

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****HB1040**

Introduced 1/9/2025, by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5	
430 ILCS 65/8	from Ch. 38, par. 83-8
430 ILCS 65/4.1 rep.	
430 ILCS 67/40	
430 ILCS 67/45	
430 ILCS 67/55	
720 ILCS 5/24-1	from Ch. 38, par. 24-1
720 ILCS 5/24-1.9 rep.	
720 ILCS 5/24-1.10 rep.	

Repeals the provisions of Public Act 102-1116 that make amendatory changes to the Firearms Restraining Order Act that provide that a petitioner for a firearms restraining order may request a plenary firearms restraining order of up to one-year, but not less than 6 months (restores the 6 months provision). Repeals provisions that the firearms restraining order may be renewed for an additional period of up to one year. Repeals amendatory provisions of the Criminal Code of 2012 making it unlawful, beginning January 1, 2024, for any person within the State to knowingly possess an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge, with exemptions. Repeals provisions that make it unlawful for any person within the State to knowingly manufacture, deliver, sell, purchase, or cause to be manufactured, delivered, sold, or purchased a large capacity ammunition feeding device, with specified exemptions. Repeals amendatory provisions of the Criminal Code of 2012 that prohibit the manufacture, possession, sale, or offer to sell, purchase, manufacture, import, transfer, or use any device, part, kit, tool, accessory, or combination of parts that is designed to and functions to increase the rate of fire of a semiautomatic firearm above the standard rate of fire for semiautomatic firearms that is not equipped with that device, part, or combination of parts. Repeals amendatory provisions of the Freedom of Information Act that exempt from disclosure under the Act certain information concerning assault weapons endorsements received by the Illinois State Police. Effective immediately.

LRB104 03254 RLC 13276 b

1 AN ACT concerning criminal law.

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

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

6 (5 ILCS 140/7.5)

7 (Text of Section before amendment by P.A. 103-724)

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

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

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

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

23 (d) Information and records held by the Department of

1 Public Health and its authorized representatives relating
2 to known or suspected cases of sexually transmitted
3 infection or any information the disclosure of which is
4 restricted under the Illinois Sexually Transmitted
5 Infection Control Act.

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

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

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

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

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

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

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

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

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

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

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

23 (p) Security portions of system safety program plans,
24 investigation reports, surveys, schedules, lists, data, or
25 information compiled, collected, or prepared by or for the
26 Department of Transportation under Sections 2705-300 and

1 2705-616 of the Department of Transportation Law of the
2 Civil Administrative Code of Illinois, the Regional
3 Transportation Authority under Section 2.11 of the
4 Regional Transportation Authority Act, or the St. Clair
5 County Transit District under the Bi-State Transit Safety
6 Act (repealed).

7 (q) Information prohibited from being disclosed by the
8 Personnel Record Review Act.

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

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

13 (t) (Blank).

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

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

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

4 (w) Personally identifiable information which is
5 exempted from disclosure under subsection (g) of Section
6 19.1 of the Toll Highway Act.

7 (x) Information which is exempted from disclosure
8 under Section 5-1014.3 of the Counties Code or Section
9 8-11-21 of the Illinois Municipal Code.

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

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

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

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

26 (cc) Recordings made under the Law Enforcement

1 Officer-Worn Body Camera Act, except to the extent
2 authorized under that Act.

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

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

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

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

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

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

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

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

25 (ll) Information the disclosure of which is restricted
26 and exempted under Section 5-30.8 of the Illinois Public

1 Aid Code.

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

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

6 (oo) Communications, notes, records, and reports
7 arising out of a peer support counseling session
8 prohibited from disclosure under the First Responders
9 Suicide Prevention Act.

10 (pp) Names and all identifying information relating to
11 an employee of an emergency services provider or law
12 enforcement agency under the First Responders Suicide
13 Prevention Act.

14 (qq) Information and records held by the Department of
15 Public Health and its authorized representatives collected
16 under the Reproductive Health Act.

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

19 (ss) Data reported by an employer to the Department of
20 Human Rights pursuant to Section 2-108 of the Illinois
21 Human Rights Act.

22 (tt) Recordings made under the Children's Advocacy
23 Center Act, except to the extent authorized under that
24 Act.

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

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

4 (wv) Information that is exempt from disclosure under
5 Section 16.8 of the State Treasurer Act.

6 (xx) Information that is exempt from disclosure or
7 information that shall not be made public under the
8 Illinois Insurance Code.

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

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

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

15 (bbb) Information that is prohibited from disclosure
16 by the Illinois Police Training Act and the Illinois State
17 Police Act.

18 (ccc) Records exempt from disclosure under Section
19 2605-304 of the Illinois State Police Law of the Civil
20 Administrative Code of Illinois.

21 (ddd) Information prohibited from being disclosed
22 under Section 35 of the Address Confidentiality for
23 Victims of Domestic Violence, Sexual Assault, Human
24 Trafficking, or Stalking Act.

25 (eee) Information prohibited from being disclosed
26 under subsection (b) of Section 75 of the Domestic

1 Violence Fatality Review Act.

2 (fff) Images from cameras under the Expressway Camera
3 Act. This subsection (fff) is inoperative on and after
4 July 1, 2025.

5 (ggg) Information prohibited from disclosure under
6 paragraph (3) of subsection (a) of Section 14 of the Nurse
7 Agency Licensing Act.

8 (hhh) Information submitted to the Illinois State
9 Police in an affidavit or application for an assault
10 weapon endorsement, assault weapon attachment endorsement,
11 .50 caliber rifle endorsement, or .50 caliber cartridge
12 endorsement under the Firearm Owners Identification Card
13 Act.

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

16 (jjj) Information exempt from disclosure under Section
17 30 of the Insurance Data Security Law.

18 (kkk) Confidential business information prohibited
19 from disclosure under Section 45 of the Paint Stewardship
20 Act.

21 (lll) Data exempt from disclosure under Section
22 2-3.196 of the School Code.

23 (mmm) Information prohibited from being disclosed
24 under subsection (e) of Section 1-129 of the Illinois
25 Power Agency Act.

26 (nnn) Materials received by the Department of Commerce

1 and Economic Opportunity that are confidential under the
2 Music and Musicians Tax Credit and Jobs Act.

3 (ooo) ~~(nnn)~~ Data or information provided pursuant to
4 Section 20 of the Statewide Recycling Needs and Assessment
5 Act.

6 (ppp) ~~(nnn)~~ Information that is exempt from disclosure
7 under Section 28-11 of the Lawful Health Care Activity
8 Act.

9 (qqq) ~~(nnn)~~ Information that is exempt from disclosure
10 under Section 7-101 of the Illinois Human Rights Act.

11 (rrr) ~~(mmm)~~ Information prohibited from being
12 disclosed under Section 4-2 of the Uniform Money
13 Transmission Modernization Act.

14 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
15 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
16 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
17 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
18 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
19 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
20 103-580, eff. 12-8-23; 103-592, eff. 6-7-24; 103-605, eff.
21 7-1-24; 103-636, eff. 7-1-24; 103-786, eff. 8-7-24; 103-859,
22 eff. 8-9-24; 103-991, eff. 8-9-24; 103-1049, eff. 8-9-24;
23 revised 10-10-24.)

24 (Text of Section after amendment by P.A. 103-724)

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1 by the statutes referenced below, the following shall be
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19 under Section 11-212 of the Illinois Vehicle Code.

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19 Regional Transportation Authority Act, or the St. Clair
20 County Transit District under the Bi-State Transit Safety
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4 team of experts under the Developmental Disability and
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10 Concealed Carry Act, unless otherwise authorized by the
11 Firearm Concealed Carry Act; and databases under the
12 Firearm Concealed Carry Act, records of the Concealed
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21 19.1 of the Toll Highway Act.

22 (x) Information which is exempted from disclosure
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24 8-11-21 of the Illinois Municipal Code.

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26 Protective Services Act and its predecessor enabling

1 statute, the Elder Abuse and Neglect Act, including
2 information about the identity and administrative finding
3 against any caregiver of a verified and substantiated
4 decision of abuse, neglect, or financial exploitation of
5 an eligible adult maintained in the Registry established
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7 (z) Records and information provided to a fatality
8 review team or the Illinois Fatality Review Team Advisory
9 Council under Section 15 of the Adult Protective Services
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14 disclosure by the Juvenile Court Act of 1987.

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22 under Section 30.1 of the Pharmacy Practice Act.

23 (ff) Information that is exempted from disclosure
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26 disclosed under Section 7-603.5 of the Illinois Vehicle

1 Code.

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

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

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

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13 Seizure and Forfeiture Reporting Act.

14 (ll) Information the disclosure of which is restricted
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16 Aid Code.

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

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

21 (oo) Communications, notes, records, and reports
22 arising out of a peer support counseling session
23 prohibited from disclosure under the First Responders
24 Suicide Prevention Act.

25 (pp) Names and all identifying information relating to
26 an employee of an emergency services provider or law

1 enforcement agency under the First Responders Suicide
2 Prevention Act.

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4 Public Health and its authorized representatives collected
5 under the Reproductive Health Act.

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

8 (ss) Data reported by an employer to the Department of
9 Human Rights pursuant to Section 2-108 of the Illinois
10 Human Rights Act.

11 (tt) Recordings made under the Children's Advocacy
12 Center Act, except to the extent authorized under that
13 Act.

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

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

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

21 (xx) Information that is exempt from disclosure or
22 information that shall not be made public under the
23 Illinois Insurance Code.

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

26 (zz) Information prohibited from being disclosed under

1 the Illinois Public Labor Relations Act.

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

4 (bbb) Information that is prohibited from disclosure
5 by the Illinois Police Training Act and the Illinois State
6 Police Act.

7 (ccc) Records exempt from disclosure under Section
8 2605-304 of the Illinois State Police Law of the Civil
9 Administrative Code of Illinois.

10 (ddd) Information prohibited from being disclosed
11 under Section 35 of the Address Confidentiality for
12 Victims of Domestic Violence, Sexual Assault, Human
13 Trafficking, or Stalking Act.

14 (eee) Information prohibited from being disclosed
15 under subsection (b) of Section 75 of the Domestic
16 Violence Fatality Review Act.

17 (fff) Images from cameras under the Expressway Camera
18 Act. This subsection (fff) is inoperative on and after
19 July 1, 2025.

20 (ggg) Information prohibited from disclosure under
21 paragraph (3) of subsection (a) of Section 14 of the Nurse
22 Agency Licensing Act.

23 (hhh) (Blank). ~~Information submitted to the Illinois~~
24 ~~State Police in an affidavit or application for an assault~~
25 ~~weapon endorsement, assault weapon attachment endorsement,~~
26 ~~.50 caliber rifle endorsement, or .50 caliber cartridge~~

1 ~~endorsement under the Firearm Owners Identification Card~~
2 ~~Act.~~

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

5 (jjj) Information exempt from disclosure under Section
6 30 of the Insurance Data Security Law.

7 (kkk) Confidential business information prohibited
8 from disclosure under Section 45 of the Paint Stewardship
9 Act.

10 (lll) Data exempt from disclosure under Section
11 2-3.196 of the School Code.

12 (mmm) Information prohibited from being disclosed
13 under subsection (e) of Section 1-129 of the Illinois
14 Power Agency Act.

15 (nnn) Materials received by the Department of Commerce
16 and Economic Opportunity that are confidential under the
17 Music and Musicians Tax Credit and Jobs Act.

18 (ooo) ~~(nnn)~~ Data or information provided pursuant to
19 Section 20 of the Statewide Recycling Needs and Assessment
20 Act.

21 (ppp) ~~(nnn)~~ Information that is exempt from disclosure
22 under Section 28-11 of the Lawful Health Care Activity
23 Act.

24 (qqq) ~~(nnn)~~ Information that is exempt from disclosure
25 under Section 7-101 of the Illinois Human Rights Act.

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

disclosed under Section 4-2 of the Uniform Money
Transmission Modernization Act.

(sss) ~~(nnn)~~ Information exempt from disclosure under
Section 40 of the Student-Athlete Endorsement Rights Act.

(Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
103-580, eff. 12-8-23; 103-592, eff. 6-7-24; 103-605, eff.
7-1-24; 103-636, eff. 7-1-24; 103-724, eff. 1-1-25; 103-786,
eff. 8-7-24; 103-859, eff. 8-9-24; 103-991, eff. 8-9-24;
103-1049, eff. 8-9-24; revised 10-10-24.)

Section 10. The Firearm Owners Identification Card Act is
amended by changing Section 8 as follows:

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

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

(a) A person under 21 years of age who has been

1 convicted of a misdemeanor other than a traffic offense or
2 adjudged delinquent;

3 (b) This subsection (b) applies through the 180th day
4 following July 12, 2019 (the effective date of Public Act
5 101-80). A person under 21 years of age who does not have
6 the written consent of his parent or guardian to acquire
7 and possess firearms and firearm ammunition, or whose
8 parent or guardian has revoked such written consent, or
9 where such parent or guardian does not qualify to have a
10 Firearm Owner's Identification Card;

11 (b-5) This subsection (b-5) applies on and after the
12 181st day following July 12, 2019 (the effective date of
13 Public Act 101-80). A person under 21 years of age who is
14 not an active duty member of the United States Armed
15 Forces or the Illinois National Guard and does not have
16 the written consent of his or her parent or guardian to
17 acquire and possess firearms and firearm ammunition, or
18 whose parent or guardian has revoked such written consent,
19 or where such parent or guardian does not qualify to have a
20 Firearm Owner's Identification Card;

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

23 (d) A person addicted to narcotics;

24 (e) A person who has been a patient of a mental health
25 facility within the past 5 years or a person who has been a
26 patient in a mental health facility more than 5 years ago

1 who has not received the certification required under
2 subsection (u) of this Section. An active law enforcement
3 officer employed by a unit of government or a Department
4 of Corrections employee authorized to possess firearms who
5 is denied, revoked, or has his or her Firearm Owner's
6 Identification Card seized under this subsection (e) may
7 obtain relief as described in subsection (c-5) of Section
8 10 of this Act if the officer or employee did not act in a
9 manner threatening to the officer or employee, another
10 person, or the public as determined by the treating
11 clinical psychologist or physician, and the officer or
12 employee seeks mental health treatment;

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

16 (g) A person who has an intellectual disability;

17 (h) A person who intentionally makes a false statement
18 in the Firearm Owner's Identification Card application ~~or~~
19 ~~endorsement affidavit;~~

20 (i) A noncitizen who is unlawfully present in the
21 United States under the laws of the United States;

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

1 lawfully admitted to the United States under a
2 non-immigrant visa if that noncitizen is:

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

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

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

11 (B) en route to or from another country to
12 which that noncitizen is accredited;

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

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

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

22 (j) (Blank);

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

1 used or possessed;

2 (1) A person who has been convicted of domestic
3 battery, aggravated domestic battery, or a substantially
4 similar offense in another jurisdiction committed before,
5 on or after January 1, 2012 (the effective date of Public
6 Act 97-158). If the applicant or person who has been
7 previously issued a Firearm Owner's Identification Card
8 under this Act knowingly and intelligently waives the
9 right to have an offense described in this paragraph (1)
10 tried by a jury, and by guilty plea or otherwise, results
11 in a conviction for an offense in which a domestic
12 relationship is not a required element of the offense but
13 in which a determination of the applicability of 18 U.S.C.
14 922(g)(9) is made under Section 112A-11.1 of the Code of
15 Criminal Procedure of 1963, an entry by the court of a
16 judgment of conviction for that offense shall be grounds
17 for denying an application for and for revoking and
18 seizing a Firearm Owner's Identification Card previously
19 issued to the person under this Act;

20 (m) (Blank);

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

24 (o) A minor subject to a petition filed under Section
25 5-520 of the Juvenile Court Act of 1987 alleging that the
26 minor is a delinquent minor for the commission of an

1 offense that if committed by an adult would be a felony;

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

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

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

11 (s) A person who has been found to have a
12 developmental disability;

13 (t) A person involuntarily admitted into a mental
14 health facility; or

15 (u) A person who has had his or her Firearm Owner's
16 Identification Card revoked or denied under subsection (e)
17 of this Section or item (iv) of paragraph (2) of
18 subsection (a) of Section 4 of this Act because he or she
19 was a patient in a mental health facility as provided in
20 subsection (e) of this Section, shall not be permitted to
21 obtain a Firearm Owner's Identification Card, after the
22 5-year period has lapsed, unless he or she has received a
23 mental health evaluation by a physician, clinical
24 psychologist, or qualified examiner as those terms are
25 defined in the Mental Health and Developmental
26 Disabilities Code, and has received a certification that

1 he or she is not a clear and present danger to himself,
2 herself, or others. The physician, clinical psychologist,
3 or qualified examiner making the certification and his or
4 her employer shall not be held criminally, civilly, or
5 professionally liable for making or not making the
6 certification required under this subsection, except for
7 willful or wanton misconduct. This subsection does not
8 apply to a person whose firearm possession rights have
9 been restored through administrative or judicial action
10 under Section 10 or 11 of this Act.

11 Upon revocation of a person's Firearm Owner's
12 Identification Card, the Illinois State Police shall provide
13 notice to the person and the person shall comply with Section
14 9.5 of this Act.

15 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
16 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
17 5-27-22; 102-1116, eff. 1-10-23.)

18 (430 ILCS 65/4.1 rep.)

19 Section 15. The Firearm Owners Identification Card Act is
20 amended by repealing Section 4.1.

21 Section 20. The Firearms Restraining Order Act is amended
22 by changing Sections 40, 45, and 55 as follows:

23 (430 ILCS 67/40)

1 Sec. 40. ~~Plenary~~ Six-month orders.

2 (a) A petitioner may request a 6-month firearms
3 restraining order ~~for up to one year~~ by filing an affidavit or
4 verified pleading alleging that the respondent poses a
5 significant danger of causing personal injury to himself,
6 herself, or another in the near future by having in his or her
7 custody or control, purchasing, possessing, or receiving a
8 firearm, ammunition, and firearm parts that could be assembled
9 to make an operable firearm. The petition shall also describe
10 the number, types, and locations of any firearms, ammunition,
11 and firearm parts that could be assembled to make an operable
12 firearm presently believed by the petitioner to be possessed
13 or controlled by the respondent. ~~The firearms restraining~~
14 ~~order may be renewed for an additional period of up to one year~~
15 ~~in accordance with Section 45 of this Act.~~

16 (b) If the respondent is alleged to pose a significant
17 danger of causing personal injury to an intimate partner, or
18 an intimate partner is alleged to have been the target of a
19 threat or act of violence by the respondent, the petitioner
20 shall make a good faith effort to provide notice to any and all
21 intimate partners of the respondent. The notice must include
22 ~~the duration of time~~ that the petitioner intends to petition
23 the court for a 6-month firearms restraining order, and, if
24 the petitioner is a law enforcement officer, referral to
25 relevant domestic violence or stalking advocacy or counseling
26 resources, if appropriate. The petitioner shall attest to

1 having provided the notice in the filed affidavit or verified
2 pleading. If, after making a good faith effort, the petitioner
3 is unable to provide notice to any or all intimate partners,
4 the affidavit or verified pleading should describe what
5 efforts were made.

6 (c) Every person who files a petition for a ~~plenary~~
7 6-month firearms restraining order, knowing the information
8 provided to the court at any hearing or in the affidavit or
9 verified pleading to be false, is guilty of perjury under
10 Section 32-2 of the Criminal Code of 2012.

11 (d) Upon receipt of a petition for a ~~plenary~~ 6-month
12 firearms restraining order, the court shall order a hearing
13 within 30 days.

14 (e) In determining whether to issue a firearms restraining
15 order under this Section, the court shall consider evidence
16 including, but not limited to, the following:

17 (1) The unlawful and reckless use, display, or
18 brandishing of a firearm, ammunition, and firearm parts
19 that could be assembled to make an operable firearm by the
20 respondent.

21 (2) The history of use, attempted use, or threatened
22 use of physical force by the respondent against another
23 person.

24 (3) Any prior arrest of the respondent for a felony
25 offense.

26 (4) Evidence of the abuse of controlled substances or

1 alcohol by the respondent.

2 (5) A recent threat of violence or act of violence by
3 the respondent directed toward himself, herself, or
4 another.

5 (6) A violation of an emergency order of protection
6 issued under Section 217 of the Illinois Domestic Violence
7 Act of 1986 or Section 112A-17 of the Code of Criminal
8 Procedure of 1963 or of an order of protection issued
9 under Section 214 of the Illinois Domestic Violence Act of
10 1986 or Section 112A-14 of the Code of Criminal Procedure
11 of 1963.

12 (7) A pattern of violent acts or violent threats,
13 including, but not limited to, threats of violence or acts
14 of violence by the respondent directed toward himself,
15 herself, or another.

16 (f) At the hearing, the petitioner shall have the burden
17 of proving, by clear and convincing evidence, that the
18 respondent poses a significant danger of personal injury to
19 himself, herself, or another by having in his or her custody or
20 control, purchasing, possessing, or receiving a firearm,
21 ammunition, and firearm parts that could be assembled to make
22 an operable firearm.

23 (g) If the court finds that there is clear and convincing
24 evidence to issue a ~~plenary~~ firearms restraining order, the
25 court shall issue a firearms restraining order that shall be
26 in effect for ~~up to one year, but not less than 6 months,~~ 6

1 months subject to renewal under Section 45 of this Act or
2 termination under that Section.

3 (g-5) If the court issues a ~~plenary~~ 6-month firearms
4 restraining order, it shall, upon a finding of probable cause
5 that the respondent possesses firearms, ammunition, and
6 firearm parts that could be assembled to make an operable
7 firearm, issue a search warrant directing a law enforcement
8 agency to seize the respondent's firearms, ammunition, and
9 firearm parts that could be assembled to make an operable
10 firearm. The court may, as part of that warrant, direct the law
11 enforcement agency to search the respondent's residence and
12 other places where the court finds there is probable cause to
13 believe he or she is likely to possess the firearms,
14 ammunition, and firearm parts that could be assembled to make
15 an operable firearm. A return of the search warrant shall be
16 filed by the law enforcement agency within 4 days thereafter,
17 setting forth the time, date, and location that the search
18 warrant was executed and what items, if any, were seized.

19 (h) A ~~plenary~~ 6-month firearms restraining order shall
20 require:

21 (1) the respondent to refrain from having in his or
22 her custody or control, purchasing, possessing, or
23 receiving additional firearms, ammunition, and firearm
24 parts that could be assembled to make an operable firearm
25 for the duration of the order under Section 8.2 of the
26 Firearm Owners Identification Card Act; and

1 (2) the respondent to comply with Section 9.5 of the
2 Firearm Owners Identification Card Act and subsection (g)
3 of Section 70 of the Firearm Concealed Carry Act.

4 (i) Except as otherwise provided in subsection (i-5) of
5 this Section, upon expiration of the period of safekeeping, if
6 the firearms, ammunition, and firearm parts that could be
7 assembled to make an operable firearm or Firearm Owner's
8 Identification Card cannot be returned to the respondent
9 because the respondent cannot be located, fails to respond to
10 requests to retrieve the firearms, ammunition, and firearm
11 parts that could be assembled to make an operable firearm, or
12 is not lawfully eligible to possess a firearm, ammunition, and
13 firearm parts that could be assembled to make an operable
14 firearm, upon petition from the local law enforcement agency,
15 the court may order the local law enforcement agency to
16 destroy the firearms, ammunition, and firearm parts that could
17 be assembled to make an operable firearm, use the firearms,
18 ammunition, and firearm parts that could be assembled to make
19 an operable firearm for training purposes, or use the
20 firearms, ammunition, and firearm parts that could be
21 assembled to make an operable firearm for any other
22 application as deemed appropriate by the local law enforcement
23 agency.

24 (i-5) A respondent whose Firearm Owner's Identification
25 Card has been revoked or suspended may petition the court, if
26 the petitioner is present in court or has notice of the

1 respondent's petition, to transfer the respondent's firearm,
2 ammunition, and firearm parts that could be assembled to make
3 an operable firearm to a person who is lawfully able to possess
4 the firearm, ammunition, and firearm parts that could be
5 assembled to make an operable firearm if the person does not
6 reside at the same address as the respondent. Notice of the
7 petition shall be served upon the person protected by the
8 emergency firearms restraining order. While the order is in
9 effect, the transferee who receives the respondent's firearms,
10 ammunition, and firearm parts that could be assembled to make
11 an operable firearm must swear or affirm by affidavit that he
12 or she shall not transfer the firearm, ammunition, and firearm
13 parts that could be assembled to make an operable firearm to
14 the respondent or to anyone residing in the same residence as
15 the respondent.

16 (i-6) If a person other than the respondent claims title
17 to any firearms, ammunition, and firearm parts that could be
18 assembled to make an operable firearm surrendered under this
19 Section, he or she may petition the court, if the petitioner is
20 present in court or has notice of the petition, to have the
21 firearm, ammunition, and firearm parts that could be assembled
22 to make an operable firearm returned to him or her. If the
23 court determines that person to be the lawful owner of the
24 firearm, ammunition, and firearm parts that could be assembled
25 to make an operable firearm, the firearm, ammunition, and
26 firearm parts that could be assembled to make an operable

1 firearm shall be returned to him or her, provided that:

2 (1) the firearm, ammunition, and firearm parts that
3 could be assembled to make an operable firearm are removed
4 from the respondent's custody, control, or possession and
5 the lawful owner agrees to store the firearm, ammunition,
6 and firearm parts that could be assembled to make an
7 operable firearm in a manner such that the respondent does
8 not have access to or control of the firearm, ammunition,
9 and firearm parts that could be assembled to make an
10 operable firearm; and

11 (2) the firearm, ammunition, and firearm parts that
12 could be assembled to make an operable firearm are not
13 otherwise unlawfully possessed by the owner.

14 The person petitioning for the return of his or her
15 firearm, ammunition, and firearm parts that could be assembled
16 to make an operable firearm must swear or affirm by affidavit
17 that he or she: (i) is the lawful owner of the firearm,
18 ammunition, and firearm parts that could be assembled to make
19 an operable firearm; (ii) shall not transfer the firearm,
20 ammunition, and firearm parts that could be assembled to make
21 an operable firearm to the respondent; and (iii) will store
22 the firearm, ammunition, and firearm parts that could be
23 assembled to make an operable firearm in a manner that the
24 respondent does not have access to or control of the firearm,
25 ammunition, and firearm parts that could be assembled to make
26 an operable firearm.

1 (j) If the court does not issue a firearms restraining
2 order at the hearing, the court shall dissolve any emergency
3 firearms restraining order then in effect.

4 (k) When the court issues a firearms restraining order
5 under this Section, the court shall inform the respondent that
6 he or she is entitled to one hearing during the period of the
7 order to request a termination of the order, under Section 45
8 of this Act, and shall provide the respondent with a form to
9 request a hearing.

10 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
11 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.
12 5-13-22; 102-1116, eff. 1-10-23.)

13 (430 ILCS 67/45)

14 Sec. 45. Termination and renewal.

15 (a) A person subject to a firearms restraining order
16 issued under this Act may submit one written request at any
17 time during the effective period of the order for a hearing to
18 terminate the order.

19 (1) The respondent shall have the burden of proving by
20 a preponderance of the evidence that the respondent does
21 not pose a danger of causing personal injury to himself,
22 herself, or another in the near future by having in his or
23 her custody or control, purchasing, possessing, or
24 receiving a firearm, ammunition, and firearm parts that
25 could be assembled to make an operable firearm.

1 (2) If the court finds after the hearing that the
2 respondent has met his or her burden, the court shall
3 terminate the order.

4 (b) A petitioner may request a renewal of a firearms
5 restraining order at any time within the 3 months before the
6 expiration of a firearms restraining order.

7 (1) A court shall, after notice and a hearing, renew a
8 firearms restraining order issued under this part if the
9 petitioner proves, by clear and convincing evidence, that
10 the respondent continues to pose a danger of causing
11 personal injury to himself, herself, or another in the
12 near future by having in his or her custody or control,
13 purchasing, possessing, or receiving a firearm,
14 ammunition, and firearm parts that could be assembled to
15 make an operable firearm.

16 (2) In determining whether to renew a firearms
17 restraining order issued under this Act, the court shall
18 consider evidence of the facts identified in subsection
19 (e) of Section 40 of this Act and any other evidence of an
20 increased risk for violence.

21 (3) At the hearing, the petitioner shall have the
22 burden of proving by clear and convincing evidence that
23 the respondent continues to pose a danger of causing
24 personal injury to himself, herself, or another in the
25 near future by having in his or her custody or control,
26 purchasing, possessing, or receiving a firearm,

1 ammunition, and firearm parts that could be assembled to
2 make an operable firearm.

3 (4) The renewal of a firearms restraining order issued
4 under this Section shall be in effect for 6 months ~~up to~~
5 ~~one year and may be renewed for an additional period of up~~
6 ~~to one year~~, subject to termination by further order of
7 the court at a hearing held under this Section and further
8 renewal by further order of the court under this Section.
9 (Source: P.A. 101-81, eff. 7-12-19; 102-345, eff. 6-1-22;
10 102-1116, eff. 1-10-23.)

11 (430 ILCS 67/55)

12 Sec. 55. Data maintenance by law enforcement agencies.

13 (a) All sheriffs shall furnish to the Illinois State
14 Police, daily, in the form and detail the Illinois State
15 Police requires, copies of any recorded firearms restraining
16 orders issued by the court, and any foreign orders of
17 protection filed by the clerk of the court, and transmitted to
18 the sheriff by the clerk of the court under Section 50. Each
19 firearms restraining order shall be entered in the Law
20 Enforcement Agencies Data System (LEADS) on the same day it is
21 issued by the court. If an emergency firearms restraining
22 order was issued in accordance with Section 35 of this Act, the
23 order shall be entered in the Law Enforcement Agencies Data
24 System (LEADS) as soon as possible after receipt from the
25 clerk.

1 (b) The Illinois State Police shall maintain a complete
2 and systematic record and index of all valid and recorded
3 firearms restraining orders issued or filed under this Act.
4 The data shall be used to inform all dispatchers and law
5 enforcement officers at the scene of a violation of a firearms
6 restraining order of the effective dates and terms of any
7 recorded order of protection.

8 (c) The data, records, and transmittals required under
9 this Section shall pertain to any valid emergency or ~~plenary~~
10 6-month firearms restraining order, whether issued in a civil
11 or criminal proceeding or authorized under the laws of another
12 state, tribe, or United States territory.

13 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21;
14 102-1116, eff. 1-10-23.)

15 Section 25. The Criminal Code of 2012 is amended by
16 changing Section 24-1 as follows:

17 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

18 (Text of Section before amendment by P.A. 103-822)

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

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

22 (1) Sells, manufactures, purchases, possesses or
23 carries any bludgeon, black-jack, slung-shot, sand-club,
24 sand-bag, metal knuckles or other knuckle weapon

1 regardless of its composition, throwing star, or any
2 knife, commonly referred to as a switchblade knife, which
3 has a blade that opens automatically by hand pressure
4 applied to a button, spring or other device in the handle
5 of the knife, or a ballistic knife, which is a device that
6 propels a knifelike blade as a projectile by means of a
7 coil spring, elastic material or compressed gas; or

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

13 (2.5) Carries or possesses with intent to use the same
14 unlawfully against another, any firearm in a church,
15 synagogue, mosque, or other building, structure, or place
16 used for religious worship; or

17 (3) Carries on or about his person or in any vehicle, a
18 tear gas gun projector or bomb or any object containing
19 noxious liquid gas or substance, other than an object
20 containing a non-lethal noxious liquid gas or substance
21 designed solely for personal defense carried by a person
22 18 years of age or older; or

23 (4) Carries or possesses in any vehicle or concealed
24 on or about his person except when on his land or in his
25 own abode, legal dwelling, or fixed place of business, or
26 on the land or in the legal dwelling of another person as

1 an invitee with that person's permission, any pistol,
2 revolver, stun gun or taser or other firearm, except that
3 this subsection (a)(4) does not apply to or affect
4 transportation of weapons that meet one of the following
5 conditions:

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

7 (ii) are not immediately accessible; or

8 (iii) are unloaded and enclosed in a case, firearm
9 carrying box, shipping box, or other container by a
10 person who has been issued a currently valid Firearm
11 Owner's Identification Card; or

12 (iv) are carried or possessed in accordance with
13 the Firearm Concealed Carry Act by a person who has
14 been issued a currently valid license under the
15 Firearm Concealed Carry Act; or

16 (5) Sets a spring gun; or

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

20 (7) Sells, manufactures, purchases, possesses or
21 carries:

22 (i) a machine gun, which shall be defined for the
23 purposes of this subsection as any weapon, which
24 shoots, is designed to shoot, or can be readily
25 restored to shoot, automatically more than one shot
26 without manually reloading by a single function of the

1 trigger, including the frame or receiver of any such
2 weapon, or sells, manufactures, purchases, possesses,
3 or carries any combination of parts designed or
4 intended for use in converting any weapon into a
5 machine gun, or any combination or parts from which a
6 machine gun can be assembled if such parts are in the
7 possession or under the control of a person;

8 (ii) any rifle having one or more barrels less
9 than 16 inches in length or a shotgun having one or
10 more barrels less than 18 inches in length or any
11 weapon made from a rifle or shotgun, whether by
12 alteration, modification, or otherwise, if such a
13 weapon as modified has an overall length of less than
14 26 inches; or

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

20 (8) Carries or possesses any firearm, stun gun or
21 taser or other deadly weapon in any place which is
22 licensed to sell intoxicating beverages, or at any public
23 gathering held pursuant to a license issued by any
24 governmental body or any public gathering at which an
25 admission is charged, excluding a place where a showing,
26 demonstration or lecture involving the exhibition of

1 unloaded firearms is conducted.

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

6 (9) Carries or possesses in a vehicle or on or about
7 his or her person any pistol, revolver, stun gun or taser
8 or firearm or ballistic knife, when he or she is hooded,
9 robed or masked in such manner as to conceal his or her
10 identity; or

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

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

25 (ii) are not immediately accessible; or

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

1 carrying box, shipping box, or other container by a
2 person who has been issued a currently valid Firearm
3 Owner's Identification Card; or

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

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

20 (11) Sells, manufactures, delivers, imports,
21 possesses, or purchases any assault weapon attachment or
22 .50 caliber cartridge in violation of Section 24-1.9 or
23 any explosive bullet. For purposes of this paragraph (a)
24 "explosive bullet" means the projectile portion of an
25 ammunition cartridge which contains or carries an
26 explosive charge which will explode upon contact with the

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

6 (12) (Blank); or

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

15 (14) Manufactures, possesses, sells, or offers to
16 sell, purchase, manufacture, import, transfer, or use any
17 device, part, kit, tool, accessory, or combination of
18 parts that is designed to and functions to increase the
19 rate of fire of a semiautomatic firearm above the standard
20 rate of fire for semiautomatic firearms that is not
21 equipped with that device, part, or combination of parts;
22 or

23 (15) Carries or possesses any assault weapon or .50
24 caliber rifle in violation of Section 24-1.9; or

25 (16) Manufactures, sells, delivers, imports, or
26 purchases any assault weapon or .50 caliber rifle in

1 violation of Section 24-1.9.

2 (b) Sentence. A person convicted of a violation of
3 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
4 subsection 24-1(a)(11), subsection 24-1(a)(13), or 24-1(a)(15)
5 commits a Class A misdemeanor. A person convicted of a
6 violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a
7 Class 4 felony; a person convicted of a violation of
8 subsection 24-1(a)(6), 24-1(a)(7)(ii), 24-1(a)(7)(iii), or
9 24-1(a)(16) commits a Class 3 felony. A person convicted of a
10 violation of subsection 24-1(a)(7)(i) commits a Class 2 felony
11 and shall be sentenced to a term of imprisonment of not less
12 than 3 years and not more than 7 years, unless the weapon is
13 possessed in the passenger compartment of a motor vehicle as
14 defined in Section 1-146 of the Illinois Vehicle Code, or on
15 the person, while the weapon is loaded, in which case it shall
16 be a Class X felony. A person convicted of a second or
17 subsequent violation of subsection 24-1(a)(4), 24-1(a)(8),
18 24-1(a)(9), 24-1(a)(10), or 24-1(a)(15) commits a Class 3
19 felony. A person convicted of a violation of subsection
20 24-1(a)(2.5) or 24-1(a)(14) commits a Class 2 felony. The
21 possession of each weapon or device in violation of this
22 Section constitutes a single and separate violation.

23 (c) Violations in specific places.

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

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

22 (1.5) A person who violates subsection 24-1(a)(4),
23 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
24 the time of day or the time of year, in residential
25 property owned, operated, or managed by a public housing
26 agency or leased by a public housing agency as part of a

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

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

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

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

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

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

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

24 (e) Exemptions.

25 (1) Crossbows, Common or Compound bows and Underwater
26 Spearguns are exempted from the definition of ballistic

1 knife as defined in paragraph (1) of subsection (a) of
2 this Section.

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

14 (Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21;
15 102-1116, eff. 1-10-23.)

16 (Text of Section after amendment by P.A. 103-822)

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

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

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

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

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

10 (2.5) Carries or possesses with intent to use the same
11 unlawfully against another, any firearm in a church,
12 synagogue, mosque, or other building, structure, or place
13 used for religious worship; or

14 (3) Carries on or about his person or in any vehicle, a
15 tear gas gun projector or bomb or any object containing
16 noxious liquid gas or substance, other than an object
17 containing a non-lethal noxious liquid gas or substance
18 designed solely for personal defense carried by a person
19 18 years of age or older; or

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

1 transportation of weapons that meet one of the following
2 conditions:

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

4 (ii) are not immediately accessible; or

5 (iii) are unloaded and enclosed in a case, firearm
6 carrying box, shipping box, or other container by a
7 person who has been issued a currently valid Firearm
8 Owner's Identification Card; or

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

13 (5) Sets a spring gun; or

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

17 (7) Sells, manufactures, purchases, possesses or
18 carries:

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

1 intended for use in converting any weapon into a
2 machine gun, or any combination or parts from which a
3 machine gun can be assembled if such parts are in the
4 possession or under the control of a person;

5 (ii) any rifle having one or more barrels less
6 than 16 inches in length or a shotgun having one or
7 more barrels less than 18 inches in length or any
8 weapon made from a rifle or shotgun, whether by
9 alteration, modification, or otherwise, if such a
10 weapon as modified has an overall length of less than
11 26 inches; or

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

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

25 This subsection (a)(8) does not apply to any auction
26 or raffle of a firearm held pursuant to a license or permit

1 issued by a governmental body, nor does it apply to
2 persons engaged in firearm safety training courses; or

3 (9) Carries or possesses in a vehicle or on or about
4 his or her person any pistol, revolver, stun gun or taser
5 or firearm or ballistic knife, when he or she is hooded,
6 robed or masked in such manner as to conceal his or her
7 identity; or

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

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

22 (ii) are not immediately accessible; or

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

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

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

17 (11) Sells, manufactures, ~~delivers, imports,~~
18 ~~possesses,~~ or purchases any ~~assault weapon attachment or~~
19 ~~.50 caliber cartridge in violation of Section 24-1.9 or~~
20 ~~any~~ explosive bullet. For purposes of this paragraph (a)
21 "explosive bullet" means the projectile portion of an
22 ammunition cartridge which contains or carries an
23 explosive charge which will explode upon contact with the
24 flesh of a human or an animal. "Cartridge" means a tubular
25 metal case having a projectile affixed at the front
26 thereof and a cap or primer at the rear end thereof, with

1 the propellant contained in such tube between the
2 projectile and the cap; or

3 (12) (Blank); or

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

12 ~~(14) Manufactures, possesses, sells, or offers to~~
13 ~~sell, purchase, manufacture, import, transfer, or use any~~
14 ~~device, part, kit, tool, accessory, or combination of~~
15 ~~parts that is designed to and functions to increase the~~
16 ~~rate of fire of a semiautomatic firearm above the standard~~
17 ~~rate of fire for semiautomatic firearms that is not~~
18 ~~equipped with that device, part, or combination of parts;~~
19 ~~or~~

20 ~~(15) Carries or possesses any assault weapon or .50~~
21 ~~caliber rifle in violation of Section 24-1.9; or~~

22 ~~(16) Manufactures, sells, delivers, imports, or~~
23 ~~purchases any assault weapon or .50 caliber rifle in~~
24 ~~violation of Section 24-1.9.~~

25 (b) Sentence. A person convicted of a violation of
26 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),

1 subsection 24-1(a)(11), or subsection 24-1(a)(13), ~~or~~
2 ~~24-1(a)(15)~~ commits a Class A misdemeanor. A person convicted
3 of a violation of subsection 24-1(a)(8) or 24-1(a)(9) commits
4 a Class 4 felony; a person convicted of a violation of
5 subsection 24-1(a)(6), or 24-1(a)(7)(ii) ~~, 24-1(a)(7)(iii), or~~
6 ~~24-1(a)(16)~~ or (iii) commits a Class 3 felony. A person
7 convicted of a violation of subsection 24-1(a)(7)(i) commits a
8 Class 2 felony and shall be sentenced to a term of imprisonment
9 of not less than 3 years and not more than 7 years, unless the
10 weapon is possessed in the passenger compartment of a motor
11 vehicle as defined in Section 1-146 of the Illinois Vehicle
12 Code, or on the person, while the weapon is loaded, in which
13 case it shall be a Class X felony. A person convicted of a
14 second or subsequent violation of subsection 24-1(a)(4),
15 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10), ~~or 24-1(a)(15)~~ commits
16 a Class 3 felony. A person convicted of a violation of
17 subsection 24-1(a)(2.5) ~~or 24-1(a)(14)~~ commits a Class 2
18 felony. The possession of each weapon ~~or device~~ in violation
19 of this Section constitutes a single and separate violation.

20 (c) Violations in specific places.

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

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

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

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

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

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

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

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

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

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

21 (e) Exemptions.

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

26 (2) The provision of paragraph (1) of subsection (a)

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

11 (Source: P.A. 102-538, eff. 8-20-21; 102-1116, eff. 1-10-23;
12 103-822, eff. 1-1-25.)

13 (720 ILCS 5/24-1.9 rep.)

14 (720 ILCS 5/24-1.10 rep.)

15 Section 30. The Criminal Code of 2012 is amended by
16 repealing Sections 24-1.9 and 24-1.10.

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

24 Section 99. Effective date. This Act takes effect upon

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1 becoming law.