

**SB2384**



**98TH GENERAL ASSEMBLY**

**State of Illinois**

**2013 and 2014**

**SB2384**

Introduced 2/15/2013, by Sen. Antonio Muñoz

**SYNOPSIS AS INTRODUCED:**

See Index

Referred to as the Illinois Public Safety Act. Creates the Gun Safety and Responsibility Act. Allows State Police to issue a concealed carry license to a resident at least 21 who: (1) is eligible to possess firearms; (2) meets qualifications and training; and (3) has particularized need. \$100 fee. License valid throughout the State subject to prohibitions for 4 years. Creates the State Police Firearm Services Fund for duties under the Firearm Owners Identification Card Act (FOID), concealed carry licensing, and assault weapon registration. Amends the State Police Act to authorize emergency procurement necessary to implement these gun measures. Amends the FOID Act to require background checks for the transfer of firearms, except to family member, by operation of law, or gun show. Amends the Criminal Code of 2012. Bans possession, delivery, sale, and purchase of assault weapons, attachments, and .50 caliber rifles and cartridges, except possession of weapons registered in time provided. Provides exemptions. Prohibits delivery, sale, or purchase of large capacity ammunition feeding devices. Provides exemptions. Prohibits sale, delivery, or possession of a firearm to or by a person prohibited from possessing a firearm. Raises minimum imprisonment for gunrunning. Creates failure to report a lost or stolen firearm offense. Requires safe firearm storage where a minor (now under 14) or person prohibited from possessing a firearm may gain access. Requires firearm owners to keep records. Amends various Acts regarding suspension and revocation of FOID cards and concealed carry licenses. Makes conforming changes. Effective immediately.

LRB098 09455 MRW 41105 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1           AN ACT concerning firearms, which may be referred to as the  
2       Illinois Public Safety Act.

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

5           Section 1. Legislative findings; purpose and intent. The  
6       General Assembly finds and declares:

7           (1) Gun violence takes an extraordinary toll on families  
8       and communities in Illinois. In 2007, over 1,000 individuals  
9       died from firearm-related injuries in this State. In that same  
10      year, incidents of gun murders, gun suicides, and unintentional  
11      shootings in Illinois killed 150 children and adolescents ages  
12      19 and younger.

13          (2) Existing federal firearm laws have proven insufficient  
14       to prevent dangerous individuals from obtaining, carrying, and  
15       using firearms in public places.

16          (3) The federal Brady Handgun Violence Prevention Act  
17       allows unlicensed private sellers of firearms, who account for  
18       40% of firearms sold in the U.S., to sell firearms without  
19       performing a background check on the prospective purchaser.  
20       Federal law does not require sellers to report sales of  
21       firearms to law enforcement. In fact, federal law does not even  
22       allow the Federal Bureau of Investigation to maintain records  
23       of approved gun purchasers for more than 24 hours. Federal law  
24       also provides no comprehensive system of firearm registration,

1 and does not require firearm owners to report to law  
2 enforcement if their firearms are lost or stolen.

3 (4) Background checks performed by licensed dealers have  
4 proven to be extremely effective at keeping guns out of the  
5 hands of prohibited persons. Since the federal background check  
6 requirement was adopted in 1994, over 1.9 million criminals and  
7 other prohibited persons across the United States have been  
8 prohibited from buying guns. In 2010 alone, 70,972 gun  
9 transfers were denied using the federal background check  
10 system. Nevertheless, individuals prohibited by law from  
11 possessing guns can easily obtain them from private sellers.  
12 Universal background checks will help ensure that all persons  
13 buying guns are legally eligible to do so.

14 (5) Firearm registration laws, which require individuals  
15 to record their ownership or possession of a firearm with a  
16 designated law enforcement agency, and laws requiring sellers  
17 to report firearm sales to a centralized database help law  
18 enforcement quickly and reliably trace the source of firearms  
19 recovered from crime scenes, and retrieve firearms from persons  
20 who have become legally prohibited from possessing the firearms  
21 through criminal convictions or other prohibitions. These laws  
22 also discourage illegal firearm sales by creating  
23 accountability for gun owners, and help law enforcement return  
24 lost or stolen firearms to their rightful owners. Furthermore,  
25 information generated by firearm sales reporting and  
26 registration systems help protect law enforcement officers

1 responding to an incident by providing them with information  
2 about firearms that may be present at the scene.

3 (6) States with some form of registration and licensing  
4 systems have greater success keeping firearms from being used  
5 in crimes than states without these systems. Illinois currently  
6 has a licensing system through the Firearm Owners  
7 Identification Card Act, but no system of firearm registration.

8 (7) Laws requiring the reporting of lost or stolen firearms  
9 make gun owners more accountable for their firearms and are  
10 beneficial to law enforcement because these laws:

11 (A) help deter and prosecute gun traffickers and  
12 criminals who often falsely claim that a gun used in a  
13 crime that has been traced to them was lost or stolen in  
14 order to hide his or her involvement in the crime;

15 (B) help disarm persons ineligible to possess firearms  
16 by deterring a person in a prohibited category from falsely  
17 claiming that his or her firearm was lost or stolen; and

18 (C) help return lost or stolen firearms to their  
19 owners.

20 (8) Firearms carried or possessed in public places increase  
21 the risk of deaths and injuries by increasing the chances that  
22 firearms will be used to settle disputes, and increase the risk  
23 of accidental shootings in places where large numbers of people  
24 are gathered. The carrying or possession of firearms in public  
25 places also increase the risk that those firearms will be lost  
26 or stolen, and end up in the hands of criminals or other

1 persons ineligible to possess firearms.

2       (9) Flawed application processes in existing state systems  
3 for licensing individuals to carry concealed weapons (CCW) have  
4 allowed numerous persons prohibited from possessing firearms  
5 to receive CCW permits. Analyses have found that numerous  
6 criminals including rapists, armed robbers, and individuals  
7 who had pleaded guilty or no contest to felonies, individuals  
8 with outstanding warrants, persons with active domestic  
9 violence injunctions against them, and 6 registered sex  
10 offenders had been issued CCW licenses under other state's  
11 permissive CCW laws.

12       (10) Research has shown that individuals issued CCW permits  
13 include not only persons who have committed violent crimes in  
14 the past, but also those who subsequently commit violent  
15 crimes. One study found that Texas CCW permit holders were  
16 arrested for weapons-related crimes at a rate 81% higher than  
17 that of the state's general adult population. According to the  
18 Violence Policy Center (VPC), between May 2007 and March 2012,  
19 individuals licensed to carry concealed weapons killed at least  
20 11 law enforcement officers and 391 private citizens, including  
21 31 shooters who killed themselves after an attack.

22       (11) It is the purpose and intent of the General Assembly  
23 to strengthen State firearm laws by:

24           (A) requiring all firearm purchasers to be subject to a  
25 background check;

26           (B) requiring all firearm dealers and ammunition

1           sellers to obtain a state license and report gun sales;

2           (C)   enact   a   comprehensive   system   of   firearm  
3   registration;

4           (D)   requiring the State Police to maintain records of  
5   gun sales;

6           (E)   requiring gun owners to report all lost or stolen  
7   firearms; and

8           (F)   licensing and restricting the carrying of firearms  
9   in public places.

10          (12) The General Assembly believes that these restrictions  
11   will:

12           (A) help keep guns out of the hands of felons, domestic  
13   abusers, the mentally ill, and other prohibited persons;

14           (B) discourage illegal gun sales and gun trafficking;

15           (C) help law enforcement solve gun crimes; and

16           (D) reduce gun deaths and injuries and increase public  
17   safety.

18          (13) The General Assembly further believes it is necessary  
19   to restrict the carrying of firearms in public places to  
20   individuals who have demonstrated a particularized need to  
21   carry a firearm in public, because they are exposed to unusual  
22   personal danger which is distinct from other members of the  
23   community.

24          Section 5. Short title. This Act may be referred to as the  
25   Gun Safety and Responsibility Act.

1           Section 10. Definitions. As used in this Act:

2           "Concealed firearm" means a loaded or unloaded handgun  
3 carried on or about a person completely or mostly concealed  
4 from view of the public, or carried in a vehicle in such a way  
5 as it is concealed from view of the public.

6           "Department" means the Department of State Police.

7           "Director" means the Director of State Police.

8           "Fund" means the State Police Firearm Services Fund.

9           "Handgun" means any device which is designed to expel a  
10 projectile or projectiles by the action of an explosion,  
11 expansion of gas, or escape of gas that is designed to be held  
12 and fired by the use of a single hand, and includes a  
13 combination of parts from which this type of firearm can be  
14 assembled. "Handgun" does not include a stun gun or taser.

15           "License", "permit", "concealed carry license", or  
16 "concealed carry permit" means a license issued by the  
17 Department of State Police to carry a loaded or unloaded  
18 concealed firearm.

19           "Licensee" means a person issued a license to carry a  
20 concealed firearm.

21           "Peace officer" has the same meaning as provided in Section  
22 2-13 of the Criminal Code of 2012.

23           Section 15. Issuance of license to carry a concealed  
24 firearm.

1                 (a) The Department may issue a license to an applicant who:  
2                         (1) meets the qualifications of Section 20;  
3                         (2) has provided the application and documentation  
4                         required in Section 25; and  
5                         (3) has submitted the required fees.

6                 (b) The Department may issue a renewal, corrected, or  
7                         duplicate license in accordance with this Act.

8                 (c) A licensee shall possess his or her license at all  
9                         times the licensee is carrying a concealed firearm unless:

10                         (1) the person is carrying or possessing a concealed  
11                         firearm and the person is on his or her land or in his or  
12                         her abode or legal dwelling or in the abode or legal  
13                         dwelling of another person as an invitee with that person's  
14                         permission;

15                         (2) the person is authorized to carry a concealed  
16                         firearm under Section 24-2 of the Criminal Code of 2012; or

17                         (3) the handgun is broken down in a non-functioning  
18                         state, is not immediately accessible, or is enclosed in a  
19                         firearm case, carrying box, shipping box, or other similar  
20                         portable container designed for the safe transportation of  
21                         firearms.

22                 (d) A licensee shall display the license upon the request  
23                         of a peace officer or person designated to enforce the  
24                         provisions of Section 55.

25                 (e) An applicant shall sufficiently demonstrate, in the  
26                         judgment of the Department that:

1                   (1) he or she has a particularized need for the  
2 license;

3                   (2) he or she is a responsible person; and

4                   (3) the issuance of the license is in the public's  
5 interest.

6                   (f) The Department shall make applications for a license  
7 available no later than 180 days after the effective date of  
8 this Act. Applications shall be available at Department  
9 locations, sheriff offices, on the Department's official  
10 website, and any other location designated by the Department.

11                  (g) A completed application for a license shall be  
12 submitted to the Department with all accompanying materials and  
13 fees. The Department shall review the application and all  
14 accompanying materials, within 90 days of receipt. The  
15 Department shall promptly return an incomplete application to  
16 the applicant. An applicant for a license or renewal shall  
17 submit a \$100 application or renewal fee for expenses related  
18 to receiving and reviewing applications, of which \$75 shall be  
19 deposited into the State Police Firearm Services Fund. The  
20 remaining \$25 shall be deposited into the LEADS Maintenance  
21 Fund.

22                  (h) The Department shall by rule develop a method of  
23 notifying the sheriff and municipal police department in the  
24 county and municipality where an applicant resides of the name,  
25 address, and date of birth of any person submitting an  
application for a license. The sheriff and municipal police

1 department may submit to the Department an objection to an  
2 application, provided the objection is in writing and includes  
3 specific reasons for the objection. Any objection submitted by  
4 a sheriff or municipal police department, including reports,  
5 must be disclosed to the applicant unless disclosure would  
6 interfere with a criminal investigation, or as determined by  
7 the Department, disclosure may threaten the safety or welfare  
8 of the sheriff, municipal police department, or employees of  
9 the sheriff or municipal police department.

10 (i) Notwithstanding subsection (a), the Department may  
11 consider any objection or recommendation made by the sheriff or  
12 municipal police department and may determine the applicant is  
13 ineligible based solely on those objections. If the applicant  
14 is found by the Department to be ineligible, the Department  
15 shall deny the application and notify the applicant and the  
16 sheriff or municipal police department in writing, stating the  
17 grounds for denial. The notice of denial must inform the  
18 applicant that he or she may, within 90 days, appeal the denial  
19 and submit additional materials relevant to the grounds for  
20 denial. Upon receiving the additional documentation, the  
21 Department shall reconsider its decision and inform the  
22 applicant within 90 days of the result of the reconsideration.  
23 If upon reconsideration the Department denies the application,  
24 the applicant must be informed of the right to administrative  
25 review.

26 (j) A license shall be valid throughout the State for a

1 period of 4 years.

2 (k) The Department shall adopt rules to implement the  
3 provisions of this Section.

4 Section 20. Qualifications for a concealed carry  
5 applicant.

6 The Department shall not issue a license to an applicant  
7 completing an application in accordance with Section 25 of this  
8 Act unless the person has demonstrated by affidavit that he or  
9 she:

10 (1) is at least 21 years of age;  
11 (2) has a valid Firearm Owner's Identification Card;  
12 (3) resides within the State of Illinois;  
13 (4) has not been convicted in this State or any other  
14 state of:

15 (A) a felony;  
16 (B) a misdemeanor involving the use or threat of  
17 physical force or violence to any person;  
18 (C) a misdemeanor crime of domestic violence;  
19 (D) a misdemeanor or any similar law in another  
20 jurisdiction involving the use, possession, or  
21 distribution of a controlled substance or cannabis  
22 within the 10 years preceding the date of the  
23 application; or  
24 (E) a misdemeanor involving the manufacture, sale,  
25 carrying, possession, or use of a firearm, dangerous

1                   weapon, deadly weapon, or ammunition;

2                   (5) does not chronically and habitually use or is  
3                   addicted to cannabis or a controlled substance;

4                   (6) has not been a patient in a mental institution  
5                   within the past 5 years;

6                   (7) has not been adjudicated as a mental defective;

7                   (8) is not intellectually disabled;

8                   (9) does not suffer from a mental condition that is of  
9                   a nature that poses a clear and present danger to himself,  
10                   herself, others, or the community;

11                  (10) is not free on any form of bond or pretrial  
12                  release, other than a traffic offense or other  
13                  non-disqualifying act, and has no outstanding warrants in  
14                  this State or any other state;

15                  (11) does not chronically and habitually abuse  
16                  alcoholic beverages as evidenced by the applicant having 2  
17                  or more convictions for violating Section 11-501 of the  
18                  Illinois Vehicle Code or similar provision of a local  
19                  ordinance within 5 years preceding the date of the  
20                  application, or if the applicant has elected treatment  
21                  under the supervision of a licensed program in accordance  
22                  with the Alcoholism and Other Drug Abuse and Dependency Act  
23                  or similar laws of any other state, within 5 years  
24                  preceding the date of the application;

25                  (12) has completed firearms training and any  
26                  educational component required in Section 70 of this Act;

1                         (13) possesses the same powers of eyesight as required  
2                         for a driver's license under Section 6-109 of the Illinois  
3                         Vehicle Code;

4                         (14) has not been adjudicated a delinquent minor under  
5                         the Juvenile Court Act of 1987 or similar law in another  
6                         jurisdiction, for an offense which, if committed by an  
7                         adult would disqualify the adult for a license under this  
8                         Section; and

9                         (15) has not within the proceeding 5 years, been the  
10                         respondent to an order of protection or civil stalking no  
11                         contact order, or 2 or more emergency orders of protection,  
12                         or any similar law in another jurisdiction.

13                         Section 25. Contents of the application.

14                         (a) The application shall be in writing, under oath or  
15                         affirmation and in the form and manner prescribed by the  
16                         Department. Each application form shall include the following  
17                         statement printed in bold type: "Warning: Entering false  
18                         information on this form is punishable as perjury under Section  
19                         32-2 of the Criminal Code of 2012.". The application shall be  
20                         accompanied by the documentation required in this Section and  
21                         all applicable fees.

22                         (b) The application shall contain the following:

23                         (1) the applicant's name, current address, home and  
24                         business telephone numbers, cell phone numbers, gender,  
25                         date and year of birth, place of birth, height, weight,

1       hair color, eye color, maiden name or any other name the  
2       applicant has used or identified with, and any address at  
3       which the applicant resided for more than 30 days within  
4       the 5 years preceding the date of the application;

5               (2) the present business or occupation and any business  
6       or occupation in which the applicant has engaged during the  
7       5-year period immediately preceding the application and  
8       the addresses of the business or place of employment;

9               (3) the applicant's driver's license or state  
10      identification card number and the last 4 digits of the  
11      applicant's social security number;

12               (4) proof that the applicant has completed firearms  
13      training and any educational component required in Section  
14      70 of this Act;

15               (5) proof that the applicant is a resident of this  
16      State and has been a resident for at least the previous 30  
17      days;

18               (6) whether the federal government or a governmental  
19      entity in any state or subdivision of any state has denied  
20      or revoked the applicant's license, permit, registration,  
21      or certificate pertaining to any firearm, and if so, the  
22      jurisdiction, the identifying number of the license,  
23      permit, registration, or certificate, the reason for  
24      denial or revocation, and the date of denial or revocation;

25               (7) whether the applicant has failed a drug test within  
26      the preceding 5 years, and if so, the provider of the test,

1           the specific substance involved, and date of the test;

2           (8) whether the applicant has ever been prohibited by  
3           law from purchasing, possessing, or carrying a firearm, and  
4           if so, the jurisdiction, the date, and the reason for the  
5           prohibition;

6           (9) whether the applicant has been suspended or  
7           expelled from a post-secondary educational institution,  
8           such as a college or university, because of suspected  
9           mental illness or violent behavior, and if so, the name of  
10          the school, the date, and the reason for the suspension or  
11          expulsion;

12          (10) a description of any incident in which the  
13          applicant threatened, injured, or killed any person, if a  
14          firearm was involved or the incident occurred during the  
15          preceding 5 years and the police were involved, including,  
16          for each incident, the date, place, time, circumstances,  
17          and the names of any persons and police agencies involved;

18          (11) a waiver of privacy and confidentiality rights and  
19          privileges of the applicant under all federal and State  
20          laws, including those governing access to juvenile court,  
21          criminal justice, psychological or psychiatric records, or  
22          records relating to the applicant's history of  
23          institutionalization, and an affirmative request that any  
24          person having custody of this record provide it or  
25          information concerning it to the Department;

26          (12) an affirmation that the applicant possesses a

1       currently valid Illinois Firearm Owner's Identification  
2       Card;

3               (13) an affirmation that the applicant has never been  
4       convicted in this State or any other state of:

5                       (A) a felony;

6                       (B) a misdemeanor involving the use or threat of  
7       physical force or violence to any person;

8                       (C) a misdemeanor involving the use, possession,  
9       or distribution of a controlled substance or cannabis  
10      within the 10 years preceding the date of the  
11      application; or

12                       (D) a misdemeanor involving the manufacture, sale,  
13       carrying, possession, or use of a firearm, dangerous  
14       weapon, deadly weapon, or ammunition;

15               (14) an explanation of the applicant's particularized  
16       need for and intended use of the firearm, including  
17       descriptions of any incident in which the applicant has  
18       been threatened or injured, or copies of police reports or  
19       restraining orders;

20               (15) the make, model, manufacturer's name, caliber or  
21       gauge, and serial number of each handgun to be carried  
22       under the license;

23               (16) written agreement that, if the person is  
24       approached by a peace officer while carrying a concealed  
25       firearm under the license, the person will immediately  
26       inform the officer that he or she is in possession of a

1       firearm and a license to carry a concealed firearm, and  
2       will submit to a pat down search and allow the officer to  
3       take possession of the firearm for the duration of the  
4       encounter;

5                 (17) written consent to submit to one or more field  
6       sobriety or chemical tests to determine the presence of  
7       alcohol or drugs, at any point when the person is carrying  
8       a concealed firearm and the person is approached by a peace  
9       officer who has a reasonable suspicion that the person is  
10      under the influence of alcohol or a controlled substance;

11                (18) proof that the applicant possesses the same powers  
12      of eyesight as required for a driver's license under  
13      Section 6-109 of the Illinois Vehicle Code; and if the  
14      applicant does not possess a current Illinois driver's  
15      license, the applicant may present a current optometrist's  
16      or ophthalmologist's statement certifying the vision  
17      reading obtained from the applicant; and

18                (19) any other information that the Department finds  
19      necessary to process an application.

20               (c) A person applying for a license shall provide a clean  
21      head and shoulder color photograph in a size specified by the  
22      Department that was taken within the 30 days preceding the date  
23      of the application. The applicant shall consent to the  
24      Department reviewing and using the applicant's digital  
25      driver's license or Illinois Identification card photograph  
26      and signature, if available. The Secretary of State shall allow

1       the Department access to the photograph and signature for the  
2       purpose of identifying the applicant and issuing the applicant  
3       a license.

4                 (d) A person applying for a license shall submit with the  
5       application a full set of legible fingerprints. Fingerprinting  
6       may be administered by the Department or any other federal,  
7       State, county, or municipal law enforcement agency. The  
8       Department of State Police and Federal Bureau of Investigation  
9       shall furnish, through a fingerprint-based criminal history  
10      records check, any record of convictions, forever and  
11      hereafter, until expunged. The Department shall charge the  
12      applicant a fee for conducting the check, which fee shall be  
13      deposited into the State Police Firearm Services Fund and must  
14      not exceed the cost of the inquiry. The Department shall accept  
15      a hard copy or electronic version of fingerprints.

16                 (e) A person applying for a license shall submit a  
17      photocopy of a certificate or other evidence of completion of a  
18      course to show compliance with Section 70 of this Act.

19                 (f) The Department is authorized to establish a system for  
20      electronically submitting applications, including applications  
21      for renewal or a replacement license.

22                 (g) Each application shall contain the following  
23      statement: "NOTICE: A person who has been issued a concealed  
24      carry license by the Department of State Police and who is in  
25      possession of a concealed and loaded firearm shall be deemed to  
26      have given consent to a chemical test or tests of blood,

1        breath, or urine for the purpose of determining the alcohol or  
2        drug content of the person's blood, if a police officer has  
3        reasonable suspicion to believe that the licensee has consumed  
4        any amount of an alcoholic beverage or drugs based upon  
5        evidence of the licensee's physical condition or other first  
6        hand knowledge of the police officer. The test or tests shall  
7        be administered at the direction of the arresting officer.". The law enforcement agency employing the officer shall  
8        designate which tests shall be administered. A urine test may  
9        be administered even after a blood or breath test or both has  
10      been administered.

12            Section 30. Investigation of an applicant.

13            (a) The Department shall complete a background check on an  
14        applicant for a license to carry a concealed firearm to ensure  
15        compliance with the requirements of this Act and all federal,  
16        state, and local laws. The background check shall include a  
17        search of each of the following:

18                  (1) The National Instant Criminal Background Check  
19        System of the Federal Bureau of Investigation.

20                  (2) All available state and local criminal history  
21        record information files, including records of juvenile  
22        adjudications.

23                  (3) All available federal, state, and local records  
24        regarding wanted persons.

25                  (4) All available federal, state, and local records of

1 domestic violence restraining and protective orders.

2 (5) All available federal, state, and local records  
3 identifying persons who are unlawful users of or addicted  
4 to any controlled substance as defined in Section 802 of  
5 Title 21 of the United States Code.

6 (6) The files of the Department of Human Services  
7 relating to mental health and developmental disabilities.

8 (7) All other available files of any federal, state,  
9 and local agency and other private or public entity in any  
10 jurisdiction likely to contain information relevant to  
11 whether the applicant is prohibited from purchasing or  
12 possessing a firearm under federal, state, or local law.

13 (b) As part of its investigation, the Department may, at  
14 its discretion, conduct interviews of the applicant, any of the  
15 applicant's current or former family or household members,  
16 co-workers, employers, neighbors, and any other member of the  
17 public who may have information relevant to the application.

18 (c) In addition to the information in subsections (a) and  
19 (b), the Department may, at its discretion, require the  
20 applicant, at the applicant's expense, to undergo a mental  
21 health examination by a licensed psychiatrist or psychologist  
22 or any other tests, interviews, or examinations that it  
23 determines to be appropriate.

24 Section 35. Database of applicants and licenses.

25 (a) Within 2 years of the effective date of this Act, the

1       Department shall make available and maintain a database of  
2       applicants for a concealed carry license. The database shall be  
3       available to all law enforcement agencies, State's Attorneys,  
4       and the Attorney General. Members and staff of the judiciary  
5       may access the database for the purpose of determining whether  
6       to confiscate a license or to ensure compliance with this Act  
7       or any other law. The database shall be searchable and provide  
8       all information included in the application, a photo of the  
9       applicant or licensee, and any information related to  
10      violations of this Act. Individual law enforcement agencies  
11      shall not maintain a separate, searchable database of  
12      applicants and licensees containing information included in  
13      the Department's database.

14           (b) The Department may provide on its website and upon  
15       request under the Freedom of Information Act statistical  
16       information about the number of licenses issued by county, age,  
17       race, or gender. These statistics shall be updated quarterly.

18           (c) Except as provided in subsection (b), applications and  
19       information in the database shall be confidential and exempt  
20       from disclosure under the Freedom of Information Act.

21           (d) The Department may answer requests to confirm or deny  
22       whether a person has been issued a license as part of inquiries  
23       dealing with a criminal investigation. Individual law  
24       enforcement agencies, State's Attorneys, and judicial staff  
25       shall sign a confidentiality agreement, prepared by the  
26       Department, prior to receiving access to this information. No

1 law enforcement agency, State's Attorney, or member or staff of  
2 the judiciary, other than the Department, shall provide any  
3 information to a requester not entitled to it by law, except as  
4 required or necessary for the conduct of a criminal  
5 investigation.

6           Section 40. Suspension or revocation of license.

7           (a) A license issued or renewed under this Act shall be  
8 revoked if, at any time, the licensee is found ineligible for a  
9 license based on the criteria in Section 20 of this Act or the  
10 licensee no longer possesses a Firearm Owner's Identification  
11 Card. This subsection shall not apply to a person who has filed  
12 an application with the State Police for renewal of a Firearm  
13 Owner's Identification Card and who is not otherwise ineligible  
14 to obtain a Firearm Owner's Identification Card.

15           (b) A license shall be suspended if an order of protection  
16 under Section 112A-14 of the Code of Criminal Procedure of 1963  
17 or under Section 214 of the Illinois Domestic Violence Act of  
18 1986 is issued against a licensee. The license shall be  
19 suspended for the duration of the order or until the order is  
20 terminated by a court and the Department shall not reissue or  
21 renew a license for the duration of the order or until the  
22 order is terminated. If an order of protection is issued  
23 against a licensee, the licensee shall surrender the license to  
24 the court at the time the order is entered or to the law  
25 enforcement agency or to the entity designated to serve process

1 at the time the licensee is served the order. The court, law  
2 enforcement agency, or entity responsible for serving the order  
3 shall transmit the license to the Department.

4 (c) The Department may temporarily or permanently suspend a  
5 license for a violation of Section 55 of this Act in accordance  
6 with subsection (j) of Section 55.

7 (d) A license shall be invalid upon expiration of the  
8 license, unless the licensee has submitted an application to  
9 renew the license. A person who fails to renew his or her  
10 application within 6 months after its expiration must reapply  
11 for a new license and pay the fee for a new application.

12 (e) The Department may suspend a license if a licensee  
13 fails to submit a change of address or name or fails to report  
14 a lost, destroyed, or stolen license to the Department within  
15 30 days.

16 (f) Every person whose concealed carry license is suspended  
17 or revoked shall immediately return their concealed carry  
18 license to the Department of State Police. Failure to return  
19 the license is a business offense with a minimum fine of \$100.  
20 Any person found carrying a concealed firearm after suspension  
21 or revocation of his or her license shall be subject to  
22 prosecution under Article 24 of the Criminal Code of 2012 for  
23 unlawful use of weapons.

24 Section 45. Renewal of license.

25 (a) Not later than 120 days before the expiration of any

1 license issued under this Act, the Department shall notify the  
2 licensee in writing of the expiration and furnish an  
3 application for renewal of the license or make the application  
4 available on-line.

5 (b) Applications for renewal of a license shall be made to  
6 the Department. A license shall be renewed for a period of 5  
7 years upon receipt of a completed renewal application. The  
8 renewal application shall contain the information required in  
9 Section 25, except that the applicant need not resubmit a full  
10 set of fingerprints. Each applicant for a renewal shall submit,  
11 on a form prescribed by the Department, proof that the  
12 applicant has:

13 (1) successfully completed an equivalent range  
14 exercise as prescribed in Section 70 and certified to by an  
15 instructor qualified under this Act or a certified law  
16 enforcement instructor, or

17 (2) successfully completed firearm instructor training  
18 under Section 75.

19 (c) The Department shall make the range recertification  
20 form available on its website or as part of a renewal  
21 application.

22 Section 50. Change of address; change of name; lost,  
23 destroyed, or stolen licenses.

24 (a) A licensee shall notify the Department within 30 days  
25 of moving or changing a residence or any change of name, and

1       upon the discovery of the loss or destruction of a license.

2           (b) If a licensee changes residence within this State or  
3       changes his or her name, the licensee shall request a new  
4       license. The licensee shall submit a \$50 fee, a notarized  
5       statement that the licensee has changed residence or his or her  
6       name, and a photograph as required in Section 25 of this Act.  
7       The statement must include the prior and current address or  
8       name and the date the applicant moved or changed his or her  
9       name.

10          (c) A lost, destroyed, or stolen license shall be invalid.  
11       To request a new license, the licensee shall submit:

- 12           (1) a \$50 fee;
- 13           (2) a notarized statement that the licensee no longer  
14       possesses the license and that it was lost, destroyed, or  
15       stolen;
- 16           (3) a copy of a police report stating that the license  
17       was lost, destroyed, or stolen; and
- 18           (4) a photograph as required in Section 25 of this Act.

19       Section 55. Carry restrictions.

20          (a) A license issued under this Act shall not authorize the  
21       licensee to knowingly carry a concealed firearm into:

- 22           (1) Any building or office under the control of the  
23       Governor, Lieutenant Governor, Attorney General, Secretary  
24       of State, Comptroller, or Treasurer.

- 25           (2) Any building or office under the control of the

1       General Assembly or any of its support service agencies,  
2       including the portion of a building in which a committee of  
3       the General Assembly convenes for the purpose of conducting  
4       meetings of committees, joint committees, or legislative  
5       commissions.

6                 (3) Any courthouse or building occupied in whole or in  
7       part by the circuit court, appellate court, or Supreme  
8       Court or a room designated as a courtroom for court  
9       proceedings by any of these courts.

10                (4) Any meeting of the governing body of a unit of  
11      local government or special district.

12                (5) Any establishment licensed to dispense alcoholic  
13      beverages for consumption on the premises.

14                (6) Any area of an airport to which access is  
15      controlled by the inspection of persons and property.

16                (7) Any place where the carrying of a firearm is  
17      prohibited by federal law.

18                (8) Any elementary or secondary school.

19                (9) Any portion of a building used as a child care  
20      facility without the consent of the manager. Nothing in  
21      this Section shall prevent the operator of a child care  
22      facility in a family home from owning or possessing a  
23      firearm or license, so long as the firearm is stored as  
24      provided in Section 24-9 of the Criminal Code of 2012.

25                (10) Any gaming facility licensed under the Riverboat  
26      Gambling Act or the Illinois Horse Racing Act of 1975.

(11) Any gated area of an amusement park.

(12) Any stadium, arena, or any elementary or secondary school, collegiate, or professional sporting event.

(13) Any hospital or mental health facility.

(14) Any community college, college, or university campus without consent of the school authorities. School authorities shall inform the appropriate law enforcement agency and any law enforcement personnel on site of this consent.

(15) Any library or museum.

(16) Any police, sheriff, or State Police office or station without the consent of the chief law enforcement officer in charge of that office or station.

(17) Any adult or juvenile detention or correctional institution, prison, or jail.

(18) Any polling place on any election day.

(19) Any street fair or festival, farmer's market, carnival, concert, protest, parade, or other temporary special event, that is conducted primarily outdoors on property open to the public, and that requires the issuance of a permit from the city or county where it occurs, unless the city or county specifically authorizes licensees to carry concealed firearms at the event.

(20) Any private property without the express permission of the owner, manager, operator, or individual with the authority to control activities in that place, as

1 evidenced by signage. This provision shall apply to private  
2 property of any kind, including private residences and  
3 places of business, regardless of whether they are open or  
4 closed to members of the public.

5 (21) Any building owned, leased, or controlled by a  
6 municipality or any building or property owned, leased or  
7 controlled by a school district unless authorized by a  
8 majority vote of members of its governing board. Nothing in  
9 this paragraph shall prohibit a licensee from carrying a  
10 concealed firearm on any sidewalk, on any highway or  
11 roadway, in any public restroom, or in the licensee's own  
12 residence.

13 (22) Any shopping mall or strip mall property, which  
14 includes all enclosed public walkways or hall areas that  
15 serve to connect retail or professional establishments and  
16 its attached common areas, excluding the parking lot.

17 (b) Any person licensed under this Act who is prohibited  
18 from carrying a concealed firearm into a building or on the  
19 premises as specified in subsection (a) shall be permitted to  
20 store that handgun or ammunition out of plain sight in a locked  
21 trunk, or if it is not in a trunk, in a locked vehicle, so long  
22 as the firearm is unloaded and enclosed in a firearm case,  
23 carrying box, shipping box, or other similar portable container  
24 designed for the safe transportation of firearms. A licensee  
25 shall not be in violation of this Section while he or she is  
26 traveling along a public right of way that touches or crosses

1       any of the premises specified in subsection (a) if the handgun  
2       is carried on his or her person in accordance with the  
3       provisions of this Act or is being transported in a vehicle by  
4       the licensee in accordance with all other applicable provisions  
5       of law.

6                 (c) A license to carry a concealed firearm issued or  
7       renewed under this Act may include any additional reasonable  
8       restrictions or conditions which the Department deems  
9       warranted, including restrictions as to the time, place,  
10      manner, and circumstances under which the person may carry a  
11      firearm.

12                 (d) If a law enforcement officer initiates an investigative  
13       stop, including but not limited to a traffic stop, of a  
14       licensee who is carrying a concealed firearm, the licensee  
15       shall immediately disclose to the officer that he or she is in  
16       possession of a concealed firearm under this Act. The licensee  
17       shall comply with all lawful orders and directions from the  
18       officer. For the safety of the officer and the public, the  
19       officer may conduct a pat down of the licensee and take  
20       possession of the firearm for the duration of the encounter.

21                 (e) A licensee shall not carry a concealed firearm while  
22       under the influence of any illegal drug, controlled substance,  
23       or hallucinogenic substance. The licensee shall not be under  
24       the influence of any prescription medication that causes  
25       impairment. The licensee shall not consume alcoholic beverages  
26       to the extent that it results in impairment or intoxication.

1                 (f) Signs stating that the carrying of a concealed firearm  
2 is prohibited shall be clearly and conspicuously posted at  
3 every entrance of a building or premises specified in  
4 subsection (a) or designated in accordance with subsection (b)  
5 or (c). The Department shall adopt rules for standardized signs  
6 to be used under this subsection.

7                 (g) A licensee shall only carry a concealed firearm similar  
8 to what they were trained with under Section 70.

9                 (h) A licensee shall not engage in acts in an unreasonable  
10 manner so as to alarm or disturb another and to provoke a  
11 breach of the peace; as evidenced by a signed complaint and  
12 arrest for disorderly conduct under Section 26-1 of the  
13 Criminal Code of 2012.

14                 (i) A negligent or reckless violation of subsection (a),  
15 (b), (c), (d), or (e) is a Class B misdemeanor. A violation of  
16 subsection (a), (b), (c), (d), or (e) committed knowingly is a  
17 Class A misdemeanor. In addition to any other fees or court  
18 costs for a violation of subsection (d), the court may require  
19 a licensee to pay a \$150 fee. For the purposes of this  
20 subsection, "negligent", "reckless", and "knowingly" has the  
21 meaning as provided in Article 4 of the Criminal Code of 2012.

22                 (j) The Department may suspend a license for up to 180 days  
23 for a first violation of subsection (a), (b), (c), (d), or (e).  
24 The Department may suspend a license for up to one year for a  
25 second violation of subsection (a), (b), (c), (d), or (e). The  
26 Department shall permanently revoke a license for a third

1 violation of subsection (a), (b), (c), (d), or (e).

2       Section 60. Immunity for employees and agents.

3       The Department of State Police shall not be liable for  
4 damages in any civil action arising from alleged wrongful or  
5 improper granting, renewing, suspending, revoking, or failure  
6 to suspend or revoke licenses issued under this Act, except for  
7 willful or wanton misconduct. The office of the county sheriff,  
8 a municipal police department, and any employees or agents of  
9 the sheriff or municipal police department shall not be liable  
10 for submitting specific or articulable reasons why an applicant  
11 should be denied a license, unless the objection contains  
12 false, malicious, or inaccurate information and the objection  
13 constituted willful and wanton misconduct.

14       Section 65. Fees; report.

15       (a) Fees collected under this Act by the Department and  
16 deposited into the State Police Firearm Services Fund and LEADS  
17 Maintenance Fund shall be appropriated for administration of  
18 this Act.

19       (b) Fees shall be:

20           (1) New license: \$100.

21           (2) Renewal of license: \$100.

22           (3) Duplicate license for lost, destroyed, or stolen:  
23                   \$50.

24           (4) Corrected license for address or name change: \$50.

1                   (c) By March 1 of each year, the Department shall submit a  
2 statistical report to the Governor, the President of the  
3 Senate, and the Speaker of the House of Representatives  
4 indicating the number of licenses issued, revoked, suspended,  
5 denied, and issued after appeal since the last report and in  
6 total and also the number of licenses currently valid.

7                   (d) The Secretary of State shall conduct a study to  
8 determine the cost and feasibility of creating a method of  
9 adding an identifiable code, background, or other means to show  
10 that an individual has been issued a concealed carry license by  
11 the Department on the person's driver's license.

12                  Section 70. Applicant training.

13                  (a) The Department shall, by rule, approve or disapprove  
14 training programs for the firearm training course, which shall  
15 be taught by a qualified instructor. Qualifications for  
16 qualified firearm instructors shall be set by rule. The firearm  
17 training course shall be conducted by entities, by a qualified  
18 instructor, or by an agency licensed under this Act, provided  
19 the course is approved by the Department.

20                  (b) Applicant training courses shall not be open to anyone  
21 under the age of 18 and no certificate of completion shall be  
22 issued to persons under 21 years of age.

23                  (c) Instructors shall maintain all records of student  
24 performance for not less than 5 years.

25                  (d) The Department shall make materials for applicant

1 training available to qualified instructors online through the  
2 Department's website or Internet.

3 (e) For purposes of this Section, successful completion of  
4 qualified firearm instructors training under Section 75 shall  
5 meet the training requirements of this Section.

6 (f) Applicants shall be trained and qualify on any firearm  
7 they seek to carry concealed.

8 (g) The Department shall adopt rules to implement the  
9 provisions of this Section.

10 Section 75. Firearm instructor training.

11 (a) The Department shall, by rule, approve or disapprove  
12 qualified firearm instructors for the firearm training course.  
13 Qualifications for qualified firearm instructors shall be set  
14 by rule. The firearm training course shall be conducted by  
15 entities, by a licensee, or by an agency licensed by this Act,  
16 provided the course is approved by the Department.

17 (b) Persons who are not qualified firearm instructors shall  
18 not teach applicant training courses.

19 (c) Persons who are not qualified firearm instructors shall  
20 not advertise or otherwise represent courses they teach as  
21 qualifying their students to meet the requirements to receive a  
22 license under this Act.

23 (d) Persons who are not certified instructor trainers shall  
24 not teach instructor qualification courses.

25 (e) Persons wishing to become qualified firearm

1       instructors shall:

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

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

4               (3) be a resident of Illinois.

5       (f) Persons wishing to become instructor trainers, in  
6 addition to the requirements of subsection (e) of this Section,  
7 shall:

8               (1) possess a high school diploma or GED certificate;

9       and

10              (2) have at least one of the following valid firearm  
11              instructor certifications:

12                  (A) certification from a firearm instructor's  
13              course offered by a State or federal governmental  
14              agency; or

15                  (B) a similar firearm instructor qualifying  
16              course, approved by the Director or his or her  
17              designee.

18       (g) An applicant:

19               (1) shall agree to background checks; and

20               (2) may be disqualified from taking firearm instructor  
21              training, or have his or her instructor qualification  
22              revoked, if the applicant:

23                  (A) does not meet the requirements of this Act to  
24              possess a license;

25                  (B) provides false or misleading information on  
26              the application; or

(C) has had a prior instructor qualification revoked by the Department or other issuing body.

(h) The Department shall post on its website a list of all qualified firearm instructors by county.

(i) The Department shall adopt rules to implement the provisions of this Section.

Section 80. The Freedom of Information Act is amended by changing Section 7.5 as follows:

(5 ILCS 140/7.5)

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

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

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

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

(d) Information and records held by the Department of Public Health and its authorized representatives relating to

1 known or suspected cases of sexually transmissible disease or  
2 any information the disclosure of which is restricted under the  
3 Illinois Sexually Transmissible Disease Control Act.

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

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

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

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

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

20 (j) Information and data concerning the distribution of  
21 surcharge moneys collected and remitted by wireless carriers  
22 under the Wireless Emergency Telephone Safety Act.

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

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

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

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

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

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

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

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

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

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

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

20                 (v) Names, affidavit, records, and information of people  
21 who have:

22                         (1) applied for or received Firearm Owner's  
23 Identification Cards under the Firearm Owners  
24 Identification Card Act; -

25                         (2) provided a registration affidavit to the  
26 Department of State Police for a weapon, attachment, or

1           device under Section 24-1.9 of the Criminal Code of 2012;

2           or

3           (3) been issued a concealed carry license by the  
4           Department of State Police under the Gun Safety and  
5           Responsibility Act, unless otherwise authorized by that  
6           Act.

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

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

13          (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;  
14          96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.  
15          8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,  
16          eff. 1-1-13.)

17          Section 85. The Department of State Police Law of the Civil  
18          Administrative Code of Illinois is amended by changing Section  
19          2605-300 and by adding Section 2605-595 as follows:

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

21          Sec. 2605-300. Records; crime laboratories; personnel. To  
22          do the following:

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

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

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

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

8                         (5) Establish general and field crime laboratories.

9                         (6) Register and file for record information that may  
10 be required by law for the issuance of firearm owner's  
11 identification cards under the Firearm Owners  
12 Identification Card Act and concealed carry licenses under  
13 the Gun Safety and Responsibility Act.

14                         (7) Employ polygraph operators, laboratory  
15 technicians, and other specially qualified persons to aid  
16 in the identification of criminal activity.

17                         (8) Undertake other identification, information,  
18 laboratory, statistical, or registration activities that  
19 may be required by law.

20 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,  
21 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,  
22 eff. 8-14-98; 91-239, eff. 1-1-00.)

23                         (20 ILCS 2605/2605-595 new)

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

25 (a) There is created in the State treasury a special fund

known as the State Police Firearm Services Fund. The Fund shall receive revenue under Section 5 of the Firearm Owners Identification Card Act, the Gun Safety and Responsibility Act and Section 24-1.9 of the Criminal Code of 2012. The Fund may also receive revenue from grants, pass-through grants, donations, appropriations, and any other legal source.

(b) The Department of State Police may use moneys in the Fund to finance any of its lawful purposes, mandates, functions, and duties under the Firearm Owners Identification Card Act, the Gun Safety and Responsibility Act, and Section 24-1.9 of the Criminal Code of 2012, including the cost of sending notices of expiration of Firearm Owner's Identification Cards, concealed carry licenses, the prompt and efficient processing of applications under the Firearm Owners Identification Card Act and the Gun Safety and Responsibility Act, and support for investigations required under these Acts and law.

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

(d) The State Police Firearm Services Fund shall not be subject to administrative chargebacks.

Section 90. The State Police Act is amended by adding Section 25 as follows:

1                   (20 ILCS 2610/25 new)

2                   Sec. 25. Emergency procurement authorized.

3                   In order to comply with recent court rulings regarding  
4                   concealed carry in Illinois and the assault weapons ban and  
5                   consumer protection provisions of this amendatory Act of the  
6                   98th General Assembly, any procurements necessary for the  
7                   implementation of this amendatory Act of the 98th General  
8                   Assembly, shall be eligible for emergency procurement.

9                   Section 95. The State Finance Act is amended by adding  
10                  Section 5.826 as follows:

11                  (30 ILCS 105/5.826 new)

12                  Sec. 5.826. The State Police Firearm Services Fund.

13                  (30 ILCS 105/5.206 rep.)

14                  Section 97. The State Finance Act is amended by repealing  
15                  Section 5.206.

16                  Section 100. The Firearm Owners Identification Card Act is  
17                  amended by changing Sections 1.1, 2, 3, 5, 9, 12, and 13.2 and  
18                  by adding Section 5.1 as follows:

19                  (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

20                  Sec. 1.1. For purposes of this Act:

21                  "Has been adjudicated as a mental defective" means the

1 person is the subject of a determination by a court, board,  
2 commission or other lawful authority that a person, as a result  
3 of marked subnormal intelligence, or mental illness, mental  
4 impairment, incompetency, condition, or disease:

5 (1) is a danger to himself, herself, or to others;

6 (2) lacks the mental capacity to manage his or her own  
7 affairs;

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

10 (4) is incompetent to stand trial in a criminal case;

11 (5) is not guilty by reason of lack of mental  
12 responsibility pursuant to Articles 50a and 72b of the  
13 Uniform Code of Military Justice, 10 U.S.C. 850a, 876b.

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

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

19 "Firearm" means any device, by whatever name known, which  
20 is designed to expel a projectile or projectiles by the action  
21 of an explosion, expansion of gas or escape of gas; excluding,  
22 however:

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

1                   (1.1) any pneumatic gun, spring gun, paint ball gun, or  
2       B-B gun which expels breakable paint balls containing  
3       washable marking colors;

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

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

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

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

19                  (1) any ammunition exclusively designed for use with a  
20       device used exclusively for signalling or safety and  
21       required or recommended by the United States Coast Guard or  
22       the Interstate Commerce Commission; and

23                  (2) any ammunition designed exclusively for use with a  
24       stud or rivet driver or other similar industrial  
25       ammunition.

26       "Firearm ammunition feeding device" means a magazine,

1       clip, belt, drum, feed strip, or similar device, manufactured  
2       with a capacity to accept firearm ammunition.

3           "Gun show" means an event or function:

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

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

11          "Gun show" includes the entire premises provided for an  
12       event or function, including parking areas for the event or  
13       function, that is sponsored to facilitate the purchase, sale,  
14       transfer, or exchange of firearms as described in this Section.

15          "Gun show" does not include training or safety classes,  
16       competitive shooting events, such as rifle, shotgun, or handgun  
17       matches, trap, skeet, or sporting clays shoots, dinners,  
18       banquets, raffles, or any other event where the sale or  
19       transfer of firearms is not the primary course of business.

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

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

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

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

7 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13.)

8 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

9               Sec. 2. Firearm Owner's Identification Card required;  
10          exceptions.

11                 (a) (1) No person may acquire or possess any firearm, stun  
12 gun, or taser within this State without having in his or  
13 her possession a valid Firearm Owner's Identification Card  
14 previously issued in his or her name by the Department of  
15 State Police under the provisions of this Act.

16                         (2) No person may acquire or possess firearm ammunition  
17                         or a firearm ammunition feeding device within this State  
18                         without having in his or her possession a valid Firearm  
19                         Owner's Identification Card previously issued in his or her  
20                         name by the Department of State Police under the provisions  
21                         of this Act.

22                 (b) The provisions of this Section regarding the possession  
23         of firearms, firearm ammunition, stun guns, and tasers do not  
24         apply to:

25 (1) United States Marshals, while engaged in the

1           operation of their official duties;

2           (2) Members of the Armed Forces of the United States or  
3           the National Guard, while engaged in the operation of their  
4           official duties;

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

7           (4) Members of bona fide veterans organizations which  
8           receive firearms directly from the armed forces of the  
9           United States, while using the firearms for ceremonial  
10          purposes with blank ammunition;

11          (5) Nonresident hunters during hunting season, with  
12          valid nonresident hunting licenses and while in an area  
13          where hunting is permitted; however, at all other times and  
14          in all other places these persons must have their firearms  
15          unloaded and enclosed in a case;

16          (6) Those hunters exempt from obtaining a hunting  
17          license who are required to submit their Firearm Owner's  
18          Identification Card when hunting on Department of Natural  
19          Resources owned or managed sites;

20          (7) Nonresidents while on a firing or shooting range  
21          recognized by the Department of State Police; however,  
22          these persons must at all other times and in all other  
23          places have their firearms unloaded and enclosed in a case;

24          (8) Nonresidents while at a firearm showing or display  
25          recognized by the Department of State Police; however, at  
26          all other times and in all other places these persons must

1 have their firearms unloaded and enclosed in a case;

2 (9) Nonresidents whose firearms are unloaded and  
3 enclosed in a case;

4 (10) Nonresidents who are currently licensed or  
5 registered to possess a firearm in their resident state;

6 (11) Unemancipated minors while in the custody and  
7 immediate control of their parent or legal guardian or  
8 other person in loco parentis to the minor if the parent or  
9 legal guardian or other person in loco parentis to the  
10 minor has a currently valid Firearm Owner's Identification  
11 Card;

12 (12) Color guards of bona fide veterans organizations  
13 or members of bona fide American Legion bands while using  
14 firearms for ceremonial purposes with blank ammunition;

15 (13) Nonresident hunters whose state of residence does  
16 not require them to be licensed or registered to possess a  
17 firearm and only during hunting season, with valid hunting  
18 licenses, while accompanied by, and using a firearm owned  
19 by, a person who possesses a valid Firearm Owner's  
20 Identification Card and while in an area within a  
21 commercial club licensed under the Wildlife Code where  
22 hunting is permitted and controlled, but in no instance  
23 upon sites owned or managed by the Department of Natural  
24 Resources;

25 (14) Resident hunters who are properly authorized to  
26 hunt and, while accompanied by a person who possesses a

1        valid Firearm Owner's Identification Card, hunt in an area  
2        within a commercial club licensed under the Wildlife Code  
3        where hunting is permitted and controlled;

4                (15) A person who is otherwise eligible to obtain a  
5        Firearm Owner's Identification Card under this Act and is  
6        under the direct supervision of a holder of a Firearm  
7        Owner's Identification Card who is 21 years of age or older  
8        while the person is on a firing or shooting range or is a  
9        participant in a firearms safety and training course  
10      recognized by a law enforcement agency or a national,  
11      statewide shooting sports organization; and

12                (16) Competitive shooting athletes whose competition  
13      firearms are sanctioned by the International Olympic  
14      Committee, the International Paralympic Committee, the  
15      International Shooting Sport Federation, or USA Shooting  
16      in connection with such athletes' training for and  
17      participation in shooting competitions at the 2016 Olympic  
18      and Paralympic Games and sanctioned test events leading up  
19      to the 2016 Olympic and Paralympic Games.

20                (c) The provisions of this Section regarding the  
21      acquisition and possession of firearms, firearm ammunition,  
22      stun guns, and tasers do not apply to law enforcement officials  
23      of this or any other jurisdiction, while engaged in the  
24      operation of their official duties.

25                (d) Any person who becomes a resident of this State, who is  
26      not otherwise prohibited from obtaining, possessing, or using a

1 firearm or firearm ammunition, shall not be required to have a  
2 Firearm Owner's Identification Card to possess firearms or  
3 firearms ammunition until 60 calendar days after he or she  
4 obtains an Illinois driver's license or Illinois  
5 Identification Card.

6 (Source: P.A. 96-7, eff. 4-3-09; 97-1131, eff. 1-1-13.)

7 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

8 Sec. 3. (a) Except as provided in Section 3a, no person may  
9 knowingly transfer, or cause to be transferred, any firearm,  
10 firearm ammunition, stun gun, or taser to any person within  
11 this State unless the transferee with whom he deals displays a  
12 currently valid Firearm Owner's Identification Card which has  
13 previously been issued in his name by the Department of State  
14 Police under the provisions of this Act. In addition, all  
15 firearm, stun gun, and taser transfers by federally licensed  
16 firearm dealers are subject to Section 3.1.

17 (a-5) Any person who is not a federally licensed firearm  
18 dealer and who desires to transfer or sell a firearm while that  
19 person is on the grounds of a gun show must, before selling or  
20 transferring the firearm, request the Department of State  
21 Police to conduct a background check on the prospective  
22 recipient of the firearm in accordance with Section 3.1.

23 (a-10) Any person who is not a federally licensed importer,  
24 manufacturer, or dealer and who desires to sell or transfer a  
25 firearm to another person, who is not a federally licensed

1       importer, manufacturer, or dealer, shall do so only at the  
2       place of business of a federally licensed firearm dealer. The  
3       federally licensed firearm dealer shall conduct a background  
4       check on the prospective recipient of the firearm in accordance  
5       with Section 3.1 of this Act and follow all other applicable  
6       federal, State, and local laws as if he or she were the seller  
7       of the firearm. The purchaser or transferee may be required by  
8       the federally licensed firearm dealer to pay a fee not to  
9       exceed \$10 per firearm, which the dealer may retain as  
10      compensation for performing the functions required under this  
11      subsection, plus the applicable fees authorized by Section 3.1.

12      The provisions of this subsection (a-10) do not apply to:

13       (1) transfers to the transferor's husband, wife, son,  
14       daughter, stepson, stepdaughter, father, mother,  
15       stepfather, stepmother, brother, sister, nephew, niece,  
16       uncle, aunt, grandfather, grandmother, grandson,  
17       granddaughter, father-in-law, mother-in-law, son-in-law,  
18       or daughter-in-law;

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

21       (3) transfers on the grounds of a gun show.

22      (b) Any person within this State who transfers or causes to  
23      be transferred any firearm, stun gun, or taser shall keep a  
24      record of such transfer for a period of 10 years from the date  
25      of transfer. Such record shall contain the date of the  
26      transfer; the description, serial number or other information

1 identifying the firearm, stun gun, or taser if no serial number  
2 is available; and, if the transfer was completed within this  
3 State, the transferee's Firearm Owner's Identification Card  
4 number. On or after January 1, 2006, the record shall contain  
5 the date of application for transfer of the firearm. On demand  
6 of a peace officer such transferor shall produce for inspection  
7 such record of transfer. If the transfer or sale took place at  
8 a gun show, the record shall include the unique identification  
9 number. Failure to record the unique identification number is a  
10 petty offense.

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

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

24 (Source: P.A. 97-1135, eff. 12-4-12.)

25 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

1       Sec. 5. The Department of State Police shall either approve  
2 or deny all applications within 30 days from the date they are  
3 received, and every applicant found qualified under pursuant to  
4 Section 8 of this Act by the Department shall be entitled to a  
5 Firearm Owner's Identification Card upon the payment of a \$18  
6 \$10 fee. Any applicant who is an active duty member of the  
7 Armed Forces of the United States, a member of the Illinois  
8 National Guard, or a member of the Reserve Forces of the United  
9 States is exempt from the application fee. \$6 of each fee  
10 derived from the issuance of Firearm Owner's Identification  
11 Cards, or renewals thereof, shall be deposited in the Wildlife  
12 and Fish Fund in the State Treasury; \$1 of the such fee shall  
13 be deposited in the State Police Services Fund and \$11 \$3 of  
14 the such fee shall be deposited in the State Police Firearm  
15 Services Fund. Firearm Owner's Notification Fund. Monies in the  
16 Firearm Owner's Notification Fund shall be used exclusively to  
17 pay for the cost of sending notices of expiration of Firearm  
18 Owner's Identification Cards under Section 13.2 of this Act.  
19 Excess monies in the Firearm Owner's Notification Fund shall be  
20 used to ensure the prompt and efficient processing of  
21 applications received under Section 4 of this Act.

22      (Source: P.A. 95-581, eff. 6-1-08; 96-91, eff. 7-27-09.)

23      (430 ILCS 65/5.1 new)

24      Sec. 5.1. State Police Firearm Services Fund. All moneys  
25      remaining in the Firearm Owner's Notification Fund on the

effective date of this amendatory Act of the 98th General Assembly shall be transferred into the State Police Firearm Services Fund, a special fund created in the State treasury, to be expended by the Department of State Police, for the purposes specified in this Act and Section 2605-595 of the Department of State Police Law of the Civil Administrative Code of Illinois.

(430 ILCS 65/9) (from Ch. 38, par. 83-9)

Sec. 9.

(a) Every person whose application for a Firearm Owner's Identification Card is denied, and every holder of such a Card whose Card is revoked or seized, shall receive a written notice from the Department of State Police stating specifically the grounds upon which his application has been denied or upon which his Identification Card has been revoked.

(b) Any person who has received notice from the Department of State Police stating his or her card is revoked shall immediately return the card to the Department of State Police. Failure to return his or her card shall be a business offense with a minimum fine of \$100. After being served notice, persons who use their revoked card to purchase any firearm, firearm ammunition, or firearm ammunition feeding device shall be guilty of a Class 4 felony.

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

(430 ILCS 65/12) (from Ch. 38, par. 83-12)

1       Sec. 12. The provisions of this Act shall not apply to the  
2 passing or transfer of any firearm or firearm ammunition upon  
3 the death of the owner thereof to his or her heir or legatee or  
4 to the passing or transfer of any firearm or firearm ammunition  
5 to a person incident to any legal proceeding or action until 60  
6 days after the such passing or transfer, if the heir, legatee,  
7 or person is eligible for a Firearm Owner's Identification Card  
8 or not otherwise prohibited from the possession of firearms or  
9 firearm ammunition. If the heir, legatee, or person is  
10 ineligible or prohibited from the possession of firearms or  
11 firearm ammunition, he or she must immediately transfer the  
12 firearm or firearm ammunition to a person with a valid Firearm  
13 Owner's Identification Card.

14 (Source: Laws 1967, p. 2600.)

15       (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

16       Sec. 13.2. The Department of State Police shall, 60 days  
17 prior to the expiration of a Firearm Owner's Identification  
18 Card, forward by first class mail to each person whose card is  
19 to expire a notification of the expiration of the card and an  
20 application which may be used to apply for renewal of the card.  
21 It is the obligation of the holder of a Firearm Owner's  
22 Identification Card to notify the Department of State Police of  
23 any address change since the issuance of the Firearm Owner's  
24 Identification Card. Whenever any person moves from the  
25 residence address named on his or her card, the person shall

within 21 calendar days thereafter notify in a form and manner prescribed by the Department of his or her old and new residence addresses and the card number held by him or her. Any person whose legal name has changed from the name on the card that he or she has been previously issued must apply for a corrected card within 30 calendar days after the change. The cost for a corrected card shall be \$5 which shall be deposited into the State Police Firearm Services Fund ~~Firearm Owner's Notification Fund~~.

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

Section 105. The Criminal Code of 2012 is amended by changing Sections 21-6, 24-1, 24-1.6, 24-2, 24-3, 24-3.1, 24-3A, and 24-9 and by adding Sections 24-1.9, 24-1.10, and 24-4.1 as follows:

(720 ILCS 5/21-6) (from Ch. 38, par. 21-6)

**Sec. 21-6. Unauthorized Possession or Storage of Weapons.**

(a) Whoever possesses or stores any weapon enumerated in Section 33A-1 in any building or on land supported in whole or in part with public funds or in any building on such land without prior written permission from the chief security officer for such land or building commits a Class A misdemeanor.

(b) The chief security officer must grant any reasonable request for permission under paragraph (a).

1               (c) This Section shall not apply to a person who has been  
2               issued a concealed carry license and is acting lawfully under  
3               the Gun Safety and Responsibility Act.

4               (Source: P.A. 89-685, eff. 6-1-97.)

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

6               Sec. 24-1. Unlawful Use of Weapons.

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

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

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

1       noxious liquid gas or substance, other than an object  
2       containing a non-lethal noxious liquid gas or substance  
3       designed solely for personal defense carried by a person 18  
4       years of age or older; or

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

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

15                       (ii) are not immediately accessible; or

16                       (iii) are unloaded and enclosed in a firearm case,

17                       ~~firearm~~ carrying box, shipping box, or other similar

18                       portable container designed for the safe

19                       transportation of firearms by a person who has been

20      issued a currently valid Firearm Owner's

21      Identification Card; or

22               (5) Sets a spring gun; or

23               (6) Possesses any device or attachment of any kind

24       designed, used or intended for use in silencing the report

25       of any firearm; or

26               (7) Sells, manufactures, purchases, possesses or

1           carries:

2                         (i) a machine gun, which shall be defined for the  
3                         purposes of this subsection as any weapon, which  
4                         shoots, is designed to shoot, or can be readily  
5                         restored to shoot, automatically more than one shot  
6                         without manually reloading by a single function of the  
7                         trigger, including the frame or receiver of any such  
8                         weapon, or sells, manufactures, purchases, possesses,  
9                         or carries any combination of parts designed or  
10                         intended for use in converting any weapon into a  
11                         machine gun, or any combination or parts from which a  
12                         machine gun can be assembled if such parts are in the  
13                         possession or under the control of a person;

14                         (ii) any rifle having one or more barrels less than  
15                         16 inches in length or a shotgun having one or more  
16                         barrels less than 18 inches in length or any weapon  
17                         made from a rifle or shotgun, whether by alteration,  
18                         modification, or otherwise, if such a weapon as  
19                         modified has an overall length of less than 26 inches;  
20                         or

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

26                         (8) Carries or possesses any firearm, stun gun or taser

1       or other deadly weapon in any place which is licensed to  
2       sell intoxicating beverages, or at any public gathering  
3       held pursuant to a license issued by any governmental body  
4       or any public gathering at which an admission is charged,  
5       excluding a place where a showing, demonstration or lecture  
6       involving the exhibition of unloaded firearms is  
7       conducted.

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

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

16           (10) Carries or possesses on or about his person, upon  
17      any public street, alley, or other public lands within the  
18      corporate limits of a city, village or incorporated town,  
19      except when an invitee thereon or therein, for the purpose  
20      of the display of such weapon or the lawful commerce in  
21      weapons, or except when on his land or in his own abode,  
22      legal dwelling, or fixed place of business, or on the land  
23      or in the legal dwelling of another person as an invitee  
24      with that person's permission, any pistol, revolver, stun  
25      gun or taser or other firearm, except that this subsection  
26      (a) (10) does not apply to or affect transportation of

1       weapons that meet one of the following conditions:

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

3                     (ii) are not immediately accessible; or

4                     (iii) are unloaded and enclosed in a firearm case,

5                     firearm carrying box, shipping box, or other similar

6                     portable container designed for the safe

7                     transportation of firearms by a person who has been

8                     issued a currently valid Firearm Owner's

9                     Identification Card.

10          A "stun gun or taser", as used in this paragraph (a)

11       means (i) any device which is powered by electrical

12       charging units, such as, batteries, and which fires one or

13       several barbs attached to a length of wire and which, upon

14       hitting a human, can send out a current capable of

15       disrupting the person's nervous system in such a manner as

16       to render him incapable of normal functioning or (ii) any

17       device which is powered by electrical charging units, such

18       as batteries, and which, upon contact with a human or

19       clothing worn by a human, can send out current capable of

20       disrupting the person's nervous system in such a manner as

21       to render him incapable of normal functioning; or

22                     (11) Sells, manufactures or purchases any explosive

23       bullet. For purposes of this paragraph (a) "explosive

24       bullet" means the projectile portion of an ammunition

25       cartridge which contains or carries an explosive charge

26       which will explode upon contact with the flesh of a human

1       or an animal. "Cartridge" means a tubular metal case having  
2       a projectile affixed at the front thereof and a cap or  
3       primer at the rear end thereof, with the propellant  
4       contained in such tube between the projectile and the cap;  
5       or

6                 (12) (Blank); or

7                 (13) Carries or possesses on or about his or her person  
8       while in a building occupied by a unit of government, a  
9       billy club, other weapon of like character, or other  
10      instrument of like character intended for use as a weapon.  
11      For the purposes of this Section, "billy club" means a  
12      short stick or club commonly carried by police officers  
13      which is either telescopic or constructed of a solid piece  
14      of wood or other man-made material.

15                 (b) Sentence. A person convicted of a violation of  
16      subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
17      subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
18      Class A misdemeanor. A person convicted of a violation of  
19      subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a  
20      person convicted of a violation of subsection 24-1(a)(6) or  
21      24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
22      convicted of a violation of subsection 24-1(a)(7)(i) commits a  
23      Class 2 felony and shall be sentenced to a term of imprisonment  
24      of not less than 3 years and not more than 7 years, unless the  
25      weapon is possessed in the passenger compartment of a motor  
26      vehicle as defined in Section 1-146 of the Illinois Vehicle

1       Code, or on the person, while the weapon is loaded, in which  
2       case it shall be a Class X felony. A person convicted of a  
3       second or subsequent violation of subsection 24-1(a)(4),  
4       24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3  
5       felony. The possession of each weapon in violation of this  
6       Section constitutes a single and separate violation.

7                     (c) Violations in specific places.

8                     (1) A person who violates subsection 24-1(a)(6) or  
9        24-1(a)(7) in any school, regardless of the time of day or  
10      the time of year, in residential property owned, operated  
11      or managed by a public housing agency or leased by a public  
12      housing agency as part of a scattered site or mixed-income  
13      development, in a public park, in a courthouse, on the real  
14      property comprising any school, regardless of the time of  
15      day or the time of year, on residential property owned,  
16      operated or managed by a public housing agency or leased by  
17      a public housing agency as part of a scattered site or  
18      mixed-income development, on the real property comprising  
19      any public park, on the real property comprising any  
20      courthouse, in any conveyance owned, leased or contracted  
21      by a school to transport students to or from school or a  
22      school related activity, in any conveyance owned, leased,  
23      or contracted by a public transportation agency, or on any  
24      public way within 1,000 feet of the real property  
25      comprising any school, public park, courthouse, public  
26      transportation facility, or residential property owned,

1       operated, or managed by a public housing agency or leased  
2       by a public housing agency as part of a scattered site or  
3       mixed-income development commits a Class 2 felony and shall  
4       be sentenced to a term of imprisonment of not less than 3  
5       years and not more than 7 years.

6                 (1.5) A person who violates subsection 24-1(a)(4),  
7       24-1(a)(9), or 24-1(a)(10) in any school, regardless of the  
8       time of day or the time of year, in residential property  
9       owned, operated, or managed by a public housing agency or  
10      leased by a public housing agency as part of a scattered  
11      site or mixed-income development, in a public park, in a  
12      courthouse, on the real property comprising any school,  
13      regardless of the time of day or the time of year, on  
14      residential property owned, operated, or managed by a  
15      public housing agency or leased by a public housing agency  
16      as part of a scattered site or mixed-income development, on  
17      the real property comprising any public park, on the real  
18      property comprising any courthouse, in any conveyance  
19      owned, leased, or contracted by a school to transport  
20      students to or from school or a school related activity, in  
21      any conveyance owned, leased, or contracted by a public  
22      transportation agency, or on any public way within 1,000  
23      feet of the real property comprising any school, public  
24      park, courthouse, public transportation facility, or  
25      residential property owned, operated, or managed by a  
26      public housing agency or leased by a public housing agency

1       as part of a scattered site or mixed-income development  
2       commits a Class 3 felony.

3               (2) A person who violates subsection 24-1(a)(1),  
4       24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
5       time of day or the time of year, in residential property  
6       owned, operated or managed by a public housing agency or  
7       leased by a public housing agency as part of a scattered  
8       site or mixed-income development, in a public park, in a  
9       courthouse, on the real property comprising any school,  
10      regardless of the time of day or the time of year, on  
11      residential property owned, operated or managed by a public  
12      housing agency or leased by a public housing agency as part  
13      of a scattered site or mixed-income development, on the  
14      real property comprising any public park, on the real  
15      property comprising any courthouse, in any conveyance  
16      owned, leased or contracted by a school to transport  
17      students to or from school or a school related activity, in  
18      any conveyance owned, leased, or contracted by a public  
19      transportation agency, or on any public way within 1,000  
20      feet of the real property comprising any school, public  
21      park, courthouse, public transportation facility, or  
22      residential property owned, operated, or managed by a  
23      public housing agency or leased by a public housing agency  
24      as part of a scattered site or mixed-income development  
25      commits a Class 4 felony. "Courthouse" means any building  
26      that is used by the Circuit, Appellate, or Supreme Court of

1           this State for the conduct of official business.

2           (3) Paragraphs (1), (1.5), and (2) of this subsection  
3       (c) shall not apply to law enforcement officers or security  
4       officers of such school, college, or university or to  
5       students carrying or possessing firearms for use in  
6       training courses, parades, hunting, target shooting on  
7       school ranges, or otherwise with the consent of school  
8       authorities and which firearms are transported unloaded  
9       enclosed in a suitable case, box, or transportation  
10      package.

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

14          (5) For the purposes of this subsection (c), "public  
15       transportation agency" means a public or private agency  
16       that provides for the transportation or conveyance of  
17       persons by means available to the general public, except  
18       for transportation by automobiles not used for conveyance  
19       of the general public as passengers; and "public  
20       transportation facility" means a terminal or other place  
21       where one may obtain public transportation.

22          (d) The presence in an automobile other than a public  
23       omnibus of any weapon, instrument or substance referred to in  
24       subsection (a)(7) is prima facie evidence that it is in the  
25       possession of, and is being carried by, all persons occupying  
26       such automobile at the time such weapon, instrument or

1 substance is found, except under the following circumstances:

2 (i) if such weapon, instrument or instrumentality is found upon  
3 the person of one of the occupants therein; or (ii) if such  
4 weapon, instrument or substance is found in an automobile  
5 operated for hire by a duly licensed driver in the due, lawful  
6 and proper pursuit of his trade, then such presumption shall  
7 not apply to the driver.

8 (e) Exemptions. Crossbows, Common or Compound bows and  
9 Underwater Spearguns are exempted from the definition of  
10 ballistic knife as defined in paragraph (1) of subsection (a)  
11 of this Section.

12 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;  
13 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;  
14 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

15 (720 ILCS 5/24-1.6)

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

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

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

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

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

13                             (A) the firearm possessed was uncased, loaded and  
14                         immediately accessible at the time of the offense; or

15                             (B) the firearm possessed was uncased, unloaded  
16                         and the ammunition for the weapon was immediately  
17                         accessible at the time of the offense; or

18                             (C) the person possessing the firearm has not been  
19                         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 in  
26                         a misdemeanor violation of the Cannabis Control Act, in

1           a misdemeanor violation of the Illinois Controlled  
2           Substances Act, or in a misdemeanor violation of the  
3           Methamphetamine Control and Community Protection Act;  
4           or

5           (F) (blank); or

6           (G) the person possessing the weapon had a order of  
7           protection issued against him or her within the  
8           previous 2 years; or

9           (H) the person possessing the weapon was engaged in  
10          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 as defined  
15          in Section 24-3, unless the person under 21 is engaged  
16          in lawful activities under the Wildlife Code or  
17          described in subsection 24-2(b)(1), (b)(3), or  
18          24-2(f).

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

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

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

24           (ii) are not immediately accessible; or

25           (iii) are unloaded and enclosed in a firearm case,  
26          ~~firearm~~ carrying box, shipping box, or other similar

1           portable     container     designed     for     the     safe  
2           transportation     of     firearms     by     a     person     who     has     been  
3           issued     a     currently     valid     Firearm     Owner's  
4           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.

11          (2) Except as otherwise provided in paragraphs (3) and  
12          (4) of this subsection (d), a first offense of aggravated  
13          unlawful use of a weapon committed with a firearm by a  
14          person 18 years of age or older where the factors listed in  
15          both items (A) and (C) of paragraph (3) of subsection (a)  
16          are present is a Class 4 felony, for which the person shall  
17          be sentenced to a term of imprisonment of not less than one  
18          year and not more than 3 years.

19          (3) Aggravated unlawful use of a weapon by a person who  
20          has been previously convicted of a felony in this State or  
21          another jurisdiction is a Class 2 felony for which the  
22          person shall be sentenced to a term of imprisonment of not  
23          less than 3 years and not more than 7 years.

24          (4) Aggravated unlawful use of a weapon while wearing  
25          or in possession of body armor as defined in Section 33F-1  
26          by a person who has not been issued a valid Firearms

1       Owner's Identification Card in accordance with Section 5 of  
2       the Firearm Owners Identification Card Act is a Class X  
3       felony.

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

6       (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;  
7       96-829, eff. 12-3-09; 96-1107, eff. 1-1-11.)

8       (720 ILCS 5/24-1.9 new)

9       Sec. 24-1.9. Possession, delivery, sale, and purchase of  
10      assault weapons, .50 caliber rifles, and .50 caliber  
11      cartridges.

12      (a) Definitions. As used in this Section:

13      (1) "Assault weapon" means:

14      (A) any rifle which has a belt fed ammunition  
15      system or which has a detachable magazine capable of  
16      holding more than 10 rounds of ammunition;

17      (B) a semi-automatic rifle that has the ability to  
18      accept a detachable magazine and has any of the  
19      following:

20      (i) a folding or telescoping stock; or

21      (ii) a shroud that is attached to, or partially  
22      or completely encircles the barrel, and that  
23      permits the shooter to hold the firearm with the  
24      non-trigger hand without being burned;

25      (C) a semi-automatic pistol that has the ability to

1           accept a detachable magazine and has any of the  
2           following:

3               (i) a folding or telescoping stock;

4               (ii) a shroud that is attached to, or partially  
5               or completely encircles the barrel, and that  
6               permits the shooter to hold the firearm with the  
7               non-trigger hand without being burned; or

8               (iii) a manufactured weight of 50 ounces or  
9               more when the pistol is unloaded.

10              (D) a semi-automatic rifle with a fixed magazine  
11              that has the capacity to accept more than 10 rounds of  
12              ammunition;

13              (E) a semi-automatic shotgun that has:

14               (i) a folding or telescoping stock; and

15               (ii) contains its ammunition in a revolving  
16               cylinder; or

17               (iii) a fixed magazine capacity in excess of 5  
18               rounds of ammunition, except as may be authorized  
19               under the Wildlife Code and excluding magazine  
20               extensions during the snow geese conservation  
21               order season; or

22               (iv) an ability to accept a detachable  
23               magazine of more than 5 rounds of ammunition.

24              "Assault weapon" does not include:

25              (A) any firearm that:

26               (i) is manually operated by bolt, pump, lever,

1                   or slide action;

2                   (ii) is an unserviceable firearm or has been  
3                   made permanently inoperable;

4                   (iii) is an antique firearm;

5                   (iv) uses rimfire ammunition or cartridges; or

6                   (iv) has been excluded as an assault weapon in  
7                   a Department of Natural Resources rule. The  
8                   Department of Natural Resources shall have the  
9                   authority to adopt rules to further define  
10                  exclusions of assault weapon types under this  
11                  Section, provided the make, model, and caliber of  
12                  the firearm excluded has a viable application to  
13                  hunting game and conforms to accepted hunting  
14                  principles of fair chase.

15                  (B) any air rifle as defined in Section 24.8-0.1 of  
16                  this Code.

17                  For the purposes of this Section, a firearm is considered  
18                  to have the ability to accept a detachable magazine unless the  
19                  magazine or ammunition feeding device can only be removed  
20                  through disassembly of the firearm action.

21                  (2) "Assault weapon attachment" means any device  
22                  capable of being attached to a firearm that is specifically  
23                  designed for making or converting a firearm into any of the  
24                  firearms listed in paragraph (1) of this subsection (a).

25                  (3) "Antique firearm" has the meaning ascribed to it in  
26                  18 U.S.C. 921 (a) (16).

1                   (4) ".50 caliber rifle" means a centerfire rifle  
2 capable of firing a .50 caliber cartridge. The term does  
3 not include any antique firearm, any shotgun including a  
4 shotgun that has a rifle barrel, or any muzzle-loader which  
5 uses black powder for hunting or historical re-enactments.

6                   (5) ".50 caliber cartridge" means a cartridge in .50  
7 BMG caliber, either by designation or actual measurement,  
8 that is capable of being fired from a centerfire rifle. The  
9 term ".50 caliber cartridge" does not include any  
10 memorabilia or display item that is filled with a permanent  
11 inert substance or that is otherwise permanently altered in  
12 a manner that prevents ready modification for use as live  
13 ammunition or shotgun ammunition with a caliber  
14 measurement that is equal to or greater than .50 caliber.

15                  (6) "Locking mechanism" means secured by a device or  
16 mechanism, other than the firearm safety, designed to  
17 render a firearm temporarily inoperable; or a box or  
18 container capable of containing the firearm and that can be  
19 securely locked.

20                  (b) The Department of State Police shall take all steps  
21 necessary to carry out the requirements of this Section within  
22 180 days after the effective date of this amendatory Act of the  
23 98th General Assembly.

24                  (c) Except as provided in subsections (d), (e), (f), and  
25 (h) of this Section, on or after the effective date of this  
26 amendatory Act of the 98th General Assembly, it is unlawful for

any person within this State to knowingly deliver, sell, or purchase or cause to be delivered, sold, or purchased or cause to be possessed by another, an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge.

(d) Except as otherwise provided in subsections (e), (f), and (h) of this Section, 300 days after the effective date of this amendatory Act of the 98th General Assembly, it is unlawful for any person within this State to knowingly possess an assault weapon, .50 caliber rifle, or .50 caliber cartridge.

(e) This Section does not apply to a person who possessed an assault weapon or .50 caliber rifle prohibited by subsection (d) of this Section before the effective date of this amendatory Act of the 98th General Assembly, provided the person has provided in a registration affidavit, under oath or affirmation and in the form and manner prescribed by the Department of State Police on or after 180 days after the effective date of this amendatory Act of the 98th General Assembly but within 300 days after the effective date of this amendatory Act of the 98th General Assembly:

- (1) his or her name;
- (2) date of birth;
- (3) Firearm Owner's Identification Card number;
- (4) the make, model, caliber, and serial number of the weapon; and
- (5) proof of a locking mechanism that properly fits the weapon. The affidavit shall include a statement that the

1       weapon is owned by the person submitting the affidavit and  
2       that he or she owns a locking mechanism for the weapon.

3       The affidavit form shall include the following statement  
4       printed in bold type: "Warning: Entering false information on  
5       this form is punishable as perjury under Section 32-2 of the  
6       Criminal Code of 2012."

7       Beginning 300 days after the effective date of this  
8       amendatory Act of the 98th General Assembly, the person may  
9       transfer the assault weapon or .50 caliber rifle only to an  
10       heir, an individual residing in another state maintaining it in  
11       another state, or a dealer licensed as a federal firearms  
12       dealer under Section 923 of the federal Gun Control Act of  
13       1968. Within 10 days after transfer of the weapon except to an  
14       heir, the person shall notify the Department of State Police of  
15       the name and address of the transferee and comply with the  
16       requirements of subsection (b) of Section 3 of the Firearm  
17       Owners Identification Card Act. The person to whom the weapon  
18       is transferred shall, within 60 days of the transfer, complete  
19       an affidavit and pay the required registration fee under this  
20       Section. A person to whom the weapon is transferred may  
21       transfer it only as provided in this subsection.

22       (f) This Section does not apply to a peace officer who has  
23       retired in good standing from a law enforcement agency of this  
24       State and who possesses an assault weapon or .50 caliber rifle  
25       prohibited by subsection (d) of this Section, if the weapon was  
26       lawfully possessed and acquired by the peace officer prior to

1       retirement and the retired peace officer within 30 days of  
2       retirement registers the weapon with the Department of State  
3       Police and pays the required registration fee under this  
4       Section. The retired peace officer shall comply with the  
5       transfer and notification requirements in subsection (e) of  
6       this Section.

7       (g) For the purpose of registration required under  
8       subsections (e) and (f) of this Section, the Department of  
9       State Police shall assess a registration fee of \$25 per person  
10      to the owner of an assault weapon and \$25 per person to the  
11      owner of a .50 caliber rifle. The fees shall be deposited into  
12      the State Police Firearm Services Fund.

13      (h) This Section does not apply to or affect any of the  
14      following:

15      (1) Peace officers as defined in Section 2-13 of this  
16      Code.

17      (2) Acquisition and possession by a local law  
18      enforcement agency for the purpose of equipping the  
19      agency's peace officers as defined in paragraph (1) of this  
20      subsection.

21      (3) Wardens, superintendents, and keepers of prisons,  
22      penitentiaries, jails, and other institutions for the  
23      detention of persons accused or convicted of an offense.

24      (4) Members of the Armed Services or Reserve Forces of  
25      the United States or the Illinois National Guard, while in  
26      the performance of their official duties or while traveling

1           to or from their place of duty.

2           (5) Any company that employs armed security officers in  
3           this State at a nuclear energy, storage, weapons, or  
4           development site or facility regulated by the federal  
5           Nuclear Regulatory Commission and persons employed as an  
6           armed security force member at a nuclear energy, storage,  
7           weapons, or development site or facility regulated by the  
8           federal Nuclear Regulatory Commission who have completed  
9           the background screening and training mandated by the rules  
10          and regulations of the federal Nuclear Regulatory  
11          Commission and while in the performance of their official  
12          duties.

13          (6) Manufacture, transportation, or sale of weapons,  
14          attachments, or ammunition to persons authorized under  
15          subdivisions (1) through (5) of this subsection (h) to  
16          possess those items.

17          (7) Manufacture, transportation, or sale of weapons,  
18          attachments, or ammunition for sale or transfer in another  
19          state.

20          (8) Possession of any firearm if that firearm is  
21          sanctioned by the International Olympic Committee and by  
22          USA Shooting, the national governing body for  
23          international shooting competition in the United States,  
24          but only when the firearm is in the actual possession of an  
25          Olympic target shooting competitor or target shooting  
26          coach for the purpose of storage, transporting to and from

1       Olympic target shooting practice or events if the firearm  
2       is broken down in a non-functioning state, is not  
3       immediately accessible, or is unloaded and enclosed in a  
4       firearm case, carrying box, shipping box, or other similar  
5       portable container designed for the safe transportation of  
6       firearms, and when the Olympic target shooting competitor  
7       or target shooting coach is engaging in those practices or  
8       events. For the purposes of this paragraph (8), "firearm"  
9       is as defined in Section 1.1 of the Firearm Owners  
10      Identification Card Act.

11      (9) Any non-resident who transports, within 24 hours, a  
12      weapon for any lawful purpose from any place where he or  
13      she may lawfully possess and carry that weapon to any other  
14      place where he or she may lawfully possess and carry that  
15      weapon if, during the transportation the weapon is  
16      unloaded, and neither the weapon nor any ammunition being  
17      transported is readily accessible or is directly  
18      accessible from the passenger compartment of the  
19      transporting vehicle. Provided that, in the case of a  
20      vehicle without a compartment separate from the driver's  
21      compartment the weapon or ammunition shall be contained in  
22      a locked container other than the glove compartment or  
23      console.

24      (10) Possession of a weapon at events taking place at  
25      the World Shooting and Recreational Complex at Sparta, only  
26      while engaged in the legal use of this weapon, or while

1           traveling to or from this location if the weapon is broken  
2           down in a non-functioning state, or is not immediately  
3           accessible, or is unloaded and enclosed in a firearm case,  
4           carrying box, shipping box, or other similar portable  
5           container designed for the safe transportation of  
6           firearms.

7           (11) Possession of a weapon only for hunting use  
8           expressly permitted under the Wildlife Code, or while  
9           traveling to or from a location authorized for this hunting  
10          use under the Wildlife Code if the weapon is broken down in  
11          a non-functioning state, or is not immediately accessible,  
12          or is unloaded and enclosed in a firearm case, carrying  
13          box, shipping box, or other similar portable container  
14          designed for the safe transportation of firearms.

15          (12) The manufacture, transportation, possession,  
16          sale, or rental of blank-firing assault weapons and .50  
17          caliber rifles, or the weapon's respective attachments, to  
18          persons authorized or permitted, or both authorized and  
19          permitted to acquire and possess these weapons or  
20          attachments for the purpose of rental for use solely as  
21          props for a motion picture, television, or video production  
22          or entertainment event.

23          (i) Sentence.

24          (1) A person who knowingly delivers, sells, purchases,  
25          or possesses or causes to be delivered, sold, purchased, or  
26          possessed an assault weapon in violation of this Section

1       commits a Class 3 felony for a first violation and a Class  
2       felony for a second or subsequent violation or for the  
3       possession or delivery of 2 or more of these weapons at the  
4       same time.

5       (2) A person who knowingly delivers, sells, purchases,  
6       or possesses or causes to be delivered, sold, purchased, or  
7       possessed in violation of this Section an assault weapon  
8       attachment commits a Class 4 felony for a first violation  
9       and a Class 3 felony for a second or subsequent violation.

10       (3) A person who knowingly delivers, sells, purchases,  
11       or possesses or causes to be delivered, sold, purchased, or  
12       possessed in violation of this Section a .50 caliber rifle  
13       commits a Class 3 felony for a first violation and a Class  
14       2 felony for a second or subsequent violation or for the  
15       possession or delivery of 2 or more of these weapons at the  
16       same time.

17       (4) A person who knowingly delivers, sells, purchases,  
18       or possesses or causes to be delivered, sold, purchased, or  
19       possessed in violation of this Section a .50 caliber  
20       cartridge commits a Class A misdemeanor.

21       (5) Any other violation of this Section is a Class A  
22       misdemeanor.

23       (720 ILCS 5/24-1.10 new)

24       Sec. 24-1.10. Delivery or sale of large capacity ammunition  
25       feeding devices.

1           (a) As used in this Section:

2           "Large capacity ammunition feeding device" means:

3           (1) a magazine, belt, drum, feed strip, or similar  
4           device that has a capacity of, or that can be readily  
5           restored or converted to accept, more than 10 rounds of  
6           ammunition; or

7           (2) any combination of parts from which a device  
8           described in paragraph (1) can be assembled.

9           "Large capacity ammunition feeding device" does not  
10          include an attached tubular device designed to accept, and  
11          capable of operating only with, .22 caliber rimfire ammunition.  
12          "Large capacity ammunition feeding device" does not include a  
13          tubular magazine that is contained in a lever-action firearm or  
14          any device that has been made permanently inoperable.

15          (b) Except as provided in subsection (c), it is unlawful  
16          for any person within this State to knowingly deliver, sell,  
17          purchase, or cause to be delivered, sold, or purchased a large  
18          capacity ammunition feeding device.

19          (c) This Section does not apply to or affect any of the  
20          following:

21           (1) Peace officers as defined in Section 2-13 of this  
22           Code.

23           (2) A local law enforcement agency for the purpose of  
24           equipping the agency's peace officers as defined in  
25           paragraph (1) of this subsection.

26           (3) Wardens, superintendents, and keepers of prisons,

1       penitentiaries, jails, and other institutions for the  
2       detention of persons accused or convicted of an offense.

3       (4) Members of the Armed Services or Reserve Forces of  
4       the United States or the Illinois National Guard, for the  
5       performance of their official duties.

6       (5) Any company that employs armed security officers in  
7       this State at a nuclear energy, storage, weapons, or  
8       development site or facility regulated by the federal  
9       Nuclear Regulatory Commission and persons employed as an  
10       armed security force member at a nuclear energy, storage,  
11       weapons, or development site or facility regulated by the  
12       federal Nuclear Regulatory Commission who have completed  
13       the background screening and training mandated by the rules  
14       and regulations of the federal Nuclear Regulatory  
15       Commission for the performance of their official duties.

16       (6) Sale of large capacity ammunition feeding devices  
17       to persons authorized under subdivisions (1) through (5) of  
18       this subsection (c) to possess those devices.

19       (7) Sale of large capacity ammunition feeding devices  
20       for sale or transfer in another state.

21       (8) Sale or rental of large capacity ammunition feeding  
22       devices for blank-firing assault weapons and .50 caliber  
23       rifles, to persons authorized or permitted, or both  
24       authorized and permitted to acquire these devices for the  
25       purpose of rental for use solely as props for a motion  
26       picture, television, or video production or entertainment

1       event.

2       (d) Sentence. A person who knowingly delivers, sells,  
3       purchases, or causes to be delivered, sold, or purchased in  
4       violation of this Section a large capacity ammunition feeding  
5       device capable of holding more than 15 rounds of ammunition  
6       commits a Class 3 felony for a first violation and a Class 2  
7       felony for a second or subsequent violation or for delivery or  
8       possession of 2 or more of these devices at the same time. Any  
9       other violation of this Section is a Class A misdemeanor.

10      (720 ILCS 5/24-2)

11      Sec. 24-2. Exemptions.

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

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

18           (2) Wardens, superintendents and keepers of prisons,  
19     penitentiaries, jails and other institutions for the  
20     detention of persons accused or convicted of an offense,  
21     while in the performance of their official duty, or while  
22     commuting between their homes and places of employment.

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

1           of their official duty.

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

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

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

11                     (6) Any person regularly employed in a commercial or  
12       industrial operation as a security guard for the protection  
13       of persons employed and private property related to such  
14       commercial or industrial operation, while actually engaged  
15       in the performance of his or her duty or traveling between  
16       sites or properties belonging to the employer, and who, as  
17       a security guard, is a member of a security force of at  
18       least 5 persons registered with the Department of Financial  
19       and Professional Regulation; provided that such security  
20       guard has successfully completed a course of study,  
21       approved by and supervised by the Department of Financial  
22       and Professional Regulation, consisting of not less than 40  
23       hours of training that includes the theory of law  
24       enforcement, liability for acts, and the handling of  
25       weapons. A person shall be considered eligible for this  
26       exemption if he or she has completed the required 20 hours

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

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

17                 (8) Persons employed by a financial institution for the  
18       protection of other employees and property related to such  
19       financial institution, while actually engaged in the  
20       performance of their duties, commuting between their homes  
21       and places of employment, or traveling between sites or  
22       properties owned or operated by such financial  
23       institution, provided that any person so employed has  
24       successfully completed a course of study, approved by and  
25       supervised by the Department of Financial and Professional  
26       Regulation, consisting of not less than 40 hours of

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

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

1 State's Attorneys Appellate Prosecutor's Act.

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

4 (12.5) Probation officers while in the performance of  
5 their duties, or while commuting between their homes,  
6 places of employment or specific locations that are part of  
7 their assigned duties, with the consent of the chief judge  
8 of the circuit for which they are employed.

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

13 (13.5) A person employed as an armed security guard at  
14 a nuclear energy, storage, weapons or development site or  
15 facility regulated by the Nuclear Regulatory Commission  
16 who has completed the background screening and training  
17 mandated by the rules and regulations of the Nuclear  
18 Regulatory Commission.

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

22 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
23 24-1.6 do not apply to or affect any of the following:

24 (1) Members of any club or organization organized for  
25 the purpose of practicing shooting at targets upon  
26 established target ranges, whether public or private, and

1       patrons of such ranges, while such members or patrons are  
2       using their firearms on those target ranges.

3           (2) Duly authorized military or civil organizations  
4       while parading, with the special permission of the  
5       Governor.

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

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

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

14           (6) A person who has been issued a concealed carry  
15       license and is acting lawfully under the Gun Safety and  
16       Responsibility Act.

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

19           (1) Peace officers while in performance of their  
20       official duties.

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

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

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

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

20                         During transportation, such weapons shall be broken  
21                         down in a non-functioning state or not immediately  
22                         accessible.

23                         (6) The manufacture, transport, testing, delivery,  
24                         transfer or sale, and all lawful commercial or experimental  
25                         activities necessary thereto, of rifles, shotguns, and  
26                         weapons made from rifles or shotguns, or ammunition for

such rifles, shotguns or weapons, where engaged in by a person operating as a contractor or subcontractor pursuant to a contract or subcontract for the development and supply of such rifles, shotguns, weapons or ammunition to the United States government or any branch of the Armed Forces of the United States, when such activities are necessary and incident to fulfilling the terms of such contract.

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

During transportation, any such weapon shall be broken down in a non-functioning state, or not immediately accessible.

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

1 as modified is not less than 26 inches.

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

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

8 (e) Subsection 24-1(a)(8) does not apply to any owner,  
9 manager or authorized employee of any place specified in that  
10 subsection nor to any law enforcement officer or to a person  
11 who has been issued a concealed carry license and is acting  
12 lawfully under the Gun Safety and Responsibility Act.

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

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

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

23 (2) Bonafide collectors of antique or surplus military  
24 ordinance.

25 (3) Laboratories having a department of forensic  
26 ballistics, or specializing in the development of

1 ammunition or explosive ordinance.

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

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

1 or not immediately accessible.

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

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

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

26 (h) An information or indictment based upon a violation of

1 any subsection of this Article need not negative any exemptions  
2 contained in this Article. The defendant shall have the burden  
3 of proving such an exemption.

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

19 (Source: P.A. 96-7, eff. 4-3-09; 96-230, eff. 1-1-10; 96-742,  
20 eff. 8-25-09; 96-1000, eff. 7-2-10; 97-465, eff. 8-22-11;  
21 97-676, eff. 6-1-12; 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13;  
22 revised 8-23-12.)

23 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

25 (A) A person commits the offense of unlawful sale or

1 delivery of firearms when he or she knowingly does any of the  
2 following:

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

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

9 (b-5) Sells or gives any firearm to a person prohibited  
10 from possessing a firearm or Firearm Owner's  
11 Identification Card under Section 8 of the Firearm Owners  
12 Identification Card Act.

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

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

18 (e) (Blank) Sells or gives any firearm to any person  
19 who has been a patient in a mental hospital within the past  
20 5 years.

21 (f) (Blank) Sells or gives any firearms to any person  
22 who is intellectually disabled.

23 (g) Delivers any firearm of a size which may be  
24 concealed upon the person, incidental to a sale, without  
25 withholding delivery of such firearm for at least 72 hours  
26 after application and complete payment for its purchase has

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

24                 (h) While holding any license as a dealer, importer,  
25        manufacturer or pawnbroker under the federal Gun Control  
26        Act of 1968, manufactures, sells or delivers to any

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

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

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

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

26                    "With the principal objective of livelihood and

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

9                     (k) Sells or transfers ownership of a firearm to a  
10 person who does not display to the seller or transferor of  
11 the firearm a currently valid Firearm Owner's  
12 Identification Card that has previously been issued in the  
13 transferee's name by the Department of State Police under  
14 the provisions of the Firearm Owners Identification Card  
15 Act. This paragraph (k) does not apply to the transfer of a  
16 firearm to a person who is exempt from the requirement of  
17 possessing a Firearm Owner's Identification Card under  
18 Section 2 of the Firearm Owners Identification Card Act.  
19 For the purposes of this Section, a currently valid Firearm  
20 Owner's Identification Card means (i) a Firearm Owner's  
21 Identification Card that has not expired or (ii) if the  
22 transferor is licensed as a federal firearms dealer under  
23 Section 923 of the federal Gun Control Act of 1968 (18  
24 U.S.C. 923), an approval number issued in accordance with  
25 Section 3.1 of the Firearm Owners Identification Card Act  
26 shall be proof that the Firearm Owner's Identification Card

1 was valid.

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

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

18                 (C) Sentence.

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

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

25                 (3) Any person convicted of unlawful sale or delivery  
26 of firearms in violation of paragraph (a) of subsection (A)

1           commits a Class 2 felony.

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

24           (5) Any person convicted of unlawful sale or delivery  
25           of firearms in violation of paragraph (a) or (i) of  
26           subsection (A) in residential property owned, operated, or

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

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

18             (7) Any person convicted of unlawful sale or delivery  
19      of firearms in violation of paragraph (k) of subsection (A)  
20      commits a Class 4 felony. A third or subsequent conviction  
21      for a violation of paragraph (k) of subsection (A) is a  
22      Class 1 felony.

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

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

6                 (9) Any person convicted of unlawful sale or delivery  
7       of firearms in violation of paragraph (b-5) ~~(d)~~ of  
8       subsection (A) commits a Class 3 felony.

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

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

(D) For purposes of this Section:

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

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

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

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

4 (Source: P.A. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,  
5 eff. 1-1-12; 97-813, eff. 7-13-12.)

6 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

7 Sec. 24-3.1. Unlawful possession of firearms and firearm  
8 ammunition.

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

11 (1) He or she is under 18 years of age and has in his or  
12 her possession any firearm of a size which may be concealed  
13 upon the person; or

14 (2) He or she is under 21 years of age, has been  
15 convicted of a misdemeanor other than a traffic offense or  
16 adjudged delinquent and has any firearms or firearm  
17 ammunition in his or her possession; or

18 (2.5) He or she is prohibited from possessing a firearm  
19 or Firearm Owner's Identification Card under Section 8 of  
20 the Firearm Owners Identification Card Act; or

21 (3) (Blank) He is a narcotic addict and has any  
22 ~~firearms or firearm ammunition in his possession; or~~

23 (4) (Blank) He has been a patient in a mental hospital  
24 ~~within the past 5 years and has any firearms or firearm~~  
25 ~~ammunition in his possession; or~~

1                 (5) (Blank) ~~He is intellectually disabled and has any~~  
2 ~~firearms or firearm ammunition in his possession; or~~

3                 (6) He or she has in his possession any explosive  
4 bullet.

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

13                 (b) Sentence.

14                 Unlawful possession of firearms, other than handguns, and  
15 firearm ammunition is a Class A misdemeanor. Unlawful  
16 possession of handguns is a Class 4 felony. The possession of  
17 each firearm or firearm ammunition in violation of this Section  
18 constitutes a single and separate violation.

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

26                 (Source: P.A. 97-227, eff. 1-1-12.)

1 (720 ILCS 5/24-3A)

2 Sec. 24-3A. Gunrunning.

3 (a) A person commits gunrunning when he or she transfers 3  
4 or more firearms in violation of any of the paragraphs of  
5 Section 24-3 of this Code.

6 (b) Sentence. A person who commits gunrunning:

7 (1) is guilty of a Class 1 felony;

8 (2) is guilty of a Class X felony for which the  
9 sentence shall be a term of imprisonment of not less than  
10 10 & years and not more than 40 years if the transfer is of  
11 not less than 11 firearms and not more than 20 firearms;

12 (3) is guilty of a Class X felony for which the  
13 sentence shall be a term of imprisonment of not less than  
14 15 ~~10~~ years and not more than 50 years if the transfer is  
15 of more than 20 firearms.

16 A person who commits gunrunning by transferring firearms to a  
17 person who, at the time of the commission of the offense, is  
18 under 18 years of age is guilty of a Class X felony for which  
19 the sentence shall be a term of imprisonment of not less than 8  
20 years.

21 (Source: P.A. 93-906, eff. 8-11-04.)

22 (720 ILCS 5/24-4.1 new)

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

24 (a) A person, who possesses a firearm and either loses or

misplaces the firearm or has the firearm stolen, must report the loss or theft to a law enforcement agency having jurisdiction within 24 hours after obtaining knowledge of the loss or theft.

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

(c) A person does not commit the offense if:

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

(2) the person calls 911 to make the report;

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

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

(d) Sentence. A person who violates subsection (a) is guilty of a Class B misdemeanor for a first violation. A second or subsequent violation of subsection (a) is a Class A misdemeanor.

(720 ILCS 5/24-9)

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

1           (a) Except as provided in subsection (c), it is unlawful  
2 for any person to store or leave, within premises under his or  
3 her control, a firearm if the person knows or has reason to  
4 believe that a minor ~~under the age of 14 years who does not~~  
5 ~~have a Firearm Owners Identification Card~~ is likely to gain  
6 access to the firearm ~~without the lawful permission of the~~  
7 ~~minor's parent, guardian, or person having charge of the minor,~~  
8 ~~and the minor causes death or great bodily harm with the~~  
9 ~~firearm~~, unless the firearm is:

10           (1) secured by a device or mechanism, other than the  
11         firearm safety, designed to render a firearm temporarily  
12         inoperable; or

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

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

17           (a-5) A person who owns any firearm shall keep a record for  
18         each firearm owned that contains a description of the firearm  
19         and if available the firearm's serial number. If the firearm's  
20         serial number is not available, the record shall contain other  
21         information identifying the firearm.

22           (a-10) It is unlawful for any person to store or leave,  
23         within premises under his or her control, a firearm if the  
24         person knows or has reason to know that a person who is  
25         otherwise prohibited from obtaining a Firearm Owner's  
26         Identification Card is likely to gain access to the firearm,

1       unless the firearm is:

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

5           (2) placed in a securely locked box or container; or  
6           (3) placed in some other location that a reasonable  
7        person would believe to be secure from a person.

8        (b) Sentence. A first violation of subsection (a-5) is a  
9        petty offense. A first violation of subsection (a) or (a-10) is  
10      person who violates this Section is guilty of a Class C  
11      misdemeanor and the person shall be fined not less than \$1,000.  
12      A second or subsequent violation of this Section is a Class A  
13      misdemeanor.

14       (c) Subsection (a) and (a-10) do does not apply:

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

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

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

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

25       Section 110. The Code of Criminal Procedure of 1963 is

1 amended by changing Section 112A-14 as follows:

2 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

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

4 (a) Issuance of order. If the court finds that petitioner  
5 has been abused by a family or household member, as defined in  
6 this Article, an order of protection prohibiting such abuse  
7 shall issue; provided that petitioner must also satisfy the  
8 requirements of one of the following Sections, as appropriate:  
9 Section 112A-17 on emergency orders, Section 112A-18 on interim  
10 orders, or Section 112A-19 on plenary orders. Petitioner shall  
11 not be denied an order of protection because petitioner or  
12 respondent is a minor. The court, when determining whether or  
13 not to issue an order of protection, shall not require physical  
14 manifestations of abuse on the person of the victim.  
15 Modification and extension of prior orders of protection shall  
16 be in accordance with this Article.

17 (b) Remedies and standards. The remedies to be included in  
18 an order of protection shall be determined in accordance with  
19 this Section and one of the following Sections, as appropriate:  
20 Section 112A-17 on emergency orders, Section 112A-18 on interim  
21 orders, and Section 112A-19 on plenary orders. The remedies  
22 listed in this subsection shall be in addition to other civil  
23 or criminal remedies available to petitioner.

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

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

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

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

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

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

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

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

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

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

18 (4) Counseling. Require or recommend the respondent to  
19 undergo counseling for a specified duration with a social  
20 worker, psychologist, clinical psychologist, psychiatrist,  
21 family service agency, alcohol or substance abuse program,  
22 mental health center guidance counselor, agency providing  
23 services to elders, program designed for domestic violence  
24 abusers or any other guidance service the court deems  
25 appropriate. The court may order the respondent in any  
26 intimate partner relationship to report to an Illinois

1       Department of Human Services protocol approved partner  
2       abuse intervention program for an assessment and to follow  
3       all recommended treatment.

4                 (5) Physical care and possession of the minor child. In  
5       order to protect the minor child from abuse, neglect, or  
6       unwarranted separation from the person who has been the  
7       minor child's primary caretaker, or to otherwise protect  
8       the well-being of the minor child, the court may do either  
9       or both of the following: (i) grant petitioner physical  
10      care or possession of the minor child, or both, or (ii)  
11      order respondent to return a minor child to, or not remove  
12      a minor child from, the physical care of a parent or person  
13      in loco parentis.

14                 If a court finds, after a hearing, that respondent has  
15      committed abuse (as defined in Section 112A-3) of a minor  
16      child, there shall be a rebuttable presumption that  
17      awarding physical care to respondent would not be in the  
18      minor child's best interest.

19                 (6) Temporary legal custody. Award temporary legal  
20      custody to petitioner in accordance with this Section, the  
21      Illinois Marriage and Dissolution of Marriage Act, the  
22      Illinois Parentage Act of 1984, and this State's Uniform  
23      Child-Custody Jurisdiction and Enforcement Act.

24                 If a court finds, after a hearing, that respondent has  
25      committed abuse (as defined in Section 112A-3) of a minor  
26      child, there shall be a rebuttable presumption that

1 awarding temporary legal custody to respondent would not be  
2 in the child's best interest.

3 (7) Visitation. Determine the visitation rights, if  
4 any, of respondent in any case in which the court awards  
5 physical care or temporary legal custody of a minor child  
6 to petitioner. The court shall restrict or deny  
7 respondent's visitation with a minor child if the court  
8 finds that respondent has done or is likely to do any of  
9 the following: (i) abuse or endanger the minor child during  
10 visitation; (ii) use the visitation as an opportunity to  
11 abuse or harass petitioner or petitioner's family or  
12 household members; (iii) improperly conceal or detain the  
13 minor child; or (iv) otherwise act in a manner that is not  
14 in the best interests of the minor child. The court shall  
15 not be limited by the standards set forth in Section 607.1  
16 of the Illinois Marriage and Dissolution of Marriage Act.  
17 If the court grants visitation, the order shall specify  
18 dates and times for the visitation to take place or other  
19 specific parameters or conditions that are appropriate. No  
20 order for visitation shall refer merely to the term  
21 "reasonable visitation".

22 Petitioner may deny respondent access to the minor  
23 child if, when respondent arrives for visitation,  
24 respondent is under the influence of drugs or alcohol and  
25 constitutes a threat to the safety and well-being of  
26 petitioner or petitioner's minor children or is behaving in

1           a violent or abusive manner.

2           If necessary to protect any member of petitioner's  
3 family or household from future abuse, respondent shall be  
4 prohibited from coming to petitioner's residence to meet  
5 the minor child for visitation, and the parties shall  
6 submit to the court their recommendations for reasonable  
7 alternative arrangements for visitation. A person may be  
8 approved to supervise visitation only after filing an  
9 affidavit accepting that responsibility and acknowledging  
10 accountability to the court.

11           (8) Removal or concealment of minor child. Prohibit  
12 respondent from removing a minor child from the State or  
13 concealing the child within the State.

14           (9) Order to appear. Order the respondent to appear in  
15 court, alone or with a minor child, to prevent abuse,  
16 neglect, removal or concealment of the child, to return the  
17 child to the custody or care of the petitioner or to permit  
18 any court-ordered interview or examination of the child or  
19 the respondent.

20           (10) Possession of personal property. Grant petitioner  
21 exclusive possession of personal property and, if  
22 respondent has possession or control, direct respondent to  
23 promptly make it available to petitioner, if:

24                 (i) petitioner, but not respondent, owns the  
25 property; or

26                 (ii) the parties own the property jointly; sharing

1           it would risk abuse of petitioner by respondent or is  
2           impracticable; and the balance of hardships favors  
3           temporary possession by petitioner.

4           If petitioner's sole claim to ownership of the property  
5           is that it is marital property, the court may award  
6           petitioner temporary possession thereof under the  
7           standards of subparagraph (ii) of this paragraph only if a  
8           proper proceeding has been filed under the Illinois  
9           Marriage and Dissolution of Marriage Act, as now or  
10          hereafter amended.

11          No order under this provision shall affect title to  
12          property.

13           (11) Protection of property. Forbid the respondent  
14          from taking, transferring, encumbering, concealing,  
15          damaging or otherwise disposing of any real or personal  
16          property, except as explicitly authorized by the court, if:

17               (i) petitioner, but not respondent, owns the  
18          property; or

19               (ii) the parties own the property jointly, and the  
20          balance of hardships favors granting this remedy.

21          If petitioner's sole claim to ownership of the property  
22          is that it is marital property, the court may grant  
23          petitioner relief under subparagraph (ii) of this  
24          paragraph only if a proper proceeding has been filed under  
25          the Illinois Marriage and Dissolution of Marriage Act, as  
26          now or hereafter amended.

1           The court may further prohibit respondent from  
2         improperly using the financial or other resources of an  
3         aged member of the family or household for the profit or  
4         advantage of respondent or of any other person.

5           (11.5) Protection of animals. Grant the petitioner the  
6         exclusive care, custody, or control of any animal owned,  
7         possessed, leased, kept, or held by either the petitioner  
8         or the respondent or a minor child residing in the  
9         residence or household of either the petitioner or the  
10        respondent and order the respondent to stay away from the  
11        animal and forbid the respondent from taking,  
12        transferring, encumbering, concealing, harming, or  
13        otherwise disposing of the animal.

14           (12) Order for payment of support. Order respondent to  
15        pay temporary support for the petitioner or any child in  
16        the petitioner's care or custody, when the respondent has a  
17        legal obligation to support that person, in accordance with  
18        the Illinois Marriage and Dissolution of Marriage Act,  
19        which shall govern, among other matters, the amount of  
20        support, payment through the clerk and withholding of  
21        income to secure payment. An order for child support may be  
22        granted to a petitioner with lawful physical care or  
23        custody of a child, or an order or agreement for physical  
24        care or custody, prior to entry of an order for legal  
25        custody. Such a support order shall expire upon entry of a  
26        valid order granting legal custody to another, unless

1           otherwise provided in the custody order.

2           (13) Order for payment of losses. Order respondent to  
3       pay petitioner for losses suffered as a direct result of  
4       the abuse. Such losses shall include, but not be limited  
5       to, medical expenses, lost earnings or other support,  
6       repair or replacement of property damaged or taken,  
7       reasonable attorney's fees, court costs and moving or other  
8       travel expenses, including additional reasonable expenses  
9       for temporary shelter and restaurant meals.

10           (i) Losses affecting family needs. If a party is  
11       entitled to seek maintenance, child support or  
12       property distribution from the other party under the  
13       Illinois Marriage and Dissolution of Marriage Act, as  
14       now or hereafter amended, the court may order  
15       respondent to reimburse petitioner's actual losses, to  
16       the extent that such reimbursement would be  
17       "appropriate temporary relief", as authorized by  
18       subsection (a) (3) of Section 501 of that Act.

19           (ii) Recovery of expenses. In the case of an  
20       improper concealment or removal of a minor child, the  
21       court may order respondent to pay the reasonable  
22       expenses incurred or to be incurred in the search for  
23       and recovery of the minor child, including but not  
24       limited to legal fees, court costs, private  
25       investigator fees, and travel costs.

26           (14) Prohibition of entry. Prohibit the respondent

1       from entering or remaining in the residence or household  
2       while the respondent is under the influence of alcohol or  
3       drugs and constitutes a threat to the safety and well-being  
4       of the petitioner or the petitioner's children.

5                     (14.5) Prohibition of firearm possession.

6                     (a) Prohibit a respondent against whom an order of  
7       protection was issued from possessing any firearms  
8       during the duration of the order if the order:

9                         (1) was issued after a hearing of which such  
10      person received actual notice, and at which such such  
11      person had an opportunity to participate;

12                         (2) restrains such person from harassing,  
13      stalking, or threatening an intimate partner of  
14      such person or child of such intimate partner or  
15      person, or engaging in other conduct that would  
16      place an intimate partner in reasonable fear of  
17      bodily injury to the partner or child; and

18                         (3) (i) includes a finding that such person  
19      represents a credible threat to the physical  
20      safety of such intimate partner or child; or (ii)  
21      by its terms explicitly prohibits the use,  
22      attempted use, or threatened use of physical force  
23      against such intimate partner or child that would  
24      reasonably be expected to cause bodily injury.

25      Any firearms in the possession of the respondent,  
26      except as provided in subsection (b), shall be ordered

1 by the court to be turned over to the local law  
2 enforcement agency for safekeeping. The local law  
3 enforcement agency shall conduct a query with the  
4 Department of State Police concerning registered  
5 assault weapons under this amendatory Act of the 98th  
6 General Assembly. The court shall issue an order that  
7 the respondent's Firearm Owner's Identification Card  
8 and, if applicable, a concealed carry license issued  
9 under the Gun Safety and Responsibility Act be turned  
10 over to the local law enforcement agency, which in turn  
11 shall immediately mail the card, license, or both to  
12 the Department of State Police Firearm Owner's  
13 Identification Card Office for safekeeping. The period  
14 of safekeeping shall be for the duration of the order  
15 of protection. The firearm or firearms and Firearm  
16 Owner's Identification Card and, if applicable, a  
17 concealed carry license issued under the Gun Safety and  
18 Responsibility Act, if unexpired, shall at the  
19 respondent's request be returned to the respondent at  
20 expiration of the order of protection.

21 (b) If the respondent is a peace officer as defined  
22 in Section 2-13 of the Criminal Code of 2012, the court  
23 shall order that any firearms used by the respondent in  
24 the performance of his or her duties as a peace officer  
25 be surrendered to the chief law enforcement executive  
26 of the agency in which the respondent is employed, who

1 shall retain the firearms for safekeeping for the  
2 duration of the order of protection.

3 (c) Upon expiration of the period of safekeeping,  
4 if the firearms, or Firearm Owner's Identification  
5 Card, or concealed carry license cannot be returned to  
6 respondent because respondent cannot be located, fails  
7 to respond to requests to retrieve the firearms, or is  
8 not lawfully eligible to possess a firearm, upon  
9 petition from the local law enforcement agency, the  
10 court may order the local law enforcement agency to  
11 destroy the firearms, use the firearms for training  
12 purposes, or for any other application as deemed  
13 appropriate by the local law enforcement agency; or  
14 that the firearms be turned over to a third party who  
15 is lawfully eligible to possess firearms, and who does  
16 not reside with respondent.

17 (15) Prohibition of access to records. If an order of  
18 protection prohibits respondent from having contact with  
19 the minor child, or if petitioner's address is omitted  
20 under subsection (b) of Section 112A-5, or if necessary to  
21 prevent abuse or wrongful removal or concealment of a minor  
22 child, the order shall deny respondent access to, and  
23 prohibit respondent from inspecting, obtaining, or  
24 attempting to inspect or obtain, school or any other  
25 records of the minor child who is in the care of  
26 petitioner.

1                             (16) Order for payment of shelter services. Order  
2 respondent to reimburse a shelter providing temporary  
3 housing and counseling services to the petitioner for the  
4 cost of the services, as certified by the shelter and  
5 deemed reasonable by the court.

6                             (17) Order for injunctive relief. Enter injunctive  
7 relief necessary or appropriate to prevent further abuse of  
8 a family or household member or to effectuate one of the  
9 granted remedies, if supported by the balance of hardships.  
10 If the harm to be prevented by the injunction is abuse or  
11 any other harm that one of the remedies listed in  
12 paragraphs (1) through (16) of this subsection is designed  
13 to prevent, no further evidence is necessary to establish  
14 that the harm is an irreparable injury.

15                             (c) Relevant factors; findings.

16                             (1) In determining whether to grant a specific remedy,  
17 other than payment of support, the court shall consider  
18 relevant factors, including but not limited to the  
19 following:

20                                 (i) the nature, frequency, severity, pattern and  
21 consequences of the respondent's past abuse of the  
22 petitioner or any family or household member,  
23 including the concealment of his or her location in  
24 order to evade service of process or notice, and the  
25 likelihood of danger of future abuse to petitioner or  
26 any member of petitioner's or respondent's family or

1 household; and

2 (ii) the danger that any minor child will be abused  
3 or neglected or improperly removed from the  
4 jurisdiction, improperly concealed within the State or  
5 improperly separated from the child's primary  
6 caretaker.

7 (2) In comparing relative hardships resulting to the  
8 parties from loss of possession of the family home, the  
9 court shall consider relevant factors, including but not  
10 limited to the following:

11 (i) availability, accessibility, cost, safety,  
12 adequacy, location and other characteristics of  
13 alternate housing for each party and any minor child or  
14 dependent adult in the party's care;

15 (ii) the effect on the party's employment; and

16 (iii) the effect on the relationship of the party,  
17 and any minor child or dependent adult in the party's  
18 care, to family, school, church and community.

19 (3) Subject to the exceptions set forth in paragraph  
20 (4) of this subsection, the court shall make its findings  
21 in an official record or in writing, and shall at a minimum  
22 set forth the following:

23 (i) That the court has considered the applicable  
24 relevant factors described in paragraphs (1) and (2) of  
25 this subsection.

26 (ii) Whether the conduct or actions of respondent,

1           unless prohibited, will likely cause irreparable harm  
2           or continued abuse.

3           (iii) Whether it is necessary to grant the  
4           requested relief in order to protect petitioner or  
5           other alleged abused persons.

6           (4) For purposes of issuing an ex parte emergency order  
7           of protection, the court, as an alternative to or as a  
8           supplement to making the findings described in paragraphs  
9           (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
10          the following procedure:

11          When a verified petition for an emergency order of  
12          protection in accordance with the requirements of Sections  
13          112A-5 and 112A-17 is presented to the court, the court  
14          shall examine petitioner on oath or affirmation. An  
15          emergency order of protection shall be issued by the court  
16          if it appears from the contents of the petition and the  
17          examination of petitioner that the averments are  
18          sufficient to indicate abuse by respondent and to support  
19          the granting of relief under the issuance of the emergency  
20          order of protection.

21          (5) Never married parties. No rights or  
22          responsibilities for a minor child born outside of marriage  
23          attach to a putative father until a father and child  
24          relationship has been established under the Illinois  
25          Parentage Act of 1984. Absent such an adjudication, no  
26          putative father shall be granted temporary custody of the

1 minor child, visitation with the minor child, or physical  
2 care and possession of the minor child, nor shall an order  
3 of payment for support of the minor child be entered.

4 (d) Balance of hardships; findings. If the court finds that  
5 the balance of hardships does not support the granting of a  
6 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
7 subsection (b) of this Section, which may require such  
8 balancing, the court's findings shall so indicate and shall  
9 include a finding as to whether granting the remedy will result  
10 in hardship to respondent that would substantially outweigh the  
11 hardship to petitioner from denial of the remedy. The findings  
12 shall be an official record or in writing.

13 (e) Denial of remedies. Denial of any remedy shall not be  
14 based, in whole or in part, on evidence that:

15 (1) Respondent has cause for any use of force, unless  
16 that cause satisfies the standards for justifiable use of  
17 force provided by Article 7 of the Criminal Code of 2012;

18 (2) Respondent was voluntarily intoxicated;

19 (3) Petitioner acted in self-defense or defense of  
20 another, provided that, if petitioner utilized force, such  
21 force was justifiable under Article 7 of the Criminal Code  
22 of 2012;

23 (4) Petitioner did not act in self-defense or defense  
24 of another;

25 (5) Petitioner left the residence or household to avoid  
26 further abuse by respondent;

1                         (6) Petitioner did not leave the residence or household  
2                         to avoid further abuse by respondent;

3                         (7) Conduct by any family or household member excused  
4                         the abuse by respondent, unless that same conduct would  
5                         have excused such abuse if the parties had not been family  
6                         or household members.

7                         (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;  
8                         97-158, eff. 1-1-12; 97-1131, eff. 1-1-13; 97-1150, eff.  
9                         1-25-13.)

10                         Section 115. The Unified Code of Corrections is amended by  
11                         changing Section 5-6-3 as follows:

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 or  
20                         agency as directed by the court;

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

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

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

13                        (6) perform no less than 30 hours of community service  
14 and not more than 120 hours of community service, if  
15 community service is available in the jurisdiction and is  
16 funded and approved by the county board where the offense  
17 was committed, where the offense was related to or in  
18 furtherance of the criminal activities of an organized gang  
19 and was motivated by the offender's membership in or  
20 allegiance to an organized gang. The community service  
21 shall include, but not be limited to, the cleanup and  
22 repair of any damage caused by a violation of Section  
23 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
24 2012 and similar damage to property located within the  
25 municipality or county in which the violation occurred.  
26 When possible and reasonable, the community service should

1       be performed in the offender's neighborhood. For purposes  
2       of this Section, "organized gang" has the meaning ascribed  
3       to it in Section 10 of the Illinois Streetgang Terrorism  
4       Omnibus Prevention Act;

5                 (7) if he or she is at least 17 years of age and has  
6       been sentenced to probation or conditional discharge for a  
7       misdemeanor or felony in a county of 3,000,000 or more  
8       inhabitants and has not been previously convicted of a  
9       misdemeanor or felony, may be required by the sentencing  
10      court to attend educational courses designed to prepare the  
11      defendant for a high school diploma and to work toward a  
12      high school diploma or to work toward passing the high  
13      school level Test of General Educational Development (GED)  
14      or to work toward completing a vocational training program  
15      approved by the court. The person on probation or  
16      conditional discharge must attend a public institution of  
17      education to obtain the educational or vocational training  
18      required by this clause (7). The court shall revoke the  
19      probation or conditional discharge of a person who wilfully  
20      fails to comply with this clause (7). The person on  
21      probation or conditional discharge shall be required to pay  
22      for the cost of the educational courses or GED test, if a  
23      fee is charged for those courses or test. The court shall  
24      resentence the offender whose probation or conditional  
25      discharge has been revoked as provided in Section 5-6-4.  
26      This clause (7) does not apply to a person who has a high

1 school diploma or has successfully passed the GED test.  
2 This clause (7) does not apply to a person who is  
3 determined by the court to be developmentally disabled or  
4 otherwise mentally incapable of completing the educational  
5 or vocational program;

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

19 (8.5) if convicted of a felony sex offense as defined  
20 in the Sex Offender Management Board Act, the person shall  
21 undergo and successfully complete sex offender treatment  
22 by a treatment provider approved by the Board and conducted  
23 in conformance with the standards developed under the Sex  
24 Offender Management Board Act;

25 (8.6) if convicted of a sex offense as defined in the  
26 Sex Offender Management Board Act, refrain from residing at

1       the same address or in the same condominium unit or  
2 apartment unit or in the same condominium complex or  
3 apartment complex with another person he or she knows or  
4 reasonably should know is a convicted sex offender or has  
5 been placed on supervision for a sex offense; the  
6 provisions of this paragraph do not apply to a person  
7 convicted of a sex offense who is placed in a Department of  
8 Corrections licensed transitional housing facility for sex  
9 offenders;

10           (8.7) if convicted for an offense committed on or after  
11 June 1, 2008 (the effective date of Public Act 95-464) that  
12 would qualify the accused as a child sex offender as  
13 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
14 1961 or the Criminal Code of 2012, refrain from  
15 communicating with or contacting, by means of the Internet,  
16 a person who is not related to the accused and whom the  
17 accused reasonably believes to be under 18 years of age;  
18 for purposes of this paragraph (8.7), "Internet" has the  
19 meaning ascribed to it in Section 16-0.1 of the Criminal  
20 Code of 2012; and a person is not related to the accused if  
21 the person is not: (i) the spouse, brother, or sister of  
22 the accused; (ii) a descendant of the accused; (iii) a  
23 first or second cousin of the accused; or (iv) a step-child  
24 or adopted child of the accused;

25           (8.8) if convicted for an offense under Section 11-6,  
26 11-9.1, 11-14.4 that involves soliciting for a juvenile

1       prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
2       of the Criminal Code of 1961 or the Criminal Code of 2012,  
3       or any attempt to commit any of these offenses, committed  
4       on or after June 1, 2009 (the effective date of Public Act  
5       95-983):

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

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

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

26                  (iv) submit to any other appropriate restrictions

1           concerning the offender's use of or access to a  
2           computer or any other device with Internet capability  
3           imposed by the offender's probation officer;

4           (8.9) if convicted of a sex offense as defined in the  
5           Sex Offender Registration Act committed on or after January  
6           1, 2010 (the effective date of Public Act 96-262), refrain  
7           from accessing or using a social networking website as  
8           defined in Section 17-0.5 of the Criminal Code of 2012;

9           (9) if convicted of a felony or of any misdemeanor  
10          violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
11          12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
12          2012 that was determined, pursuant to Section 112A-11.1 of  
13          the Code of Criminal Procedure of 1963, to trigger the  
14          prohibitions of 18 U.S.C. 922(g)(9), physically surrender  
15          at a time and place designated by the court, his or her  
16          Firearm Owner's Identification Card and, if applicable, a  
17          concealed carry license issued under the Gun Safety and  
18          Responsibility Act and any and all firearms in his or her  
19          possession. The local law enforcement agency shall conduct  
20          a query with the Department of State Police concerning  
21          registered assault weapons under this amendatory Act of the  
22          98th General Assembly. The Court shall return to the  
23          Department of State Police Firearm Owner's Identification  
24          Card Office the person's Firearm Owner's Identification  
25          Card and, if applicable, a concealed carry license issued  
26          under the Gun Safety and Responsibility Act;

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

11                 (11) if convicted of a sex offense as defined in  
12 Section 2 of the Sex Offender Registration Act committed on  
13 or after January 1, 2010 (the effective date of Public Act  
14 96-362) that requires the person to register as a sex  
15 offender under that Act, may not knowingly use any computer  
16 scrub software on any computer that the sex offender uses;  
17 and

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

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

25                     (B) prohibited from purchasing, possessing, or  
26 having under his or her control any product containing

1                   ammonium nitrate.

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

7                   (1) serve a term of periodic imprisonment under Article  
8                   7 for a period not to exceed that specified in paragraph  
9                   (d) of Section 5-7-1;

10                  (2) pay a fine and costs;

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

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

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

17                  (6) support his dependents;

18                  (7) and in addition, if a minor:

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

20                      (ii) attend school;

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

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

24                      (v) with the consent of the superintendent of the  
25                  facility, attend an educational program at a facility  
26                  other than the school in which the offense was

1                   committed if he or she is convicted of a crime of  
2 violence as defined in Section 2 of the Crime Victims  
3 Compensation Act committed in a school, on the real  
4 property comprising a school, or within 1,000 feet of  
5 the real property comprising a school;

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

8                   (9) perform some reasonable public or community  
9 service;

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

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

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

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

25                  (iv) for persons convicted of any alcohol,  
26 cannabis or controlled substance violation who are

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

(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the

1                   circuit court. The clerk of the circuit court shall pay  
2                   all monies collected from this fee to the county  
3                   treasurer who shall use the monies collected to defray  
4                   the costs of corrections. The county treasurer shall  
5                   deposit the fee collected in the probation and court  
6                   services fund.

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 amended,  
10                  or an order of protection issued by the court of another  
11                  state, tribe, or United States territory. A copy of the  
12                  order of protection shall be transmitted to the probation  
13                  officer or agency having responsibility for the case;

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

20                  (13) contribute a reasonable sum of money, not to  
21                  exceed the maximum amount of the fine authorized for the  
22                  offense for which the defendant was sentenced, (i) to a  
23                  "local anti-crime program", as defined in Section 7 of the  
24                  Anti-Crime Advisory Council Act, or (ii) for offenses under  
25                  the jurisdiction of the Department of Natural Resources, to  
26                  the fund established by the Department of Natural Resources

1 for the purchase of evidence for investigation purposes and  
2 to conduct investigations as outlined in Section 805-105 of  
3 the Department of Natural Resources (Conservation) Law;

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

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

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

23 (17) if convicted for an offense committed on or after  
24 June 1, 2008 (the effective date of Public Act 95-464) that  
25 would qualify the accused as a child sex offender as  
26 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of

1       1961 or the Criminal Code of 2012, refrain from  
2 communicating with or contacting, by means of the Internet,  
3 a person who is related to the accused and whom the accused  
4 reasonably believes to be under 18 years of age; for  
5 purposes of this paragraph (17), "Internet" has the meaning  
6 ascribed to it in Section 16-0.1 of the Criminal Code of  
7 2012; and a person is related to the accused if the person  
8 is: (i) the spouse, brother, or sister of the accused; (ii)  
9 a descendant of the accused; (iii) a first or second cousin  
10 of the accused; or (iv) a step-child or adopted child of  
11 the accused;

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

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

22                     (ii) submit to periodic unannounced examinations  
23 of the offender's computer or any other device with  
24 Internet capability by the offender's probation  
25 officer, a law enforcement officer, or assigned  
26 computer or information technology specialist,

1           including the retrieval and copying of all data from  
2           the computer or device and any internal or external  
3           peripherals and removal of such information,  
4           equipment, or device to conduct a more thorough  
5           inspection;

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

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

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

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

1 minor's lawful employment.

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

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

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

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

20       (g) An offender sentenced to probation or to conditional  
21 discharge and who during the term of either undergoes mandatory  
22 drug or alcohol testing, or both, or is assigned to be placed  
23 on an approved electronic monitoring device, shall be ordered  
24 to pay all costs incidental to such mandatory drug or alcohol  
25 testing, or both, and all costs incidental to such approved  
26 electronic monitoring in accordance with the defendant's

1 ability to pay those costs. The county board with the  
2 concurrence of the Chief Judge of the judicial circuit in which  
3 the county is located shall establish reasonable fees for the  
4 cost of maintenance, testing, and incidental expenses related  
5 to the mandatory drug or alcohol testing, or both, and all  
6 costs incidental to approved electronic monitoring, involved  
7 in a successful probation program for the county. The  
8 concurrence of the Chief Judge shall be in the form of an  
9 administrative order. The fees shall be collected by the clerk  
10 of the circuit court. The clerk of the circuit court shall pay  
11 all moneys collected from these fees to the county treasurer  
12 who shall use the moneys collected to defray the costs of drug  
13 testing, alcohol testing, and electronic monitoring. The  
14 county treasurer shall deposit the fees collected in the county  
15 working cash fund under Section 6-27001 or Section 6-29002 of  
16 the Counties Code, as the case may be.

17 (h) Jurisdiction over an offender may be transferred from  
18 the sentencing court to the court of another circuit with the  
19 concurrence of both courts. Further transfers or retransfers of  
20 jurisdiction are also authorized in the same manner. The court  
21 to which jurisdiction has been transferred shall have the same  
22 powers as the sentencing court. The probation department within  
23 the circuit to which jurisdiction has been transferred may  
24 impose probation fees upon receiving the transferred offender,  
25 as provided in subsection (i). The probation department from  
26 the original sentencing court shall retain all probation fees

1 collected prior to the transfer.

2           (i) The court shall impose upon an offender sentenced to  
3 probation after January 1, 1989 or to conditional discharge  
4 after January 1, 1992 or to community service under the  
5 supervision of a probation or court services department after  
6 January 1, 2004, as a condition of such probation or  
7 conditional discharge or supervised community service, a fee of  
8 \$50 for each month of probation or conditional discharge  
9 supervision or supervised community service ordered by the  
10 court, unless after determining the inability of the person  
11 sentenced to probation or conditional discharge or supervised  
12 community service to pay the fee, the court assesses a lesser  
13 fee. The court may not impose the fee on a minor who is made a  
14 ward of the State under the Juvenile Court Act of 1987 while  
15 the minor is in placement. The fee shall be imposed only upon  
16 an offender who is actively supervised by the probation and  
17 court services department. The fee shall be collected by the  
18 clerk of the circuit court. The clerk of the circuit court  
19 shall pay all monies collected from this fee to the county  
20 treasurer for deposit in the probation and court services fund  
21 under Section 15.1 of the Probation and Probation Officers Act.

22           A circuit court may not impose a probation fee under this  
23 subsection (i) in excess of \$25 per month unless the circuit  
24 court has adopted, by administrative order issued by the chief  
25 judge, a standard probation fee guide determining an offender's  
26 ability to pay of the amount collected as a probation fee, up

1 to \$5 of that fee collected per month may be used to provide  
2 services to crime victims and their families.

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

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

20 (i-5) In addition to the fees imposed under subsection (i)  
21 of this Section, in the case of an offender convicted of a  
22 felony sex offense (as defined in the Sex Offender Management  
23 Board Act) or an offense that the court or probation department  
24 has determined to be sexually motivated (as defined in the Sex  
25 Offender Management Board Act), the court or the probation  
26 department shall assess additional fees to pay for all costs of

1 treatment, assessment, evaluation for risk and treatment, and  
2 monitoring the offender, based on that offender's ability to  
3 pay those costs either as they occur or 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 Section 27.5  
10 of the Clerks of Courts 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 (Source: P.A. 96-262, eff. 1-1-10; 96-328, eff. 8-11-09;  
25 96-362, eff. 1-1-10; 96-695, eff. 8-25-09; 96-1000, eff.  
26 7-2-10; 96-1414, eff. 1-1-11; 96-1551, Article 2, Section 1065,

1 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;  
2 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597, eff. 1-1-12;  
3 97-1109, eff. 1-1-13; 97-1131, eff. 1-1-13; 97-1150, eff.  
4 1-25-13.)

5 Section 120. The Stalking No Contact Order Act is amended  
6 by changing Section 80 as follows:

7 (740 ILCS 21/80)

8 Sec. 80. Stalking no contact orders; remedies.

9 (a) If the court finds that the petitioner has been a  
10 victim of stalking, a stalking no contact order shall issue;  
11 provided that the petitioner must also satisfy the requirements  
12 of Section 95 on emergency orders or Section 100 on plenary  
13 orders. The petitioner shall not be denied a stalking no  
14 contact order because the petitioner or the respondent is a  
15 minor. The court, when determining whether or not to issue a  
16 stalking no contact order, may not require physical injury on  
17 the person of the petitioner. Modification and extension of  
18 prior stalking no contact orders shall be in accordance with  
19 this Act.

20 (b) A stalking no contact order shall order one or more of  
21 the following:

22 (1) prohibit the respondent from threatening to commit  
23 or committing stalking;  
24 (2) order the respondent not to have any contact with

1           the petitioner or a third person specifically named by the  
2           court;

3           (3) prohibit the respondent from knowingly coming  
4           within, or knowingly remaining within a specified distance  
5           of the petitioner or the petitioner's residence, school,  
6           daycare, or place of employment, or any specified place  
7           frequented by the petitioner; however, the court may order  
8           the respondent to stay away from the respondent's own  
9           residence, school, or place of employment only if the  
10          respondent has been provided actual notice of the  
11          opportunity to appear and be heard on the petition;

12          (4) prohibit the respondent from possessing a Firearm  
13          Owners Identification Card, or possessing or buying  
14          firearms; and

15          (5) order other injunctive relief the court determines  
16          to be necessary to protect the petitioner or third party  
17          specifically named by the court.

18          (b-5) When the petitioner and the respondent attend the  
19          same public, private, or non-public elementary, middle, or high  
20          school, the court when issuing a stalking no contact order and  
21          providing relief shall consider the severity of the act, any  
22          continuing physical danger or emotional distress to the  
23          petitioner, the educational rights guaranteed to the  
24          petitioner and respondent under federal and State law, the  
25          availability of a transfer of the respondent to another school,  
26          a change of placement or a change of program of the respondent,

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

1 school district or private or non-public school, the school  
2 district or private or non-public school shall have sole  
3 discretion to determine the attendance center to which the  
4 respondent is transferred. In the event the court order results  
5 in a transfer of the minor respondent to another attendance  
6 center, a change in the respondent's placement, or a change of  
7 the respondent's program, the parents, guardian, or legal  
8 custodian of the respondent is responsible for transportation  
9 and other costs associated with the transfer or change.

10 (b-6) The court may order the parents, guardian, or legal  
11 custodian of a minor respondent to take certain actions or to  
12 refrain from taking certain actions to ensure that the  
13 respondent complies with the order. In the event the court  
14 orders a transfer of the respondent to another school, the  
15 parents, guardian, or legal custodian of the respondent are  
16 responsible for transportation and other costs associated with  
17 the change of school by the respondent.

18 (b-7) The court shall not hold a school district or private  
19 or non-public school or any of its employees in civil or  
20 criminal contempt unless the school district or private or  
21 non-public school has been allowed to intervene.

22 (b-8) The court may hold the parents, guardian, or legal  
23 custodian of a minor respondent in civil or criminal contempt  
24 for a violation of any provision of any order entered under  
25 this Act for conduct of the minor respondent in violation of  
26 this Act if the parents, guardian, or legal custodian directed,

1 encouraged, or assisted the respondent minor in such conduct.

2       (c) The court may award the petitioner costs and attorneys  
3 fees if a stalking no contact order is granted.

4       (d) Monetary damages are not recoverable as a remedy.

5       (e) If the stalking no contact order prohibits the  
6 respondent from possessing a Firearm Owner's Identification  
7 Card, or possessing or buying firearms; the court shall  
8 confiscate the respondent's Firearm Owner's Identification  
9 Card and, if applicable, a concealed carry license issued under  
10 the Gun Safety and Responsibility Act and immediately return  
11 the card, license, or both to the Department of State Police  
12 Firearm Owner's Identification Card Office. Any firearms in the  
13 possession of the respondent, except as authorized in  
14 subsection (f) shall be ordered by the court to be turned over  
15 to the local law enforcement agency for safekeeping. The local  
16 law enforcement agency shall conduct a query with the  
17 Department of State Police concerning registered assault  
18 weapons under this amendatory Act of the 98th General Assembly.

19       (f) If the respondent is a peace officer as defined in  
20 Section 2-13 of the Criminal Code of 2012, the court shall  
21 order that any firearms used by the respondent in the  
22 performance of his or her duties as a peace officer be  
23 surrendered to the chief law enforcement executive of the  
24 agency in which the respondent is employed, who shall retain  
25 the firearms for safekeeping for the duration of the stalking  
26 no contact order.

1       (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;  
2       97-1131, eff. 1-1-13.)

3           Section 125. The Illinois Domestic Violence Act of 1986 is  
4       amended by changing Section 214 as follows:

5           (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

6           Sec. 214. Order of protection; remedies.

7           (a) Issuance of order. If the court finds that petitioner  
8       has been abused by a family or household member or that  
9       petitioner is a high-risk adult who has been abused, neglected,  
10      or exploited, as defined in this Act, an order of protection  
11      prohibiting the abuse, neglect, or exploitation shall issue;  
12      provided that petitioner must also satisfy the requirements of  
13      one of the following Sections, as appropriate: Section 217 on  
14      emergency orders, Section 218 on interim orders, or Section 219  
15      on plenary orders. Petitioner shall not be denied an order of  
16      protection because petitioner or respondent is a minor. The  
17      court, when determining whether or not to issue an order of  
18      protection, shall not require physical manifestations of abuse  
19      on the person of the victim. Modification and extension of  
20      prior orders of protection shall be in accordance with this  
21      Act.

22           (b) Remedies and standards. The remedies to be included in  
23      an order of protection shall be determined in accordance with  
24      this Section and one of the following Sections, as appropriate:

1       Section 217 on emergency orders, Section 218 on interim orders,  
2       and Section 219 on plenary orders. The remedies listed in this  
3       subsection shall be in addition to other civil or criminal  
4       remedies available to petitioner.

5                 (1) Prohibition of abuse, neglect, or exploitation.

6       Prohibit respondent's harassment, interference with  
7       personal liberty, intimidation of a dependent, physical  
8       abuse, or willful deprivation, neglect or exploitation, as  
9       defined in this Act, or stalking of the petitioner, as  
10      defined in Section 12-7.3 of the Criminal Code of 2012, if  
11      such abuse, neglect, exploitation, or stalking has  
12      occurred or otherwise appears likely to occur if not  
13      prohibited.

14                 (2) Grant of exclusive possession of residence.

15      Prohibit respondent from entering or remaining in any  
16      residence, household, or premises of the petitioner,  
17      including one owned or leased by respondent, if petitioner  
18      has a right to occupancy thereof. The grant of exclusive  
19      possession of the residence, household, or premises shall  
20      not affect title to real property, nor shall the court be  
21      limited by the standard set forth in Section 701 of the  
22      Illinois Marriage and Dissolution of Marriage Act.

23                     (A) Right to occupancy. A party has a right to

24                     occupancy of a residence or household if it is solely  
25                     or jointly owned or leased by that party, that party's  
26                     spouse, a person with a legal duty to support that

1 party or a minor child in that party's care, or by any  
2 person or entity other than the opposing party that  
3 authorizes that party's occupancy (e.g., a domestic  
4 violence shelter). Standards set forth in subparagraph  
5 (B) shall not preclude equitable relief.

6 (B) Presumption of hardships. If petitioner and  
7 respondent each has the right to occupancy of a  
8 residence or household, the court shall balance (i) the  
9 hardships to respondent and any minor child or  
10 dependent adult in respondent's care resulting from  
11 entry of this remedy with (ii) the hardships to  
12 petitioner and any minor child or dependent adult in  
13 petitioner's care resulting from continued exposure to  
14 the risk of abuse (should petitioner remain at the  
15 residence or household) or from loss of possession of  
16 the residence or household (should petitioner leave to  
17 avoid the risk of abuse). When determining the balance  
18 of hardships, the court shall also take into account  
19 the accessibility of the residence or household.  
20 Hardships need not be balanced if respondent does not  
21 have a right to occupancy.

22 The balance of hardships is presumed to favor  
23 possession by petitioner unless the presumption is  
24 rebutted by a preponderance of the evidence, showing  
25 that the hardships to respondent substantially  
26 outweigh the hardships to petitioner and any minor

1 child or dependent adult in petitioner's care. The  
2 court, on the request of petitioner or on its own  
3 motion, may order respondent to provide suitable,  
4 accessible, alternate housing for petitioner instead  
5 of excluding respondent from a mutual residence or  
6 household.

7 (3) Stay away order and additional prohibitions. Order  
8 respondent to stay away from petitioner or any other person  
9 protected by the order of protection, or prohibit  
10 respondent from entering or remaining present at  
11 petitioner's school, place of employment, or other  
12 specified places at times when petitioner is present, or  
13 both, if reasonable, given the balance of hardships.  
14 Hardships need not be balanced for the court to enter a  
15 stay away order or prohibit entry if respondent has no  
16 right to enter the premises.

17 (A) If an order of protection grants petitioner  
18 exclusive possession of the residence, or prohibits  
19 respondent from entering the residence, or orders  
20 respondent to stay away from petitioner or other  
21 protected persons, then the court may allow respondent  
22 access to the residence to remove items of clothing and  
23 personal adornment used exclusively by respondent,  
24 medications, and other items as the court directs. The  
25 right to access shall be exercised on only one occasion  
26 as the court directs and in the presence of an

1           agreed-upon adult third party or law enforcement  
2           officer.

3           (B) When the petitioner and the respondent attend  
4           the same public, private, or non-public elementary,  
5           middle, or high school, the court when issuing an order  
6           of protection and providing relief shall consider the  
7           severity of the act, any continuing physical danger or  
8           emotional distress to the petitioner, the educational  
9           rights guaranteed to the petitioner and respondent  
10          under federal and State law, the availability of a  
11          transfer of the respondent to another school, a change  
12          of placement or a change of program of the respondent,  
13          the expense, difficulty, and educational disruption  
14          that would be caused by a transfer of the respondent to  
15          another school, and any other relevant facts of the  
16          case. The court may order that the respondent not  
17          attend the public, private, or non-public elementary,  
18          middle, or high school attended by the petitioner,  
19          order that the respondent accept a change of placement  
20          or change of program, as determined by the school  
21          district or private or non-public school, or place  
22          restrictions on the respondent's movements within the  
23          school attended by the petitioner. The respondent  
24          bears the burden of proving by a preponderance of the  
25          evidence that a transfer, change of placement, or  
26          change of program of the respondent is not available.

1           The respondent also bears the burden of production with  
2           respect to the expense, difficulty, and educational  
3           disruption that would be caused by a transfer of the  
4           respondent to another school. A transfer, change of  
5           placement, or change of program is not unavailable to  
6           the respondent solely on the ground that the respondent  
7           does not agree with the school district's or private or  
8           non-public school's transfer, change of placement, or  
9           change of program or solely on the ground that the  
10          respondent fails or refuses to consent or otherwise  
11          does not take an action required to effectuate a  
12          transfer, change of placement, or change of program.  
13          When a court orders a respondent to stay away from the  
14          public, private, or non-public school attended by the  
15          petitioner and the respondent requests a transfer to  
16          another attendance center within the respondent's  
17          school district or private or non-public school, the  
18          school district or private or non-public school shall  
19          have sole discretion to determine the attendance  
20          center to which the respondent is transferred. In the  
21          event the court order results in a transfer of the  
22          minor respondent to another attendance center, a  
23          change in the respondent's placement, or a change of  
24          the respondent's program, the parents, guardian, or  
25          legal custodian of the respondent is responsible for  
26          transportation and other costs associated with the

1 transfer or change.

2 (C) The court may order the parents, guardian, or  
3 legal custodian of a minor respondent to take certain  
4 actions or to refrain from taking certain actions to  
5 ensure that the respondent complies with the order. In  
6 the event the court orders a transfer of the respondent  
7 to another school, the parents, guardian, or legal  
8 custodian of the respondent is responsible for  
9 transportation and other costs associated with the  
10 change of school by the respondent.

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

23 (5) Physical care and possession of the minor child. In  
24 order to protect the minor child from abuse, neglect, or  
25 unwarranted separation from the person who has been the  
26 minor child's primary caretaker, or to otherwise protect

1       the well-being of the minor child, the court may do either  
2       or both of the following: (i) grant petitioner physical  
3       care or possession of the minor child, or both, or (ii)  
4       order respondent to return a minor child to, or not remove  
5       a minor child from, the physical care of a parent or person  
6       in loco parentis.

7           If a court finds, after a hearing, that respondent has  
8       committed abuse (as defined in Section 103) of a minor  
9       child, there shall be a rebuttable presumption that  
10      awarding physical care to respondent would not be in the  
11      minor child's best interest.

12           (6) Temporary legal custody. Award temporary legal  
13       custody to petitioner in accordance with this Section, the  
14       Illinois Marriage and Dissolution of Marriage Act, the  
15       Illinois Parentage Act of 1984, and this State's Uniform  
16       Child-Custody Jurisdiction and Enforcement Act.

17           If a court finds, after a hearing, that respondent has  
18       committed abuse (as defined in Section 103) of a minor  
19       child, there shall be a rebuttable presumption that  
20       awarding temporary legal custody to respondent would not be  
21       in the child's best interest.

22           (7) Visitation. Determine the visitation rights, if  
23       any, of respondent in any case in which the court awards  
24       physical care or temporary legal custody of a minor child  
25       to petitioner. The court shall restrict or deny  
26       respondent's visitation with a minor child if the court

1 finds that respondent has done or is likely to do any of  
2 the following: (i) abuse or endanger the minor child during  
3 visitation; (ii) use the visitation as an opportunity to  
4 abuse or harass petitioner or petitioner's family or  
5 household members; (iii) improperly conceal or detain the  
6 minor child; or (iv) otherwise act in a manner that is not  
7 in the best interests of the minor child. The court shall  
8 not be limited by the standards set forth in Section 607.1  
9 of the Illinois Marriage and Dissolution of Marriage Act.  
10 If the court grants visitation, the order shall specify  
11 dates and times for the visitation to take place or other  
12 specific parameters or conditions that are appropriate. No  
13 order for visitation shall refer merely to the term  
14 "reasonable visitation".

15 Petitioner may deny respondent access to the minor  
16 child if, when respondent arrives for visitation,  
17 respondent is under the influence of drugs or alcohol and  
18 constitutes a threat to the safety and well-being of  
19 petitioner or petitioner's minor children or is behaving in  
20 a violent or abusive manner.

21 If necessary to protect any member of petitioner's  
22 family or household from future abuse, respondent shall be  
23 prohibited from coming to petitioner's residence to meet  
24 the minor child for visitation, and the parties shall  
25 submit to the court their recommendations for reasonable  
26 alternative arrangements for visitation. A person may be

1       approved to supervise visitation only after filing an  
2       affidavit accepting that responsibility and acknowledging  
3       accountability to the court.

4                 (8) Removal or concealment of minor child. Prohibit  
5       respondent from removing a minor child from the State or  
6       concealing the child within the State.

7                 (9) Order to appear. Order the respondent to appear in  
8       court, alone or with a minor child, to prevent abuse,  
9       neglect, removal or concealment of the child, to return the  
10      child to the custody or care of the petitioner or to permit  
11      any court-ordered interview or examination of the child or  
12      the respondent.

13                 (10) Possession of personal property. Grant petitioner  
14      exclusive possession of personal property and, if  
15      respondent has possession or control, direct respondent to  
16      promptly make it available to petitioner, if:

17                         (i) petitioner, but not respondent, owns the  
18      property; or

19                         (ii) the parties own the property jointly; sharing  
20      it would risk abuse of petitioner by respondent or is  
21      impracticable; and the balance of hardships favors  
22      temporary possession by petitioner.

23                 If petitioner's sole claim to ownership of the property  
24      is that it is marital property, the court may award  
25      petitioner temporary possession thereof under the  
26      standards of subparagraph (ii) of this paragraph only if a

proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

No order under this provision shall affect title to property.

(11) Protection of property. Forbid the respondent from taking, transferring, encumbering, concealing, damaging or otherwise disposing of any real or personal property, except as explicitly authorized by the court, if:

(i) petitioner, but not respondent, owns the property; or

(ii) the parties own the property jointly, and the balance of hardships favors granting this remedy.

If petitioner's sole claim to ownership of the property is that it is marital property, the court may grant petitioner relief under subparagraph (ii) of this paragraph only if a proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

The court may further prohibit respondent from improperly using the financial or other resources of an aged member of the family or household for the profit or advantage of respondent or of any other person.

(11.5) Protection of animals. Grant the petitioner the exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by either the petitioner

1       or the respondent or a minor child residing in the  
2 residence or household of either the petitioner or the  
3 respondent and order the respondent to stay away from the  
4 animal and forbid the respondent from taking,  
5 transferring, encumbering, concealing, harming, or  
6 otherwise disposing of the animal.

7                     (12) Order for payment of support. Order respondent to  
8 pay temporary support for the petitioner or any child in  
9 the petitioner's care or custody, when the respondent has a  
10 legal obligation to support that person, in accordance with  
11 the Illinois Marriage and Dissolution of Marriage Act,  
12 which shall govern, among other matters, the amount of  
13 support, payment through the clerk and withholding of  
14 income to secure payment. An order for child support may be  
15 granted to a petitioner with lawful physical care or  
16 custody of a child, or an order or agreement for physical  
17 care or custody, prior to entry of an order for legal  
18 custody. Such a support order shall expire upon entry of a  
19 valid order granting legal custody to another, unless  
20 otherwise provided in the custody order.

21                     (13) Order for payment of losses. Order respondent to  
22 pay petitioner for losses suffered as a direct result of  
23 the abuse, neglect, or exploitation. Such losses shall  
24 include, but not be limited to, medical expenses, lost  
25 earnings or other support, repair or replacement of  
26 property damaged or taken, reasonable attorney's fees,

1       court costs and moving or other travel expenses, including  
2       additional reasonable expenses for temporary shelter and  
3       restaurant meals.

4                     (i) Losses affecting family needs. If a party is  
5       entitled to seek maintenance, child support or  
6       property distribution from the other party under the  
7       Illinois Marriage and Dissolution of Marriage Act, as  
8       now or hereafter amended, the court may order  
9       respondent to reimburse petitioner's actual losses, to  
10      the extent that such reimbursement would be  
11      "appropriate temporary relief", as authorized by  
12      subsection (a)(3) of Section 501 of that Act.

13                     (ii) Recovery of expenses. In the case of an  
14      improper concealment or removal of a minor child, the  
15      court may order respondent to pay the reasonable  
16      expenses incurred or to be incurred in the search for  
17      and recovery of the minor child, including but not  
18      limited to legal fees, court costs, private  
19      investigator fees, and travel costs.

20                     (14) Prohibition of entry. Prohibit the respondent  
21      from entering or remaining in the residence or household  
22      while the respondent is under the influence of alcohol or  
23      drugs and constitutes a threat to the safety and well-being  
24      of the petitioner or the petitioner's children.

25                     (14.5) Prohibition of firearm possession.

26                     (a) Prohibit a respondent against whom an order of

protection was issued from possessing any firearms during the duration of the order if the order:

(1) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(2) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

(3) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

Any Firearm Owner's Identification Card and, if applicable, a concealed carry license issued under the Gun Safety and Responsibility Act in the possession of the respondent, except as provided in subsection (b), shall be ordered by the court to be turned over to the local law enforcement agency. The local law enforcement agency shall immediately mail the card, license, or both to the Department of State Police

1           Firearm Owner's Identification Card Office for  
2 safekeeping. The court shall issue a warrant for  
3 seizure of any firearm in the possession of the  
4 respondent, to be kept by the local law enforcement  
5 agency for safekeeping, except as provided in  
6 subsection (b). The local law enforcement agency shall  
7 conduct a query with the Department of State Police  
8 concerning registered assault weapons under this  
9 amendatory Act of the 98th General Assembly. The period  
10 of safekeeping shall be for the duration of the order  
11 of protection. The firearm or firearms and Firearm  
12 Owner's Identification Card, if unexpired, shall at  
13 the respondent's request, be returned to the  
14 respondent at the end of the order of protection. It is  
15 the respondent's responsibility to notify the  
16 Department of State Police Firearm Owner's  
17 Identification Card Office.

18           (b) If the respondent is a peace officer as defined  
19 in Section 2-13 of the Criminal Code of 2012, the court  
20 shall order that any firearms used by the respondent in  
21 the performance of his or her duties as a peace officer  
22 be surrendered to the chief law enforcement executive  
23 of the agency in which the respondent is employed, who  
24 shall retain the firearms for safekeeping for the  
25 duration of the order of protection.

26           (c) Upon expiration of the period of safekeeping,

1           if the firearms or Firearm Owner's Identification Card  
2       cannot be returned to respondent because respondent  
3       cannot be located, fails to respond to requests to  
4       retrieve the firearms, or is not lawfully eligible to  
5       possess a firearm, upon petition from the local law  
6       enforcement agency, the court may order the local law  
7       enforcement agency to destroy the firearms, use the  
8       firearms for training purposes, or for any other  
9       application as deemed appropriate by the local law  
10      enforcement agency; or that the firearms be turned over  
11      to a third party who is lawfully eligible to possess  
12      firearms, and who does not reside with respondent.

13           (15) Prohibition of access to records. If an order of  
14      protection prohibits respondent from having contact with  
15      the minor child, or if petitioner's address is omitted  
16      under subsection (b) of Section 203, or if necessary to  
17      prevent abuse or wrongful removal or concealment of a minor  
18      child, the order shall deny respondent access to, and  
19      prohibit respondent from inspecting, obtaining, or  
20      attempting to inspect or obtain, school or any other  
21      records of the minor child who is in the care of  
22      petitioner.

23           (16) Order for payment of shelter services. Order  
24      respondent to reimburse a shelter providing temporary  
25      housing and counseling services to the petitioner for the  
26      cost of the services, as certified by the shelter and

1           deemed reasonable by the court.

2           (17) Order for injunctive relief. Enter injunctive  
3           relief necessary or appropriate to prevent further abuse of  
4           a family or household member or further abuse, neglect, or  
5           exploitation of a high-risk adult with disabilities or to  
6           effectuate one of the granted remedies, if supported by the  
7           balance of hardships. If the harm to be prevented by the  
8           injunction is abuse or any other harm that one of the  
9           remedies listed in paragraphs (1) through (16) of this  
10          subsection is designed to prevent, no further evidence is  
11          necessary that the harm is an irreparable injury.

12          (c) Relevant factors; findings.

13           (1) In determining whether to grant a specific remedy,  
14           other than payment of support, the court shall consider  
15           relevant factors, including but not limited to the  
16           following:

17               (i) the nature, frequency, severity, pattern and  
18               consequences of the respondent's past abuse, neglect  
19               or exploitation of the petitioner or any family or  
20               household member, including the concealment of his or  
21               her location in order to evade service of process or  
22               notice, and the likelihood of danger of future abuse,  
23               neglect, or exploitation to petitioner or any member of  
24               petitioner's or respondent's family or household; and

25               (ii) the danger that any minor child will be abused  
26               or neglected or improperly removed from the

jurisdiction, improperly concealed within the State or improperly separated from the child's primary caretaker.

(2) In comparing relative hardships resulting to the parties from loss of possession of the family home, the court shall consider relevant factors, including but not limited to the following:

(i) availability, accessibility, cost, safety, adequacy, location and other characteristics of alternate housing for each party and any minor child or dependent adult in the party's care;

(ii) the effect on the party's employment; and

(iii) the effect on the relationship of the party, and any minor child or dependent adult in the party's care, to family, school, church and community.

(3) Subject to the exceptions set forth in paragraph (4) of this subsection, the court shall make its findings in an official record or in writing, and shall at a minimum set forth the following:

(i) That the court has considered the applicable relevant factors described in paragraphs (1) and (2) of this subsection.

(ii) Whether the conduct or actions of respondent, unless prohibited, will likely cause irreparable harm or continued abuse.

(iii) Whether it is necessary to grant the

1           requested relief in order to protect petitioner or  
2           other alleged abused persons.

3           (4) For purposes of issuing an ex parte emergency order  
4           of protection, the court, as an alternative to or as a  
5           supplement to making the findings described in paragraphs  
6           (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
7           the following procedure:

8           When a verified petition for an emergency order of  
9           protection in accordance with the requirements of Sections  
10          203 and 217 is presented to the court, the court shall  
11          examine petitioner on oath or affirmation. An emergency  
12          order of protection shall be issued by the court if it  
13          appears from the contents of the petition and the  
14          examination of petitioner that the averments are  
15          sufficient to indicate abuse by respondent and to support  
16          the granting of relief under the issuance of the emergency  
17          order of protection.

18           (5) Never married parties. No rights or  
19          responsibilities for a minor child born outside of marriage  
20          attach to a putative father until a father and child  
21          relationship has been established under the Illinois  
22          Parentage Act of 1984, the Illinois Public Aid Code,  
23          Section 12 of the Vital Records Act, the Juvenile Court Act  
24          of 1987, the Probate Act of 1985, the Revised Uniform  
25          Reciprocal Enforcement of Support Act, the Uniform  
26          Interstate Family Support Act, the Expedited Child Support

1       Act of 1990, any judicial, administrative, or other act of  
2       another state or territory, any other Illinois statute, or  
3       by any foreign nation establishing the father and child  
4       relationship, any other proceeding substantially in  
5       conformity with the Personal Responsibility and Work  
6       Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),  
7       or where both parties appeared in open court or at an  
8       administrative hearing acknowledging under oath or  
9       admitting by affirmation the existence of a father and  
10      child relationship. Absent such an adjudication, finding,  
11      or acknowledgement, no putative father shall be granted  
12      temporary custody of the minor child, visitation with the  
13      minor child, or physical care and possession of the minor  
14      child, nor shall an order of payment for support of the  
15      minor child be entered.

16           (d) Balance of hardships; findings. If the court finds that  
17       the balance of hardships does not support the granting of a  
18       remedy governed by paragraph (2), (3), (10), (11), or (16) of  
19       subsection (b) of this Section, which may require such  
20       balancing, the court's findings shall so indicate and shall  
21       include a finding as to whether granting the remedy will result  
22       in hardship to respondent that would substantially outweigh the  
23       hardship to petitioner from denial of the remedy. The findings  
24       shall be an official record or in writing.

25           (e) Denial of remedies. Denial of any remedy shall not be  
26       based, in whole or in part, on evidence that:

1                 (1) Respondent has cause for any use of force, unless  
2                 that cause satisfies the standards for justifiable use of  
3                 force provided by Article 7 of the Criminal Code of 2012;

4                 (2) Respondent was voluntarily intoxicated;

5                 (3) Petitioner acted in self-defense or defense of  
6                 another, provided that, if petitioner utilized force, such  
7                 force was justifiable under Article 7 of the Criminal Code  
8                 of 2012;

9                 (4) Petitioner did not act in self-defense or defense  
10                 of another;

11                 (5) Petitioner left the residence or household to avoid  
12                 further abuse, neglect, or exploitation by respondent;

13                 (6) Petitioner did not leave the residence or household  
14                 to avoid further abuse, neglect, or exploitation by  
15                 respondent;

16                 (7) Conduct by any family or household member excused  
17                 the abuse, neglect, or exploitation by respondent, unless  
18                 that same conduct would have excused such abuse, neglect,  
19                 or exploitation if the parties had not been family or  
20                 household members.

21                 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;  
22                 97-158, eff. 1-1-12; 97-294, eff. 1-1-12; 97-813, eff. 7-13-12;  
23                 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

24                 Section 999. Effective date. This Act takes effect upon  
25                 becoming law.

1                   INDEX

2                   Statutes amended in order of appearance

3	New Act	
4	5 ILCS 140/7.5	
5	20 ILCS 2605/2605-300	was 20 ILCS 2605/55a in part
6	20 ILCS 2605/2605-595	new
7	20 ILCS 2610/25	new
8	30 ILCS 105/5.826	new
9	30 ILCS 105/5.206	rep.
10	430 ILCS 65/1.1	from Ch. 38, par. 83-1.1
11	430 ILCS 65/2	from Ch. 38, par. 83-2
12	430 ILCS 65/3	from Ch. 38, par. 83-3
13	430 ILCS 65/5	from Ch. 38, par. 83-5
14	430 ILCS 65/5.1	new
15	430 ILCS 65/9	from Ch. 38, par. 83-9
16	430 ILCS 65/12	from Ch. 38, par. 83-12
17	430 ILCS 65/13.2	from Ch. 38, par. 83-13.2
18	720 ILCS 5/21-6	from Ch. 38, par. 21-6
19	720 ILCS 5/24-1	from Ch. 38, par. 24-1
20	720 ILCS 5/24-1.6	
21	720 ILCS 5/24-1.9	new
22	720 ILCS 5/24-1.10	new
23	720 ILCS 5/24-2	
24	720 ILCS 5/24-3	from Ch. 38, par. 24-3
25	720 ILCS 5/24-3.1	from Ch. 38, par. 24-3.1

- 1 720 ILCS 5/24-3A
- 2 720 ILCS 5/24-4.1 new
- 3 720 ILCS 5/24-9
- 4 725 ILCS 5/112A-14 from Ch. 38, par. 112A-14
- 5 730 ILCS 5/5-6-3 from Ch. 38, par. 1005-6-3
- 6 740 ILCS 21/80
- 7 750 ILCS 60/214 from Ch. 40, par. 2312-14