incurred or to be incurred in the search for
14 and recovery of the minor child, including, but not
15 limited to, legal fees, court costs, private
16 investigator fees, and travel costs.

17 (14) Prohibition of entry. Prohibit the respondent
18 from entering or remaining in the residence or household
19 while the respondent is under the influence of alcohol or
20 drugs and constitutes a threat to the safety and
21 well-being of the petitioner or the petitioner's children.

22 (14.5) Prohibition of firearm possession.

23 (A) A person who is subject to an existing
24 domestic violence order of protection issued under
25 this Code may not lawfully possess firearms, stun
26 guns, or tasers ~~weapons or a Firearm Owner's~~

1 ~~Identification Card under Section 8.2 of the Firearm~~
2 ~~Owners Identification Card Act.~~

3 (B) Any firearms in the possession of the
4 respondent, except as provided in subparagraph (C) of
5 this paragraph (14.5), shall be ordered by the court
6 to be turned over to a person who is not prohibited
7 under State or federal law from possessing firearms
8 ~~with a valid Firearm Owner's Identification Card for~~
9 ~~safekeeping. The court shall issue an order that the~~
10 ~~respondent comply with Section 9.5 of the Firearm~~
11 ~~Owners Identification Card Act.~~

12 (C) If the respondent is a peace officer as
13 defined in Section 2-13 of the Criminal Code of 2012,
14 the court shall order that any firearms used by the
15 respondent in the performance of his or her duties as a
16 peace officer be surrendered to the chief law
17 enforcement executive of the agency in which the
18 respondent is employed, who shall retain the firearms
19 for safekeeping for the duration of the domestic
20 violence order of protection.

21 (D) Upon expiration of the period of safekeeping,
22 if the firearms ~~or Firearm Owner's Identification Card~~
23 cannot be returned to respondent because respondent
24 cannot be located, fails to respond to requests to
25 retrieve the firearms, or is not lawfully eligible to
26 possess a firearm, upon petition from the local law

1 enforcement agency, the court may order the local law
2 enforcement agency to destroy the firearms, use the
3 firearms for training purposes, or for any other
4 application as deemed appropriate by the local law
5 enforcement agency; or that the firearms be turned
6 over to a third party who is lawfully eligible to
7 possess firearms, and who does not reside with
8 respondent.

9 (15) Prohibition of access to records. If a domestic
10 violence order of protection prohibits respondent from
11 having contact with the minor child, or if petitioner's
12 address is omitted under subsection (b) of Section 112A-5
13 of this Code, or if necessary to prevent abuse or wrongful
14 removal or concealment of a minor child, the order shall
15 deny respondent access to, and prohibit respondent from
16 inspecting, obtaining, or attempting to inspect or obtain,
17 school or any other records of the minor child who is in
18 the care of petitioner.

19 (16) Order for payment of shelter services. Order
20 respondent to reimburse a shelter providing temporary
21 housing and counseling services to the petitioner for the
22 cost of the services, as certified by the shelter and
23 deemed reasonable by the court.

24 (17) Order for injunctive relief. Enter injunctive
25 relief necessary or appropriate to prevent further abuse
26 of a family or household member or to effectuate one of the

1 granted remedies, if supported by the balance of
2 hardships. If the harm to be prevented by the injunction
3 is abuse or any other harm that one of the remedies listed
4 in paragraphs (1) through (16) of this subsection is
5 designed to prevent, no further evidence is necessary to
6 establish that the harm is an irreparable injury.

7 (18) Telephone services.

8 (A) Unless a condition described in subparagraph
9 (B) of this paragraph exists, the court may, upon
10 request by the petitioner, order a wireless telephone
11 service provider to transfer to the petitioner the
12 right to continue to use a telephone number or numbers
13 indicated by the petitioner and the financial
14 responsibility associated with the number or numbers,
15 as set forth in subparagraph (C) of this paragraph. In
16 this paragraph (18), the term "wireless telephone
17 service provider" means a provider of commercial
18 mobile service as defined in 47 U.S.C. 332. The
19 petitioner may request the transfer of each telephone
20 number that the petitioner, or a minor child in his or
21 her custody, uses. The clerk of the court shall serve
22 the order on the wireless telephone service provider's
23 agent for service of process provided to the Illinois
24 Commerce Commission. The order shall contain all of
25 the following:

26 (i) The name and billing telephone number of

1 the account holder including the name of the
2 wireless telephone service provider that serves
3 the account.

4 (ii) Each telephone number that will be
5 transferred.

6 (iii) A statement that the provider transfers
7 to the petitioner all financial responsibility for
8 and right to the use of any telephone number
9 transferred under this paragraph.

10 (B) A wireless telephone service provider shall
11 terminate the respondent's use of, and shall transfer
12 to the petitioner use of, the telephone number or
13 numbers indicated in subparagraph (A) of this
14 paragraph unless it notifies the petitioner, within 72
15 hours after it receives the order, that one of the
16 following applies:

17 (i) The account holder named in the order has
18 terminated the account.

19 (ii) A difference in network technology would
20 prevent or impair the functionality of a device on
21 a network if the transfer occurs.

22 (iii) The transfer would cause a geographic or
23 other limitation on network or service provision
24 to the petitioner.

25 (iv) Another technological or operational
26 issue would prevent or impair the use of the

1 telephone number if the transfer occurs.

2 (C) The petitioner assumes all financial
3 responsibility for and right to the use of any
4 telephone number transferred under this paragraph. In
5 this paragraph, "financial responsibility" includes
6 monthly service costs and costs associated with any
7 mobile device associated with the number.

8 (D) A wireless telephone service provider may
9 apply to the petitioner its routine and customary
10 requirements for establishing an account or
11 transferring a number, including requiring the
12 petitioner to provide proof of identification,
13 financial information, and customer preferences.

14 (E) Except for willful or wanton misconduct, a
15 wireless telephone service provider is immune from
16 civil liability for its actions taken in compliance
17 with a court order issued under this paragraph.

18 (F) All wireless service providers that provide
19 services to residential customers shall provide to the
20 Illinois Commerce Commission the name and address of
21 an agent for service of orders entered under this
22 paragraph (18). Any change in status of the registered
23 agent must be reported to the Illinois Commerce
24 Commission within 30 days of such change.

25 (G) The Illinois Commerce Commission shall
26 maintain the list of registered agents for service for

1 each wireless telephone service provider on the
2 Commission's website. The Commission may consult with
3 wireless telephone service providers and the Circuit
4 Court Clerks on the manner in which this information
5 is provided and displayed.

6 (c) Relevant factors; findings.

7 (1) In determining whether to grant a specific remedy,
8 other than payment of support, the court shall consider
9 relevant factors, including, but not limited to, the
10 following:

11 (i) the nature, frequency, severity, pattern, and
12 consequences of the respondent's past abuse of the
13 petitioner or any family or household member,
14 including the concealment of his or her location in
15 order to evade service of process or notice, and the
16 likelihood of danger of future abuse to petitioner or
17 any member of petitioner's or respondent's family or
18 household; and

19 (ii) the danger that any minor child will be
20 abused or neglected or improperly relocated from the
21 jurisdiction, improperly concealed within the State,
22 or improperly separated from the child's primary
23 caretaker.

24 (2) In comparing relative hardships resulting to the
25 parties from loss of possession of the family home, the
26 court shall consider relevant factors, including, but not

1 limited to, the following:

2 (i) availability, accessibility, cost, safety,
3 adequacy, location, and other characteristics of
4 alternate housing for each party and any minor child
5 or dependent adult in the party's care;

6 (ii) the effect on the party's employment; and

7 (iii) the effect on the relationship of the party,
8 and any minor child or dependent adult in the party's
9 care, to family, school, church, and community.

10 (3) Subject to the exceptions set forth in paragraph
11 (4) of this subsection (c), the court shall make its
12 findings in an official record or in writing, and shall at
13 a minimum set forth the following:

14 (i) That the court has considered the applicable
15 relevant factors described in paragraphs (1) and (2)
16 of this subsection (c).

17 (ii) Whether the conduct or actions of respondent,
18 unless prohibited, will likely cause irreparable harm
19 or continued abuse.

20 (iii) Whether it is necessary to grant the
21 requested relief in order to protect petitioner or
22 other alleged abused persons.

23 (4) (Blank).

24 (5) Never married parties. No rights or
25 responsibilities for a minor child born outside of
26 marriage attach to a putative father until a father and

1 child relationship has been established under the Illinois
2 Parentage Act of 1984, the Illinois Parentage Act of 2015,
3 the Illinois Public Aid Code, Section 12 of the Vital
4 Records Act, the Juvenile Court Act of 1987, the Probate
5 Act of 1975, the Uniform Interstate Family Support Act,
6 the Expedited Child Support Act of 1990, any judicial,
7 administrative, or other act of another state or
8 territory, any other statute of this State, or by any
9 foreign nation establishing the father and child
10 relationship, any other proceeding substantially in
11 conformity with the federal Personal Responsibility and
12 Work Opportunity Reconciliation Act of 1996, or when both
13 parties appeared in open court or at an administrative
14 hearing acknowledging under oath or admitting by
15 affirmation the existence of a father and child
16 relationship. Absent such an adjudication, no putative
17 father shall be granted temporary allocation of parental
18 responsibilities, including parenting time with the minor
19 child, or physical care and possession of the minor child,
20 nor shall an order of payment for support of the minor
21 child be entered.

22 (d) Balance of hardships; findings. If the court finds
23 that the balance of hardships does not support the granting of
24 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
25 subsection (b) of this Section, which may require such
26 balancing, the court's findings shall so indicate and shall

1 include a finding as to whether granting the remedy will
2 result in hardship to respondent that would substantially
3 outweigh the hardship to petitioner from denial of the remedy.
4 The findings shall be an official record or in writing.

5 (e) Denial of remedies. Denial of any remedy shall not be
6 based, in whole or in part, on evidence that:

7 (1) respondent has cause for any use of force, unless
8 that cause satisfies the standards for justifiable use of
9 force provided by Article 7 of the Criminal Code of 2012;

10 (2) respondent was voluntarily intoxicated;

11 (3) petitioner acted in self-defense or defense of
12 another, provided that, if petitioner utilized force, such
13 force was justifiable under Article 7 of the Criminal Code
14 of 2012;

15 (4) petitioner did not act in self-defense or defense
16 of another;

17 (5) petitioner left the residence or household to
18 avoid further abuse by respondent;

19 (6) petitioner did not leave the residence or
20 household to avoid further abuse by respondent; or

21 (7) conduct by any family or household member excused
22 the abuse by respondent, unless that same conduct would
23 have excused such abuse if the parties had not been family
24 or household members.

25 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
26 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

1 (725 ILCS 5/112A-14.7)

2 Sec. 112A-14.7. Stalking no contact order; remedies.

3 (a) The court may order any of the remedies listed in this
4 Section. The remedies listed in this Section shall be in
5 addition to other civil or criminal remedies available to
6 petitioner. A stalking no contact order shall order one or
7 more of the following:

8 (1) prohibit the respondent from threatening to commit
9 or committing stalking;

10 (2) order the respondent not to have any contact with
11 the petitioner or a third person specifically named by the
12 court;

13 (3) prohibit the respondent from knowingly coming
14 within, or knowingly remaining within a specified distance
15 of the petitioner or the petitioner's residence, school,
16 daycare, or place of employment, or any specified place
17 frequented by the petitioner; however, the court may order
18 the respondent to stay away from the respondent's own
19 residence, school, or place of employment only if the
20 respondent has been provided actual notice of the
21 opportunity to appear and be heard on the petition;

22 (4) prohibit the respondent from ~~possessing a Firearm~~
23 ~~Owners Identification Card, or~~ possessing or buying
24 firearms; and

25 (5) order other injunctive relief the court determines

1 to be necessary to protect the petitioner or third party
2 specifically named by the court.

3 (b) When the petitioner and the respondent attend the same
4 public, private, or non-public elementary, middle, or high
5 school, the court when issuing a stalking no contact order and
6 providing relief shall consider the severity of the act, any
7 continuing physical danger or emotional distress to the
8 petitioner, the educational rights guaranteed to the
9 petitioner and respondent under federal and State law, the
10 availability of a transfer of the respondent to another
11 school, a change of placement or a change of program of the
12 respondent, the expense, difficulty, and educational
13 disruption that would be caused by a transfer of the
14 respondent to another school, and any other relevant facts of
15 the case. The court may order that the respondent not attend
16 the public, private, or non-public elementary, middle, or high
17 school attended by the petitioner, order that the respondent
18 accept a change of placement or program, as determined by the
19 school district or private or non-public school, or place
20 restrictions on the respondent's movements within the school
21 attended by the petitioner. The respondent bears the burden of
22 proving by a preponderance of the evidence that a transfer,
23 change of placement, or change of program of the respondent is
24 not available. The respondent also bears the burden of
25 production with respect to the expense, difficulty, and
26 educational disruption that would be caused by a transfer of

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

22 (c) The court may order the parents, guardian, or legal
23 custodian of a minor respondent to take certain actions or to
24 refrain from taking certain actions to ensure that the
25 respondent complies with the order. If the court orders a
26 transfer of the respondent to another school, the parents,

1 guardian, or legal custodian of the respondent are responsible
2 for transportation and other costs associated with the change
3 of school by the respondent.

4 (d) The court shall not hold a school district or private
5 or non-public school or any of its employees in civil or
6 criminal contempt unless the school district or private or
7 non-public school has been allowed to intervene.

8 (e) The court may hold the parents, guardian, or legal
9 custodian of a minor respondent in civil or criminal contempt
10 for a violation of any provision of any order entered under
11 this Article for conduct of the minor respondent in violation
12 of this Article if the parents, guardian, or legal custodian
13 directed, encouraged, or assisted the respondent minor in the
14 conduct.

15 (f) Monetary damages are not recoverable as a remedy.

16 (g) If the stalking no contact order prohibits the
17 respondent from ~~possessing a Firearm Owner's Identification~~
18 ~~Card, or~~ possessing or buying firearms; the court shall
19 confiscate the respondent's firearms and firearm ammunition
20 ~~Firearm Owner's Identification Card and immediately return the~~
21 ~~card to the Illinois State Police Firearm Owner's~~
22 ~~Identification Card Office.~~

23 (Source: P.A. 102-538, eff. 8-20-21.)

24 (725 ILCS 5/112A-17.5)

25 Sec. 112A-17.5. Ex parte protective orders.

1 (a) The petitioner may request expedited consideration of
2 the petition for an ex parte protective order. The court shall
3 consider the request on an expedited basis without requiring
4 the respondent's presence or requiring notice to the
5 respondent.

6 (b) Issuance of ex parte protective orders in cases
7 involving domestic violence. An ex parte domestic violence
8 order of protection shall be issued if petitioner satisfies
9 the requirements of this subsection (b) for one or more of the
10 requested remedies. For each remedy requested, petitioner
11 shall establish that:

12 (1) the court has jurisdiction under Section 112A-9 of
13 this Code;

14 (2) the requirements of subsection (a) of Section
15 112A-11.5 of this Code are satisfied; and

16 (3) there is good cause to grant the remedy,
17 regardless of prior service of process or notice upon the
18 respondent, because:

19 (A) for the remedy of prohibition of abuse
20 described in paragraph (1) of subsection (b) of
21 Section 112A-14 of this Code; stay away order and
22 additional prohibitions described in paragraph (3) of
23 subsection (b) of Section 112A-14 of this Code;
24 removal or concealment of minor child described in
25 paragraph (8) of subsection (b) of Section 112A-14 of
26 this Code; order to appear described in paragraph (9)

1 of subsection (b) of Section 112A-14 of this Code;
2 physical care and possession of the minor child
3 described in paragraph (5) of subsection (b) of
4 Section 112A-14 of this Code; protection of property
5 described in paragraph (11) of subsection (b) of
6 Section 112A-14 of this Code; prohibition of entry
7 described in paragraph (14) of subsection (b) of
8 Section 112A-14 of this Code; prohibition of firearm
9 possession described in paragraph (14.5) of subsection
10 (b) of Section 112A-14 of this Code; prohibition of
11 access to records described in paragraph (15) of
12 subsection (b) of Section 112A-14 of this Code;
13 injunctive relief described in paragraph (16) of
14 subsection (b) of Section 112A-14 of this Code; and
15 telephone services described in paragraph (18) of
16 subsection (b) of Section 112A-14 of this Code, the
17 harm which that remedy is intended to prevent would be
18 likely to occur if the respondent were given any prior
19 notice, or greater notice than was actually given, of
20 the petitioner's efforts to obtain judicial relief;

21 (B) for the remedy of grant of exclusive
22 possession of residence described in paragraph (2) of
23 subsection (b) of Section 112A-14 of this Code; the
24 immediate danger of further abuse of the petitioner by
25 the respondent, if the petitioner chooses or had
26 chosen to remain in the residence or household while

1 the respondent was given any prior notice or greater
2 notice than was actually given of the petitioner's
3 efforts to obtain judicial relief outweighs the
4 hardships to the respondent of an emergency order
5 granting the petitioner exclusive possession of the
6 residence or household; and the remedy shall not be
7 denied because the petitioner has or could obtain
8 temporary shelter elsewhere while prior notice is
9 given to the respondent, unless the hardship to the
10 respondent from exclusion from the home substantially
11 outweigh the hardship to the petitioner; or

12 (C) for the remedy of possession of personal
13 property described in paragraph (10) of subsection (b)
14 of Section 112A-14 of this Code; improper disposition
15 of the personal property would be likely to occur if
16 the respondent were given any prior notice, or greater
17 notice than was actually given, of the petitioner's
18 efforts to obtain judicial relief or the petitioner
19 has an immediate and pressing need for the possession
20 of that property.

21 An ex parte domestic violence order of protection may not
22 include the counseling, custody, or payment of support or
23 monetary compensation remedies provided by paragraphs (4),
24 (12), (13), and (16) of subsection (b) of Section 112A-14 of
25 this Code.

26 (c) Issuance of ex parte civil no contact order in cases

1 involving sexual offenses. An ex parte civil no contact order
2 shall be issued if the petitioner establishes that:

3 (1) the court has jurisdiction under Section 112A-9 of
4 this Code;

5 (2) the requirements of subsection (a) of Section
6 112A-11.5 of this Code are satisfied; and

7 (3) there is good cause to grant the remedy,
8 regardless of prior service of process or of notice upon
9 the respondent, because the harm which that remedy is
10 intended to prevent would be likely to occur if the
11 respondent were given any prior notice, or greater notice
12 than was actually given, of the petitioner's efforts to
13 obtain judicial relief.

14 The court may order any of the remedies under Section
15 112A-14.5 of this Code.

16 (d) Issuance of ex parte stalking no contact order in
17 cases involving stalking offenses. An ex parte stalking no
18 contact order shall be issued if the petitioner establishes
19 that:

20 (1) the court has jurisdiction under Section 112A-9 of
21 this Code;

22 (2) the requirements of subsection (a) of Section
23 112A-11.5 of this Code are satisfied; and

24 (3) there is good cause to grant the remedy,
25 regardless of prior service of process or of notice upon
26 the respondent, because the harm which that remedy is

1 intended to prevent would be likely to occur if the
2 respondent were given any prior notice, or greater notice
3 than was actually given, of the petitioner's efforts to
4 obtain judicial relief.

5 The court may order any of the remedies under Section
6 112A-14.7 of this Code.

7 (e) Issuance of ex parte protective orders on court
8 holidays and evenings.

9 When the court is unavailable at the close of business,
10 the petitioner may file a petition for an ex parte protective
11 order before any available circuit judge or associate judge
12 who may grant relief under this Article. If the judge finds
13 that petitioner has satisfied the prerequisites in subsection
14 (b), (c), or (d) of this Section, the judge shall issue an ex
15 parte protective order.

16 The chief judge of the circuit court may designate for
17 each county in the circuit at least one judge to be reasonably
18 available to issue orally, by telephone, by facsimile, or
19 otherwise, an ex parte protective order at all times, whether
20 or not the court is in session.

21 The judge who issued the order under this Section shall
22 promptly communicate or convey the order to the sheriff to
23 facilitate the entry of the order into the Law Enforcement
24 Agencies Data System by the Illinois State Police under
25 Section 112A-28 of this Code. Any order issued under this
26 Section and any documentation in support of it shall be

1 certified on the next court day to the appropriate court. The
2 clerk of that court shall immediately assign a case number,
3 file the petition, order, and other documents with the court
4 and enter the order of record and file it with the sheriff for
5 service under subsection (f) of this Section. Failure to
6 comply with the requirements of this subsection (e) shall not
7 affect the validity of the order.

8 (f) Service of ex parte protective order on respondent.

9 (1) If an ex parte protective order is entered at the
10 time a summons or arrest warrant is issued for the
11 criminal charge, the petition for the protective order,
12 any supporting affidavits, if any, and the ex parte
13 protective order that has been issued shall be served with
14 the summons or arrest warrant. The enforcement of a
15 protective order under Section 112A-23 of this Code shall
16 not be affected by the lack of service or delivery,
17 provided the requirements of subsection (a) of Section
18 112A-23 of this Code are otherwise met.

19 (2) If an ex parte protective order is entered after a
20 summons or arrest warrant is issued and before the
21 respondent makes an initial appearance in the criminal
22 case, the summons shall be in the form prescribed by
23 subsection (d) of Supreme Court Rule 101, except that it
24 shall require respondent to answer or appear within 7 days
25 and shall be accompanied by the petition for the
26 protective order, any supporting affidavits, if any, and

1 the ex parte protective order that has been issued.

2 (3) If an ex parte protective order is entered after
3 the respondent has been served notice of a petition for a
4 final protective order and the respondent has requested a
5 continuance to respond to the petition, the ex parte
6 protective order shall be served: (A) in open court if the
7 respondent is present at the proceeding at which the order
8 was entered; or (B) by summons in the form prescribed by
9 subsection (d) of Supreme Court Rule 101.

10 (4) No fee shall be charged for service of summons.

11 (5) The summons shall be served by the sheriff or
12 other law enforcement officer at the earliest time and
13 shall take precedence over other summonses except those of
14 a similar emergency nature. Special process servers may be
15 appointed at any time, and their designation shall not
16 affect the responsibilities and authority of the sheriff
17 or other official process servers. In a county with a
18 population over 3,000,000, a special process server may
19 not be appointed if an ex parte protective order grants
20 the surrender of a child, ~~the surrender of a firearm or~~
21 ~~Firearm Owner's Identification Card,~~ or the exclusive
22 possession of a shared residence. Process may be served in
23 court.

24 (g) Upon 7 days' notice to the petitioner, or a shorter
25 notice period as the court may prescribe, a respondent subject
26 to an ex parte protective order may appear and petition the

1 court to re-hear the petition. Any petition to re-hear shall
2 be verified and shall allege the following:

3 (1) that respondent did not receive prior notice of
4 the initial hearing in which the ex parte protective order
5 was entered under Section 112A-17.5 of this Code; and

6 (2) that respondent had a meritorious defense to the
7 order or any of its remedies or that the order or any of
8 its remedies was not authorized under this Article.

9 The verified petition and affidavit shall set forth the
10 evidence of the meritorious defense that will be presented at
11 a hearing. If the court finds that the evidence presented at
12 the hearing on the petition establishes a meritorious defense
13 by a preponderance of the evidence, the court may decide to
14 vacate the protective order or modify the remedies.

15 (h) If the ex parte protective order granted petitioner
16 exclusive possession of the residence and the petition of
17 respondent seeks to re-open or vacate that grant, the court
18 shall set a date for hearing within 14 days on all issues
19 relating to exclusive possession. Under no circumstances shall
20 a court continue a hearing concerning exclusive possession
21 beyond the 14th day except by agreement of the petitioner and
22 the respondent. Other issues raised by the pleadings may be
23 consolidated for the hearing if the petitioner, the
24 respondent, and the court do not object.

25 (i) Duration of ex parte protective order. An ex parte
26 order shall remain in effect until the court considers the

1 request for a final protective order after notice has been
2 served on the respondent or a default final protective order
3 is entered, whichever occurs first. If a court date is
4 scheduled for the issuance of a default protective order and
5 the petitioner fails to personally appear or appear through
6 counsel or the prosecuting attorney, the petition shall be
7 dismissed and the ex parte order terminated.

8 (Source: P.A. 102-538, eff. 8-20-21.)

9 Section 175. The Unified Code of Corrections is amended by
10 changing Sections 3-2-10.5, 5-5-3, 5-5-3.2, and 5-6-3 as
11 follows:

12 (730 ILCS 5/3-2-10.5)

13 Sec. 3-2-10.5. Retiring security employees and parole
14 agents; purchase of service firearm and badge. The Director
15 shall establish a program to allow a security employee or
16 parole agent of the Department who is honorably retiring in
17 good standing to purchase either one or both of the following:

18 (1) any badge previously issued to the security employee or
19 parole agent by the Department; or (2) ~~if the security~~
20 ~~employee or parole agent has a currently valid Firearm Owner's~~
21 ~~Identification Card,~~ the service firearm issued or previously
22 issued to the security employee or parole agent by the
23 Department. The badge must be permanently and conspicuously
24 marked in such a manner that the individual who possesses the

1 badge is not mistaken for an actively serving law enforcement
2 officer. The cost of the firearm shall be the replacement
3 value of the firearm and not the firearm's fair market value.
4 (Source: P.A. 102-719, eff. 5-6-22.)

5 (730 ILCS 5/5-5-3)

6 Sec. 5-5-3. Disposition.

7 (a) (Blank).

8 (b) (Blank).

9 (c) (1) (Blank).

10 (2) A period of probation, a term of periodic imprisonment
11 or conditional discharge shall not be imposed for the
12 following offenses. The court shall sentence the offender to
13 not less than the minimum term of imprisonment set forth in
14 this Code for the following offenses, and may order a fine or
15 restitution or both in conjunction with such term of
16 imprisonment:

17 (A) First degree murder.

18 (B) Attempted first degree murder.

19 (C) A Class X felony.

20 (D) A violation of Section 401.1 or 407 of the
21 Illinois Controlled Substances Act, or a violation of
22 subdivision (c)(1.5) of Section 401 of that Act which
23 relates to more than 5 grams of a substance containing
24 fentanyl or an analog thereof.

25 (D-5) A violation of subdivision (c)(1) of Section 401

1 of the Illinois Controlled Substances Act which relates to
2 3 or more grams of a substance containing heroin or an
3 analog thereof.

4 (E) (Blank).

5 (F) A Class 1 or greater felony if the offender had
6 been convicted of a Class 1 or greater felony, including
7 any state or federal conviction for an offense that
8 contained, at the time it was committed, the same elements
9 as an offense now (the date of the offense committed after
10 the prior Class 1 or greater felony) classified as a Class
11 1 or greater felony, within 10 years of the date on which
12 the offender committed the offense for which he or she is
13 being sentenced, except as otherwise provided in Section
14 40-10 of the Substance Use Disorder Act.

15 (F-3) A Class 2 or greater felony sex offense or
16 felony firearm offense if the offender had been convicted
17 of a Class 2 or greater felony, including any state or
18 federal conviction for an offense that contained, at the
19 time it was committed, the same elements as an offense now
20 (the date of the offense committed after the prior Class 2
21 or greater felony) classified as a Class 2 or greater
22 felony, within 10 years of the date on which the offender
23 committed the offense for which he or she is being
24 sentenced, except as otherwise provided in Section 40-10
25 of the Substance Use Disorder Act.

26 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6

1 of the Criminal Code of 1961 or the Criminal Code of 2012
2 for which imprisonment is prescribed in those Sections.

3 (G) Residential burglary, except as otherwise provided
4 in Section 40-10 of the Substance Use Disorder Act.

5 (H) Criminal sexual assault.

6 (I) Aggravated battery of a senior citizen as
7 described in Section 12-4.6 or subdivision (a)(4) of
8 Section 12-3.05 of the Criminal Code of 1961 or the
9 Criminal Code of 2012.

10 (J) A forcible felony if the offense was related to
11 the activities of an organized gang.

12 Before July 1, 1994, for the purposes of this
13 paragraph, "organized gang" means an association of 5 or
14 more persons, with an established hierarchy, that
15 encourages members of the association to perpetrate crimes
16 or provides support to the members of the association who
17 do commit crimes.

18 Beginning July 1, 1994, for the purposes of this
19 paragraph, "organized gang" has the meaning ascribed to it
20 in Section 10 of the Illinois Streetgang Terrorism Omnibus
21 Prevention Act.

22 (K) Vehicular hijacking.

23 (L) A second or subsequent conviction for the offense
24 of hate crime when the underlying offense upon which the
25 hate crime is based is felony aggravated assault or felony
26 mob action.

1 (M) A second or subsequent conviction for the offense
2 of institutional vandalism if the damage to the property
3 exceeds \$300.

4 (N) A Class 3 felony violation of paragraph (1) of
5 subsection (a) of Section 2 of the Firearm Owners
6 Identification Card Act committed before the effective
7 date of this amendatory Act of the 103rd General Assembly.

8 (O) A violation of Section 12-6.1 or 12-6.5 of the
9 Criminal Code of 1961 or the Criminal Code of 2012.

10 (P) A violation of paragraph (1), (2), (3), (4), (5),
11 or (7) of subsection (a) of Section 11-20.1 of the
12 Criminal Code of 1961 or the Criminal Code of 2012.

13 (P-5) A violation of paragraph (6) of subsection (a)
14 of Section 11-20.1 of the Criminal Code of 1961 or the
15 Criminal Code of 2012 if the victim is a household or
16 family member of the defendant.

17 (Q) A violation of subsection (b) or (b-5) of Section
18 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
19 Code of 1961 or the Criminal Code of 2012.

20 (R) A violation of Section 24-3A of the Criminal Code
21 of 1961 or the Criminal Code of 2012.

22 (S) (Blank).

23 (T) (Blank).

24 (U) A second or subsequent violation of Section 6-303
25 of the Illinois Vehicle Code committed while his or her
26 driver's license, permit, or privilege was revoked because

1 of a violation of Section 9-3 of the Criminal Code of 1961
2 or the Criminal Code of 2012, relating to the offense of
3 reckless homicide, or a similar provision of a law of
4 another state.

5 (V) A violation of paragraph (4) of subsection (c) of
6 Section 11-20.1B or paragraph (4) of subsection (c) of
7 Section 11-20.3 of the Criminal Code of 1961, or paragraph
8 (6) of subsection (a) of Section 11-20.1 of the Criminal
9 Code of 2012 when the victim is under 13 years of age and
10 the defendant has previously been convicted under the laws
11 of this State or any other state of the offense of child
12 pornography, aggravated child pornography, aggravated
13 criminal sexual abuse, aggravated criminal sexual assault,
14 predatory criminal sexual assault of a child, or any of
15 the offenses formerly known as rape, deviate sexual
16 assault, indecent liberties with a child, or aggravated
17 indecent liberties with a child where the victim was under
18 the age of 18 years or an offense that is substantially
19 equivalent to those offenses.

20 (W) A violation of Section 24-3.5 of the Criminal Code
21 of 1961 or the Criminal Code of 2012.

22 (X) A violation of subsection (a) of Section 31-1a of
23 the Criminal Code of 1961 or the Criminal Code of 2012.

24 (Y) A conviction for unlawful possession of a firearm
25 by a street gang member when the firearm was loaded or
26 contained firearm ammunition.

1 (Z) A Class 1 felony committed while he or she was
2 serving a term of probation or conditional discharge for a
3 felony.

4 (AA) Theft of property exceeding \$500,000 and not
5 exceeding \$1,000,000 in value.

6 (BB) Laundering of criminally derived property of a
7 value exceeding \$500,000.

8 (CC) Knowingly selling, offering for sale, holding for
9 sale, or using 2,000 or more counterfeit items or
10 counterfeit items having a retail value in the aggregate
11 of \$500,000 or more.

12 (DD) A conviction for aggravated assault under
13 paragraph (6) of subsection (c) of Section 12-2 of the
14 Criminal Code of 1961 or the Criminal Code of 2012 if the
15 firearm is aimed toward the person against whom the
16 firearm is being used.

17 (EE) A conviction for a violation of paragraph (2) of
18 subsection (a) of Section 24-3B of the Criminal Code of
19 2012.

20 (3) (Blank).

21 (4) A minimum term of imprisonment of not less than 10
22 consecutive days or 30 days of community service shall be
23 imposed for a violation of paragraph (c) of Section 6-303 of
24 the Illinois Vehicle Code.

25 (4.1) (Blank).

26 (4.2) Except as provided in paragraphs (4.3) and (4.8) of

1 this subsection (c), a minimum of 100 hours of community
2 service shall be imposed for a second violation of Section
3 6-303 of the Illinois Vehicle Code.

4 (4.3) A minimum term of imprisonment of 30 days or 300
5 hours of community service, as determined by the court, shall
6 be imposed for a second violation of subsection (c) of Section
7 6-303 of the Illinois Vehicle Code.

8 (4.4) Except as provided in paragraphs (4.5), (4.6), and
9 (4.9) of this subsection (c), a minimum term of imprisonment
10 of 30 days or 300 hours of community service, as determined by
11 the court, shall be imposed for a third or subsequent
12 violation of Section 6-303 of the Illinois Vehicle Code. The
13 court may give credit toward the fulfillment of community
14 service hours for participation in activities and treatment as
15 determined by court services.

16 (4.5) A minimum term of imprisonment of 30 days shall be
17 imposed for a third violation of subsection (c) of Section
18 6-303 of the Illinois Vehicle Code.

19 (4.6) Except as provided in paragraph (4.10) of this
20 subsection (c), a minimum term of imprisonment of 180 days
21 shall be imposed for a fourth or subsequent violation of
22 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

23 (4.7) A minimum term of imprisonment of not less than 30
24 consecutive days, or 300 hours of community service, shall be
25 imposed for a violation of subsection (a-5) of Section 6-303
26 of the Illinois Vehicle Code, as provided in subsection (b-5)

1 of that Section.

2 (4.8) A mandatory prison sentence shall be imposed for a
3 second violation of subsection (a-5) of Section 6-303 of the
4 Illinois Vehicle Code, as provided in subsection (c-5) of that
5 Section. The person's driving privileges shall be revoked for
6 a period of not less than 5 years from the date of his or her
7 release from prison.

8 (4.9) A mandatory prison sentence of not less than 4 and
9 not more than 15 years shall be imposed for a third violation
10 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
11 Code, as provided in subsection (d-2.5) of that Section. The
12 person's driving privileges shall be revoked for the remainder
13 of his or her life.

14 (4.10) A mandatory prison sentence for a Class 1 felony
15 shall be imposed, and the person shall be eligible for an
16 extended term sentence, for a fourth or subsequent violation
17 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
18 Code, as provided in subsection (d-3.5) of that Section. The
19 person's driving privileges shall be revoked for the remainder
20 of his or her life.

21 (5) The court may sentence a corporation or unincorporated
22 association convicted of any offense to:

23 (A) a period of conditional discharge;

24 (B) a fine;

25 (C) make restitution to the victim under Section 5-5-6
26 of this Code.

1 (5.1) In addition to any other penalties imposed, and
2 except as provided in paragraph (5.2) or (5.3), a person
3 convicted of violating subsection (c) of Section 11-907 of the
4 Illinois Vehicle Code shall have his or her driver's license,
5 permit, or privileges suspended for at least 90 days but not
6 more than one year, if the violation resulted in damage to the
7 property of another person.

8 (5.2) In addition to any other penalties imposed, and
9 except as provided in paragraph (5.3), a person convicted of
10 violating subsection (c) of Section 11-907 of the Illinois
11 Vehicle Code shall have his or her driver's license, permit,
12 or privileges suspended for at least 180 days but not more than
13 2 years, if the violation resulted in injury to another
14 person.

15 (5.3) In addition to any other penalties imposed, a person
16 convicted of violating subsection (c) of Section 11-907 of the
17 Illinois Vehicle Code shall have his or her driver's license,
18 permit, or privileges suspended for 2 years, if the violation
19 resulted in the death of another person.

20 (5.4) In addition to any other penalties imposed, a person
21 convicted of violating Section 3-707 of the Illinois Vehicle
22 Code shall have his or her driver's license, permit, or
23 privileges suspended for 3 months and until he or she has paid
24 a reinstatement fee of \$100.

25 (5.5) In addition to any other penalties imposed, a person
26 convicted of violating Section 3-707 of the Illinois Vehicle

1 Code during a period in which his or her driver's license,
2 permit, or privileges were suspended for a previous violation
3 of that Section shall have his or her driver's license,
4 permit, or privileges suspended for an additional 6 months
5 after the expiration of the original 3-month suspension and
6 until he or she has paid a reinstatement fee of \$100.

7 (6) (Blank).

8 (7) (Blank).

9 (8) (Blank).

10 (9) A defendant convicted of a second or subsequent
11 offense of ritualized abuse of a child may be sentenced to a
12 term of natural life imprisonment.

13 (10) (Blank).

14 (11) The court shall impose a minimum fine of \$1,000 for a
15 first offense and \$2,000 for a second or subsequent offense
16 upon a person convicted of or placed on supervision for
17 battery when the individual harmed was a sports official or
18 coach at any level of competition and the act causing harm to
19 the sports official or coach occurred within an athletic
20 facility or within the immediate vicinity of the athletic
21 facility at which the sports official or coach was an active
22 participant of the athletic contest held at the athletic
23 facility. For the purposes of this paragraph (11), "sports
24 official" means a person at an athletic contest who enforces
25 the rules of the contest, such as an umpire or referee;
26 "athletic facility" means an indoor or outdoor playing field

1 or recreational area where sports activities are conducted;
2 and "coach" means a person recognized as a coach by the
3 sanctioning authority that conducted the sporting event.

4 (12) A person may not receive a disposition of court
5 supervision for a violation of Section 5-16 of the Boat
6 Registration and Safety Act if that person has previously
7 received a disposition of court supervision for a violation of
8 that Section.

9 (13) A person convicted of or placed on court supervision
10 for an assault or aggravated assault when the victim and the
11 offender are family or household members as defined in Section
12 103 of the Illinois Domestic Violence Act of 1986 or convicted
13 of domestic battery or aggravated domestic battery may be
14 required to attend a Partner Abuse Intervention Program under
15 protocols set forth by the Illinois Department of Human
16 Services under such terms and conditions imposed by the court.
17 The costs of such classes shall be paid by the offender.

18 (d) In any case in which a sentence originally imposed is
19 vacated, the case shall be remanded to the trial court. The
20 trial court shall hold a hearing under Section 5-4-1 of this
21 Code which may include evidence of the defendant's life, moral
22 character and occupation during the time since the original
23 sentence was passed. The trial court shall then impose
24 sentence upon the defendant. The trial court may impose any
25 sentence which could have been imposed at the original trial
26 subject to Section 5-5-4 of this Code. If a sentence is vacated

1 on appeal or on collateral attack due to the failure of the
2 trier of fact at trial to determine beyond a reasonable doubt
3 the existence of a fact (other than a prior conviction)
4 necessary to increase the punishment for the offense beyond
5 the statutory maximum otherwise applicable, either the
6 defendant may be re-sentenced to a term within the range
7 otherwise provided or, if the State files notice of its
8 intention to again seek the extended sentence, the defendant
9 shall be afforded a new trial.

10 (e) In cases where prosecution for aggravated criminal
11 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
12 Code of 1961 or the Criminal Code of 2012 results in conviction
13 of a defendant who was a family member of the victim at the
14 time of the commission of the offense, the court shall
15 consider the safety and welfare of the victim and may impose a
16 sentence of probation only where:

17 (1) the court finds (A) or (B) or both are
18 appropriate:

19 (A) the defendant is willing to undergo a court
20 approved counseling program for a minimum duration of
21 2 years; or

22 (B) the defendant is willing to participate in a
23 court approved plan, including, but not limited to,
24 the defendant's:

25 (i) removal from the household;

26 (ii) restricted contact with the victim;

1 (iii) continued financial support of the
2 family;

3 (iv) restitution for harm done to the victim;
4 and

5 (v) compliance with any other measures that
6 the court may deem appropriate; and

7 (2) the court orders the defendant to pay for the
8 victim's counseling services, to the extent that the court
9 finds, after considering the defendant's income and
10 assets, that the defendant is financially capable of
11 paying for such services, if the victim was under 18 years
12 of age at the time the offense was committed and requires
13 counseling as a result of the offense.

14 Probation may be revoked or modified pursuant to Section
15 5-6-4; except where the court determines at the hearing that
16 the defendant violated a condition of his or her probation
17 restricting contact with the victim or other family members or
18 commits another offense with the victim or other family
19 members, the court shall revoke the defendant's probation and
20 impose a term of imprisonment.

21 For the purposes of this Section, "family member" and
22 "victim" shall have the meanings ascribed to them in Section
23 11-0.1 of the Criminal Code of 2012.

24 (f) (Blank).

25 (g) Whenever a defendant is convicted of an offense under
26 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,

1 11-14.3, 11-14.4 except for an offense that involves keeping a
2 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
3 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
4 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, the defendant shall undergo medical
6 testing to determine whether the defendant has any sexually
7 transmissible disease, including a test for infection with
8 human immunodeficiency virus (HIV) or any other identified
9 causative agent of acquired immunodeficiency syndrome (AIDS).
10 Any such medical test shall be performed only by appropriately
11 licensed medical practitioners and may include an analysis of
12 any bodily fluids as well as an examination of the defendant's
13 person. Except as otherwise provided by law, the results of
14 such test shall be kept strictly confidential by all medical
15 personnel involved in the testing and must be personally
16 delivered in a sealed envelope to the judge of the court in
17 which the conviction was entered for the judge's inspection in
18 camera. Acting in accordance with the best interests of the
19 victim and the public, the judge shall have the discretion to
20 determine to whom, if anyone, the results of the testing may be
21 revealed. The court shall notify the defendant of the test
22 results. The court shall also notify the victim if requested
23 by the victim, and if the victim is under the age of 15 and if
24 requested by the victim's parents or legal guardian, the court
25 shall notify the victim's parents or legal guardian of the
26 test results. The court shall provide information on the

1 availability of HIV testing and counseling at Department of
2 Public Health facilities to all parties to whom the results of
3 the testing are revealed and shall direct the State's Attorney
4 to provide the information to the victim when possible. The
5 court shall order that the cost of any such test shall be paid
6 by the county and may be taxed as costs against the convicted
7 defendant.

8 (g-5) When an inmate is tested for an airborne
9 communicable disease, as determined by the Illinois Department
10 of Public Health, including, but not limited to, tuberculosis,
11 the results of the test shall be personally delivered by the
12 warden or his or her designee in a sealed envelope to the judge
13 of the court in which the inmate must appear for the judge's
14 inspection in camera if requested by the judge. Acting in
15 accordance with the best interests of those in the courtroom,
16 the judge shall have the discretion to determine what if any
17 precautions need to be taken to prevent transmission of the
18 disease in the courtroom.

19 (h) Whenever a defendant is convicted of an offense under
20 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
21 defendant shall undergo medical testing to determine whether
22 the defendant has been exposed to human immunodeficiency virus
23 (HIV) or any other identified causative agent of acquired
24 immunodeficiency syndrome (AIDS). Except as otherwise provided
25 by law, the results of such test shall be kept strictly
26 confidential by all medical personnel involved in the testing

1 and must be personally delivered in a sealed envelope to the
2 judge of the court in which the conviction was entered for the
3 judge's inspection in camera. Acting in accordance with the
4 best interests of the public, the judge shall have the
5 discretion to determine to whom, if anyone, the results of the
6 testing may be revealed. The court shall notify the defendant
7 of a positive test showing an infection with the human
8 immunodeficiency virus (HIV). The court shall provide
9 information on the availability of HIV testing and counseling
10 at Department of Public Health facilities to all parties to
11 whom the results of the testing are revealed and shall direct
12 the State's Attorney to provide the information to the victim
13 when possible. The court shall order that the cost of any such
14 test shall be paid by the county and may be taxed as costs
15 against the convicted defendant.

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

23 (j) In cases when prosecution for any violation of Section
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
25 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
26 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,

1 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
2 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
3 Code of 2012, any violation of the Illinois Controlled
4 Substances Act, any violation of the Cannabis Control Act, or
5 any violation of the Methamphetamine Control and Community
6 Protection Act results in conviction, a disposition of court
7 supervision, or an order of probation granted under Section 10
8 of the Cannabis Control Act, Section 410 of the Illinois
9 Controlled Substances Act, or Section 70 of the
10 Methamphetamine Control and Community Protection Act of a
11 defendant, the court shall determine whether the defendant is
12 employed by a facility or center as defined under the Child
13 Care Act of 1969, a public or private elementary or secondary
14 school, or otherwise works with children under 18 years of age
15 on a daily basis. When a defendant is so employed, the court
16 shall order the Clerk of the Court to send a copy of the
17 judgment of conviction or order of supervision or probation to
18 the defendant's employer by certified mail. If the employer of
19 the defendant is a school, the Clerk of the Court shall direct
20 the mailing of a copy of the judgment of conviction or order of
21 supervision or probation to the appropriate regional
22 superintendent of schools. The regional superintendent of
23 schools shall notify the State Board of Education of any
24 notification under this subsection.

25 (j-5) A defendant at least 17 years of age who is convicted
26 of a felony and who has not been previously convicted of a

1 misdemeanor or felony and who is sentenced to a term of
2 imprisonment in the Illinois Department of Corrections shall
3 as a condition of his or her sentence be required by the court
4 to attend educational courses designed to prepare the
5 defendant for a high school diploma and to work toward a high
6 school diploma or to work toward passing high school
7 equivalency testing or to work toward completing a vocational
8 training program offered by the Department of Corrections. If
9 a defendant fails to complete the educational training
10 required by his or her sentence during the term of
11 incarceration, the Prisoner Review Board shall, as a condition
12 of mandatory supervised release, require the defendant, at his
13 or her own expense, to pursue a course of study toward a high
14 school diploma or passage of high school equivalency testing.
15 The Prisoner Review Board shall revoke the mandatory
16 supervised release of a defendant who wilfully fails to comply
17 with this subsection (j-5) upon his or her release from
18 confinement in a penal institution while serving a mandatory
19 supervised release term; however, the inability of the
20 defendant after making a good faith effort to obtain financial
21 aid or pay for the educational training shall not be deemed a
22 wilful failure to comply. The Prisoner Review Board shall
23 recommit the defendant whose mandatory supervised release term
24 has been revoked under this subsection (j-5) as provided in
25 Section 3-3-9. This subsection (j-5) does not apply to a
26 defendant who has a high school diploma or has successfully

1 passed high school equivalency testing. This subsection (j-5)
2 does not apply to a defendant who is determined by the court to
3 be a person with a developmental disability or otherwise
4 mentally incapable of completing the educational or vocational
5 program.

6 (k) (Blank).

7 (l) (A) Except as provided in paragraph (C) of subsection
8 (l), whenever a defendant, who is not a citizen or national of
9 the United States, is convicted of any felony or misdemeanor
10 offense, the court after sentencing the defendant may, upon
11 motion of the State's Attorney, hold sentence in abeyance and
12 remand the defendant to the custody of the Attorney General of
13 the United States or his or her designated agent to be deported
14 when:

15 (1) a final order of deportation has been issued
16 against the defendant pursuant to proceedings under the
17 Immigration and Nationality Act, and

18 (2) the deportation of the defendant would not
19 deprecate the seriousness of the defendant's conduct and
20 would not be inconsistent with the ends of justice.

21 Otherwise, the defendant shall be sentenced as provided in
22 this Chapter V.

23 (B) If the defendant has already been sentenced for a
24 felony or misdemeanor offense, or has been placed on probation
25 under Section 10 of the Cannabis Control Act, Section 410 of
26 the Illinois Controlled Substances Act, or Section 70 of the

1 Methamphetamine Control and Community Protection Act, the
2 court may, upon motion of the State's Attorney to suspend the
3 sentence imposed, commit the defendant to the custody of the
4 Attorney General of the United States or his or her designated
5 agent when:

6 (1) a final order of deportation has been issued
7 against the defendant pursuant to proceedings under the
8 Immigration and Nationality Act, and

9 (2) the deportation of the defendant would not
10 deprecate the seriousness of the defendant's conduct and
11 would not be inconsistent with the ends of justice.

12 (C) This subsection (1) does not apply to offenders who
13 are subject to the provisions of paragraph (2) of subsection
14 (a) of Section 3-6-3.

15 (D) Upon motion of the State's Attorney, if a defendant
16 sentenced under this Section returns to the jurisdiction of
17 the United States, the defendant shall be recommitted to the
18 custody of the county from which he or she was sentenced.
19 Thereafter, the defendant shall be brought before the
20 sentencing court, which may impose any sentence that was
21 available under Section 5-5-3 at the time of initial
22 sentencing. In addition, the defendant shall not be eligible
23 for additional earned sentence credit as provided under
24 Section 3-6-3.

25 (m) A person convicted of criminal defacement of property
26 under Section 21-1.3 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, in which the property damage exceeds
2 \$300 and the property damaged is a school building, shall be
3 ordered to perform community service that may include cleanup,
4 removal, or painting over the defacement.

5 (n) The court may sentence a person convicted of a
6 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
7 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
8 of 1961 or the Criminal Code of 2012 (i) to an impact
9 incarceration program if the person is otherwise eligible for
10 that program under Section 5-8-1.1, (ii) to community service,
11 or (iii) if the person has a substance use disorder, as defined
12 in the Substance Use Disorder Act, to a treatment program
13 licensed under that Act.

14 (o) Whenever a person is convicted of a sex offense as
15 defined in Section 2 of the Sex Offender Registration Act, the
16 defendant's driver's license or permit shall be subject to
17 renewal on an annual basis in accordance with the provisions
18 of license renewal established by the Secretary of State.

19 (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;
20 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.
21 1-1-24.)

22 (730 ILCS 5/5-5-3.2)

23 Sec. 5-5-3.2. Factors in aggravation and extended-term
24 sentencing.

25 (a) The following factors shall be accorded weight in

1 favor of imposing a term of imprisonment or may be considered
2 by the court as reasons to impose a more severe sentence under
3 Section 5-8-1 or Article 4.5 of Chapter V:

4 (1) the defendant's conduct caused or threatened
5 serious harm;

6 (2) the defendant received compensation for committing
7 the offense;

8 (3) the defendant has a history of prior delinquency
9 or criminal activity;

10 (4) the defendant, by the duties of his office or by
11 his position, was obliged to prevent the particular
12 offense committed or to bring the offenders committing it
13 to justice;

14 (5) the defendant held public office at the time of
15 the offense, and the offense related to the conduct of
16 that office;

17 (6) the defendant utilized his professional reputation
18 or position in the community to commit the offense, or to
19 afford him an easier means of committing it;

20 (7) the sentence is necessary to deter others from
21 committing the same crime;

22 (8) the defendant committed the offense against a
23 person 60 years of age or older or such person's property;

24 (9) the defendant committed the offense against a
25 person who has a physical disability or such person's
26 property;

1 (10) by reason of another individual's actual or
2 perceived race, color, creed, religion, ancestry, gender,
3 sexual orientation, physical or mental disability, or
4 national origin, the defendant committed the offense
5 against (i) the person or property of that individual;
6 (ii) the person or property of a person who has an
7 association with, is married to, or has a friendship with
8 the other individual; or (iii) the person or property of a
9 relative (by blood or marriage) of a person described in
10 clause (i) or (ii). For the purposes of this Section,
11 "sexual orientation" has the meaning ascribed to it in
12 paragraph (0-1) of Section 1-103 of the Illinois Human
13 Rights Act;

14 (11) the offense took place in a place of worship or on
15 the grounds of a place of worship, immediately prior to,
16 during or immediately following worship services. For
17 purposes of this subparagraph, "place of worship" shall
18 mean any church, synagogue or other building, structure or
19 place used primarily for religious worship;

20 (12) the defendant was convicted of a felony committed
21 while he was on pretrial release or his own recognizance
22 pending trial for a prior felony and was convicted of such
23 prior felony, or the defendant was convicted of a felony
24 committed while he was serving a period of probation,
25 conditional discharge, or mandatory supervised release
26 under subsection (d) of Section 5-8-1 for a prior felony;

1 (13) the defendant committed or attempted to commit a
2 felony while he was wearing a bulletproof vest. For the
3 purposes of this paragraph (13), a bulletproof vest is any
4 device which is designed for the purpose of protecting the
5 wearer from bullets, shot or other lethal projectiles;

6 (14) the defendant held a position of trust or
7 supervision such as, but not limited to, family member as
8 defined in Section 11-0.1 of the Criminal Code of 2012,
9 teacher, scout leader, baby sitter, or day care worker, in
10 relation to a victim under 18 years of age, and the
11 defendant committed an offense in violation of Section
12 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
13 11-14.4 except for an offense that involves keeping a
14 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
15 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
16 or 12-16 of the Criminal Code of 1961 or the Criminal Code
17 of 2012 against that victim;

18 (15) the defendant committed an offense related to the
19 activities of an organized gang. For the purposes of this
20 factor, "organized gang" has the meaning ascribed to it in
21 Section 10 of the Streetgang Terrorism Omnibus Prevention
22 Act;

23 (16) the defendant committed an offense in violation
24 of one of the following Sections while in a school,
25 regardless of the time of day or time of year; on any
26 conveyance owned, leased, or contracted by a school to

1 transport students to or from school or a school related
2 activity; on the real property of a school; or on a public
3 way within 1,000 feet of the real property comprising any
4 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
5 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
6 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
7 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
8 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
9 for subdivision (a) (4) or (g) (1), of the Criminal Code of
10 1961 or the Criminal Code of 2012;

11 (16.5) the defendant committed an offense in violation
12 of one of the following Sections while in a day care
13 center, regardless of the time of day or time of year; on
14 the real property of a day care center, regardless of the
15 time of day or time of year; or on a public way within
16 1,000 feet of the real property comprising any day care
17 center, regardless of the time of day or time of year:
18 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
19 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
20 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
21 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
22 18-2, or 33A-2, or Section 12-3.05 except for subdivision
23 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
24 Criminal Code of 2012;

25 (17) the defendant committed the offense by reason of
26 any person's activity as a community policing volunteer or

1 to prevent any person from engaging in activity as a
2 community policing volunteer. For the purpose of this
3 Section, "community policing volunteer" has the meaning
4 ascribed to it in Section 2-3.5 of the Criminal Code of
5 2012;

6 (18) the defendant committed the offense in a nursing
7 home or on the real property comprising a nursing home.
8 For the purposes of this paragraph (18), "nursing home"
9 means a skilled nursing or intermediate long term care
10 facility that is subject to license by the Illinois
11 Department of Public Health under the Nursing Home Care
12 Act, the Specialized Mental Health Rehabilitation Act of
13 2013, the ID/DD Community Care Act, or the MC/DD Act;

14 (19) the defendant was a federally licensed firearm
15 dealer and was previously convicted of a violation of
16 subsection (a) of Section 3 of the Firearm Owners
17 Identification Card Act before its repeal by this
18 amendatory Act of the 103rd General Assembly and has now
19 committed ~~either a felony violation of the Firearm Owners~~
20 ~~Identification Card Act or~~ an act of armed violence while
21 armed with a firearm;

22 (20) the defendant (i) committed the offense of
23 reckless homicide under Section 9-3 of the Criminal Code
24 of 1961 or the Criminal Code of 2012 or the offense of
25 driving under the influence of alcohol, other drug or
26 drugs, intoxicating compound or compounds or any

1 combination thereof under Section 11-501 of the Illinois
2 Vehicle Code or a similar provision of a local ordinance
3 and (ii) was operating a motor vehicle in excess of 20
4 miles per hour over the posted speed limit as provided in
5 Article VI of Chapter 11 of the Illinois Vehicle Code;

6 (21) the defendant (i) committed the offense of
7 reckless driving or aggravated reckless driving under
8 Section 11-503 of the Illinois Vehicle Code and (ii) was
9 operating a motor vehicle in excess of 20 miles per hour
10 over the posted speed limit as provided in Article VI of
11 Chapter 11 of the Illinois Vehicle Code;

12 (22) the defendant committed the offense against a
13 person that the defendant knew, or reasonably should have
14 known, was a member of the Armed Forces of the United
15 States serving on active duty. For purposes of this clause
16 (22), the term "Armed Forces" means any of the Armed
17 Forces of the United States, including a member of any
18 reserve component thereof or National Guard unit called to
19 active duty;

20 (23) the defendant committed the offense against a
21 person who was elderly or infirm or who was a person with a
22 disability by taking advantage of a family or fiduciary
23 relationship with the elderly or infirm person or person
24 with a disability;

25 (24) the defendant committed any offense under Section
26 11-20.1 of the Criminal Code of 1961 or the Criminal Code

1 of 2012 and possessed 100 or more images;

2 (25) the defendant committed the offense while the
3 defendant or the victim was in a train, bus, or other
4 vehicle used for public transportation;

5 (26) the defendant committed the offense of child
6 pornography or aggravated child pornography, specifically
7 including paragraph (1), (2), (3), (4), (5), or (7) of
8 subsection (a) of Section 11-20.1 of the Criminal Code of
9 1961 or the Criminal Code of 2012 where a child engaged in,
10 solicited for, depicted in, or posed in any act of sexual
11 penetration or bound, fettered, or subject to sadistic,
12 masochistic, or sadomasochistic abuse in a sexual context
13 and specifically including paragraph (1), (2), (3), (4),
14 (5), or (7) of subsection (a) of Section 11-20.1B or
15 Section 11-20.3 of the Criminal Code of 1961 where a child
16 engaged in, solicited for, depicted in, or posed in any
17 act of sexual penetration or bound, fettered, or subject
18 to sadistic, masochistic, or sadomasochistic abuse in a
19 sexual context;

20 (27) the defendant committed the offense of first
21 degree murder, assault, aggravated assault, battery,
22 aggravated battery, robbery, armed robbery, or aggravated
23 robbery against a person who was a veteran and the
24 defendant knew, or reasonably should have known, that the
25 person was a veteran performing duties as a representative
26 of a veterans' organization. For the purposes of this

1 paragraph (27), "veteran" means an Illinois resident who
2 has served as a member of the United States Armed Forces, a
3 member of the Illinois National Guard, or a member of the
4 United States Reserve Forces; and "veterans' organization"
5 means an organization comprised of members of which
6 substantially all are individuals who are veterans or
7 spouses, widows, or widowers of veterans, the primary
8 purpose of which is to promote the welfare of its members
9 and to provide assistance to the general public in such a
10 way as to confer a public benefit;

11 (28) the defendant committed the offense of assault,
12 aggravated assault, battery, aggravated battery, robbery,
13 armed robbery, or aggravated robbery against a person that
14 the defendant knew or reasonably should have known was a
15 letter carrier or postal worker while that person was
16 performing his or her duties delivering mail for the
17 United States Postal Service;

18 (29) the defendant committed the offense of criminal
19 sexual assault, aggravated criminal sexual assault,
20 criminal sexual abuse, or aggravated criminal sexual abuse
21 against a victim with an intellectual disability, and the
22 defendant holds a position of trust, authority, or
23 supervision in relation to the victim;

24 (30) the defendant committed the offense of promoting
25 juvenile prostitution, patronizing a prostitute, or
26 patronizing a minor engaged in prostitution and at the

1 time of the commission of the offense knew that the
2 prostitute or minor engaged in prostitution was in the
3 custody or guardianship of the Department of Children and
4 Family Services;

5 (31) the defendant (i) committed the offense of
6 driving while under the influence of alcohol, other drug
7 or drugs, intoxicating compound or compounds or any
8 combination thereof in violation of Section 11-501 of the
9 Illinois Vehicle Code or a similar provision of a local
10 ordinance and (ii) the defendant during the commission of
11 the offense was driving his or her vehicle upon a roadway
12 designated for one-way traffic in the opposite direction
13 of the direction indicated by official traffic control
14 devices;

15 (32) the defendant committed the offense of reckless
16 homicide while committing a violation of Section 11-907 of
17 the Illinois Vehicle Code;

18 (33) the defendant was found guilty of an
19 administrative infraction related to an act or acts of
20 public indecency or sexual misconduct in the penal
21 institution. In this paragraph (33), "penal institution"
22 has the same meaning as in Section 2-14 of the Criminal
23 Code of 2012; or

24 (34) the defendant committed the offense of leaving
25 the scene of a crash in violation of subsection (b) of
26 Section 11-401 of the Illinois Vehicle Code and the crash

1 resulted in the death of a person and at the time of the
2 offense, the defendant was: (i) driving under the
3 influence of alcohol, other drug or drugs, intoxicating
4 compound or compounds or any combination thereof as
5 defined by Section 11-501 of the Illinois Vehicle Code; or
6 (ii) operating the motor vehicle while using an electronic
7 communication device as defined in Section 12-610.2 of the
8 Illinois Vehicle Code.

9 For the purposes of this Section:

10 "School" is defined as a public or private elementary or
11 secondary school, community college, college, or university.

12 "Day care center" means a public or private State
13 certified and licensed day care center as defined in Section
14 2.09 of the Child Care Act of 1969 that displays a sign in
15 plain view stating that the property is a day care center.

16 "Intellectual disability" means significantly subaverage
17 intellectual functioning which exists concurrently with
18 impairment in adaptive behavior.

19 "Public transportation" means the transportation or
20 conveyance of persons by means available to the general
21 public, and includes paratransit services.

22 "Traffic control devices" means all signs, signals,
23 markings, and devices that conform to the Illinois Manual on
24 Uniform Traffic Control Devices, placed or erected by
25 authority of a public body or official having jurisdiction,
26 for the purpose of regulating, warning, or guiding traffic.

1 (b) The following factors, related to all felonies, may be
2 considered by the court as reasons to impose an extended term
3 sentence under Section 5-8-2 upon any offender:

4 (1) When a defendant is convicted of any felony, after
5 having been previously convicted in Illinois or any other
6 jurisdiction of the same or similar class felony or
7 greater class felony, when such conviction has occurred
8 within 10 years after the previous conviction, excluding
9 time spent in custody, and such charges are separately
10 brought and tried and arise out of different series of
11 acts; or

12 (2) When a defendant is convicted of any felony and
13 the court finds that the offense was accompanied by
14 exceptionally brutal or heinous behavior indicative of
15 wanton cruelty; or

16 (3) When a defendant is convicted of any felony
17 committed against:

18 (i) a person under 12 years of age at the time of
19 the offense or such person's property;

20 (ii) a person 60 years of age or older at the time
21 of the offense or such person's property; or

22 (iii) a person who had a physical disability at
23 the time of the offense or such person's property; or

24 (4) When a defendant is convicted of any felony and
25 the offense involved any of the following types of
26 specific misconduct committed as part of a ceremony, rite,

1 initiation, observance, performance, practice or activity
2 of any actual or ostensible religious, fraternal, or
3 social group:

4 (i) the brutalizing or torturing of humans or
5 animals;

6 (ii) the theft of human corpses;

7 (iii) the kidnapping of humans;

8 (iv) the desecration of any cemetery, religious,
9 fraternal, business, governmental, educational, or
10 other building or property; or

11 (v) ritualized abuse of a child; or

12 (5) When a defendant is convicted of a felony other
13 than conspiracy and the court finds that the felony was
14 committed under an agreement with 2 or more other persons
15 to commit that offense and the defendant, with respect to
16 the other individuals, occupied a position of organizer,
17 supervisor, financier, or any other position of management
18 or leadership, and the court further finds that the felony
19 committed was related to or in furtherance of the criminal
20 activities of an organized gang or was motivated by the
21 defendant's leadership in an organized gang; or

22 (6) When a defendant is convicted of an offense
23 committed while using a firearm with a laser sight
24 attached to it. For purposes of this paragraph, "laser
25 sight" has the meaning ascribed to it in Section 26-7 of
26 the Criminal Code of 2012; or

1 (7) When a defendant who was at least 17 years of age
2 at the time of the commission of the offense is convicted
3 of a felony and has been previously adjudicated a
4 delinquent minor under the Juvenile Court Act of 1987 for
5 an act that if committed by an adult would be a Class X or
6 Class 1 felony when the conviction has occurred within 10
7 years after the previous adjudication, excluding time
8 spent in custody; or

9 (8) When a defendant commits any felony and the
10 defendant used, possessed, exercised control over, or
11 otherwise directed an animal to assault a law enforcement
12 officer engaged in the execution of his or her official
13 duties or in furtherance of the criminal activities of an
14 organized gang in which the defendant is engaged; or

15 (9) When a defendant commits any felony and the
16 defendant knowingly video or audio records the offense
17 with the intent to disseminate the recording.

18 (c) The following factors may be considered by the court
19 as reasons to impose an extended term sentence under Section
20 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
21 offenses:

22 (1) When a defendant is convicted of first degree
23 murder, after having been previously convicted in Illinois
24 of any offense listed under paragraph (c)(2) of Section
25 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
26 occurred within 10 years after the previous conviction,

1 excluding time spent in custody, and the charges are
2 separately brought and tried and arise out of different
3 series of acts.

4 (1.5) When a defendant is convicted of first degree
5 murder, after having been previously convicted of domestic
6 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
7 (720 ILCS 5/12-3.3) committed on the same victim or after
8 having been previously convicted of violation of an order
9 of protection (720 ILCS 5/12-30) in which the same victim
10 was the protected person.

11 (2) When a defendant is convicted of voluntary
12 manslaughter, second degree murder, involuntary
13 manslaughter, or reckless homicide in which the defendant
14 has been convicted of causing the death of more than one
15 individual.

16 (3) When a defendant is convicted of aggravated
17 criminal sexual assault or criminal sexual assault, when
18 there is a finding that aggravated criminal sexual assault
19 or criminal sexual assault was also committed on the same
20 victim by one or more other individuals, and the defendant
21 voluntarily participated in the crime with the knowledge
22 of the participation of the others in the crime, and the
23 commission of the crime was part of a single course of
24 conduct during which there was no substantial change in
25 the nature of the criminal objective.

26 (4) If the victim was under 18 years of age at the time

1 of the commission of the offense, when a defendant is
2 convicted of aggravated criminal sexual assault or
3 predatory criminal sexual assault of a child under
4 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
5 of Section 12-14.1 of the Criminal Code of 1961 or the
6 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

7 (5) When a defendant is convicted of a felony
8 violation of Section 24-1 of the Criminal Code of 1961 or
9 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
10 finding that the defendant is a member of an organized
11 gang.

12 (6) When a defendant was convicted of unlawful use of
13 weapons under Section 24-1 of the Criminal Code of 1961 or
14 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
15 a weapon that is not readily distinguishable as one of the
16 weapons enumerated in Section 24-1 of the Criminal Code of
17 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

18 (7) When a defendant is convicted of an offense
19 involving the illegal manufacture of a controlled
20 substance under Section 401 of the Illinois Controlled
21 Substances Act (720 ILCS 570/401), the illegal manufacture
22 of methamphetamine under Section 25 of the Methamphetamine
23 Control and Community Protection Act (720 ILCS 646/25), or
24 the illegal possession of explosives and an emergency
25 response officer in the performance of his or her duties
26 is killed or injured at the scene of the offense while

1 responding to the emergency caused by the commission of
2 the offense. In this paragraph, "emergency" means a
3 situation in which a person's life, health, or safety is
4 in jeopardy; and "emergency response officer" means a
5 peace officer, community policing volunteer, fireman,
6 emergency medical technician-ambulance, emergency medical
7 technician-intermediate, emergency medical
8 technician-paramedic, ambulance driver, other medical
9 assistance or first aid personnel, or hospital emergency
10 room personnel.

11 (8) When the defendant is convicted of attempted mob
12 action, solicitation to commit mob action, or conspiracy
13 to commit mob action under Section 8-1, 8-2, or 8-4 of the
14 Criminal Code of 2012, where the criminal object is a
15 violation of Section 25-1 of the Criminal Code of 2012,
16 and an electronic communication is used in the commission
17 of the offense. For the purposes of this paragraph (8),
18 "electronic communication" shall have the meaning provided
19 in Section 26.5-0.1 of the Criminal Code of 2012.

20 (d) For the purposes of this Section, "organized gang" has
21 the meaning ascribed to it in Section 10 of the Illinois
22 Streetgang Terrorism Omnibus Prevention Act.

23 (e) The court may impose an extended term sentence under
24 Article 4.5 of Chapter V upon an offender who has been
25 convicted of a felony violation of Section 11-1.20, 11-1.30,
26 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or

1 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
2 when the victim of the offense is under 18 years of age at the
3 time of the commission of the offense and, during the
4 commission of the offense, the victim was under the influence
5 of alcohol, regardless of whether or not the alcohol was
6 supplied by the offender; and the offender, at the time of the
7 commission of the offense, knew or should have known that the
8 victim had consumed alcohol.

9 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
10 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.
11 8-20-21; 102-982, eff. 7-1-23.)

12 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

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

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

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

19 (2) report to or appear in person before such person
20 or agency as directed by the court. To comply with the
21 provisions of this paragraph (2), in lieu of requiring the
22 person on probation or conditional discharge to appear in
23 person for the required reporting or meetings, the officer
24 may utilize technology, including cellular and other
25 electronic communication devices or platforms, that allow

1 for communication between the supervised person and the
2 officer in accordance with standards and guidelines
3 established by the Administrative Office of the Illinois
4 Courts;

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

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

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

22 (6) perform no less than 30 hours of community service
23 and not more than 120 hours of community service, if
24 community service is available in the jurisdiction and is
25 funded and approved by the county board where the offense
26 was committed, where the offense was related to or in

1 furtherance of the criminal activities of an organized
2 gang and was motivated by the offender's membership in or
3 allegiance to an organized gang. The community service
4 shall include, but not be limited to, the cleanup and
5 repair of any damage caused by a violation of Section
6 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
7 2012 and similar damage to property located within the
8 municipality or county in which the violation occurred.
9 When possible and reasonable, the community service should
10 be performed in the offender's neighborhood. For purposes
11 of this Section, "organized gang" has the meaning ascribed
12 to it in Section 10 of the Illinois Streetgang Terrorism
13 Omnibus Prevention Act. The court may give credit toward
14 the fulfillment of community service hours for
15 participation in activities and treatment as determined by
16 court services. Community service shall not interfere with
17 the school hours, school-related activities, or work
18 commitments of the minor or the minor's parent, guardian,
19 or legal custodian;

20 (7) if he or she is at least 17 years of age and has
21 been sentenced to probation or conditional discharge for a
22 misdemeanor or felony in a county of 3,000,000 or more
23 inhabitants and has not been previously convicted of a
24 misdemeanor or felony, may be required by the sentencing
25 court to attend educational courses designed to prepare
26 the defendant for a high school diploma and to work toward

1 a high school diploma or to work toward passing high
2 school equivalency testing or to work toward completing a
3 vocational training program approved by the court. The
4 person on probation or conditional discharge must attend a
5 public institution of education to obtain the educational
6 or vocational training required by this paragraph (7). The
7 court shall revoke the probation or conditional discharge
8 of a person who willfully fails to comply with this
9 paragraph (7). The person on probation or conditional
10 discharge shall be required to pay for the cost of the
11 educational courses or high school equivalency testing if
12 a fee is charged for those courses or testing. The court
13 shall resentence the offender whose probation or
14 conditional discharge has been revoked as provided in
15 Section 5-6-4. This paragraph (7) does not apply to a
16 person who has a high school diploma or has successfully
17 passed high school equivalency testing. This paragraph (7)
18 does not apply to a person who is determined by the court
19 to be a person with a developmental disability or
20 otherwise mentally incapable of completing the educational
21 or vocational program;

22 (8) if convicted of possession of a substance
23 prohibited by the Cannabis Control Act, the Illinois
24 Controlled Substances Act, or the Methamphetamine Control
25 and Community Protection Act after a previous conviction
26 or disposition of supervision for possession of a

1 substance prohibited by the Cannabis Control Act or
2 Illinois Controlled Substances Act or after a sentence of
3 probation under Section 10 of the Cannabis Control Act,
4 Section 410 of the Illinois Controlled Substances Act, or
5 Section 70 of the Methamphetamine Control and Community
6 Protection Act and upon a finding by the court that the
7 person is addicted, undergo treatment at a substance abuse
8 program approved by the court;

9 (8.5) if convicted of a felony sex offense as defined
10 in the Sex Offender Management Board Act, the person shall
11 undergo and successfully complete sex offender treatment
12 by a treatment provider approved by the Board and
13 conducted in conformance with the standards developed
14 under the Sex Offender Management Board Act;

15 (8.6) if convicted of a sex offense as defined in the
16 Sex Offender Management Board Act, refrain from residing
17 at the same address or in the same condominium unit or
18 apartment unit or in the same condominium complex or
19 apartment complex with another person he or she knows or
20 reasonably should know is a convicted sex offender or has
21 been placed on supervision for a sex offense; the
22 provisions of this paragraph do not apply to a person
23 convicted of a sex offense who is placed in a Department of
24 Corrections licensed transitional housing facility for sex
25 offenders;

26 (8.7) if convicted for an offense committed on or

1 after June 1, 2008 (the effective date of Public Act
2 95-464) that would qualify the accused as a child sex
3 offender as defined in Section 11-9.3 or 11-9.4 of the
4 Criminal Code of 1961 or the Criminal Code of 2012,
5 refrain from communicating with or contacting, by means of
6 the Internet, a person who is not related to the accused
7 and whom the accused reasonably believes to be under 18
8 years of age; for purposes of this paragraph (8.7),
9 "Internet" has the meaning ascribed to it in Section
10 16-0.1 of the Criminal Code of 2012; and a person is not
11 related to the accused if the person is not: (i) the
12 spouse, brother, or sister of the accused; (ii) a
13 descendant of the accused; (iii) a first or second cousin
14 of the accused; or (iv) a step-child or adopted child of
15 the accused;

16 (8.8) if convicted for an offense under Section 11-6,
17 11-9.1, 11-14.4 that involves soliciting for a juvenile
18 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
19 of the Criminal Code of 1961 or the Criminal Code of 2012,
20 or any attempt to commit any of these offenses, committed
21 on or after June 1, 2009 (the effective date of Public Act
22 95-983):

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

1 search for employment with the prior approval of the
2 offender's probation officer;

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

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

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

21 (8.9) if convicted of a sex offense as defined in the
22 Sex Offender Registration Act committed on or after
23 January 1, 2010 (the effective date of Public Act 96-262),
24 refrain from accessing or using a social networking
25 website as defined in Section 17-0.5 of the Criminal Code
26 of 2012;

1 (9) if convicted of a felony or of any misdemeanor
2 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
3 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
4 2012 that was determined, pursuant to Section 112A-11.1 of
5 the Code of Criminal Procedure of 1963, to trigger the
6 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
7 at a time and place designated by the court, ~~his or her~~
8 ~~Firearm Owner's Identification Card~~ and any and all
9 firearms in his or her possession. ~~The Court shall return~~
10 ~~to the Illinois State Police Firearm Owner's~~
11 ~~Identification Card Office the person's Firearm Owner's~~
12 ~~Identification Card;~~

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

24 (11) if convicted of a sex offense as defined in
25 Section 2 of the Sex Offender Registration Act committed
26 on or after January 1, 2010 (the effective date of Public

1 Act 96-362) that requires the person to register as a sex
2 offender under that Act, may not knowingly use any
3 computer scrub software on any computer that the sex
4 offender uses;

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

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

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

15 (13) if convicted of a hate crime involving the
16 protected class identified in subsection (a) of Section
17 12-7.1 of the Criminal Code of 2012 that gave rise to the
18 offense the offender committed, perform public or
19 community service of no less than 200 hours and enroll in
20 an educational program discouraging hate crimes that
21 includes racial, ethnic, and cultural sensitivity training
22 ordered by the court.

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

1 the person:

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

5 (2) pay a fine and costs;

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

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

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

12 (6) support his dependents;

13 (7) and in addition, if a minor:

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

15 (ii) attend school;

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

17 (iv) provide nonfinancial contributions to his own
18 support at home or in a foster home;

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

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

3 (9) perform some reasonable public or community
4 service;

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

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

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

16 (iii) if further deemed necessary by the court or
17 the probation or court services department ~~Probation~~
18 ~~or Court Services Department~~, be placed on an approved
19 electronic monitoring device, subject to Article 8A of
20 Chapter V;

21 (iv) for persons convicted of any alcohol,
22 cannabis or controlled substance violation who are
23 placed on an approved monitoring device as a condition
24 of probation or conditional discharge, the court shall
25 impose a reasonable fee for each day of the use of the
26 device, as established by the county board in

1 subsection (g) of this Section, unless after
2 determining the inability of the offender to pay the
3 fee, the court assesses a lesser fee or no fee as the
4 case may be. This fee shall be imposed in addition to
5 the fees imposed under subsections (g) and (i) of this
6 Section. The fee shall be collected by the clerk of the
7 circuit court, except as provided in an administrative
8 order of the Chief Judge of the circuit court. The
9 clerk of the circuit court shall pay all monies
10 collected from this fee to the county treasurer for
11 deposit in the substance abuse services fund under
12 Section 5-1086.1 of the Counties Code, except as
13 provided in an administrative order of the Chief Judge
14 of the circuit court.

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

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

1 (v) for persons convicted of offenses other than
2 those referenced in clause (iv) above and who are
3 placed on an approved monitoring device as a condition
4 of probation or conditional discharge, the court shall
5 impose a reasonable fee for each day of the use of the
6 device, as established by the county board in
7 subsection (g) of this Section, unless after
8 determining the inability of the defendant to pay the
9 fee, the court assesses a lesser fee or no fee as the
10 case may be. This fee shall be imposed in addition to
11 the fees imposed under subsections (g) and (i) of this
12 Section. The fee shall be collected by the clerk of the
13 circuit court, except as provided in an administrative
14 order of the Chief Judge of the circuit court. The
15 clerk of the circuit court shall pay all monies
16 collected from this fee to the county treasurer who
17 shall use the monies collected to defray the costs of
18 corrections. The county treasurer shall deposit the
19 fee collected in the probation and court services
20 fund. The Chief Judge of the circuit court of the
21 county may by administrative order establish a program
22 for electronic monitoring of offenders, in which a
23 vendor supplies and monitors the operation of the
24 electronic monitoring device, and collects the fees on
25 behalf of the county. The program shall include
26 provisions for indigent offenders and the collection

1 of unpaid fees. The program shall not unduly burden
2 the offender and shall be subject to review by the
3 Chief Judge.

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

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

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

21 (13) contribute a reasonable sum of money, not to
22 exceed the maximum amount of the fine authorized for the
23 offense for which the defendant was sentenced, (i) to a
24 "local anti-crime program", as defined in Section 7 of the
25 Anti-Crime Advisory Council Act, or (ii) for offenses
26 under the jurisdiction of the Department of Natural

1 Resources, to the fund established by the Department of
2 Natural Resources for the purchase of evidence for
3 investigation purposes and to conduct investigations as
4 outlined in Section 805-105 of the Department of Natural
5 Resources (Conservation) Law;

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

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

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

25 (17) if convicted for an offense committed on or after
26 June 1, 2008 (the effective date of Public Act 95-464)

1 that would qualify the accused as a child sex offender as
2 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
3 of 1961 or the Criminal Code of 2012, refrain from
4 communicating with or contacting, by means of the
5 Internet, a person who is related to the accused and whom
6 the accused reasonably believes to be under 18 years of
7 age; for purposes of this paragraph (17), "Internet" has
8 the meaning ascribed to it in Section 16-0.1 of the
9 Criminal Code of 2012; and a person is related to the
10 accused if the person is: (i) the spouse, brother, or
11 sister of the accused; (ii) a descendant of the accused;
12 (iii) a first or second cousin of the accused; or (iv) a
13 step-child or adopted child of the accused;

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

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

24 (ii) submit to periodic unannounced examinations
25 of the offender's computer or any other device with
26 Internet capability by the offender's probation

1 officer, a law enforcement officer, or assigned
2 computer or information technology specialist,
3 including the retrieval and copying of all data from
4 the computer or device and any internal or external
5 peripherals and removal of such information,
6 equipment, or device to conduct a more thorough
7 inspection;

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

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

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

20 (c) The court may as a condition of probation or of
21 conditional discharge require that a person under 18 years of
22 age found guilty of any alcohol, cannabis or controlled
23 substance violation, refrain from acquiring a driver's license
24 during the period of probation or conditional discharge. If
25 such person is in possession of a permit or license, the court
26 may require that the minor refrain from driving or operating

1 any motor vehicle during the period of probation or
2 conditional discharge, except as may be necessary in the
3 course of the minor's lawful employment.

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

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

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

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

22 (g) An offender sentenced to probation or to conditional
23 discharge and who during the term of either undergoes
24 mandatory drug or alcohol testing, or both, or is assigned to
25 be placed on an approved electronic monitoring device, shall
26 be ordered to pay all costs incidental to such mandatory drug

1 or alcohol testing, or both, and all costs incidental to such
2 approved electronic monitoring in accordance with the
3 defendant's ability to pay those costs. The county board with
4 the concurrence of the Chief Judge of the judicial circuit in
5 which the county is located shall establish reasonable fees
6 for the cost of maintenance, testing, and incidental expenses
7 related to the mandatory drug or alcohol testing, or both, and
8 all costs incidental to approved electronic monitoring,
9 involved in a successful probation program for the county. The
10 concurrence of the Chief Judge shall be in the form of an
11 administrative order. The fees shall be collected by the clerk
12 of the circuit court, except as provided in an administrative
13 order of the Chief Judge of the circuit court. The clerk of the
14 circuit court shall pay all moneys collected from these fees
15 to the county treasurer who shall use the moneys collected to
16 defray the costs of drug testing, alcohol testing, and
17 electronic monitoring. The county treasurer shall deposit the
18 fees collected in the county working cash fund under Section
19 6-27001 or Section 6-29002 of the Counties Code, as the case
20 may be. The Chief Judge of the circuit court of the county may
21 by administrative order establish a program for electronic
22 monitoring of offenders, in which a vendor supplies and
23 monitors the operation of the electronic monitoring device,
24 and collects the fees on behalf of the county. The program
25 shall include provisions for indigent offenders and the
26 collection of unpaid fees. The program shall not unduly burden

1 the offender and shall be subject to review by the Chief Judge.
2 A person shall not be assessed costs or fees for mandatory
3 testing for drugs, alcohol, or both, if the person is an
4 indigent person as defined in paragraph (2) of subsection (a)
5 of Section 5-105 of the Code of Civil Procedure.

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

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

25 (i) The court shall impose upon an offender sentenced to
26 probation after January 1, 1989 or to conditional discharge

1 after January 1, 1992 or to community service under the
2 supervision of a probation or court services department after
3 January 1, 2004, as a condition of such probation or
4 conditional discharge or supervised community service, a fee
5 of \$50 for each month of probation or conditional discharge
6 supervision or supervised community service ordered by the
7 court, unless after determining the inability of the person
8 sentenced to probation or conditional discharge or supervised
9 community service to pay the fee, the court assesses a lesser
10 fee. The court may not impose the fee on a minor who is placed
11 in the guardianship or custody of the Department of Children
12 and Family Services under the Juvenile Court Act of 1987 while
13 the minor is in placement. The fee shall be imposed only upon
14 an offender who is actively supervised by the probation and
15 court services department. The fee shall be collected by the
16 clerk of the circuit court. The clerk of the circuit court
17 shall pay all monies collected from this fee to the county
18 treasurer for deposit in the probation and court services fund
19 under Section 15.1 of the Probation and Probation Officers
20 Act.

21 A circuit court may not impose a probation fee under this
22 subsection (i) in excess of \$25 per month unless the circuit
23 court has adopted, by administrative order issued by the Chief
24 Judge ~~chief judge~~, a standard probation fee guide determining
25 an offender's ability to pay. Of the amount collected as a
26 probation fee, up to \$5 of that fee collected per month may be

1 used to provide services to crime victims and their families.

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

14 Public Act 93-970 deletes the \$10 increase in the fee
15 under this subsection that was imposed by Public Act 93-616.
16 This deletion is intended to control over any other Act of the
17 93rd General Assembly that retains or incorporates that fee
18 increase.

19 (i-5) In addition to the fees imposed under subsection (i)
20 of this Section, in the case of an offender convicted of a
21 felony sex offense (as defined in the Sex Offender Management
22 Board Act) or an offense that the court or probation
23 department has determined to be sexually motivated (as defined
24 in the Sex Offender Management Board Act), the court or the
25 probation department shall assess additional fees to pay for
26 all costs of treatment, assessment, evaluation for risk and

1 treatment, and monitoring the offender, based on that
2 offender's ability to pay those costs either as they occur or
3 under a payment plan.

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

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

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

24 (m) Except for restitution, and assessments issued for
25 adjudications under Section 5-125 of the Juvenile Court Act of
26 1987, fines and assessments, such as fees or administrative

1 costs, authorized under this Section shall not be ordered or
2 imposed on a minor subject to Article III, IV, or V of the
3 Juvenile Court Act of 1987, or a minor under the age of 18
4 transferred to adult court or excluded from juvenile court
5 jurisdiction under Article V of the Juvenile Court Act of
6 1987, or the minor's parent, guardian, or legal custodian.

7 (n) ~~(m)~~ A person on probation, conditional discharge, or
8 supervision shall not be ordered to refrain from having
9 cannabis or alcohol in his or her body unless:

10 (1) the person is under 21 years old;

11 (2) the person was sentenced to probation, conditional
12 discharge, or supervision for an offense which had as an
13 element of the offense the presence of an intoxicating
14 compound in the person's body;

15 (3) the person is participating in a problem-solving
16 court certified by the Illinois Supreme Court;

17 (4) the person has undergone a validated clinical
18 assessment and the clinical treatment plan includes
19 alcohol or cannabis testing; or

20 (5) a court ordered evaluation recommends that the
21 person refrain from using alcohol or cannabis, provided
22 the evaluation is a validated clinical assessment and the
23 recommendation originates from a clinical treatment plan.

24 If the court has made findings that alcohol use was a
25 contributing factor in the commission of the underlying
26 offense, the court may order a person on probation,

1 conditional discharge, or supervision to refrain from having
2 alcohol in his or her body during the time between sentencing
3 and the completion of a validated clinical assessment,
4 provided that such order shall not exceed 30 days and shall be
5 terminated if the clinical treatment plan does not recommend
6 abstinence or testing, or both.

7 In this subsection (n) ~~(m)~~, "validated clinical
8 assessment" and "clinical treatment plan" have the meanings
9 ascribed to them in Section 10 of the Drug Court Treatment Act.

10 In any instance in which the court orders testing for
11 cannabis or alcohol, the court shall state the reasonable
12 relation the condition has to the person's crime for which the
13 person was placed on probation, conditional discharge, or
14 supervision.

15 (o) ~~(n)~~ A person on probation, conditional discharge, or
16 supervision shall not be ordered to refrain from use or
17 consumption of any substance lawfully prescribed by a medical
18 provider or authorized by the Compassionate Use of Medical
19 Cannabis Program Act, except where use is prohibited in
20 paragraph (3) or (4) of subsection (n) ~~(m)~~.

21 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
22 103-271, eff. 1-1-24; 103-379, eff. 7-28-23; 103-391, eff.
23 1-1-24; revised 12-15-23.)

24 (730 ILCS 5/3-2-13 rep.)

25 Section 180. The Unified Code of Corrections is amended by

1 repealing Section 3-2-13.

2 Section 185. The Probation and Probation Officers Act is
3 amended by changing Section 15.2 as follows:

4 (730 ILCS 110/15.2)

5 Sec. 15.2. Retiring probation officer; purchase of service
6 firearm and badge. Each department shall establish a program
7 to allow a probation officer of the department who is
8 honorably retiring in good standing to purchase either one or
9 both of the following: (1) any badge previously issued to the
10 probation officer by the department; or (2) ~~if the probation~~
11 ~~officer has a currently valid Firearm Owner's Identification~~
12 ~~Card,~~ the service firearm issued or previously issued to the
13 probation officer by the department. The badge must be
14 permanently and conspicuously marked in such a manner that the
15 individual who possesses the badge is not mistaken for an
16 actively serving law enforcement officer. The cost of the
17 firearm shall be the replacement value of the firearm and not
18 the firearm's fair market value.

19 (Source: P.A. 102-719, eff. 5-6-22.)

20 Section 190. The Stalking No Contact Order Act is amended
21 by changing Section 80 as follows:

22 (740 ILCS 21/80)

1 Sec. 80. Stalking no contact orders; remedies.

2 (a) If the court finds that the petitioner has been a
3 victim of stalking, a stalking no contact order shall issue;
4 provided that the petitioner must also satisfy the
5 requirements of Section 95 on emergency orders or Section 100
6 on plenary orders. The petitioner shall not be denied a
7 stalking no contact order because the petitioner or the
8 respondent is a minor. The court, when determining whether or
9 not to issue a stalking no contact order, may not require
10 physical injury on the person of the petitioner. Modification
11 and extension of prior stalking no contact orders shall be in
12 accordance with this Act.

13 (b) A stalking no contact order shall order one or more of
14 the following:

15 (1) prohibit the respondent from threatening to commit
16 or committing stalking;

17 (2) order the respondent not to have any contact with
18 the petitioner or a third person specifically named by the
19 court;

20 (3) prohibit the respondent from knowingly coming
21 within, or knowingly remaining within a specified distance
22 of the petitioner or the petitioner's residence, school,
23 daycare, or place of employment, or any specified place
24 frequented by the petitioner; however, the court may order
25 the respondent to stay away from the respondent's own
26 residence, school, or place of employment only if the

1 respondent has been provided actual notice of the
2 opportunity to appear and be heard on the petition;

3 (4) prohibit the respondent from ~~possessing a Firearm~~
4 ~~Owners Identification Card,~~ or possessing or buying
5 firearms; and

6 (5) order other injunctive relief the court determines
7 to be necessary to protect the petitioner or third party
8 specifically named by the court.

9 (b-5) When the petitioner and the respondent attend the
10 same public, private, or non-public elementary, middle, or
11 high school, the court when issuing a stalking no contact
12 order and providing relief shall consider the severity of the
13 act, any continuing physical danger or emotional distress to
14 the petitioner, the educational rights guaranteed to the
15 petitioner and respondent under federal and State law, the
16 availability of a transfer of the respondent to another
17 school, a change of placement or a change of program of the
18 respondent, the expense, difficulty, and educational
19 disruption that would be caused by a transfer of the
20 respondent to another school, and any other relevant facts of
21 the case. The court may order that the respondent not attend
22 the public, private, or non-public elementary, middle, or high
23 school attended by the petitioner, order that the respondent
24 accept a change of placement or program, as determined by the
25 school district or private or non-public school, or place
26 restrictions on the respondent's movements within the school

1 attended by the petitioner. The respondent bears the burden of
2 proving by a preponderance of the evidence that a transfer,
3 change of placement, or change of program of the respondent is
4 not available. The respondent also bears the burden of
5 production with respect to the expense, difficulty, and
6 educational disruption that would be caused by a transfer of
7 the respondent to another school. A transfer, change of
8 placement, or change of program is not unavailable to the
9 respondent solely on the ground that the respondent does not
10 agree with the school district's or private or non-public
11 school's transfer, change of placement, or change of program
12 or solely on the ground that the respondent fails or refuses to
13 consent to or otherwise does not take an action required to
14 effectuate a transfer, change of placement, or change of
15 program. When a court orders a respondent to stay away from the
16 public, private, or non-public school attended by the
17 petitioner and the respondent requests a transfer to another
18 attendance center within the respondent's school district or
19 private or non-public school, the school district or private
20 or non-public school shall have sole discretion to determine
21 the attendance center to which the respondent is transferred.
22 In the event the court order results in a transfer of the minor
23 respondent to another attendance center, a change in the
24 respondent's placement, or a change of the respondent's
25 program, the parents, guardian, or legal custodian of the
26 respondent is responsible for transportation and other costs

1 associated with the transfer or change.

2 (b-6) The court may order the parents, guardian, or legal
3 custodian of a minor respondent to take certain actions or to
4 refrain from taking certain actions to ensure that the
5 respondent complies with the order. In the event the court
6 orders a transfer of the respondent to another school, the
7 parents, guardian, or legal custodian of the respondent are
8 responsible for transportation and other costs associated with
9 the change of school by the respondent.

10 (b-7) The court shall not hold a school district or
11 private or non-public school or any of its employees in civil
12 or criminal contempt unless the school district or private or
13 non-public school has been allowed to intervene.

14 (b-8) The court may hold the parents, guardian, or legal
15 custodian of a minor respondent in civil or criminal contempt
16 for a violation of any provision of any order entered under
17 this Act for conduct of the minor respondent in violation of
18 this Act if the parents, guardian, or legal custodian
19 directed, encouraged, or assisted the respondent minor in such
20 conduct.

21 (c) The court may award the petitioner costs and attorneys
22 fees if a stalking no contact order is granted.

23 (d) Monetary damages are not recoverable as a remedy.

24 (e) If the stalking no contact order prohibits the
25 respondent from ~~possessing a Firearm Owner's Identification~~
26 ~~Card, or~~ possessing or buying firearms; the court shall

1 confiscate the respondent's firearms ~~Firearm Owner's~~
2 ~~Identification Card and immediately return the card to the~~
3 ~~Illinois State Police Firearm Owner's Identification Card~~
4 ~~Office.~~

5 (Source: P.A. 102-538, eff. 8-20-21.)

6 Section 195. The Mental Health and Developmental
7 Disabilities Confidentiality Act is amended by changing
8 Section 12 as follows:

9 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

10 Sec. 12. (a) If the United States Secret Service or the
11 Illinois State Police requests information from a mental
12 health or developmental disability facility, as defined in
13 Section 1-107 and 1-114 of the Mental Health and Developmental
14 Disabilities Code, relating to a specific recipient and the
15 facility director determines that disclosure of such
16 information may be necessary to protect the life of, or to
17 prevent the infliction of great bodily harm to, a public
18 official, or a person under the protection of the United
19 States Secret Service, only the following information may be
20 disclosed: the recipient's name, address, and age and the date
21 of any admission to or discharge from a facility; and any
22 information which would indicate whether or not the recipient
23 has a history of violence or presents a danger of violence to
24 the person under protection. Any information so disclosed

1 shall be used for investigative purposes only and shall not be
2 publicly disseminated. Any person participating in good faith
3 in the disclosure of such information in accordance with this
4 provision shall have immunity from any liability, civil,
5 criminal or otherwise, if such information is disclosed
6 relying upon the representation of an officer of the United
7 States Secret Service or the Illinois State Police that a
8 person is under the protection of the United States Secret
9 Service or is a public official.

10 For the purpose of this subsection (a), the term "public
11 official" means the Governor, Lieutenant Governor, Attorney
12 General, Secretary of State, State Comptroller, State
13 Treasurer, member of the General Assembly, member of the
14 United States Congress, Judge of the United States as defined
15 in 28 U.S.C. 451, Justice of the United States as defined in 28
16 U.S.C. 451, United States Magistrate Judge as defined in 28
17 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
18 Supreme, Appellate, Circuit, or Associate Judge of the State
19 of Illinois. The term shall also include the spouse, child or
20 children of a public official.

21 (b) The Department of Human Services (acting as successor
22 to the Department of Mental Health and Developmental
23 Disabilities) and all public or private hospitals and mental
24 health facilities are required, as hereafter described in this
25 subsection, to furnish the Illinois State Police only such
26 information as may be required for the sole purpose of

1 determining whether an individual who may be or may have been a
2 patient is disqualified because of that status from receiving
3 or retaining a firearm under paragraph (4) of subsection (a)
4 of Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~
5 ~~Identification Card or falls within the federal prohibitors~~
6 ~~under subsection (e), (f), (g), (r), (s), or (t) of Section 8~~
7 ~~of the Firearm Owners Identification Card Act~~, or falls within
8 the federal prohibitors in 18 U.S.C. 922(g) and (n). All
9 physicians, clinical psychologists, or qualified examiners at
10 public or private mental health facilities or parts thereof as
11 defined in this subsection shall, in the form and manner
12 required by the Department, provide notice directly to the
13 Department of Human Services, or to his or her employer who
14 shall then report to the Department, within 24 hours after
15 determining that a person poses a clear and present danger to
16 himself, herself, or others, or within 7 days after a person 14
17 years or older is determined to be a person with a
18 developmental disability by a physician, clinical
19 psychologist, or qualified examiner as described in this
20 subsection (b) ~~Section 1.1 of the Firearm Owners~~
21 ~~Identification Card Act~~. If a person is a patient as described
22 in clause (2)(A) ~~(1)~~ of the definition of "patient" in this
23 subsection ~~Section 1.1 of the Firearm Owners Identification~~
24 ~~Card Act~~, this information shall be furnished within 7 days
25 after admission to a public or private hospital or mental
26 health facility or the provision of services. Any such

1 information disclosed under this subsection shall remain
2 privileged and confidential, and shall not be redisclosed,
3 except as required by clause (e) (2) of Section 24-4.5 of the
4 Criminal Code of 2012 ~~subsection (e) of Section 3.1 of the~~
5 ~~Firearm Owners Identification Card Act~~, nor utilized for any
6 other purpose. The method of requiring the providing of such
7 information shall guarantee that no information is released
8 beyond what is necessary for this purpose. In addition, the
9 information disclosed shall be provided by the Department
10 within the time period established by Section 24-3 of the
11 Criminal Code of 2012 regarding the delivery of firearms. The
12 method used shall be sufficient to provide the necessary
13 information within the prescribed time period, which may
14 include periodically providing lists to the Department of
15 Human Services or any public or private hospital or mental
16 health facility of ~~Firearm Owner's Identification Card~~
17 applicants for firearm purchases on which the Department or
18 hospital shall indicate the identities of those individuals
19 who are to its knowledge disqualified from having a firearm
20 ~~Firearm Owner's Identification Card~~ for reasons described
21 herein. The Department may provide for a centralized source of
22 information for the State on this subject under its
23 jurisdiction. The identity of the person reporting under this
24 subsection shall not be disclosed to the subject of the
25 report. For the purposes of this subsection, the physician,
26 clinical psychologist, or qualified examiner making the

1 determination and his or her employer shall not be held
2 criminally, civilly, or professionally liable for making or
3 not making the notification required under this subsection,
4 except for willful or wanton misconduct.

5 Any person, institution, or agency, under this Act,
6 participating in good faith in the reporting or disclosure of
7 records and communications otherwise in accordance with this
8 provision or with rules, regulations or guidelines issued by
9 the Department shall have immunity from any liability, civil,
10 criminal or otherwise, that might result by reason of the
11 action. For the purpose of any proceeding, civil or criminal,
12 arising out of a report or disclosure in accordance with this
13 provision, the good faith of any person, institution, or
14 agency so reporting or disclosing shall be presumed. The full
15 extent of the immunity provided in this subsection (b) shall
16 apply to any person, institution or agency that fails to make a
17 report or disclosure in the good faith belief that the report
18 or disclosure would violate federal regulations governing the
19 confidentiality of alcohol and drug abuse patient records
20 implementing 42 U.S.C. 290dd-3 and 290ee-3.

21 For purposes of this subsection (b) only, the following
22 terms shall have the meaning prescribed:

23 (1) (Blank).

24 (1.3) "Clear and present danger" has the meaning as
25 defined in Section 6-103.3 of the Mental Health and
26 Developmental Disabilities Code 1.1 of the Firearm Owners

1 ~~Identification Card Act.~~

2 (1.5) "Person with a developmental disability" has the
3 meaning as defined in Section 6-103.3 of the Mental Health
4 and Developmental Disabilities Code 1.1 of the Firearm
5 Owners Identification Card Act.

6 (2) "Patient" means (A) a person who voluntarily
7 receives mental health treatment as an in-patient or
8 resident of any public or private mental health facility,
9 unless the treatment was solely for an alcohol abuse
10 disorder and no other secondary substance abuse disorder
11 or mental illness; or (B) a person who voluntarily
12 receives mental health treatment as an out-patient or is
13 provided services by a public or private mental health
14 facility, and who poses a clear and present danger to
15 himself, herself, or to others ~~has the meaning as defined~~
16 ~~in Section 1.1 of the Firearm Owners Identification Card~~
17 ~~Act.~~

18 (3) "Mental health facility" means any licensed
19 private hospital or hospital affiliate, institution, or
20 facility, or part thereof, and any facility, or part
21 thereof, operated by the State or a political subdivision
22 thereof which provide treatment of persons with mental
23 illness and includes all hospitals, institutions, clinics,
24 evaluation facilities, mental health centers, colleges,
25 universities, long-term care facilities, and nursing
26 homes, or parts thereof, which provide treatment of

1 persons with mental illness whether or not the primary
2 purpose is to provide treatment of persons with mental
3 illness ~~has the meaning as defined in Section 1.1 of the~~
4 ~~Firearm Owners Identification Card Act.~~

5 (c) Upon the request of a peace officer who takes a person
6 into custody and transports such person to a mental health or
7 developmental disability facility pursuant to Section 3-606 or
8 4-404 of the Mental Health and Developmental Disabilities Code
9 or who transports a person from such facility, a facility
10 director shall furnish said peace officer the name, address,
11 age and name of the nearest relative of the person transported
12 to or from the mental health or developmental disability
13 facility. In no case shall the facility director disclose to
14 the peace officer any information relating to the diagnosis,
15 treatment or evaluation of the person's mental or physical
16 health.

17 For the purposes of this subsection (c), the terms "mental
18 health or developmental disability facility", "peace officer"
19 and "facility director" shall have the meanings ascribed to
20 them in the Mental Health and Developmental Disabilities Code.

21 (d) Upon the request of a peace officer or prosecuting
22 authority who is conducting a bona fide investigation of a
23 criminal offense, or attempting to apprehend a fugitive from
24 justice, a facility director may disclose whether a person is
25 present at the facility. Upon request of a peace officer or
26 prosecuting authority who has a valid forcible felony warrant

1 issued, a facility director shall disclose: (1) whether the
2 person who is the subject of the warrant is present at the
3 facility and (2) the date of that person's discharge or future
4 discharge from the facility. The requesting peace officer or
5 prosecuting authority must furnish a case number and the
6 purpose of the investigation or an outstanding arrest warrant
7 at the time of the request. Any person, institution, or agency
8 participating in good faith in disclosing such information in
9 accordance with this subsection (d) is immune from any
10 liability, civil, criminal or otherwise, that might result by
11 reason of the action.

12 (Source: P.A. 102-538, eff. 8-20-21.)

13 Section 200. The Illinois Domestic Violence Act of 1986 is
14 amended by changing Sections 210 and 214 as follows:

15 (750 ILCS 60/210) (from Ch. 40, par. 2312-10)

16 Sec. 210. Process.

17 (a) Summons. Any action for an order of protection,
18 whether commenced alone or in conjunction with another
19 proceeding, is a distinct cause of action and requires that a
20 separate summons be issued and served, except that in pending
21 cases the following methods may be used:

22 (1) By delivery of the summons to respondent
23 personally in open court in pending civil or criminal
24 cases.

1 (2) By notice in accordance with Section 210.1 in
2 civil cases in which the defendant has filed a general
3 appearance.

4 The summons shall be in the form prescribed by Supreme
5 Court Rule 101(d), except that it shall require respondent to
6 answer or appear within 7 days. Attachments to the summons or
7 notice shall include the petition for order of protection and
8 supporting affidavits, if any, and any emergency order of
9 protection that has been issued. The enforcement of an order
10 of protection under Section 223 shall not be affected by the
11 lack of service, delivery, or notice, provided the
12 requirements of subsection (d) of that Section are otherwise
13 met.

14 (b) Blank.

15 (c) Expedited service. The summons shall be served by the
16 sheriff or other law enforcement officer at the earliest time
17 and shall take precedence over other summonses except those of
18 a similar emergency nature. Special process servers may be
19 appointed at any time, and their designation shall not affect
20 the responsibilities and authority of the sheriff or other
21 official process servers. In counties with a population over
22 3,000,000, a special process server may not be appointed if
23 the order of protection grants the surrender of a child, the
24 surrender of a firearm ~~or firearm owners identification card,~~
25 or the exclusive possession of a shared residence.

26 (d) Remedies requiring actual notice. The counseling,

1 payment of support, payment of shelter services, and payment
2 of losses remedies provided by paragraphs 4, 12, 13, and 16 of
3 subsection (b) of Section 214 may be granted only if
4 respondent has been personally served with process, has
5 answered or has made a general appearance.

6 (e) Remedies upon constructive notice. Service of process
7 on a member of respondent's household or by publication shall
8 be adequate for the remedies provided by paragraphs 1, 2, 3, 5,
9 6, 7, 8, 9, 10, 11, 14, 15, and 17 of subsection (b) of Section
10 214, but only if: (i) petitioner has made all reasonable
11 efforts to accomplish actual service of process personally
12 upon respondent, but respondent cannot be found to effect such
13 service and (ii) petitioner files an affidavit or presents
14 sworn testimony as to those efforts.

15 (f) Default. A plenary order of protection may be entered
16 by default as follows:

17 (1) For any of the remedies sought in the petition, if
18 respondent has been served or given notice in accordance
19 with subsection (a) and if respondent then fails to appear
20 as directed or fails to appear on any subsequent
21 appearance or hearing date agreed to by the parties or set
22 by the court; or

23 (2) For any of the remedies provided in accordance
24 with subsection (e), if respondent fails to answer or
25 appear in accordance with the date set in the publication
26 notice or the return date indicated on the service of a

1 household member.

2 (g) Emergency orders. If an order is granted under
3 subsection (c) of Section 217, the court shall immediately
4 file a certified copy of the order with the sheriff or other
5 law enforcement official charged with maintaining Department
6 of State Police records.

7 (Source: P.A. 101-508, eff. 1-1-20.)

8 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

9 Sec. 214. Order of protection; remedies.

10 (a) Issuance of order. If the court finds that petitioner
11 has been abused by a family or household member or that
12 petitioner is a high-risk adult who has been abused,
13 neglected, or exploited, as defined in this Act, an order of
14 protection prohibiting the abuse, neglect, or exploitation
15 shall issue; provided that petitioner must also satisfy the
16 requirements of one of the following Sections, as appropriate:
17 Section 217 on emergency orders, Section 218 on interim
18 orders, or Section 219 on plenary orders. Petitioner shall not
19 be denied an order of protection because petitioner or
20 respondent is a minor. The court, when determining whether or
21 not to issue an order of protection, shall not require
22 physical manifestations of abuse on the person of the victim.
23 Modification and extension of prior orders of protection shall
24 be in accordance with this Act.

25 (b) Remedies and standards. The remedies to be included in

1 an order of protection shall be determined in accordance with
2 this Section and one of the following Sections, as
3 appropriate: Section 217 on emergency orders, Section 218 on
4 interim orders, and Section 219 on plenary orders. The
5 remedies listed in this subsection shall be in addition to
6 other civil or criminal remedies available to petitioner.

7 (1) Prohibition of abuse, neglect, or exploitation.

8 Prohibit respondent's harassment, interference with
9 personal liberty, intimidation of a dependent, physical
10 abuse, or willful deprivation, neglect or exploitation, as
11 defined in this Act, or stalking of the petitioner, as
12 defined in Section 12-7.3 of the Criminal Code of 2012, if
13 such abuse, neglect, exploitation, or stalking has
14 occurred or otherwise appears likely to occur if not
15 prohibited.

16 (2) Grant of exclusive possession of residence.

17 Prohibit respondent from entering or remaining in any
18 residence, household, or premises of the petitioner,
19 including one owned or leased by respondent, if petitioner
20 has a right to occupancy thereof. The grant of exclusive
21 possession of the residence, household, or premises shall
22 not affect title to real property, nor shall the court be
23 limited by the standard set forth in subsection (c-2) of
24 Section 501 of the Illinois Marriage and Dissolution of
25 Marriage Act.

26 (A) Right to occupancy. A party has a right to

1 occupancy of a residence or household if it is solely
2 or jointly owned or leased by that party, that party's
3 spouse, a person with a legal duty to support that
4 party or a minor child in that party's care, or by any
5 person or entity other than the opposing party that
6 authorizes that party's occupancy (e.g., a domestic
7 violence shelter). Standards set forth in subparagraph
8 (B) shall not preclude equitable relief.

9 (B) Presumption of hardships. If petitioner and
10 respondent each has the right to occupancy of a
11 residence or household, the court shall balance (i)
12 the hardships to respondent and any minor child or
13 dependent adult in respondent's care resulting from
14 entry of this remedy with (ii) the hardships to
15 petitioner and any minor child or dependent adult in
16 petitioner's care resulting from continued exposure to
17 the risk of abuse (should petitioner remain at the
18 residence or household) or from loss of possession of
19 the residence or household (should petitioner leave to
20 avoid the risk of abuse). When determining the balance
21 of hardships, the court shall also take into account
22 the accessibility of the residence or household.
23 Hardships need not be balanced if respondent does not
24 have a right to occupancy.

25 The balance of hardships is presumed to favor
26 possession by petitioner unless the presumption is

1 rebutted by a preponderance of the evidence, showing
2 that the hardships to respondent substantially
3 outweigh the hardships to petitioner and any minor
4 child or dependent adult in petitioner's care. The
5 court, on the request of petitioner or on its own
6 motion, may order respondent to provide suitable,
7 accessible, alternate housing for petitioner instead
8 of excluding respondent from a mutual residence or
9 household.

10 (3) Stay away order and additional prohibitions. Order
11 respondent to stay away from petitioner or any other
12 person protected by the order of protection, or prohibit
13 respondent from entering or remaining present at
14 petitioner's school, place of employment, or other
15 specified places at times when petitioner is present, or
16 both, if reasonable, given the balance of hardships.
17 Hardships need not be balanced for the court to enter a
18 stay away order or prohibit entry if respondent has no
19 right to enter the premises.

20 (A) If an order of protection grants petitioner
21 exclusive possession of the residence, or prohibits
22 respondent from entering the residence, or orders
23 respondent to stay away from petitioner or other
24 protected persons, then the court may allow respondent
25 access to the residence to remove items of clothing
26 and personal adornment used exclusively by respondent,

1 medications, and other items as the court directs. The
2 right to access shall be exercised on only one
3 occasion as the court directs and in the presence of an
4 agreed-upon adult third party or law enforcement
5 officer.

6 (B) When the petitioner and the respondent attend
7 the same public, private, or non-public elementary,
8 middle, or high school, the court when issuing an
9 order of protection and providing relief shall
10 consider the severity of the act, any continuing
11 physical danger or emotional distress to the
12 petitioner, the educational rights guaranteed to the
13 petitioner and respondent under federal and State law,
14 the availability of a transfer of the respondent to
15 another school, a change of placement or a change of
16 program of the respondent, the expense, difficulty,
17 and educational disruption that would be caused by a
18 transfer of the respondent to another school, and any
19 other relevant facts of the case. The court may order
20 that the respondent not attend the public, private, or
21 non-public elementary, middle, or high school attended
22 by the petitioner, order that the respondent accept a
23 change of placement or change of program, as
24 determined by the school district or private or
25 non-public school, or place restrictions on the
26 respondent's movements within the school attended by

1 the petitioner. The respondent bears the burden of
2 proving by a preponderance of the evidence that a
3 transfer, change of placement, or change of program of
4 the respondent is not available. The respondent also
5 bears the burden of production with respect to the
6 expense, difficulty, and educational disruption that
7 would be caused by a transfer of the respondent to
8 another school. A transfer, change of placement, or
9 change of program is not unavailable to the respondent
10 solely on the ground that the respondent does not
11 agree with the school district's or private or
12 non-public school's transfer, change of placement, or
13 change of program or solely on the ground that the
14 respondent fails or refuses to consent or otherwise
15 does not take an action required to effectuate a
16 transfer, change of placement, or change of program.
17 When a court orders a respondent to stay away from the
18 public, private, or non-public school attended by the
19 petitioner and the respondent requests a transfer to
20 another attendance center within the respondent's
21 school district or private or non-public school, the
22 school district or private or non-public school shall
23 have sole discretion to determine the attendance
24 center to which the respondent is transferred. In the
25 event the court order results in a transfer of the
26 minor respondent to another attendance center, a

1 change in the respondent's placement, or a change of
2 the respondent's program, the parents, guardian, or
3 legal custodian of the respondent is responsible for
4 transportation and other costs associated with the
5 transfer or change.

6 (C) The court may order the parents, guardian, or
7 legal custodian of a minor respondent to take certain
8 actions or to refrain from taking certain actions to
9 ensure that the respondent complies with the order. In
10 the event the court orders a transfer of the
11 respondent to another school, the parents, guardian,
12 or legal custodian of the respondent is responsible
13 for transportation and other costs associated with the
14 change of school by the respondent.

15 (4) Counseling. Require or recommend the respondent to
16 undergo counseling for a specified duration with a social
17 worker, psychologist, clinical psychologist,
18 psychiatrist, family service agency, alcohol or substance
19 abuse program, mental health center guidance counselor,
20 agency providing services to elders, program designed for
21 domestic violence abusers or any other guidance service
22 the court deems appropriate. The Court may order the
23 respondent in any intimate partner relationship to report
24 to an Illinois Department of Human Services protocol
25 approved partner abuse intervention program for an
26 assessment and to follow all recommended treatment.

1 (5) Physical care and possession of the minor child.
2 In order to protect the minor child from abuse, neglect,
3 or unwarranted separation from the person who has been the
4 minor child's primary caretaker, or to otherwise protect
5 the well-being of the minor child, the court may do either
6 or both of the following: (i) grant petitioner physical
7 care or possession of the minor child, or both, or (ii)
8 order respondent to return a minor child to, or not remove
9 a minor child from, the physical care of a parent or person
10 in loco parentis.

11 If a court finds, after a hearing, that respondent has
12 committed abuse (as defined in Section 103) of a minor
13 child, there shall be a rebuttable presumption that
14 awarding physical care to respondent would not be in the
15 minor child's best interest.

16 (6) Temporary allocation of parental responsibilities:
17 significant decision-making. Award temporary
18 decision-making responsibility to petitioner in accordance
19 with this Section, the Illinois Marriage and Dissolution
20 of Marriage Act, the Illinois Parentage Act of 2015, and
21 this State's Uniform Child-Custody Jurisdiction and
22 Enforcement Act.

23 If a court finds, after a hearing, that respondent has
24 committed abuse (as defined in Section 103) of a minor
25 child, there shall be a rebuttable presumption that
26 awarding temporary significant decision-making

1 responsibility to respondent would not be in the child's
2 best interest.

3 (7) Parenting time. Determine the parenting time, if
4 any, of respondent in any case in which the court awards
5 physical care or allocates temporary significant
6 decision-making responsibility of a minor child to
7 petitioner. The court shall restrict or deny respondent's
8 parenting time with a minor child if the court finds that
9 respondent has done or is likely to do any of the
10 following: (i) abuse or endanger the minor child during
11 parenting time; (ii) use the parenting time as an
12 opportunity to abuse or harass petitioner or petitioner's
13 family or household members; (iii) improperly conceal or
14 detain the minor child; or (iv) otherwise act in a manner
15 that is not in the best interests of the minor child. The
16 court shall not be limited by the standards set forth in
17 Section 603.10 of the Illinois Marriage and Dissolution of
18 Marriage Act. If the court grants parenting time, the
19 order shall specify dates and times for the parenting time
20 to take place or other specific parameters or conditions
21 that are appropriate. No order for parenting time shall
22 refer merely to the term "reasonable parenting time".

23 Petitioner may deny respondent access to the minor
24 child if, when respondent arrives for parenting time,
25 respondent is under the influence of drugs or alcohol and
26 constitutes a threat to the safety and well-being of

1 petitioner or petitioner's minor children or is behaving
2 in a violent or abusive manner.

3 If necessary to protect any member of petitioner's
4 family or household from future abuse, respondent shall be
5 prohibited from coming to petitioner's residence to meet
6 the minor child for parenting time, and the parties shall
7 submit to the court their recommendations for reasonable
8 alternative arrangements for parenting time. A person may
9 be approved to supervise parenting time only after filing
10 an affidavit accepting that responsibility and
11 acknowledging accountability to the court.

12 (8) Removal or concealment of minor child. Prohibit
13 respondent from removing a minor child from the State or
14 concealing the child within the State.

15 (9) Order to appear. Order the respondent to appear in
16 court, alone or with a minor child, to prevent abuse,
17 neglect, removal or concealment of the child, to return
18 the child to the custody or care of the petitioner or to
19 permit any court-ordered interview or examination of the
20 child or the respondent.

21 (10) Possession of personal property. Grant petitioner
22 exclusive possession of personal property and, if
23 respondent has possession or control, direct respondent to
24 promptly make it available to petitioner, if:

25 (i) petitioner, but not respondent, owns the
26 property; or

1 (ii) the parties own the property jointly; sharing
2 it would risk abuse of petitioner by respondent or is
3 impracticable; and the balance of hardships favors
4 temporary possession by petitioner.

5 If petitioner's sole claim to ownership of the
6 property is that it is marital property, the court may
7 award petitioner temporary possession thereof under the
8 standards of subparagraph (ii) of this paragraph only if a
9 proper proceeding has been filed under the Illinois
10 Marriage and Dissolution of Marriage Act, as now or
11 hereafter amended.

12 No order under this provision shall affect title to
13 property.

14 (11) Protection of property. Forbid the respondent
15 from taking, transferring, encumbering, concealing,
16 damaging or otherwise disposing of any real or personal
17 property, except as explicitly authorized by the court,
18 if:

19 (i) petitioner, but not respondent, owns the
20 property; or

21 (ii) the parties own the property jointly, and the
22 balance of hardships favors granting this remedy.

23 If petitioner's sole claim to ownership of the
24 property is that it is marital property, the court may
25 grant petitioner relief under subparagraph (ii) of this
26 paragraph only if a proper proceeding has been filed under

1 the Illinois Marriage and Dissolution of Marriage Act, as
2 now or hereafter amended.

3 The court may further prohibit respondent from
4 improperly using the financial or other resources of an
5 aged member of the family or household for the profit or
6 advantage of respondent or of any other person.

7 (11.5) Protection of animals. Grant the petitioner the
8 exclusive care, custody, or control of any animal owned,
9 possessed, leased, kept, or held by either the petitioner
10 or the respondent or a minor child residing in the
11 residence or household of either the petitioner or the
12 respondent and order the respondent to stay away from the
13 animal and forbid the respondent from taking,
14 transferring, encumbering, concealing, harming, or
15 otherwise disposing of the animal.

16 (12) Order for payment of support. Order respondent to
17 pay temporary support for the petitioner or any child in
18 the petitioner's care or over whom the petitioner has been
19 allocated parental responsibility, when the respondent has
20 a legal obligation to support that person, in accordance
21 with the Illinois Marriage and Dissolution of Marriage
22 Act, which shall govern, among other matters, the amount
23 of support, payment through the clerk and withholding of
24 income to secure payment. An order for child support may
25 be granted to a petitioner with lawful physical care of a
26 child, or an order or agreement for physical care of a

1 child, prior to entry of an order allocating significant
2 decision-making responsibility. Such a support order shall
3 expire upon entry of a valid order allocating parental
4 responsibility differently and vacating the petitioner's
5 significant decision-making authority, unless otherwise
6 provided in the order.

7 (13) Order for payment of losses. Order respondent to
8 pay petitioner for losses suffered as a direct result of
9 the abuse, neglect, or exploitation. Such losses shall
10 include, but not be limited to, medical expenses, lost
11 earnings or other support, repair or replacement of
12 property damaged or taken, reasonable attorney's fees,
13 court costs and moving or other travel expenses, including
14 additional reasonable expenses for temporary shelter and
15 restaurant meals.

16 (i) Losses affecting family needs. If a party is
17 entitled to seek maintenance, child support or
18 property distribution from the other party under the
19 Illinois Marriage and Dissolution of Marriage Act, as
20 now or hereafter amended, the court may order
21 respondent to reimburse petitioner's actual losses, to
22 the extent that such reimbursement would be
23 "appropriate temporary relief", as authorized by
24 subsection (a) (3) of Section 501 of that Act.

25 (ii) Recovery of expenses. In the case of an
26 improper concealment or removal of a minor child, the

1 court may order respondent to pay the reasonable
2 expenses incurred or to be incurred in the search for
3 and recovery of the minor child, including but not
4 limited to legal fees, court costs, private
5 investigator fees, and travel costs.

6 (14) Prohibition of entry. Prohibit the respondent
7 from entering or remaining in the residence or household
8 while the respondent is under the influence of alcohol or
9 drugs and constitutes a threat to the safety and
10 well-being of the petitioner or the petitioner's children.

11 (14.5) Prohibition of firearm possession.

12 (a) Prohibit a respondent against whom an order of
13 protection was issued from possessing any firearms
14 during the duration of the order if the order:

15 (1) was issued after a hearing of which such
16 person received actual notice, and at which such
17 person had an opportunity to participate;

18 (2) restrains such person from harassing,
19 stalking, or threatening an intimate partner of
20 such person or child of such intimate partner or
21 person, or engaging in other conduct that would
22 place an intimate partner in reasonable fear of
23 bodily injury to the partner or child; and

24 (3) (i) includes a finding that such person
25 represents a credible threat to the physical
26 safety of such intimate partner or child; or (ii)

1 by its terms explicitly prohibits the use,
2 attempted use, or threatened use of physical force
3 against such intimate partner or child that would
4 reasonably be expected to cause bodily injury.

5 ~~Any Firearm Owner's Identification Card in the~~
6 ~~possession of the respondent, except as provided in~~
7 ~~subsection (b), shall be ordered by the court to be~~
8 ~~turned over to the local law enforcement agency. The~~
9 ~~local law enforcement agency shall immediately mail~~
10 ~~the card to the Illinois State Police Firearm Owner's~~
11 ~~Identification Card Office for safekeeping. The court~~
12 shall issue a warrant for seizure of any firearm in the
13 possession of the respondent, to be kept by the local
14 law enforcement agency for safekeeping, except as
15 provided in subsection (b). The period of safekeeping
16 shall be for the duration of the order of protection.
17 The firearm or firearms ~~and Firearm Owner's~~
18 ~~Identification Card, if unexpired,~~ shall at the
19 respondent's request, be returned to the respondent at
20 the end of the order of protection. It is the
21 respondent's responsibility to notify the Illinois
22 State Police ~~Firearm Owner's Identification Card~~
23 ~~Office.~~

24 (b) If the respondent is a peace officer as
25 defined in Section 2-13 of the Criminal Code of 2012,
26 the court shall order that any firearms used by the

1 respondent in the performance of his or her duties as a
2 peace officer be surrendered to the chief law
3 enforcement executive of the agency in which the
4 respondent is employed, who shall retain the firearms
5 for safekeeping for the duration of the order of
6 protection.

7 (c) Upon expiration of the period of safekeeping,
8 if the firearms ~~or Firearm Owner's Identification Card~~
9 cannot be returned to respondent because respondent
10 cannot be located, fails to respond to requests to
11 retrieve the firearms, or is not lawfully eligible to
12 possess a firearm, upon petition from the local law
13 enforcement agency, the court may order the local law
14 enforcement agency to destroy the firearms, use the
15 firearms for training purposes, or for any other
16 application as deemed appropriate by the local law
17 enforcement agency; or that the firearms be turned
18 over to a third party who is lawfully eligible to
19 possess firearms, and who does not reside with
20 respondent.

21 (15) Prohibition of access to records. If an order of
22 protection prohibits respondent from having contact with
23 the minor child, or if petitioner's address is omitted
24 under subsection (b) of Section 203, or if necessary to
25 prevent abuse or wrongful removal or concealment of a
26 minor child, the order shall deny respondent access to,

1 and prohibit respondent from inspecting, obtaining, or
2 attempting to inspect or obtain, school or any other
3 records of the minor child who is in the care of
4 petitioner.

5 (16) Order for payment of shelter services. Order
6 respondent to reimburse a shelter providing temporary
7 housing and counseling services to the petitioner for the
8 cost of the services, as certified by the shelter and
9 deemed reasonable by the court.

10 (17) Order for injunctive relief. Enter injunctive
11 relief necessary or appropriate to prevent further abuse
12 of a family or household member or further abuse, neglect,
13 or exploitation of a high-risk adult with disabilities or
14 to effectuate one of the granted remedies, if supported by
15 the balance of hardships. If the harm to be prevented by
16 the injunction is abuse or any other harm that one of the
17 remedies listed in paragraphs (1) through (16) of this
18 subsection is designed to prevent, no further evidence is
19 necessary that the harm is an irreparable injury.

20 (18) Telephone services.

21 (A) Unless a condition described in subparagraph
22 (B) of this paragraph exists, the court may, upon
23 request by the petitioner, order a wireless telephone
24 service provider to transfer to the petitioner the
25 right to continue to use a telephone number or numbers
26 indicated by the petitioner and the financial

1 responsibility associated with the number or numbers,
2 as set forth in subparagraph (C) of this paragraph.
3 For purposes of this paragraph (18), the term
4 "wireless telephone service provider" means a provider
5 of commercial mobile service as defined in 47 U.S.C.
6 332. The petitioner may request the transfer of each
7 telephone number that the petitioner, or a minor child
8 in his or her custody, uses. The clerk of the court
9 shall serve the order on the wireless telephone
10 service provider's agent for service of process
11 provided to the Illinois Commerce Commission. The
12 order shall contain all of the following:

13 (i) The name and billing telephone number of
14 the account holder including the name of the
15 wireless telephone service provider that serves
16 the account.

17 (ii) Each telephone number that will be
18 transferred.

19 (iii) A statement that the provider transfers
20 to the petitioner all financial responsibility for
21 and right to the use of any telephone number
22 transferred under this paragraph.

23 (B) A wireless telephone service provider shall
24 terminate the respondent's use of, and shall transfer
25 to the petitioner use of, the telephone number or
26 numbers indicated in subparagraph (A) of this

1 paragraph unless it notifies the petitioner, within 72
2 hours after it receives the order, that one of the
3 following applies:

4 (i) The account holder named in the order has
5 terminated the account.

6 (ii) A difference in network technology would
7 prevent or impair the functionality of a device on
8 a network if the transfer occurs.

9 (iii) The transfer would cause a geographic or
10 other limitation on network or service provision
11 to the petitioner.

12 (iv) Another technological or operational
13 issue would prevent or impair the use of the
14 telephone number if the transfer occurs.

15 (C) The petitioner assumes all financial
16 responsibility for and right to the use of any
17 telephone number transferred under this paragraph. In
18 this paragraph, "financial responsibility" includes
19 monthly service costs and costs associated with any
20 mobile device associated with the number.

21 (D) A wireless telephone service provider may
22 apply to the petitioner its routine and customary
23 requirements for establishing an account or
24 transferring a number, including requiring the
25 petitioner to provide proof of identification,
26 financial information, and customer preferences.

1 (E) Except for willful or wanton misconduct, a
2 wireless telephone service provider is immune from
3 civil liability for its actions taken in compliance
4 with a court order issued under this paragraph.

5 (F) All wireless service providers that provide
6 services to residential customers shall provide to the
7 Illinois Commerce Commission the name and address of
8 an agent for service of orders entered under this
9 paragraph (18). Any change in status of the registered
10 agent must be reported to the Illinois Commerce
11 Commission within 30 days of such change.

12 (G) The Illinois Commerce Commission shall
13 maintain the list of registered agents for service for
14 each wireless telephone service provider on the
15 Commission's website. The Commission may consult with
16 wireless telephone service providers and the Circuit
17 Court Clerks on the manner in which this information
18 is provided and displayed.

19 (c) Relevant factors; findings.

20 (1) In determining whether to grant a specific remedy,
21 other than payment of support, the court shall consider
22 relevant factors, including but not limited to the
23 following:

24 (i) the nature, frequency, severity, pattern and
25 consequences of the respondent's past abuse, neglect
26 or exploitation of the petitioner or any family or

1 household member, including the concealment of his or
2 her location in order to evade service of process or
3 notice, and the likelihood of danger of future abuse,
4 neglect, or exploitation to petitioner or any member
5 of petitioner's or respondent's family or household;
6 and

7 (ii) the danger that any minor child will be
8 abused or neglected or improperly relocated from the
9 jurisdiction, improperly concealed within the State or
10 improperly separated from the child's primary
11 caretaker.

12 (2) In comparing relative hardships resulting to the
13 parties from loss of possession of the family home, the
14 court shall consider relevant factors, including but not
15 limited to the following:

16 (i) availability, accessibility, cost, safety,
17 adequacy, location and other characteristics of
18 alternate housing for each party and any minor child
19 or dependent adult in the party's care;

20 (ii) the effect on the party's employment; and

21 (iii) the effect on the relationship of the party,
22 and any minor child or dependent adult in the party's
23 care, to family, school, church and community.

24 (3) Subject to the exceptions set forth in paragraph
25 (4) of this subsection, the court shall make its findings
26 in an official record or in writing, and shall at a minimum

1 set forth the following:

2 (i) That the court has considered the applicable
3 relevant factors described in paragraphs (1) and (2)
4 of this subsection.

5 (ii) Whether the conduct or actions of respondent,
6 unless prohibited, will likely cause irreparable harm
7 or continued abuse.

8 (iii) Whether it is necessary to grant the
9 requested relief in order to protect petitioner or
10 other alleged abused persons.

11 (4) For purposes of issuing an ex parte emergency
12 order of protection, the court, as an alternative to or as
13 a supplement to making the findings described in
14 paragraphs (c)(3)(i) through (c)(3)(iii) of this
15 subsection, may use the following procedure:

16 When a verified petition for an emergency order of
17 protection in accordance with the requirements of Sections
18 203 and 217 is presented to the court, the court shall
19 examine petitioner on oath or affirmation. An emergency
20 order of protection shall be issued by the court if it
21 appears from the contents of the petition and the
22 examination of petitioner that the averments are
23 sufficient to indicate abuse by respondent and to support
24 the granting of relief under the issuance of the emergency
25 order of protection.

26 (5) Never married parties. No rights or

1 responsibilities for a minor child born outside of
2 marriage attach to a putative father until a father and
3 child relationship has been established under the Illinois
4 Parentage Act of 1984, the Illinois Parentage Act of 2015,
5 the Illinois Public Aid Code, Section 12 of the Vital
6 Records Act, the Juvenile Court Act of 1987, the Probate
7 Act of 1975, the Revised Uniform Reciprocal Enforcement of
8 Support Act, the Uniform Interstate Family Support Act,
9 the Expedited Child Support Act of 1990, any judicial,
10 administrative, or other act of another state or
11 territory, any other Illinois statute, or by any foreign
12 nation establishing the father and child relationship, any
13 other proceeding substantially in conformity with the
14 Personal Responsibility and Work Opportunity
15 Reconciliation Act of 1996 (Pub. L. 104-193), or where
16 both parties appeared in open court or at an
17 administrative hearing acknowledging under oath or
18 admitting by affirmation the existence of a father and
19 child relationship. Absent such an adjudication, finding,
20 or acknowledgment, no putative father shall be granted
21 temporary allocation of parental responsibilities,
22 including parenting time with the minor child, or physical
23 care and possession of the minor child, nor shall an order
24 of payment for support of the minor child be entered.

25 (d) Balance of hardships; findings. If the court finds
26 that the balance of hardships does not support the granting of

1 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
2 subsection (b) of this Section, which may require such
3 balancing, the court's findings shall so indicate and shall
4 include a finding as to whether granting the remedy will
5 result in hardship to respondent that would substantially
6 outweigh the hardship to petitioner from denial of the remedy.
7 The findings shall be an official record or in writing.

8 (e) Denial of remedies. Denial of any remedy shall not be
9 based, in whole or in part, on evidence that:

10 (1) Respondent has cause for any use of force, unless
11 that cause satisfies the standards for justifiable use of
12 force provided by Article 7 of the Criminal Code of 2012;

13 (2) Respondent was voluntarily intoxicated;

14 (3) Petitioner acted in self-defense or defense of
15 another, provided that, if petitioner utilized force, such
16 force was justifiable under Article 7 of the Criminal Code
17 of 2012;

18 (4) Petitioner did not act in self-defense or defense
19 of another;

20 (5) Petitioner left the residence or household to
21 avoid further abuse, neglect, or exploitation by
22 respondent;

23 (6) Petitioner did not leave the residence or
24 household to avoid further abuse, neglect, or exploitation
25 by respondent;

26 (7) Conduct by any family or household member excused

1 the abuse, neglect, or exploitation by respondent, unless
2 that same conduct would have excused such abuse, neglect,
3 or exploitation if the parties had not been family or
4 household members.

5 (Source: P.A. 102-538, eff. 8-20-21.)

6 Section 205. The Revised Uniform Unclaimed Property Act is
7 amended by changing Section 15-705 as follows:

8 (765 ILCS 1026/15-705)

9 Sec. 15-705. Exceptions to the sale of tangible property.
10 The administrator shall dispose of tangible property
11 identified by this Section in accordance with this Section.

12 (a) Military medals or decorations. The administrator may
13 not sell a medal or decoration awarded for military service in
14 the armed forces of the United States. Instead, the
15 administrator, with the consent of the respective organization
16 under paragraph (1), agency under paragraph (2), or entity
17 under paragraph (3), may deliver a medal or decoration to be
18 held in custody for the owner, to:

19 (1) a military veterans organization qualified under
20 Section 501(c)(19) of the Internal Revenue Code;

21 (2) the agency that awarded the medal or decoration;
22 or

23 (3) a governmental entity.

24 After delivery, the administrator is not responsible for

1 the safekeeping of the medal or decoration.

2 (b) Property with historical value. Property that the
3 administrator reasonably believes may have historical value
4 may be, at his or her discretion, loaned to an accredited
5 museum in the United States where it will be kept until such
6 time as the administrator orders it to be returned to his or
7 her custody.

8 (c) Human remains. If human remains are delivered to the
9 administrator under this Act, the administrator shall deliver
10 those human remains to the coroner of the county in which the
11 human remains were abandoned for disposition under Section
12 3-3034 of the Counties Code. The only human remains that may be
13 delivered to the administrator under this Act and that the
14 administrator may receive are those that are reported and
15 delivered as contents of a safe deposit box.

16 (d) Evidence in a criminal investigation. Property that
17 may have been used in the commission of a crime or that may
18 assist in the investigation of a crime, as determined after
19 consulting with the Illinois State Police, shall be delivered
20 to the Illinois State Police or other appropriate law
21 enforcement authority to allow law enforcement to determine
22 whether a criminal investigation should take place. Any such
23 property delivered to a law enforcement authority shall be
24 held in accordance with existing statutes and rules related to
25 the gathering, retention, and release of evidence.

26 (e) Firearms.

1 (1) The administrator, in cooperation with the
2 Illinois State Police, shall develop a procedure to
3 determine whether a firearm delivered to the administrator
4 under this Act has been stolen or used in the commission of
5 a crime. The Illinois State Police shall determine the
6 appropriate disposition of a firearm that has been stolen
7 or used in the commission of a crime. The administrator
8 shall attempt to return a firearm that has not been stolen
9 or used in the commission of a crime to the rightful owner
10 if the Illinois State Police determines that the owner may
11 lawfully possess the firearm.

12 (2) If the administrator is unable to return a firearm
13 to its owner, the administrator shall transfer custody of
14 the firearm to the Illinois State Police. Legal title to a
15 firearm transferred to the Illinois State Police under
16 this subsection (e) is vested in the Illinois State Police
17 by operation of law if:

18 (i) the administrator cannot locate the owner of
19 the firearm;

20 (ii) the owner of the firearm may not lawfully
21 possess the firearm;

22 (iii) the apparent owner does not respond to
23 notice published under Section 15-503 of this Act; or

24 (iv) the apparent owner responds to notice
25 published under Section 15-502 and states that he or
26 she no longer claims an interest in the firearm.

1 (3) With respect to a firearm whose title is
2 transferred to the Illinois State Police under this
3 subsection (e), the Illinois State Police may:

4 (i) retain the firearm for use by the crime
5 laboratory system, for training purposes, or for any
6 other application as deemed appropriate by the
7 Department;

8 (ii) transfer the firearm to the Illinois State
9 Museum if the firearm has historical value; or

10 (iii) destroy the firearm if it is not retained
11 pursuant to subparagraph (i) or transferred pursuant
12 to subparagraph (ii).

13 As used in this subsection, "firearm" has the meaning
14 provided in Section 2-7.5 of the Criminal Code of 2012 ~~the~~
15 ~~Firearm Owners Identification Card Act.~~

16 (Source: P.A. 102-538, eff. 8-20-21.)

17 Section 995. No acceleration or delay. Where this Act
18 makes changes in a statute that is represented in this Act by
19 text that is not yet or no longer in effect (for example, a
20 Section represented by multiple versions), the use of that
21 text does not accelerate or delay the taking effect of (i) the
22 changes made by this Act or (ii) provisions derived from any
23 other Public Act.

1	INDEX	
2	Statutes amended in order of appearance	
3	5 ILCS 120/2	from Ch. 102, par. 42
4	5 ILCS 140/7.5	
5	5 ILCS 805/15	
6	5 ILCS 830/10-5	
7	5 ILCS 840/40	
8	20 ILCS 805/805-538	
9	20 ILCS 2505/2505-306	
10	20 ILCS 2605/2605-10	was 20 ILCS 2605/55a in part
11	20 ILCS 2605/2605-45	was 20 ILCS 2605/55a-5
12	20 ILCS 2605/2605-200	was 20 ILCS 2605/55a in part
13	20 ILCS 2605/2605-595	
14	20 ILCS 2605/2605-605	
15	20 ILCS 2605/2605-304 rep.	
16	20 ILCS 2605/2605-610 rep.	
17	20 ILCS 2610/17b	
18	20 ILCS 2630/2.2	
19	20 ILCS 2910/1	from Ch. 127 1/2, par. 501
20	20 ILCS 3930/7.9	
21	30 ILCS 105/6z-99	
22	30 ILCS 105/6z-127	
23	30 ILCS 500/1-10	
24	30 ILCS 715/3	from Ch. 56 1/2, par. 1703
25	50 ILCS 710/1	from Ch. 85, par. 515

1 50 ILCS 725/7.2 rep.
2 55 ILCS 5/3-6042
3 105 ILCS 5/10-22.6 from Ch. 122, par. 10-22.6
4 105 ILCS 5/10-27.1A
5 105 ILCS 5/34-8.05
6 225 ILCS 210/2005 from Ch. 96 1/2, par. 1-2005
7 225 ILCS 447/35-30
8 225 ILCS 447/35-35
9 230 ILCS 10/5.4
10 405 ILCS 5/1-106 from Ch. 91 1/2, par. 1-106
11 405 ILCS 5/1-116 from Ch. 91 1/2, par. 1-116
12 405 ILCS 5/6-103.1
13 405 ILCS 5/6-103.2
14 405 ILCS 5/6-103.3
15 410 ILCS 45/2 from Ch. 111 1/2, par. 1302
16 430 ILCS 65/Act rep.
17 430 ILCS 66/25
18 430 ILCS 66/30
19 430 ILCS 66/40
20 430 ILCS 66/66
21 430 ILCS 66/70
22 430 ILCS 66/80
23 430 ILCS 66/105
24 430 ILCS 67/35
25 430 ILCS 67/40
26 430 ILCS 68/5-20

1	430 ILCS 68/5-25	
2	430 ILCS 68/5-40	
3	430 ILCS 68/5-85	
4	520 ILCS 5/3.2	from Ch. 61, par. 3.2
5	520 ILCS 5/3.2a	from Ch. 61, par. 3.2a
6	625 ILCS 5/2-116	from Ch. 95 1/2, par. 2-116
7	720 ILCS 5/2-7.1	
8	720 ILCS 5/2-7.5	
9	720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
10	720 ILCS 5/16-0.1	
11	720 ILCS 5/17-30	was 720 ILCS 5/16C-2
12	720 ILCS 5/24-1	from Ch. 38, par. 24-1
13	720 ILCS 5/24-1.1	from Ch. 38, par. 24-1.1
14	720 ILCS 5/24-1.6	
15	720 ILCS 5/24-1.8	
16	720 ILCS 5/24-1.9	
17	720 ILCS 5/24-1.10	
18	720 ILCS 5/24-2	
19	720 ILCS 5/24-3	from Ch. 38, par. 24-3
20	720 ILCS 5/24-3.1	from Ch. 38, par. 24-3.1
21	720 ILCS 5/24-3.2	from Ch. 38, par. 24-3.2
22	720 ILCS 5/24-3.4	from Ch. 38, par. 24-3.4
23	720 ILCS 5/24-3.5	
24	720 ILCS 5/24-3B	
25	720 ILCS 5/24-4.1	
26	720 ILCS 5/24-4.5 new	

1 720 ILCS 5/24-5.1
2 720 ILCS 5/24-9
3 720 ILCS 646/10
4 725 ILCS 5/102-7.1
5 725 ILCS 5/110-10 from Ch. 38, par. 110-10
6 725 ILCS 5/112A-5.5
7 725 ILCS 5/112A-11.1
8 725 ILCS 5/112A-11.2
9 725 ILCS 5/112A-14 from Ch. 38, par. 112A-14
10 725 ILCS 5/112A-14.7
11 725 ILCS 5/112A-17.5
12 730 ILCS 5/3-2-10.5
13 730 ILCS 5/5-5-3
14 730 ILCS 5/5-5-3.2
15 730 ILCS 5/5-6-3 from Ch. 38, par. 1005-6-3
16 730 ILCS 5/3-2-13 rep.
17 730 ILCS 110/15.2
18 740 ILCS 21/80
19 740 ILCS 110/12 from Ch. 91 1/2, par. 812
20 750 ILCS 60/210 from Ch. 40, par. 2312-10
21 750 ILCS 60/214 from Ch. 40, par. 2312-14
22 765 ILCS 1026/15-705