

1 AN ACT concerning firearms.

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

4 Section 1. Short title. This Act may be cited as the Safe
5 Gun Storage Act.

6 Section 5. Storage of firearms. A firearm owner shall not
7 store or keep any firearm in any premises where the firearm
8 owner knows or reasonably should know a minor without the
9 lawful permission of the minor's parent, guardian, or person
10 having charge of the minor, an at-risk person, or a prohibited
11 person is likely to gain access to the firearm unless the
12 firearm is secured in a locked container, properly engaged so
13 as to render the firearm inaccessible or unusable to any
14 person other than the owner or other lawfully authorized user.
15 If the firearm is carried by or under the control of the owner
16 or other lawfully authorized user, then the firearm is deemed
17 lawfully stored or kept. This Section does not apply (i) if the
18 minor, an at-risk person, or a prohibited person gains access
19 to a firearm and uses it in a lawful act of self-defense or
20 defense of another or (ii) to any firearm obtained by a minor,
21 an at-risk person, or a prohibited person because of an
22 unlawful entry of the premises by the minor, at-risk person,
23 prohibited person or another person.

1 Section 10. Penalties; violations.

2 (a) In this Act:

3 "At-risk person" means a person who has made statements or
4 exhibited behavior that indicates to a reasonable person there
5 is a likelihood that the person is at risk of attempting
6 suicide or causing physical harm to oneself or others.

7 "Minor" means a person under 18 years of age; however,
8 "minor" does not include a member of the United States Armed
9 Forces or the Illinois National Guard.

10 "Premises" includes any land, building, structure,
11 vehicle, or place directly or indirectly under the control of
12 the firearm owner.

13 "Prohibited person" means a person ineligible under
14 federal or State law to possess a firearm. "Prohibited person"
15 does not include a person who is otherwise eligible to own a
16 firearm pursuant to the Firearm Owners Identification Card Act
17 but does not, at the time of the violation, have a Firearm
18 Owner's Identification Card.

19 (b)(1) Except as otherwise provided in paragraphs (2) and
20 (3) of this subsection (b), a violation of Section 5 is subject
21 to a civil penalty not to exceed \$500.

22 (2) If any person knows or reasonably should know that a
23 minor, an at-risk person, or a prohibited person is likely to
24 gain access to a firearm belonging to or under the control of
25 that person, and a minor, an at-risk person, or a prohibited

1 person obtains the firearm, the civil penalty shall not exceed
2 \$1,000.

3 (3) If a minor, an at-risk person, or a prohibited person
4 obtains a firearm and uses it to injure or cause the death of a
5 person or uses the firearm in connection with a crime, the
6 civil penalty shall not exceed \$10,000.

7 (c) The court may order a person who is found in violation
8 of Section 5 to perform community service or pay restitution
9 in lieu of the civil penalties imposed under this Section if
10 good cause is shown.

11 (d) Nothing in this Act shall be construed to preclude
12 civil liabilities for violations of this Act.

13 (e) A violation of this Act is prima facie evidence of
14 negligence per se in any civil proceeding if a minor, an
15 at-risk person, or a prohibited person obtains a firearm and
16 causes personal injury or the death of oneself or another or
17 uses the firearm in the commission of a crime.

18 (f) An action to collect a civil penalty under this Act may
19 be brought by the Attorney General or the State's Attorney of
20 the county in which the violation occurred. Any money received
21 from the collection of a civil penalty under this Act shall be
22 deposited in the Mental Health Fund.

23 Section 85. The Gun Trafficking Information Act is
24 amended by changing Section 10-5 as follows:

1 (5 ILCS 830/10-5)

2 Sec. 10-5. Gun trafficking information.

3 (a) The Illinois State Police shall use all reasonable
4 efforts, as allowed by State law and regulations, federal law
5 and regulations, and executed Memoranda of Understanding
6 between Illinois law enforcement agencies and the U.S. Bureau
7 of Alcohol, Tobacco, Firearms and Explosives, in making
8 publicly available, on a regular and ongoing basis, key
9 information related to firearms used in the commission of
10 crimes in this State, including, but not limited to: reports
11 on crimes committed with firearms, locations where the crimes
12 occurred, the number of persons killed or injured in the
13 commission of the crimes, whether or not a stolen firearm was
14 used in the commission of the crimes, the state where the
15 firearms used originated, the Federal Firearms Licensee that
16 sold the firearm, the type of firearms used, if known, annual
17 statistical information concerning Firearm Owner's
18 Identification Card and concealed carry license applications,
19 revocations, and compliance with Section 9.5 of the Firearm
20 Owners Identification Card Act, the information required in
21 the report or on the Illinois State Police's website under
22 Section 85 of the Firearms Restraining Order Act, and firearm
23 dealer license certification inspections. The Illinois State
24 Police shall make the information available on its website,
25 which may be presented in a dashboard format, in addition to
26 electronically filing a report with the Governor and the

1 General Assembly. The report to the General Assembly shall be
2 filed with the Clerk of the House of Representatives and the
3 Secretary of the Senate in electronic form only, in the manner
4 that the Clerk and the Secretary shall direct.

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

21 (c) Each department, office, division, and agency of this
22 State shall, to the extent not inconsistent with law,
23 cooperate fully with the Illinois State Police and furnish the
24 Illinois State Police with all relevant information and
25 assistance on a timely basis as is necessary to accomplish the
26 purpose of this Act. The Illinois Criminal Justice Information

1 Authority shall submit the information required in subsection
2 (a) of this Section to the Illinois State Police, and any other
3 information as the Illinois State Police may request, to
4 assist the Illinois State Police in carrying out its duties
5 under this Act.

6 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
7 102-813, eff. 5-13-22; 103-34, eff. 6-9-23.)

8 Section 90. The Firearm Owners Identification Card Act is
9 amended by changing Sections 3, 3.1, 8, and 8.1 and by adding
10 Section 7.10 as follows:

11 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

12 Sec. 3. (a) Except as provided in Section 3a, no person may
13 knowingly transfer, or cause to be transferred, any firearm,
14 firearm ammunition, stun gun, or taser to any person within
15 this State unless the transferee with whom he deals displays
16 either: (1) a currently valid Firearm Owner's Identification
17 Card which has previously been issued in his or her name by the
18 Illinois State Police under the provisions of this Act; or (2)
19 a currently valid license to carry a concealed firearm which
20 has previously been issued in his or her name by the Illinois
21 State Police under the Firearm Concealed Carry Act. In
22 addition, all firearm, stun gun, and taser transfers by
23 federally licensed firearm dealers are subject to Section 3.1
24 and beginning January 1, 2027, the federally licensed firearm

1 dealers shall check the Illinois State Police Internet-based
2 system upon which the serial numbers of firearms that have
3 been reported stolen are available for public access for
4 individuals to ensure any firearms are not reported stolen
5 prior to the sale or transfer of a firearm under subsection
6 (a-25) of this Section. New firearms shipped directly from the
7 manufacturer are exempt from this provision.

8 (a-5) Any person who is not a federally licensed firearm
9 dealer and who desires to transfer or sell a firearm while that
10 person is on the grounds of a gun show must, before selling or
11 transferring the firearm, request the Illinois State Police to
12 conduct a background check on the prospective recipient of the
13 firearm in accordance with Section 3.1 and beginning January
14 1, 2027, the person who is not a federally licensed firearm
15 dealer shall check the Illinois State Police Internet-based
16 system upon which the serial numbers of firearms that have
17 been reported stolen are available for public access for
18 individuals to ensure any firearms are not reported stolen
19 prior to the sale or transfer of a firearm under subsection
20 {a-25} of this Section. New firearms shipped directly from the
21 manufacturer are exempt from this provision.

22 (a-10) Notwithstanding item (2) of subsection (a) of this
23 Section, any person who is not a federally licensed firearm
24 dealer and who desires to transfer or sell a firearm or
25 firearms to any person who is not a federally licensed firearm
26 dealer shall, before selling or transferring the firearms,

1 contact a federal firearm license dealer under paragraph (1)
2 of subsection (a-15) of this Section to conduct the transfer
3 or the Illinois State Police with the transferee's or
4 purchaser's Firearm Owner's Identification Card number to
5 determine the validity of the transferee's or purchaser's
6 Firearm Owner's Identification Card under State and federal
7 law, including the National Instant Criminal Background Check
8 System. This subsection shall not be effective until July 1,
9 2023. Until that date the transferor shall contact the
10 Illinois State Police with the transferee's or purchaser's
11 Firearm Owner's Identification Card number to determine the
12 validity of the card. The Illinois State Police may adopt
13 rules concerning the implementation of this subsection. The
14 Illinois State Police shall provide the seller or transferor
15 an approval number if the purchaser's Firearm Owner's
16 Identification Card is valid. Approvals issued by the Illinois
17 State Police for the purchase of a firearm pursuant to this
18 subsection are valid for 30 days from the date of issue.

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

21 (1) transfers that occur at the place of business of a
22 federally licensed firearm dealer, if the federally
23 licensed firearm dealer conducts a background check on the
24 prospective recipient of the firearm in accordance with
25 Section 3.1 of this Act and follows all other applicable
26 federal, State, and local laws as if he or she were the

1 seller or transferor of the firearm, although the dealer
2 is not required to accept the firearm into his or her
3 inventory. The purchaser or transferee may be required by
4 the federally licensed firearm dealer to pay a fee not to
5 exceed \$25 per firearm, which the dealer may retain as
6 compensation for performing the functions required under
7 this paragraph, plus the applicable fees authorized by
8 Section 3.1;

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

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

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

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

25 (6) temporary transfers that occur while in the home
26 of the unlicensed transferee, if the unlicensed transferee

1 is not otherwise prohibited from possessing firearms and
2 the unlicensed transferee reasonably believes that
3 possession of the firearm is necessary to prevent imminent
4 death or great bodily harm to the unlicensed transferee;

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

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

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

14 (a-20) The Illinois State Police shall develop an
15 Internet-based system for individuals to determine the
16 validity of a Firearm Owner's Identification Card prior to the
17 sale or transfer of a firearm. The Illinois State Police shall
18 have the Internet-based system updated and available for use
19 by January 1, 2024. The Illinois State Police shall adopt
20 rules not inconsistent with this Section to implement this
21 system; but no rule shall allow the Illinois State Police to
22 retain records in contravention of State and federal law. On
23 or before January 1, 2027, the Internet-based system shall
24 include a written notice, in both English and Spanish, of a
25 firearm owner's obligation to report to local law enforcement
26 any lost or stolen firearm within 48 hours after the owner

1 first discovers the loss or theft.

2 (a-25) On or before January 1, 2022, the Illinois State
3 Police shall develop an Internet-based system upon which the
4 serial numbers of firearms that have been reported stolen are
5 available for public access for individuals to ensure any
6 firearms are not reported stolen prior to the sale or transfer
7 of a firearm under this Section. The Illinois State Police
8 shall have the Internet-based system completed and available
9 for use by July 1, 2022. The Illinois State Police shall adopt
10 rules not inconsistent with this Section to implement this
11 system. On or before January 1, 2027, the Illinois State
12 Police shall make the Internet-based system created under this
13 subsection accessible to federally licensed firearms dealers
14 to verify that the make, model, and serial numbers of firearms
15 that are being bought, sold, or transferred by the dealers
16 have not been reported stolen and shall also provide a receipt
17 or approval number to a transferor or federally licensed
18 firearms dealer as verification that the firearm being
19 transferred did not appear on the stolen firearm database.

20 (a-30) On or before January 1, 2027, the Illinois State
21 Police shall establish an electronic mechanism by which law
22 enforcement shall report individuals who have failed to report
23 the loss or theft of a firearm pursuant to Section 24-4.1 of
24 the Criminal Code of 2012.

25 (b) Any person within this State who transfers or causes
26 to be transferred any firearm, stun gun, or taser shall keep a

1 record of such transfer for a period of 10 years from the date
2 of transfer. Any person within this State who receives any
3 firearm, stun gun, or taser pursuant to subsection (a-10)
4 shall provide a record of the transfer within 10 days of the
5 transfer to a federally licensed firearm dealer and shall not
6 be required to maintain a transfer record. The federally
7 licensed firearm dealer shall maintain the transfer record for
8 20 years from the date of receipt. A federally licensed
9 firearm dealer may charge a fee not to exceed \$25 to retain the
10 record. The record shall be provided and maintained in either
11 an electronic or paper format. The federally licensed firearm
12 dealer shall not be liable for the accuracy of any information
13 in the transfer record submitted pursuant to this Section.
14 Such records shall contain the date of the transfer; the
15 description, serial number or other information identifying
16 the firearm, stun gun, or taser if no serial number is
17 available; and, if the transfer was completed within this
18 State, the transferee's Firearm Owner's Identification Card
19 number and any approval number or documentation provided by
20 the Illinois State Police pursuant to subsection (a-10) of
21 this Section; if the transfer was not completed within this
22 State, the record shall contain the name and address of the
23 transferee. On or after January 1, 2006, the record shall
24 contain the date of application for transfer of the firearm.
25 On demand of a peace officer such transferor shall produce for
26 inspection such record of transfer. For any transfer pursuant

1 to subsection (a-10) of this Section, on the demand of a peace
2 officer, such transferee shall identify the federally licensed
3 firearm dealer maintaining the transfer record. If the
4 transfer or sale took place at a gun show, the record shall
5 include the unique identification number. Failure to record
6 the unique identification number or approval number is a petty
7 offense. For transfers of a firearm, stun gun, or taser made on
8 or after January 18, 2019 (the effective date of Public Act
9 100-1178), failure by the private seller to maintain the
10 transfer records in accordance with this Section, or failure
11 by a transferee pursuant to subsection a-10 of this Section to
12 identify the federally licensed firearm dealer maintaining the
13 transfer record, is a Class A misdemeanor for the first
14 offense and a Class 4 felony for a second or subsequent offense
15 occurring within 10 years of the first offense and the second
16 offense was committed after conviction of the first offense.
17 Whenever any person who has not previously been convicted of
18 any violation of subsection (a-5), the court may grant
19 supervision pursuant to and consistent with the limitations of
20 Section 5-6-1 of the Unified Code of Corrections. A transferee
21 or transferor shall not be criminally liable under this
22 Section provided that he or she provides the Illinois State
23 Police with the transfer records in accordance with procedures
24 established by the Illinois State Police. The Illinois State
25 Police shall establish, by rule, a standard form on its
26 website.

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

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

15 (Source: P.A. 102-237, eff. 1-1-24; 102-538, eff. 8-20-21;
16 102-813, eff. 5-13-22; 102-1116, eff. 1-10-23.)

17 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

18 Sec. 3.1. Firearm Transfer Inquiry Program.

19 (a) The Illinois State Police shall provide a dial up
20 telephone system or utilize other existing technology which
21 shall be used by any federally licensed firearm dealer, gun
22 show promoter, or gun show vendor who is to transfer a firearm,
23 stun gun, or taser under the provisions of this Act. The
24 Illinois State Police may utilize existing technology which
25 allows the caller to be charged a fee not to exceed \$2. Fees

1 collected by the Illinois State Police shall be deposited in
2 the State Police Firearm Services Fund and used to provide the
3 service. Beginning January 1, 2027, a federally licensed
4 firearm dealer, gun show promoter, and gun show vendor shall
5 additionally check the Illinois State Police Internet-based
6 system upon which the serial numbers of firearms that have
7 been reported stolen are available for public access to ensure
8 any firearms are not reported stolen prior to the sale or
9 transfer of a firearm under subsection (a-25) of Section 3 of
10 this Act. New firearms shipped directly from the manufacturer
11 are exempt from this provision.

12 (b) Upon receiving a request from a federally licensed
13 firearm dealer, gun show promoter, or gun show vendor, the
14 Illinois State Police shall immediately approve or, within the
15 time period established by Section 24-3 of the Criminal Code
16 of 2012 regarding the delivery of firearms, stun guns, and
17 tasers, notify the inquiring dealer, gun show promoter, or gun
18 show vendor of any objection that would disqualify the
19 transferee from acquiring or possessing a firearm, stun gun,
20 or taser. In conducting the inquiry, the Illinois State Police
21 shall initiate and complete an automated search of its
22 criminal history record information files and those of the
23 Federal Bureau of Investigation, including the National
24 Instant Criminal Background Check System, and of the files of
25 the Department of Human Services relating to mental health and
26 developmental disabilities to obtain any felony conviction or

1 patient hospitalization information which would disqualify a
2 person from obtaining or require revocation of a currently
3 valid Firearm Owner's Identification Card.

4 (b-5) By January 1, 2023, the Illinois State Police shall
5 by rule provide a process for the automatic renewal of the
6 Firearm Owner's Identification Card of a person at the time of
7 an inquiry in subsection (b). Persons eligible for this
8 process must have a set of fingerprints on file with their
9 applications under either subsection (a-25) of Section 4 or
10 the Firearm Concealed Carry Act.

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

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

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

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

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

24 (2) The Illinois State Police and the Department of Human
25 Services shall, in accordance with State and federal law
26 regarding confidentiality, enter into a memorandum of

1 understanding with the Federal Bureau of Investigation for the
2 purpose of implementing the National Instant Criminal
3 Background Check System in the State. The Illinois State
4 Police shall report the name, date of birth, and physical
5 description of any person prohibited from possessing a firearm
6 pursuant to the Firearm Owners Identification Card Act or 18
7 U.S.C. 922(g) and (n) to the National Instant Criminal
8 Background Check System Index, Denied Persons Files.

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

17 (f) The Illinois State Police shall adopt rules not
18 inconsistent with this Section to implement this system.

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

21 (430 ILCS 65/7.10 new)

22 Sec. 7.10. Notice of obligation to report lost or stolen
23 firearm. Upon the issuance and each renewal of a Firearm
24 Owner's Identification Card, the Illinois State Police shall
25 advise the applicant or holder in writing, in both English and

1 Spanish, of his or her obligation to report to local law
2 enforcement any lost or stolen firearm within 48 hours after
3 he or she first discovers the loss or theft. A person is deemed
4 to have discovered that a firearm was lost or stolen only when
5 the person has received evidence indicating that a loss or
6 theft has occurred.

7 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

17 (b) This subsection (b) applies through the 180th day
18 following July 12, 2019 (the effective date of Public Act
19 101-80). A person under 21 years of age who does not have
20 the written consent of his parent or guardian to acquire
21 and possess firearms and firearm ammunition, or whose
22 parent or guardian has revoked such written consent, or
23 where such parent or guardian does not qualify to have a
24 Firearm Owner's Identification Card;

25 (b-5) This subsection (b-5) applies on and after the

1 181st day following July 12, 2019 (the effective date of
2 Public Act 101-80). A person under 21 years of age who is
3 not an active duty member of the United States Armed
4 Forces or the Illinois National Guard and does not have
5 the written consent of his or her parent or guardian to
6 acquire and possess firearms and firearm ammunition, or
7 whose parent or guardian has revoked such written consent,
8 or where such parent or guardian does not qualify to have a
9 Firearm Owner's Identification Card;

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

12 (d) A person addicted to narcotics;

13 (e) A person who has been a patient of a mental health
14 facility within the past 5 years or a person who has been a
15 patient in a mental health facility more than 5 years ago
16 who has not received the certification required under
17 subsection (u) of this Section. An active law enforcement
18 officer employed by a unit of government or a Department
19 of Corrections employee authorized to possess firearms who
20 is denied, revoked, or has his or her Firearm Owner's
21 Identification Card seized under this subsection (e) may
22 obtain relief as described in subsection (c-5) of Section
23 10 of this Act if the officer or employee did not act in a
24 manner threatening to the officer or employee, another
25 person, or the public as determined by the treating
26 clinical psychologist or physician, and the officer or

1 employee seeks mental health treatment;

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

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

6 (h) A person who intentionally makes a false statement
7 in the Firearm Owner's Identification Card application or
8 endorsement affidavit;

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

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

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

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

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

26 (B) en route to or from another country to

1 which that noncitizen is accredited;

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

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

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

11 (j) (Blank);

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

17 (l) A person who has been convicted of domestic
18 battery, aggravated domestic battery, or a substantially
19 similar offense in another jurisdiction committed before,
20 on or after January 1, 2012 (the effective date of Public
21 Act 97-158). If the applicant or person who has been
22 previously issued a Firearm Owner's Identification Card
23 under this Act knowingly and intelligently waives the
24 right to have an offense described in this paragraph (l)
25 tried by a jury, and by guilty plea or otherwise, results
26 in a conviction for an offense in which a domestic

1 relationship is not a required element of the offense but
2 in which a determination of the applicability of 18 U.S.C.
3 922(g)(9) is made under Section 112A-11.1 of the Code of
4 Criminal Procedure of 1963, an entry by the court of a
5 judgment of conviction for that offense shall be grounds
6 for denying an application for and for revoking and
7 seizing a Firearm Owner's Identification Card previously
8 issued to the person under this Act;

9 (m) (Blank);

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

13 (o) A minor subject to a petition filed under Section
14 5-520 of the Juvenile Court Act of 1987 alleging that the
15 minor is a delinquent minor for the commission of an
16 offense that if committed by an adult would be a felony;

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

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

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

26 (s) A person who has been found to have a

1 developmental disability;

2 (t) A person involuntarily admitted into a mental
3 health facility; ~~or~~

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

26 (v) A person who fails 2 or more times to report a loss

1 or theft of a firearm within 48 hours of the discovery of
2 such loss or theft to local law enforcement as required
3 under subsection (a) of Section 24-4.1 of the Criminal
4 Code of 2012.

5 Upon revocation of a person's Firearm Owner's
6 Identification Card, the Illinois State Police shall provide
7 notice to the person and the person shall comply with Section
8 9.5 of this Act.

9 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
10 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
11 5-27-22; 102-1116, eff. 1-10-23.)

12 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

13 Sec. 8.1. Notifications to the Illinois State Police.

14 (a) The Circuit Clerk shall, in the form and manner
15 required by the Supreme Court, notify the Illinois State
16 Police of all final dispositions of cases for which the
17 Department has received information reported to it under
18 Sections 2.1 and 2.2 of the Criminal Identification Act.

19 (b) Upon adjudication of any individual as a person with a
20 mental disability as defined in Section 1.1 of this Act or a
21 finding that a person has been involuntarily admitted, the
22 court shall direct the circuit court clerk to immediately
23 notify the Illinois State Police, Firearm Owner's
24 Identification (FOID) department, and shall forward a copy of
25 the court order to the Department.

1 (b-1) Beginning July 1, 2016, and each July 1 and December
2 30 of every year thereafter, the circuit court clerk shall, in
3 the form and manner prescribed by the Illinois State Police,
4 notify the Illinois State Police, Firearm Owner's
5 Identification (FOID) department if the court has not directed
6 the circuit court clerk to notify the Illinois State Police,
7 Firearm Owner's Identification (FOID) department under
8 subsection (b) of this Section, within the preceding 6 months,
9 because no person has been adjudicated as a person with a
10 mental disability by the court as defined in Section 1.1 of
11 this Act or if no person has been involuntarily admitted. The
12 Supreme Court may adopt any orders or rules necessary to
13 identify the persons who shall be reported to the Illinois
14 State Police under subsection (b), or any other orders or
15 rules necessary to implement the requirements of this Act.

16 (c) The Department of Human Services shall, in the form
17 and manner prescribed by the Illinois State Police, report all
18 information collected under subsection (b) of Section 12 of
19 the Mental Health and Developmental Disabilities
20 Confidentiality Act for the purpose of determining whether a
21 person who may be or may have been a patient in a mental health
22 facility is disqualified under State or federal law from
23 receiving or retaining a Firearm Owner's Identification Card,
24 or purchasing a weapon.

25 (d) If a person is determined to pose a clear and present
26 danger to himself, herself, or to others:

1 (1) by a physician, clinical psychologist, or
2 qualified examiner, or is determined to have a
3 developmental disability by a physician, clinical
4 psychologist, or qualified examiner, whether employed by
5 the State or privately, then the physician, clinical
6 psychologist, or qualified examiner shall, within 24 hours
7 of making the determination, notify the Department of
8 Human Services that the person poses a clear and present
9 danger or has a developmental disability; or

10 (2) by a law enforcement official or school
11 administrator, then the law enforcement official or school
12 administrator shall, within 24 hours of making the
13 determination, notify the Illinois State Police that the
14 person poses a clear and present danger.

15 The Department of Human Services shall immediately update
16 its records and information relating to mental health and
17 developmental disabilities, and if appropriate, shall notify
18 the Illinois State Police in a form and manner prescribed by
19 the Illinois State Police. The Illinois State Police shall
20 determine whether to revoke the person's Firearm Owner's
21 Identification Card under Section 8 of this Act. Any
22 information disclosed under this subsection shall remain
23 privileged and confidential, and shall not be redisclosed,
24 except as required under subsection (e) of Section 3.1 of this
25 Act, nor used for any other purpose. The method of providing
26 this information shall guarantee that the information is not

1 released beyond what is necessary for the purpose of this
2 Section and shall be provided by rule by the Department of
3 Human Services. The identity of the person reporting under
4 this Section shall not be disclosed to the subject of the
5 report. The physician, clinical psychologist, qualified
6 examiner, law enforcement official, or school administrator
7 making the determination and his or her employer shall not be
8 held criminally, civilly, or professionally liable for making
9 or not making the notification required under this subsection,
10 except for willful or wanton misconduct.

11 (d-5) If a law enforcement official determines that a
12 person has failed to report a lost or stolen firearm as
13 required by Section 24-4.1 of the Criminal Code of 2012, then
14 the law enforcement official shall, within 24 hours of making
15 that determination, notify the Illinois State Police that the
16 person has failed to report a lost or stolen firearm. The law
17 enforcement official shall notify the Illinois State Police in
18 a form and manner prescribed by the Illinois State Police. Any
19 information disclosed under this subsection shall remain
20 privileged and confidential, and shall not be redisclosed,
21 except as required under subsection (e) of Section 3.1 of this
22 Act, nor used for any other purpose.

23 (e) The Illinois State Police shall adopt rules to
24 implement this Section.

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

1 Section 95. The Firearm Concealed Carry Act is amended by
2 adding Section 56 as follows:

3 (430 ILCS 66/56 new)

4 Sec. 56. Notice of obligation to report lost or stolen
5 firearm. Upon the issuance and each renewal of a concealed
6 carry license, the Illinois State Police shall advise the
7 applicant or licensee in writing, in both English and Spanish,
8 of his or her obligation to report to local law enforcement any
9 lost or stolen firearm within 48 hours after he or she first
10 discovers the theft or loss.

11 Section 100. The Firearm Dealer License Certification Act
12 is amended by changing Section 5-20 as follows:

13 (430 ILCS 68/5-20)

14 Sec. 5-20. Additional licensee requirements.

15 (a) A certified licensee shall make a photo copy of a
16 buyer's or transferee's valid photo identification card
17 whenever a firearm sale transaction takes place. The photo
18 copy shall be attached to the documentation detailing the
19 record of sale.

20 (b) A certified licensee shall post in a conspicuous
21 position on the premises where the licensee conducts business
22 a sign that contains the following warning in block letters
23 not less than one inch in height:

1 "With few exceptions enumerated in the Firearm Owners
2 Identification Card Act, it is unlawful for you to:

3 (A) store or leave an unsecured firearm in a place
4 where a child can obtain access to it;

5 (B) sell or transfer your firearm to someone else
6 without receiving approval for the transfer from the
7 Illinois State Police, or

8 (C) fail to report the loss or theft of your
9 firearm to local law enforcement within 48 ~~72~~ hours."

10 This sign shall be created by the Illinois State Police and
11 made available for printing or downloading from the Illinois
12 State Police's website.

13 (c) No retail location established after the effective
14 date of this Act shall be located within 500 feet of any
15 school, pre-school, or day care facility in existence at its
16 location before the retail location is established as measured
17 from the nearest corner of the building holding the retail
18 location to the corner of the school, pre-school, or day care
19 facility building nearest the retail location at the time the
20 retail location seeks licensure.

21 (d) A certified dealer who sells or transfers a firearm
22 shall notify the purchaser or the recipient, orally and in
23 writing, in both English and Spanish, at the time of the sale
24 or transfer, that the owner of a firearm is required to report
25 a lost or stolen firearm to local law enforcement within 48
26 hours after the owner first discovers the loss or theft. The

1 Illinois State Police shall create a written notice, in both
2 English and Spanish, that certified dealers shall provide
3 firearm purchasers or transferees in accordance with this
4 provision and make such notice available for printing or
5 downloading from the Illinois State Police website.

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

7 Section 105. The Criminal Code of 2012 is amended by
8 changing Sections 24-3B, 24-4.1, and 24-9 as follows:

9 (720 ILCS 5/24-3B)

10 Sec. 24-3B. Firearms trafficking.

11 (a) A person commits firearms trafficking when he or she
12 has not been issued a currently valid Firearm Owner's
13 Identification Card and knowingly:

14 (1) brings, or causes to be brought, into this State,
15 a firearm or firearm ammunition for the purpose of sale,
16 delivery, or transfer to any other person or with the
17 intent to sell, deliver, or transfer the firearm or
18 firearm ammunition to any other person; ~~or~~

19 (2) brings, or causes to be brought, into this State,
20 a firearm and firearm ammunition for the purpose of sale,
21 delivery, or transfer to any other person or with the
22 intent to sell, deliver, or transfer the firearm and
23 firearm ammunition to any other person; or.

24 (3) brings, or causes to be brought, into this State,

1 in a vehicle on an expressway in this State, more than one
2 firearm prohibited from possession by Section 24-1.9, per
3 occupants of the vehicle.

4 (a-5) This Section does not apply to:

5 (1) a person exempt under Section 2 of the Firearm
6 Owners Identification Card Act from the requirement of
7 having possession of a Firearm Owner's Identification Card
8 previously issued in his or her name by the Illinois State
9 Police in order to acquire or possess a firearm or firearm
10 ammunition;

11 (2) a common carrier under subsection (i) of Section
12 24-2 of this Code; or

13 (3) a non-resident who may lawfully possess a firearm
14 in his or her resident state.

15 (b) Sentence.

16 (1) Firearms trafficking is a Class 1 felony for which
17 the person, if sentenced to a term of imprisonment, shall
18 be sentenced to not less than 4 years and not more than 20
19 years.

20 (2) Firearms trafficking by a person who has been
21 previously convicted of firearms trafficking, gunrunning,
22 or a felony offense for the unlawful sale, delivery, or
23 transfer of a firearm or firearm ammunition in this State
24 or another jurisdiction is a Class X felony.

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

1 (720 ILCS 5/24-4.1)

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

3 (a) If a person who possesses a valid Firearm Owner's
4 Identification Card and who possesses or acquires a firearm
5 thereafter loses the firearm, or if the firearm is stolen from
6 the person, the person must report the loss or theft of any
7 such firearm to the local law enforcement agency within 48 72
8 hours after obtaining knowledge of the loss or theft. The
9 report shall include:

10 (1) the date the firearm was lost or stolen;

11 (2) the exact location where the firearm was lost or
12 stolen or, if the exact location is not known, the last
13 known location of the firearm;

14 (3) the caliber, make, model, and serial number of the
15 firearm;

16 (4) a description of the circumstances under which the
17 firearm was lost or stolen; and

18 (5) the Firearm Owner's Identification Card number of
19 the person making the report, if applicable.

20 (b) A law enforcement agency having jurisdiction shall
21 take a written report and shall, as soon as practical, and in
22 no event later than 48 hours after receiving the report, enter
23 the information and the firearm's serial number as stolen into
24 the Law Enforcement Agencies Data System (LEADS).

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

26 (1) the failure to report is due to an act of God, act

1 of war, or inability of a law enforcement agency to
2 receive the report;

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

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

8 (d) Sentence. A person who violates this Section is guilty
9 of a petty offense for a first violation. A second or
10 subsequent violation of this Section is a Class A misdemeanor.

11 (e) A prosecution for an offense under this Section may be
12 commenced within 3 years after the discovery by law
13 enforcement or prosecution of the failure to report the theft
14 or loss of a firearm as required under subsection (a).

15 (Source: P.A. 98-508, eff. 8-19-13.)

16 (720 ILCS 5/24-9)

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

18 (a) Except as provided in subsection (c), it is unlawful
19 for any person to store or leave, within premises under his or
20 her control, a firearm if the person knows or has reason to
21 believe that a minor under the age of 18 ~~14~~ years who does not
22 have a Firearm Owners Identification Card is likely to gain
23 access to the firearm without the lawful permission of the
24 minor's parent, guardian, or person having charge of the
25 minor, and the minor causes death or great bodily harm with the

1 firearm, 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; or

5 (2) placed in a securely locked box or container. ~~7 or~~

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

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

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

14 (1) if the minor under 18 ~~14~~ years of age gains access
15 to a firearm and uses it in a lawful act of self-defense or
16 defense of another; or

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

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

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

24 Section 110. The Unified Code of Corrections is amended by
25 changing Section 5-4-1 as follows:

1 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

2 Sec. 5-4-1. Sentencing hearing.

3 (a) After a determination of guilt, a hearing shall be
4 held to impose the sentence. However, prior to the imposition
5 of sentence on an individual being sentenced for an offense
6 based upon a charge for a violation of Section 11-501 of the
7 Illinois Vehicle Code or a similar provision of a local
8 ordinance, the individual must undergo a professional
9 evaluation to determine if an alcohol or other drug abuse
10 problem exists and the extent of such a problem. Programs
11 conducting these evaluations shall be licensed by the
12 Department of Human Services. However, if the individual is
13 not a resident of Illinois, the court may, in its discretion,
14 accept an evaluation from a program in the state of such
15 individual's residence. The court shall make a specific
16 finding about whether the defendant is eligible for
17 participation in a Department impact incarceration program as
18 provided in Section 5-8-1.1 or 5-8-1.3, and if not, provide an
19 explanation as to why a sentence to impact incarceration is
20 not an appropriate sentence. The court may in its sentencing
21 order recommend a defendant for placement in a Department of
22 Corrections substance abuse treatment program as provided in
23 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
24 upon the defendant being accepted in a program by the
25 Department of Corrections. At the hearing the court shall:

1 (1) consider the evidence, if any, received upon the
2 trial;

3 (2) consider any presentence reports;

4 (3) consider the financial impact of incarceration
5 based on the financial impact statement filed with the
6 clerk of the court by the Department of Corrections;

7 (4) consider evidence and information offered by the
8 parties in aggravation and mitigation;

9 (4.5) consider substance abuse treatment, eligibility
10 screening, and an assessment, if any, of the defendant by
11 an agent designated by the State of Illinois to provide
12 assessment services for the Illinois courts;

13 (5) hear arguments as to sentencing alternatives;

14 (6) afford the defendant the opportunity to make a
15 statement in his own behalf;

16 (7) afford the victim of a violent crime or a
17 violation of Section 11-501 of the Illinois Vehicle Code,
18 or a similar provision of a local ordinance, the
19 opportunity to present an oral or written statement, as
20 guaranteed by Article I, Section 8.1 of the Illinois
21 Constitution and provided in Section 6 of the Rights of
22 Crime Victims and Witnesses Act. The court shall allow a
23 victim to make an oral statement if the victim is present
24 in the courtroom and requests to make an oral or written
25 statement. An oral or written statement includes the
26 victim or a representative of the victim reading the

1 written statement. The court may allow persons impacted by
2 the crime who are not victims under subsection (a) of
3 Section 3 of the Rights of Crime Victims and Witnesses Act
4 to present an oral or written statement. A victim and any
5 person making an oral statement shall not be put under
6 oath or subject to cross-examination. All statements
7 offered under this paragraph (7) shall become part of the
8 record of the court. In this paragraph (7), "victim of a
9 violent crime" means a person who is a victim of a violent
10 crime for which the defendant has been convicted after a
11 bench or jury trial or a person who is the victim of a
12 violent crime with which the defendant was charged and the
13 defendant has been convicted under a plea agreement of a
14 crime that is not a violent crime as defined in subsection
15 (c) of 3 of the Rights of Crime Victims and Witnesses Act;

16 (7.5) afford a qualified person affected by: (i) a
17 violation of Section 405, 405.1, 405.2, or 407 of the
18 Illinois Controlled Substances Act or a violation of
19 Section 55 or Section 65 of the Methamphetamine Control
20 and Community Protection Act; or (ii) a Class 4 felony
21 violation of Section 11-14, 11-14.3 except as described in
22 subdivisions (a)(2)(A) and (a)(2)(B), 11-15, 11-17, 11-18,
23 11-18.1, or 11-19 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, committed by the defendant the
25 opportunity to make a statement concerning the impact on
26 the qualified person and to offer evidence in aggravation

1 or mitigation; provided that the statement and evidence
2 offered in aggravation or mitigation shall first be
3 prepared in writing in conjunction with the State's
4 Attorney before it may be presented orally at the hearing.
5 Sworn testimony offered by the qualified person is subject
6 to the defendant's right to cross-examine. All statements
7 and evidence offered under this paragraph (7.5) shall
8 become part of the record of the court. In this paragraph
9 (7.5), "qualified person" means any person who: (i) lived
10 or worked within the territorial jurisdiction where the
11 offense took place when the offense took place; or (ii) is
12 familiar with various public places within the territorial
13 jurisdiction where the offense took place when the offense
14 took place. "Qualified person" includes any peace officer
15 or any member of any duly organized State, county, or
16 municipal peace officer unit assigned to the territorial
17 jurisdiction where the offense took place when the offense
18 took place;

19 (8) in cases of reckless homicide afford the victim's
20 spouse, guardians, parents or other immediate family
21 members an opportunity to make oral statements;

22 (9) in cases involving a felony sex offense as defined
23 under the Sex Offender Management Board Act, consider the
24 results of the sex offender evaluation conducted pursuant
25 to Section 5-3-2 of this Act; ~~and~~

26 (10) make a finding of whether a motor vehicle was

1 used in the commission of the offense for which the
2 defendant is being sentenced; and ~~÷~~

3 (11) make a finding of whether a firearm with a serial
4 number reported as stolen on the Illinois State Police
5 publicly accessible stolen firearms database was used in
6 the commission of the offense for which the defendant is
7 being sentenced.

8 (b) All sentences shall be imposed by the judge based upon
9 his independent assessment of the elements specified above and
10 any agreement as to sentence reached by the parties. The judge
11 who presided at the trial or the judge who accepted the plea of
12 guilty shall impose the sentence unless he is no longer
13 sitting as a judge in that court. Where the judge does not
14 impose sentence at the same time on all defendants who are
15 convicted as a result of being involved in the same offense,
16 the defendant or the State's Attorney may advise the
17 sentencing court of the disposition of any other defendants
18 who have been sentenced.

19 (b-1) In imposing a sentence of imprisonment or periodic
20 imprisonment for a Class 3 or Class 4 felony for which a
21 sentence of probation or conditional discharge is an available
22 sentence, if the defendant has no prior sentence of probation
23 or conditional discharge and no prior conviction for a violent
24 crime, the defendant shall not be sentenced to imprisonment
25 before review and consideration of a presentence report and
26 determination and explanation of why the particular evidence,

1 information, factor in aggravation, factual finding, or other
2 reasons support a sentencing determination that one or more of
3 the factors under subsection (a) of Section 5-6-1 of this Code
4 apply and that probation or conditional discharge is not an
5 appropriate sentence.

6 (c) In imposing a sentence for a violent crime or for an
7 offense of operating or being in physical control of a vehicle
8 while under the influence of alcohol, any other drug or any
9 combination thereof, or a similar provision of a local
10 ordinance, when such offense resulted in the personal injury
11 to someone other than the defendant, the trial judge shall
12 specify on the record the particular evidence, information,
13 factors in mitigation and aggravation or other reasons that
14 led to his sentencing determination. The full verbatim record
15 of the sentencing hearing shall be filed with the clerk of the
16 court and shall be a public record.

17 (c-1) In imposing a sentence for the offense of aggravated
18 kidnapping for ransom, home invasion, armed robbery,
19 aggravated vehicular hijacking, aggravated discharge of a
20 firearm, or armed violence with a category I weapon or
21 category II weapon, the trial judge shall make a finding as to
22 whether the conduct leading to conviction for the offense
23 resulted in great bodily harm to a victim, and shall enter that
24 finding and the basis for that finding in the record.

25 (c-1.5) Notwithstanding any other provision of law to the
26 contrary, in imposing a sentence for an offense that requires

1 a mandatory minimum sentence of imprisonment, the court may
2 instead sentence the offender to probation, conditional
3 discharge, or a lesser term of imprisonment it deems
4 appropriate if: (1) the offense involves the use or possession
5 of drugs, retail theft, or driving on a revoked license due to
6 unpaid financial obligations; (2) the court finds that the
7 defendant does not pose a risk to public safety; and (3) the
8 interest of justice requires imposing a term of probation,
9 conditional discharge, or a lesser term of imprisonment. The
10 court must state on the record its reasons for imposing
11 probation, conditional discharge, or a lesser term of
12 imprisonment.

13 (c-2) If the defendant is sentenced to prison, other than
14 when a sentence of natural life imprisonment is imposed, at
15 the time the sentence is imposed the judge shall state on the
16 record in open court the approximate period of time the
17 defendant will serve in custody according to the then current
18 statutory rules and regulations for sentence credit found in
19 Section 3-6-3 and other related provisions of this Code. This
20 statement is intended solely to inform the public, has no
21 legal effect on the defendant's actual release, and may not be
22 relied on by the defendant on appeal.

23 The judge's statement, to be given after pronouncing the
24 sentence, other than when the sentence is imposed for one of
25 the offenses enumerated in paragraph (a)(4) of Section 3-6-3,
26 shall include the following:

1 "The purpose of this statement is to inform the public of
2 the actual period of time this defendant is likely to spend in
3 prison as a result of this sentence. The actual period of
4 prison time served is determined by the statutes of Illinois
5 as applied to this sentence by the Illinois Department of
6 Corrections and the Illinois Prisoner Review Board. In this
7 case, assuming the defendant receives all of his or her
8 sentence credit, the period of estimated actual custody is ...
9 years and ... months, less up to 180 days additional earned
10 sentence credit. If the defendant, because of his or her own
11 misconduct or failure to comply with the institutional
12 regulations, does not receive those credits, the actual time
13 served in prison will be longer. The defendant may also
14 receive an additional one-half day sentence credit for each
15 day of participation in vocational, industry, substance abuse,
16 and educational programs as provided for by Illinois statute."

17 When the sentence is imposed for one of the offenses
18 enumerated in paragraph (a)(2) of Section 3-6-3, other than
19 first degree murder, and the offense was committed on or after
20 June 19, 1998, and when the sentence is imposed for reckless
21 homicide as defined in subsection (e) of Section 9-3 of the
22 Criminal Code of 1961 or the Criminal Code of 2012 if the
23 offense was committed on or after January 1, 1999, and when the
24 sentence is imposed for aggravated driving under the influence
25 of alcohol, other drug or drugs, or intoxicating compound or
26 compounds, or any combination thereof as defined in

1 subparagraph (F) of paragraph (1) of subsection (d) of Section
2 11-501 of the Illinois Vehicle Code, and when the sentence is
3 imposed for aggravated arson if the offense was committed on
4 or after July 27, 2001 (the effective date of Public Act
5 92-176), and when the sentence is imposed for aggravated
6 driving under the influence of alcohol, other drug or drugs,
7 or intoxicating compound or compounds, or any combination
8 thereof as defined in subparagraph (C) of paragraph (1) of
9 subsection (d) of Section 11-501 of the Illinois Vehicle Code
10 committed on or after January 1, 2011 (the effective date of
11 Public Act 96-1230), the judge's statement, to be given after
12 pronouncing the sentence, shall include the following:

13 "The purpose of this statement is to inform the public of
14 the actual period of time this defendant is likely to spend in
15 prison as a result of this sentence. The actual period of
16 prison time served is determined by the statutes of Illinois
17 as applied to this sentence by the Illinois Department of
18 Corrections and the Illinois Prisoner Review Board. In this
19 case, the defendant is entitled to no more than 4 1/2 days of
20 sentence credit for each month of his or her sentence of
21 imprisonment. Therefore, this defendant will serve at least
22 85% of his or her sentence. Assuming the defendant receives 4
23 1/2 days credit for each month of his or her sentence, the
24 period of estimated actual custody is ... years and ...
25 months. If the defendant, because of his or her own misconduct
26 or failure to comply with the institutional regulations

1 receives lesser credit, the actual time served in prison will
2 be longer."

3 When a sentence of imprisonment is imposed for first
4 degree murder and the offense was committed on or after June
5 19, 1998, the judge's statement, to be given after pronouncing
6 the sentence, shall include the following:

7 "The purpose of this statement is to inform the public of
8 the actual period of time this defendant is likely to spend in
9 prison as a result of this sentence. The actual period of
10 prison time served is determined by the statutes of Illinois
11 as applied to this sentence by the Illinois Department of
12 Corrections and the Illinois Prisoner Review Board. In this
13 case, the defendant is not entitled to sentence credit.
14 Therefore, this defendant will serve 100% of his or her
15 sentence."

16 When the sentencing order recommends placement in a
17 substance abuse program for any offense that results in
18 incarceration in a Department of Corrections facility and the
19 crime was committed on or after September 1, 2003 (the
20 effective date of Public Act 93-354), the judge's statement,
21 in addition to any other judge's statement required under this
22 Section, to be given after pronouncing the sentence, shall
23 include the following:

24 "The purpose of this statement is to inform the public of
25 the actual period of time this defendant is likely to spend in
26 prison as a result of this sentence. The actual period of

1 prison time served is determined by the statutes of Illinois
2 as applied to this sentence by the Illinois Department of
3 Corrections and the Illinois Prisoner Review Board. In this
4 case, the defendant shall receive no earned sentence credit
5 under clause (3) of subsection (a) of Section 3-6-3 until he or
6 she participates in and completes a substance abuse treatment
7 program or receives a waiver from the Director of Corrections
8 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

9 (c-4) Before the sentencing hearing and as part of the
10 presentence investigation under Section 5-3-1, the court shall
11 inquire of the defendant whether the defendant is currently
12 serving in or is a veteran of the Armed Forces of the United
13 States. If the defendant is currently serving in the Armed
14 Forces of the United States or is a veteran of the Armed Forces
15 of the United States and has been diagnosed as having a mental
16 illness by a qualified psychiatrist or clinical psychologist
17 or physician, the court may:

18 (1) order that the officer preparing the presentence
19 report consult with the United States Department of
20 Veterans Affairs, Illinois Department of Veterans'
21 Affairs, or another agency or person with suitable
22 knowledge or experience for the purpose of providing the
23 court with information regarding treatment options
24 available to the defendant, including federal, State, and
25 local programming; and

26 (2) consider the treatment recommendations of any

1 diagnosing or treating mental health professionals
2 together with the treatment options available to the
3 defendant in imposing sentence.

4 For the purposes of this subsection (c-4), "qualified
5 psychiatrist" means a reputable physician licensed in Illinois
6 to practice medicine in all its branches, who has specialized
7 in the diagnosis and treatment of mental and nervous disorders
8 for a period of not less than 5 years.

9 (c-6) In imposing a sentence, the trial judge shall
10 specify, on the record, the particular evidence and other
11 reasons which led to his or her determination that a motor
12 vehicle was used in the commission of the offense.

13 (c-7) In imposing a sentence for a Class 3 or 4 felony,
14 other than a violent crime as defined in Section 3 of the
15 Rights of Crime Victims and Witnesses Act, the court shall
16 determine and indicate in the sentencing order whether the
17 defendant has 4 or more or fewer than 4 months remaining on his
18 or her sentence accounting for time served.

19 (d) When the defendant is committed to the Department of
20 Corrections, the State's Attorney shall and counsel for the
21 defendant may file a statement with the clerk of the court to
22 be transmitted to the department, agency or institution to
23 which the defendant is committed to furnish such department,
24 agency or institution with the facts and circumstances of the
25 offense for which the person was committed together with all
26 other factual information accessible to them in regard to the

1 person prior to his commitment relative to his habits,
2 associates, disposition and reputation and any other facts and
3 circumstances which may aid such department, agency or
4 institution during its custody of such person. The clerk shall
5 within 10 days after receiving any such statements transmit a
6 copy to such department, agency or institution and a copy to
7 the other party, provided, however, that this shall not be
8 cause for delay in conveying the person to the department,
9 agency or institution to which he has been committed.

10 (e) The clerk of the court shall transmit to the
11 department, agency or institution, if any, to which the
12 defendant is committed, the following:

13 (1) the sentence imposed;

14 (2) any statement by the court of the basis for
15 imposing the sentence;

16 (3) any presentence reports;

17 (3.3) the person's last known complete street address
18 prior to incarceration or legal residence, the person's
19 race, whether the person is of Hispanic or Latino origin,
20 and whether the person is 18 years of age or older;

21 (3.5) any sex offender evaluations;

22 (3.6) any substance abuse treatment eligibility
23 screening and assessment of the defendant by an agent
24 designated by the State of Illinois to provide assessment
25 services for the Illinois courts;

26 (4) the number of days, if any, which the defendant

1 has been in custody and for which he is entitled to credit
2 against the sentence, which information shall be provided
3 to the clerk by the sheriff;

4 (4.1) any finding of great bodily harm made by the
5 court with respect to an offense enumerated in subsection
6 (c-1);

7 (5) all statements filed under subsection (d) of this
8 Section;

9 (6) any medical or mental health records or summaries
10 of the defendant;

11 (7) the municipality where the arrest of the offender
12 or the commission of the offense has occurred, where such
13 municipality has a population of more than 25,000 persons;

14 (8) all statements made and evidence offered under
15 paragraph (7) of subsection (a) of this Section; and

16 (9) all additional matters which the court directs the
17 clerk to transmit.

18 (f) In cases in which the court finds that a motor vehicle
19 was used in the commission of the offense for which the
20 defendant is being sentenced, the clerk of the court shall,
21 within 5 days thereafter, forward a report of such conviction
22 to the Secretary of State.

23 (g) In cases in which the court finds that a firearm with a
24 serial number reported as stolen on the Illinois State Police
25 publicly accessible database was used in the commission of the
26 offense for which the defendant is being sentenced, the clerk

1 of the court shall, within 5 days thereafter, forward a report
2 of such conviction to the Illinois State Police Division of
3 Justice Services.

4 (Source: P.A. 102-813, eff. 5-13-22; 103-18, eff. 1-1-24;
5 103-51, eff. 1-1-24; 103-605, eff. 7-1-24.)

6 Section 997. Severability. The provisions of this Act are
7 severable under Section 1.31 of the Statute on Statutes.

8 Section 999. Effective date. This Act takes effect January
9 1, 2026.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 430 ILCS 65/3 from Ch. 38, par. 83-3

5 430 ILCS 65/3.1 from Ch. 38, par. 83-3.1

6 430 ILCS 65/7.10 new

7 430 ILCS 65/8 from Ch. 38, par. 83-8

8 430 ILCS 65/8.1 from Ch. 38, par. 83-8.1

9 430 ILCS 66/56 new

10 430 ILCS 68/5-20

11 720 ILCS 5/24-3.8

12 720 ILCS 5/24-3.9

13 720 ILCS 5/24-3B

14 720 ILCS 5/24-4.1

15 720 ILCS 5/24-9