



Sen. Celina Villanueva

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10400SB3329sam001

LRB104 17833 RLC 36624 a

1 AMENDMENT TO SENATE BILL 3329

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3329 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by  
5 changing Section 24-3 as follows:

6 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

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

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

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

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

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

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

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

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

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

21 (g) Delivers any firearm, incidental to a sale,  
22 without withholding delivery of the firearm for at least  
23 72 hours after application for its purchase has been made,  
24 or delivers a stun gun or taser, incidental to a sale,  
25 without withholding delivery of the stun gun or taser for  
26 at least 24 hours after application for its purchase has

1           been made. However, this paragraph (g) does not apply to:  
2           (1) the sale of a firearm to a law enforcement officer if  
3           the seller of the firearm knows that the person to whom he  
4           or she is selling the firearm is a law enforcement officer  
5           or the sale of a firearm to a person who desires to  
6           purchase a firearm for use in promoting the public  
7           interest incident to his or her employment as a bank  
8           guard, armed truck guard, or other similar employment; (2)  
9           a mail order sale of a firearm from a federally licensed  
10          firearms dealer to a nonresident of Illinois under which  
11          the firearm is mailed to a federally licensed firearms  
12          dealer outside the boundaries of Illinois; (3) (blank);  
13          (4) the sale of a firearm to a dealer licensed as a federal  
14          firearms dealer under Section 923 of the federal Gun  
15          Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or  
16          sale of any rifle, shotgun, or other long gun to a resident  
17          registered competitor or attendee or non-resident  
18          registered competitor or attendee by any dealer licensed  
19          as a federal firearms dealer under Section 923 of the  
20          federal Gun Control Act of 1968 at competitive shooting  
21          events held at the World Shooting Complex sanctioned by a  
22          national governing body. For purposes of transfers or  
23          sales under subparagraph (5) of this paragraph (g), the  
24          Department of Natural Resources shall give notice to the  
25          Illinois State Police at least 30 calendar days prior to  
26          any competitive shooting events at the World Shooting

1 Complex sanctioned by a national governing body. The  
2 notification shall be made on a form prescribed by the  
3 Illinois State Police. The sanctioning body shall provide  
4 a list of all registered competitors and attendees at  
5 least 24 hours before the events to the Illinois State  
6 Police. Any changes to the list of registered competitors  
7 and attendees shall be forwarded to the Illinois State  
8 Police as soon as practicable. The Illinois State Police  
9 must destroy the list of registered competitors and  
10 attendees no later than 30 days after the date of the  
11 event. Nothing in this paragraph (g) relieves a federally  
12 licensed firearm dealer from the requirements of  
13 conducting a NICS background check through the Illinois  
14 Point of Contact under 18 U.S.C. 922(t). For purposes of  
15 this paragraph (g), "application" means when the buyer and  
16 seller reach an agreement to purchase a firearm. For  
17 purposes of this paragraph (g), "national governing body"  
18 means a group of persons who adopt rules and formulate  
19 policy on behalf of a national firearm sporting  
20 organization.

21 (h) While holding any license as a dealer, importer,  
22 manufacturer or pawnbroker under the federal Gun Control  
23 Act of 1968, manufactures, sells or delivers to any  
24 unlicensed person a handgun having a barrel, slide, frame  
25 or receiver which is a die casting of zinc alloy or any  
26 other nonhomogeneous metal which will melt or deform at a

1 temperature of less than 800 degrees Fahrenheit. For  
2 purposes of this paragraph, (1) "firearm" is defined as in  
3 the Firearm Owners Identification Card Act; and (2)  
4 "handgun" is defined as a firearm designed to be held and  
5 fired by the use of a single hand, and includes a  
6 combination of parts from which such a firearm can be  
7 assembled.

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

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

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

23 "With the principal objective of livelihood and  
24 profit" means that the intent underlying the sale or  
25 disposition of firearms is predominantly one of obtaining  
26 livelihood and pecuniary gain, as opposed to other

1 intents, such as improving or liquidating a personal  
2 firearms collection; however, proof of profit shall not be  
3 required as to a person who engages in the regular and  
4 repetitive purchase and disposition of firearms for  
5 criminal purposes or terrorism.

6 (k) Sells or transfers ownership of a firearm to a  
7 person who does not display to the seller or transferor of  
8 the firearm either: (1) a currently valid Firearm Owner's  
9 Identification Card that has previously been issued in the  
10 transferee's name by the Illinois State Police under the  
11 provisions of the Firearm Owners Identification Card Act;  
12 or (2) a currently valid license to carry a concealed  
13 firearm that has previously been issued in the  
14 transferee's name by the Illinois State Police under the  
15 Firearm Concealed Carry Act. This paragraph (k) does not  
16 apply to the transfer of a firearm to a person who is  
17 exempt from the requirement of possessing a Firearm  
18 Owner's Identification Card under Section 2 of the Firearm  
19 Owners Identification Card Act. For the purposes of this  
20 Section, a currently valid Firearm Owner's Identification  
21 Card or license to carry a concealed firearm means receipt  
22 of an approval number issued in accordance with subsection  
23 (a-10) of Section 3 or Section 3.1 of the Firearm Owners  
24 Identification Card Act.

25 (1) In addition to the other requirements of this  
26 paragraph (k), all persons who are not federally

1 licensed firearms dealers must also have complied with  
2 subsection (a-10) of Section 3 of the Firearm Owners  
3 Identification Card Act by determining the validity of  
4 a purchaser's Firearm Owner's Identification Card.

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

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

18 (m) Gives a firearm or firearm parts to or allows a  
19 respondent in an order of protection action access to a  
20 firearm or firearm parts in violation of a court order  
21 under Section 112A-14(b)(14.5)(E) or (F) of the Code of  
22 Criminal Procedure of 1963 or subparagraph (D) or (E) of  
23 paragraph (14.5) of subsection (b) of Section 214 of the  
24 Illinois Domestic Violence Act of 1986.

25 (B) Paragraph (h) of subsection (A) does not include  
26 firearms sold within 6 months after enactment of Public Act

1 78-355 (approved August 21, 1973, effective October 1, 1973),  
2 nor is any firearm legally owned or possessed by any citizen or  
3 purchased by any citizen within 6 months after the enactment  
4 of Public Act 78-355 subject to confiscation or seizure under  
5 the provisions of that Public Act. Nothing in Public Act  
6 78-355 shall be construed to prohibit the gift or trade of any  
7 firearm if that firearm was legally held or acquired within 6  
8 months after the enactment of that Public Act.

9 (C) Sentence.

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

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

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

19 (4) Any person convicted of unlawful sale or delivery  
20 of firearms in violation of paragraph (a), (b), or (i) of  
21 subsection (A) in any school, on the real property  
22 comprising a school, within 1,000 feet of the real  
23 property comprising a school, at a school related  
24 activity, or on or within 1,000 feet of any conveyance  
25 owned, leased, or contracted by a school or school  
26 district to transport students to or from school or a

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

17 (5) Any person convicted of unlawful sale or delivery  
18 of firearms in violation of paragraph (a) or (i) of  
19 subsection (A) in residential property owned, operated, or  
20 managed by a public housing agency or leased by a public  
21 housing agency as part of a scattered site or mixed-income  
22 development, in a public park, in a courthouse, on  
23 residential property owned, operated, or managed by a  
24 public housing agency or leased by a public housing agency  
25 as part of a scattered site or mixed-income development,  
26 on the real property comprising any public park, on the

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

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

11 (7) Any person convicted of unlawful sale or delivery  
12 of firearms in violation of paragraph (k) of subsection  
13 (A) commits a Class 4 felony, except that a violation of  
14 subparagraph (1) of paragraph (k) of subsection (A) shall  
15 not be punishable as a crime or petty offense. A third or  
16 subsequent conviction for a violation of paragraph (k) of  
17 subsection (A) is a Class 1 felony.

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

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

4           (10) Any person convicted of unlawful sale or delivery  
5 of firearms in violation of paragraph (l) of subsection  
6 (A) commits a Class 2 felony if the delivery is of one  
7 firearm. Any person convicted of unlawful sale or delivery  
8 of firearms in violation of paragraph (l) of subsection  
9 (A) commits a Class 1 felony if the delivery is of not less  
10 than 2 and not more than 5 firearms at the same time or  
11 within a one-year period. Any person convicted of unlawful  
12 sale or delivery of firearms in violation of paragraph (l)  
13 of subsection (A) commits a Class X felony for which he or  
14 she shall be sentenced to a term of imprisonment of not  
15 less than 6 years and not more than 30 years if the  
16 delivery is of not less than 6 and not more than 10  
17 firearms at the same time or within a 2-year period. Any  
18 person convicted of unlawful sale or delivery of firearms  
19 in violation of paragraph (l) of subsection (A) commits a  
20 Class X felony for which he or she shall be sentenced to a  
21 term of imprisonment of not less than 6 years and not more  
22 than 40 years if the delivery is of not less than 11 and  
23 not more than 20 firearms at the same time or within a  
24 3-year period. Any person convicted of unlawful sale or  
25 delivery of firearms in violation of paragraph (l) of  
26 subsection (A) commits a Class X felony for which he or she

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

11 (11) Any person convicted of unlawful sale or delivery  
12 of firearms in violation of paragraph (m) of subsection  
13 (A) commits a Class A misdemeanor. A second or subsequent  
14 violation is a Class 4 felony.

15 (D) For purposes of this Section:

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

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

22 (E) A prosecution for a violation of paragraph (k) of  
23 subsection (A) of this Section may be commenced within 6 years  
24 after the commission of the offense. A prosecution for a  
25 violation of this Section other than paragraph (g) of  
26 subsection (A) of this Section may be commenced within 5 years

1 after the commission of the offense defined in the particular  
2 paragraph.

3 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
4 102-813, eff. 5-13-22.)

5 Section 10. The Code of Criminal Procedure of 1963 is  
6 amended by changing Sections 112A-14 and 112A-23 as follows:

7 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

8 Sec. 112A-14. Domestic violence order of protection;  
9 remedies.

10 (a) (Blank).

11 (b) The court may order any of the remedies listed in this  
12 subsection (b). The remedies listed in this subsection (b)  
13 shall be in addition to other civil or criminal remedies  
14 available to petitioner.

15 (1) Prohibition of abuse. Prohibit respondent's  
16 harassment, interference with personal liberty,  
17 intimidation of a dependent, physical abuse, or willful  
18 deprivation, as defined in this Article, if such abuse has  
19 occurred or otherwise appears likely to occur if not  
20 prohibited.

21 (2) Grant of exclusive possession of residence.  
22 Prohibit respondent from entering or remaining in any  
23 residence, household, or premises of the petitioner,  
24 including one owned or leased by respondent, if petitioner

1 has a right to occupancy thereof. The grant of exclusive  
2 possession of the residence, household, or premises shall  
3 not affect title to real property, nor shall the court be  
4 limited by the standard set forth in subsection (c-2) of  
5 Section 501 of the Illinois Marriage and Dissolution of  
6 Marriage Act.

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

16 (B) Presumption of hardships. If petitioner and  
17 respondent each has the right to occupancy of a  
18 residence or household, the court shall balance (i)  
19 the hardships to respondent and any minor child or  
20 dependent adult in respondent's care resulting from  
21 entry of this remedy with (ii) the hardships to  
22 petitioner and any minor child or dependent adult in  
23 petitioner's care resulting from continued exposure to  
24 the risk of abuse (should petitioner remain at the  
25 residence or household) or from loss of possession of  
26 the residence or household (should petitioner leave to

1           avoid the risk of abuse). When determining the balance  
2           of hardships, the court shall also take into account  
3           the accessibility of the residence or household.  
4           Hardships need not be balanced if respondent does not  
5           have a right to occupancy.

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

17          (3) Stay away order and additional prohibitions. Order  
18          respondent to stay away from petitioner or any other  
19          person protected by the domestic violence order of  
20          protection, or prohibit respondent from entering or  
21          remaining present at petitioner's school, place of  
22          employment, or other specified places at times when  
23          petitioner is present, or both, if reasonable, given the  
24          balance of hardships. Hardships need not be balanced for  
25          the court to enter a stay away order or prohibit entry if  
26          respondent has no right to enter the premises.

1 (A) If a domestic violence order of protection  
2 grants petitioner exclusive possession of the  
3 residence, prohibits respondent from entering the  
4 residence, or orders respondent to stay away from  
5 petitioner or other protected persons, then the court  
6 may allow respondent access to the residence to remove  
7 items of clothing and personal adornment used  
8 exclusively by respondent, medications, and other  
9 items as the court directs. The right to access shall  
10 be exercised on only one occasion as the court directs  
11 and in the presence of an agreed-upon adult third  
12 party or law enforcement officer.

13 (B) When the petitioner and the respondent attend  
14 the same public, private, or non-public elementary,  
15 middle, or high school, the court when issuing a  
16 domestic violence order of protection and providing  
17 relief shall consider the severity of the act, any  
18 continuing physical danger or emotional distress to  
19 the petitioner, the educational rights guaranteed to  
20 the petitioner and respondent under federal and State  
21 law, the availability of a transfer of the respondent  
22 to another school, a change of placement or a change of  
23 program of the respondent, the expense, difficulty,  
24 and educational disruption that would be caused by a  
25 transfer of the respondent to another school, and any  
26 other relevant facts of the case. The court may order

1           that the respondent not attend the public, private, or  
2           non-public elementary, middle, or high school attended  
3           by the petitioner, order that the respondent accept a  
4           change of placement or change of program, as  
5           determined by the school district or private or  
6           non-public school, or place restrictions on the  
7           respondent's movements within the school attended by  
8           the petitioner. The respondent bears the burden of  
9           proving by a preponderance of the evidence that a  
10          transfer, change of placement, or change of program of  
11          the respondent is not available. The respondent also  
12          bears the burden of production with respect to the  
13          expense, difficulty, and educational disruption that  
14          would be caused by a transfer of the respondent to  
15          another school. A transfer, change of placement, or  
16          change of program is not unavailable to the respondent  
17          solely on the ground that the respondent does not  
18          agree with the school district's or private or  
19          non-public school's transfer, change of placement, or  
20          change of program or solely on the ground that the  
21          respondent fails or refuses to consent or otherwise  
22          does not take an action required to effectuate a  
23          transfer, change of placement, or change of program.  
24          When a court orders a respondent to stay away from the  
25          public, private, or non-public school attended by the  
26          petitioner and the respondent requests a transfer to

1 another attendance center within the respondent's  
2 school district or private or non-public school, the  
3 school district or private or non-public school shall  
4 have sole discretion to determine the attendance  
5 center to which the respondent is transferred. If the  
6 court order results in a transfer of the minor  
7 respondent to another attendance center, a change in  
8 the respondent's placement, or a change of the  
9 respondent's program, the parents, guardian, or legal  
10 custodian of the respondent is responsible for  
11 transportation and other costs associated with the  
12 transfer or change.

13 (C) The court may order the parents, guardian, or  
14 legal custodian of a minor respondent to take certain  
15 actions or to refrain from taking certain actions to  
16 ensure that the respondent complies with the order. If  
17 the court orders a transfer of the respondent to  
18 another school, the parents, guardian, or legal  
19 custodian of the respondent is responsible for  
20 transportation and other costs associated with the  
21 change of school by the respondent.

22 (4) Counseling. Require or recommend the respondent to  
23 undergo counseling for a specified duration with a social  
24 worker, psychologist, clinical psychologist,  
25 psychiatrist, family service agency, alcohol or substance  
26 abuse program, mental health center guidance counselor,

1 agency providing services to elders, program designed for  
2 domestic violence abusers, or any other guidance service  
3 the court deems appropriate. The court may order the  
4 respondent in any intimate partner relationship to report  
5 to an Illinois Department of Human Services protocol  
6 approved partner abuse intervention program for an  
7 assessment and to follow all recommended treatment.

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

18 If the respondent is charged with abuse (as defined in  
19 Section 112A-3 of this Code) of a minor child, there shall  
20 be a rebuttable presumption that awarding physical care to  
21 respondent would not be in the minor child's best  
22 interest.

23 (6) Temporary allocation of parental responsibilities  
24 and significant decision-making responsibilities. Award  
25 temporary significant decision-making responsibility to  
26 petitioner in accordance with this Section, the Illinois

1 Marriage and Dissolution of Marriage Act, the Illinois  
2 Parentage Act of 2015, and this State's Uniform  
3 Child-Custody Jurisdiction and Enforcement Act.

4 If the respondent is charged with abuse (as defined in  
5 Section 112A-3 of this Code) of a minor child, there shall  
6 be a rebuttable presumption that awarding temporary  
7 significant decision-making responsibility to respondent  
8 would not be in the child's best interest.

9 (7) Parenting time. Determine the parenting time, if  
10 any, of respondent in any case in which the court awards  
11 physical care or temporary significant decision-making  
12 responsibility of a minor child to petitioner. The court  
13 shall restrict or deny respondent's parenting time with a  
14 minor child if the court finds that respondent has done or  
15 is likely to do any of the following:

16 (i) abuse or endanger the minor child during  
17 parenting time;

18 (ii) use the parenting time as an opportunity to  
19 abuse or harass petitioner or petitioner's family or  
20 household members;

21 (iii) improperly conceal or detain the minor  
22 child; or

23 (iv) otherwise act in a manner that is not in the  
24 best interests of the minor child.

25 The court shall not be limited by the standards set  
26 forth in Section 603.10 of the Illinois Marriage and

1           Dissolution of Marriage Act. If the court grants parenting  
2           time, the order shall specify dates and times for the  
3           parenting time to take place or other specific parameters  
4           or conditions that are appropriate. No order for parenting  
5           time shall refer merely to the term "reasonable parenting  
6           time". Petitioner may deny respondent access to the minor  
7           child if, when respondent arrives for parenting time,  
8           respondent is under the influence of drugs or alcohol and  
9           constitutes a threat to the safety and well-being of  
10          petitioner or petitioner's minor children or is behaving  
11          in a violent or abusive manner. If necessary to protect  
12          any member of petitioner's family or household from future  
13          abuse, respondent shall be prohibited from coming to  
14          petitioner's residence to meet the minor child for  
15          parenting time, and the petitioner and respondent shall  
16          submit to the court their recommendations for reasonable  
17          alternative arrangements for parenting time. A person may  
18          be approved to supervise parenting time only after filing  
19          an affidavit accepting that responsibility and  
20          acknowledging accountability to the court.

21           (8) Removal or concealment of minor child. Prohibit  
22          respondent from removing a minor child from the State or  
23          concealing the child within the State.

24           (9) Order to appear. Order the respondent to appear in  
25          court, alone or with a minor child, to prevent abuse,  
26          neglect, removal or concealment of the child, to return

1 the child to the custody or care of the petitioner, or to  
2 permit any court-ordered interview or examination of the  
3 child or the respondent.

4 (10) Possession of personal property. Grant petitioner  
5 exclusive possession of personal property and, if  
6 respondent has possession or control, direct respondent to  
7 promptly make it available to petitioner, if:

8 (i) petitioner, but not respondent, owns the  
9 property; or

10 (ii) the petitioner and respondent own the  
11 property jointly; sharing it would risk abuse of  
12 petitioner by respondent or is impracticable; and the  
13 balance of hardships favors temporary possession by  
14 petitioner.

15 If petitioner's sole claim to ownership of the  
16 property is that it is marital property, the court may  
17 award petitioner temporary possession thereof under the  
18 standards of subparagraph (ii) of this paragraph only if a  
19 proper proceeding has been filed under the Illinois  
20 Marriage and Dissolution of Marriage Act, as now or  
21 hereafter amended.

22 No order under this provision shall affect title to  
23 property.

24 (11) Protection of property. Forbid the respondent  
25 from taking, transferring, encumbering, concealing,  
26 damaging, or otherwise disposing of any real or personal

1 property, except as explicitly authorized by the court,  
2 if:

3 (i) petitioner, but not respondent, owns the  
4 property; or

5 (ii) the petitioner and respondent own the  
6 property jointly, and the balance of hardships favors  
7 granting this remedy.

8 If petitioner's sole claim to ownership of the  
9 property is that it is marital property, the court may  
10 grant petitioner relief under subparagraph (ii) of this  
11 paragraph only if a proper proceeding has been filed under  
12 the Illinois Marriage and Dissolution of Marriage Act, as  
13 now or hereafter amended.

14 The court may further prohibit respondent from  
15 improperly using the financial or other resources of an  
16 aged member of the family or household for the profit or  
17 advantage of respondent or of any other person.

18 (11.5) Protection of animals. Grant the petitioner the  
19 exclusive care, custody, or control of any animal owned,  
20 possessed, leased, kept, or held by either the petitioner  
21 or the respondent or a minor child residing in the  
22 residence or household of either the petitioner or the  
23 respondent and order the respondent to stay away from the  
24 animal and forbid the respondent from taking,  
25 transferring, encumbering, concealing, harming, or  
26 otherwise disposing of the animal.

1           (12) Order for payment of support. Order respondent to  
2           pay temporary support for the petitioner or any child in  
3           the petitioner's care or over whom the petitioner has been  
4           allocated parental responsibility, when the respondent has  
5           a legal obligation to support that person, in accordance  
6           with the Illinois Marriage and Dissolution of Marriage  
7           Act, which shall govern, among other matters, the amount  
8           of support, payment through the clerk and withholding of  
9           income to secure payment. An order for child support may  
10          be granted to a petitioner with lawful physical care of a  
11          child, or an order or agreement for physical care of a  
12          child, prior to entry of an order allocating significant  
13          decision-making responsibility. Such a support order shall  
14          expire upon entry of a valid order allocating parental  
15          responsibility differently and vacating petitioner's  
16          significant decision-making responsibility unless  
17          otherwise provided in the order.

18          (13) Order for payment of losses. Order respondent to  
19          pay petitioner for losses suffered as a direct result of  
20          the abuse. Such losses shall include, but not be limited  
21          to, medical expenses, lost earnings or other support,  
22          repair or replacement of property damaged or taken,  
23          reasonable attorney's fees, court costs, and moving or  
24          other travel expenses, including additional reasonable  
25          expenses for temporary shelter and restaurant meals.

26                 (i) Losses affecting family needs. If a party is

1 entitled to seek maintenance, child support, or  
2 property distribution from the other party under the  
3 Illinois Marriage and Dissolution of Marriage Act, as  
4 now or hereafter amended, the court may order  
5 respondent to reimburse petitioner's actual losses, to  
6 the extent that such reimbursement would be  
7 "appropriate temporary relief", as authorized by  
8 subsection (a) (3) of Section 501 of that Act.

9 (ii) Recovery of expenses. In the case of an  
10 improper concealment or removal of a minor child, the  
11 court may order respondent to pay the reasonable  
12 expenses incurred or to be incurred in the search for  
13 and recovery of the minor child, including, but not  
14 limited to, legal fees, court costs, private  
15 investigator fees, and travel costs.

16 (14) Prohibition of entry. Prohibit the respondent  
17 from entering or remaining in the residence or household  
18 while the respondent is under the influence of alcohol or  
19 drugs and constitutes a threat to the safety and  
20 well-being of the petitioner or the petitioner's children.

21 (14.5) Prohibition of possession of firearms and  
22 firearm parts; search and seizure of firearms and firearm  
23 parts.

24 (A) Subject to the provisions of subparagraph  
25 (B-2), if applicable, a person who is subject to an  
26 existing domestic violence order of protection issued

1 under this Code may not lawfully possess firearms or  
2 firearm parts that could be assembled to make an  
3 operable firearm or a Firearm Owner's Identification  
4 Card under Section 8.2 of the Firearm Owners  
5 Identification Card Act.

6 (B) Any firearms in the possession of the  
7 respondent, except as provided in subparagraph (C) of  
8 this paragraph (14.5) and subject to the provisions of  
9 subparagraph (B-2), if applicable, shall be ordered by  
10 the court to be surrendered to law enforcement for  
11 safekeeping. Any firearms or firearm parts on the  
12 respondent's person or at the place of service shall  
13 be immediately surrendered to the serving officers at  
14 the time of service of the order of protection, and any  
15 other firearms or firearm parts shall be surrendered  
16 to local law enforcement within 24 hours of service of  
17 the order of protection. Any Firearm Owner's  
18 Identification Card or Concealed Carry License in the  
19 possession of the respondent, except as provided in  
20 subparagraph (C), shall also be ordered by the court  
21 to be turned over to serving officers at the time of  
22 service of the order of protection or, if not on the  
23 respondent's person or at the location where the  
24 respondent is served at the time of service, to local  
25 law enforcement within 24 hours of service of the  
26 order. The law enforcement agency shall immediately

1 mail the card, as well as any license, to the Illinois  
2 State Police Firearm Owner's Identification Card  
3 Office for safekeeping.

4 (B-1) Upon request of the petitioner or the  
5 State's Attorney on behalf of the petitioner, a law  
6 enforcement officer may seek a search warrant based on  
7 the allegations in the petition for the Order of  
8 Protection.

9 (i) If requested by law enforcement, the court  
10 shall issue a search warrant for the seizure of  
11 any firearms or firearm parts that could be  
12 assembled to make an operable firearm belonging to  
13 the respondent at or after entry of an order of  
14 protection if the court, based upon sworn  
15 testimony and governed by Sections 108-3 and  
16 108-4, finds probable cause exists that:

17 (aa) the respondent poses an immediate and  
18 present credible threat to the physical safety  
19 of the petitioner protected by the order of  
20 protection;

21 (bb) the respondent possesses firearms or  
22 firearm parts that could be assembled to make  
23 an operable firearm; and

24 (cc) the firearms or firearm parts that  
25 could be assembled to make an operable firearm  
26 are located at the residence, vehicle, or

1           other property of the respondent to be  
2           searched.

3           (ii) The search warrant shall specify with  
4           particularity the scope of the search, including  
5           the property to be searched, and shall direct the  
6           law enforcement agency to seize the respondent's  
7           firearms and firearm parts that could be assembled  
8           to make an operable firearm. Law enforcement shall  
9           also be directed to seize into their possession  
10          any Firearm Owner's Identification Card and any  
11          Concealed Carry License belonging to the  
12          respondent.

13          (iii) The law enforcement agency to which the  
14          court has directed the warrant shall execute the  
15          warrant no later than 96 hours after issuance. The  
16          law enforcement agency to which the court has  
17          directed the warrant may coordinate with other law  
18          enforcement agencies to execute the warrant. A  
19          return of the warrant shall be filed by the law  
20          enforcement agency within 24 hours of execution,  
21          setting forth the time, date, and location where  
22          the warrant was executed and what items, if any,  
23          were seized. If the court is not in session, the  
24          return information shall be returned on the next  
25          date the court is in session. Subject to the  
26          provisions of this Section, peace officers shall

1           have the same authority to execute a warrant  
2           issued under this subsection as a warrant issued  
3           under Article 108.

4           (iv) If the property to be searched is in  
5           another county, the petitioner or the State's  
6           Attorney may seek a search warrant in that county  
7           with the law enforcement agency with primary  
8           responsibility for responding to service calls at  
9           the property to be searched. Regardless of whether  
10          the petitioner is working with the State's  
11          Attorney under subsection (d) of Section 112A-4.5,  
12          the petitioner may request the State's Attorney's  
13          assistance to request that the law enforcement  
14          agency in the county where the property is located  
15          seek a search warrant.

16          (v) Service of an order of protection shall,  
17          to the extent possible, be concurrent with any  
18          warrant issued under this paragraph.

19          (B-2) Ex parte relief may be granted under this  
20          paragraph (14.5) only if the court finds that personal  
21          injury to the petitioner is likely to occur if the  
22          respondent received prior notice and if the petitioner  
23          has otherwise satisfied the requirements of Section  
24          112A-17.5 of this Article.

25          (C) If the respondent is a peace officer as  
26          defined in Section 2-13 of the Criminal Code of 2012,

1           the court shall order that any firearms used by the  
2           respondent in the performance of his or her duties as a  
3           peace officer be surrendered to the chief law  
4           enforcement executive of the agency in which the  
5           respondent is employed, who shall retain the firearms  
6           for safekeeping for the duration of the domestic  
7           violence order of protection.

8           (D) (i) Any firearms or firearm parts that could be  
9           assembled to make an operable firearm that have been  
10          seized or surrendered shall be kept by the law  
11          enforcement agency that took possession of the items  
12          for safekeeping, except as provided in subparagraph  
13          (C), (E), or (F). The period of safekeeping shall be  
14          for the duration of the order of protection. Except as  
15          provided in subparagraph (F), the respondent is  
16          prohibited from transferring firearms or firearm parts  
17          to another individual in lieu of surrender to law  
18          enforcement. The law enforcement agency shall provide  
19          an itemized statement of receipt to the respondent and  
20          the court describing any seized or surrendered  
21          firearms or firearm parts and informing the respondent  
22          that the respondent may seek the return of the  
23          respondent's items at the end of the order of  
24          protection. The law enforcement agency may enter  
25          arrangements, as needed, with federally licensed  
26          firearm dealers or other law enforcement agencies for

1 the storage of any firearms seized or surrendered  
2 under this subsection.

3 (ii) It is the respondent's responsibility to  
4 request the return or reinstatement of any Firearm  
5 Owner's Identification Card or Concealed Carry License  
6 and to notify the Illinois State Police Firearm  
7 Owner's Identification Card Office at the end of the  
8 Order of Protection.

9 (iii) At the end of the order of protection, a  
10 respondent may request the return of any seized or  
11 surrendered firearms or firearm parts that could be  
12 assembled to make an operable firearm. Seized or  
13 surrendered firearms or firearm parts shall be  
14 returned within 14 days of the request to the  
15 respondent, if the respondent is lawfully eligible to  
16 possess firearms, or to a designated third party who  
17 is lawfully eligible to possess firearms. If the  
18 firearms or firearm parts cannot be returned to  
19 respondent because (1) the respondent has not  
20 requested the return or transfer of the firearms or  
21 firearm parts as set forth in this subparagraph and  
22 (2) the respondent cannot be located or fails to  
23 respond to more than 3 requests to retrieve the  
24 firearms, upon petition from the appropriate law  
25 enforcement agency and notice to the respondent at the  
26 respondent's last known address, the court may order

1 the law enforcement agency to destroy the firearms or  
2 firearm parts; use the firearms or firearm parts for  
3 training purposes, or for any other application as  
4 deemed appropriate by the law enforcement agency; or  
5 turn over the firearms or firearm parts to a third  
6 party who is lawfully eligible to possess firearms,  
7 and who does not reside with respondent.

8 (E)(i) If a person other than the respondent  
9 claims title to any firearms or firearm parts that  
10 could be assembled to make an operable firearm seized  
11 or surrendered under this subsection, the person may  
12 petition the court to have the firearm and firearm  
13 parts that could be assembled to make an operable  
14 firearm returned to him or her with proper notice to  
15 the petitioner and respondent. If, at a hearing on the  
16 petition, the court determines the person to be the  
17 lawful owner of the firearm and firearm parts that  
18 could be assembled to make an operable firearm, the  
19 firearm and firearm parts that could be assembled to  
20 make an operable firearm shall be returned to the  
21 person, provided that:

22 (aa) the firearm and firearm parts that could  
23 be assembled to make an operable firearm are  
24 removed from the respondent's custody, control, or  
25 possession, and the lawful owner agrees to store  
26 the firearm and firearm parts that could be

1 assembled to make an operable firearm in a manner  
2 such that the respondent does not have access to  
3 or control of the firearm and firearm parts that  
4 could be assembled to make an operable firearm;  
5 and

6 (bb) the firearm and firearm parts that could  
7 be assembled to make an operable firearm are not  
8 otherwise unlawfully possessed by the owner.

9 (ii) The person petitioning for the return of his  
10 or her firearm and firearm parts that could be  
11 assembled to make an operable firearm must swear or  
12 affirm by affidavit that he or she:

13 (aa) is the lawful owner of the firearm and  
14 firearm parts that could be assembled to make an  
15 operable firearm;

16 (bb) shall not transfer the firearm and  
17 firearm parts that could be assembled to make an  
18 operable firearm to the respondent; and

19 (cc) will store the firearm and firearm parts  
20 that could be assembled to make an operable  
21 firearm in a manner that the respondent does not  
22 have access to or control of the firearm and  
23 firearm parts that could be assembled to make an  
24 operable firearm.

25 (F) (i) The respondent may file a motion to  
26 transfer, at the next scheduled hearing, any seized or

1 surrendered firearms or firearm parts to a third  
2 party. Notice of the motion shall be provided to the  
3 petitioner and the third party must appear at the  
4 hearing.

5 (ii) The court may order transfer of the seized or  
6 surrendered firearm or firearm parts only if:

7 (aa) the third party transferee affirms by  
8 affidavit and to the open court that:

9 (I) the third party transferee does not  
10 reside with the respondent;

11 (II) the respondent does not have access  
12 to the location in which the third party  
13 transferee intends to keep the firearms or  
14 firearm parts;

15 (III) the third party transferee will not  
16 transfer the firearm or firearm parts to the  
17 respondent or anyone who resides with the  
18 respondent;

19 (IV) the third party transferee will  
20 maintain control and possession of the firearm  
21 or firearm parts until otherwise ordered by  
22 the court; and

23 (V) the third party transferee is aware  
24 that transferring the firearms or firearm  
25 parts or allowing the respondent access to the  
26 firearms or firearm parts would be a violation

1           of Section 24-3 of the Criminal Code of 2012  
2           ~~will be subject to criminal penalties for~~  
3           ~~transferring the firearms or firearm parts to~~  
4           ~~the respondent; and~~

5           (bb) the court finds that:

6                   (I) the third party ~~respondent~~ holds a  
7           valid Firearm Owner's Identification; and

8                   (II) the transfer of firearms or firearm  
9           parts to the third party transferee does not  
10          place the petitioner or any other protected  
11          parties at any additional threat or risk of  
12          harm.

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

23          (16) Order for payment of shelter services. Order  
24          respondent to reimburse a shelter providing temporary  
25          housing and counseling services to the petitioner for the  
26          cost of the services, as certified by the shelter and

1 deemed reasonable by the court.

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

11 (18) Telephone services.

12 (A) Unless a condition described in subparagraph  
13 (B) of this paragraph exists, the court may, upon  
14 request by the petitioner, order a wireless telephone  
15 service provider to transfer to the petitioner the  
16 right to continue to use a telephone number or numbers  
17 indicated by the petitioner and the financial  
18 responsibility associated with the number or numbers,  
19 as set forth in subparagraph (C) of this paragraph. In  
20 this paragraph (18), the term "wireless telephone  
21 service provider" means a provider of commercial  
22 mobile service as defined in 47 U.S.C. 332. The  
23 petitioner may request the transfer of each telephone  
24 number that the petitioner, or a minor child in his or  
25 her custody, uses. The clerk of the court shall serve  
26 the order on the wireless telephone service provider's

1 agent for service of process provided to the Illinois  
2 Commerce Commission. The order shall contain all of  
3 the following:

4 (i) The name and billing telephone number of  
5 the account holder including the name of the  
6 wireless telephone service provider that serves  
7 the account.

8 (ii) Each telephone number that will be  
9 transferred.

10 (iii) A statement that the provider transfers  
11 to the petitioner all financial responsibility for  
12 and right to the use of any telephone number  
13 transferred under this paragraph.

14 (B) A wireless telephone service provider shall  
15 terminate the respondent's use of, and shall transfer  
16 to the petitioner use of, the telephone number or  
17 numbers indicated in subparagraph (A) of this  
18 paragraph unless it notifies the petitioner, within 72  
19 hours after it receives the order, that one of the  
20 following applies:

21 (i) The account holder named in the order has  
22 terminated the account.

23 (ii) A difference in network technology would  
24 prevent or impair the functionality of a device on  
25 a network if the transfer occurs.

26 (iii) The transfer would cause a geographic or

1           other limitation on network or service provision  
2           to the petitioner.

3           (iv) Another technological or operational  
4           issue would prevent or impair the use of the  
5           telephone number if the transfer occurs.

6           (C) The petitioner assumes all financial  
7           responsibility for and right to the use of any  
8           telephone number transferred under this paragraph. In  
9           this paragraph, "financial responsibility" includes  
10          monthly service costs and costs associated with any  
11          mobile device associated with the number.

12          (D) A wireless telephone service provider may  
13          apply to the petitioner its routine and customary  
14          requirements for establishing an account or  
15          transferring a number, including requiring the  
16          petitioner to provide proof of identification,  
17          financial information, and customer preferences.

18          (E) Except for willful or wanton misconduct, a  
19          wireless telephone service provider is immune from  
20          civil liability for its actions taken in compliance  
21          with a court order issued under this paragraph.

22          (F) All wireless service providers that provide  
23          services to residential customers shall provide to the  
24          Illinois Commerce Commission the name and address of  
25          an agent for service of orders entered under this  
26          paragraph (18). Any change in status of the registered

1 agent must be reported to the Illinois Commerce  
2 Commission within 30 days of such change.

3 (G) The Illinois Commerce Commission shall  
4 maintain the list of registered agents for service for  
5 each wireless telephone service provider on the  
6 Commission's website. The Commission may consult with  
7 wireless telephone service providers and the Circuit  
8 Court Clerks on the manner in which this information  
9 is provided and displayed.

10 (c) Relevant factors; findings.

11 (1) In determining whether to grant a specific remedy,  
12 other than payment of support, the court shall consider  
13 relevant factors, including, but not limited to, the  
14 following:

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

23 (ii) the danger that any minor child will be  
24 abused or neglected or improperly relocated from the  
25 jurisdiction, improperly concealed within the State,  
26 or improperly separated from the child's primary

1            caretaker.

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

6            (i) availability, accessibility, cost, safety,  
7 adequacy, location, and other characteristics of  
8 alternate housing for each party and any minor child  
9 or dependent adult in the party's care;

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

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

14            (3) Subject to the exceptions set forth in paragraph  
15 (4) of this subsection (c), the court shall make its  
16 findings in an official record or in writing, and shall at  
17 a minimum set forth the following:

18            (i) That the court has considered the applicable  
19 relevant factors described in paragraphs (1) and (2)  
20 of this subsection (c).

21            (ii) Whether the conduct or actions of respondent,  
22 unless prohibited, will likely cause irreparable harm  
23 or continued abuse.

24            (iii) Whether it is necessary to grant the  
25 requested relief in order to protect petitioner or  
26 other alleged abused persons.

1 (4) (Blank).

2 (5) Never married parties. No rights or  
3 responsibilities for a minor child born outside of  
4 marriage attach to a putative father until a father and  
5 child relationship has been established under the Illinois  
6 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
7 the Illinois Public Aid Code, Section 12 of the Vital  
8 Records Act, the Juvenile Court Act of 1987, the Probate  
9 Act of 1975, the Uniform Interstate Family Support Act,  
10 the Expedited Child Support Act of 1990, any judicial,  
11 administrative, or other act of another state or  
12 territory, any other statute of this State, or by any  
13 foreign nation establishing the father and child  
14 relationship, any other proceeding substantially in  
15 conformity with the federal Personal Responsibility and  
16 Work Opportunity Reconciliation Act of 1996, or when both  
17 parties appeared in open court or at an administrative  
18 hearing acknowledging under oath or admitting by  
19 affirmation the existence of a father and child  
20 relationship. Absent such an adjudication, no putative  
21 father shall be granted temporary allocation of parental  
22 responsibilities, including parenting time with the minor  
23 child, or physical care and possession of the minor child,  
24 nor shall an order of payment for support of the minor  
25 child be entered.

26 (d) Balance of hardships; findings. If the court finds

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

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

11 (1) respondent has cause for any use of force, unless  
12 that cause satisfies the standards for justifiable use of  
13 force provided by Article 7 of the Criminal Code of 2012;

14 (2) respondent was voluntarily intoxicated;

15 (3) petitioner acted in self-defense or defense of  
16 another, provided that, if petitioner utilized force, such  
17 force was justifiable under Article 7 of the Criminal Code  
18 of 2012;

19 (4) petitioner did not act in self-defense or defense  
20 of another;

21 (5) petitioner left the residence or household to  
22 avoid further abuse by respondent;

23 (6) petitioner did not leave the residence or  
24 household to avoid further abuse by respondent; or

25 (7) conduct by any family or household member excused  
26 the abuse by respondent, unless that same conduct would

1           have excused such abuse if the parties had not been family  
2           or household members.

3           (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
4           102-813, eff. 5-13-22; 103-1065, eff. 5-11-25.)

5           Section 15. The Illinois Domestic Violence Act of 1986 is  
6           amended by changing Sections 214 and 223 as follows:

7           (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

8           Sec. 214. Order of protection; remedies.

9           (a) Issuance of order. If the court finds that petitioner  
10          has been abused by a family or household member or that  
11          petitioner is a high-risk adult who has been abused,  
12          neglected, or exploited, as defined in this Act, an order of  
13          protection prohibiting the abuse, neglect, or exploitation  
14          shall issue; provided that petitioner must also satisfy the  
15          requirements of one of the following Sections, as appropriate:  
16          Section 217 on emergency orders, Section 218 on interim  
17          orders, or Section 219 on plenary orders. Petitioner shall not  
18          be denied an order of protection because petitioner or  
19          respondent is a minor. The court, when determining whether or  
20          not to issue an order of protection, shall not require  
21          physical manifestations of abuse on the person of the victim.  
22          Modification and extension of prior orders of protection shall  
23          be in accordance with this Act.

24          (b) Remedies and standards. The remedies to be included in

1 an order of protection shall be determined in accordance with  
2 this Section and one of the following Sections, as  
3 appropriate: Section 217 on emergency orders, Section 218 on  
4 interim orders, and Section 219 on plenary orders. The  
5 remedies listed in this subsection shall be in addition to  
6 other civil or criminal remedies available to petitioner.

7 (1) Prohibition of abuse, neglect, or exploitation.  
8 Prohibit respondent's harassment, interference with  
9 personal liberty, intimidation of a dependent, physical  
10 abuse, or willful deprivation, neglect or exploitation, as  
11 defined in this Act, or stalking of the petitioner, as  
12 defined in Section 12-7.3 of the Criminal Code of 2012, if  
13 such abuse, neglect, exploitation, or stalking has  
14 occurred or otherwise appears likely to occur if not  
15 prohibited.

16 (2) Grant of exclusive possession of residence.  
17 Prohibit respondent from entering or remaining in any  
18 residence, household, or premises of the petitioner,  
19 including one owned or leased by respondent, if petitioner  
20 has a right to occupancy thereof. The grant of exclusive  
21 possession of the residence, household, or premises shall  
22 not affect title to real property, nor shall the court be  
23 limited by the standard set forth in subsection (c-2) of  
24 Section 501 of the Illinois Marriage and Dissolution of  
25 Marriage Act.

26 (A) Right to occupancy. A party has a right to

1 occupancy of a residence or household if it is solely  
2 or jointly owned or leased by that party, that party's  
3 spouse, a person with a legal duty to support that  
4 party or a minor child in that party's care, or by any  
5 person or entity other than the opposing party that  
6 authorizes that party's occupancy (e.g., a domestic  
7 violence shelter). Standards set forth in subparagraph  
8 (B) shall not preclude equitable relief.

9 (B) Presumption of hardships. If petitioner and  
10 respondent each has the right to occupancy of a  
11 residence or household, the court shall balance (i)  
12 the hardships to respondent and any minor child or  
13 dependent adult in respondent's care resulting from  
14 entry of this remedy with (ii) the hardships to  
15 petitioner and any minor child or dependent adult in  
16 petitioner's care resulting from continued exposure to  
17 the risk of abuse (should petitioner remain at the  
18 residence or household) or from loss of possession of  
19 the residence or household (should petitioner leave to  
20 avoid the risk of abuse). When determining the balance  
21 of hardships, the court shall also take into account  
22 the accessibility of the residence or household.  
23 Hardships need not be balanced if respondent does not  
24 have a right to occupancy.

25 The balance of hardships is presumed to favor  
26 possession by petitioner unless the presumption is

1           rebutted by a preponderance of the evidence, showing  
2           that the hardships to respondent substantially  
3           outweigh the hardships to petitioner and any minor  
4           child or dependent adult in petitioner's care. The  
5           court, on the request of petitioner or on its own  
6           motion, may order respondent to provide suitable,  
7           accessible, alternate housing for petitioner instead  
8           of excluding respondent from a mutual residence or  
9           household.

10           (3) Stay away order and additional prohibitions. Order  
11           respondent to stay away from petitioner or any other  
12           person protected by the order of protection, or prohibit  
13           respondent from entering or remaining present at  
14           petitioner's school, place of employment, or other  
15           specified places at times when petitioner is present, or  
16           both, if reasonable, given the balance of hardships.  
17           Hardships need not be balanced for the court to enter a  
18           stay away order or prohibit entry if respondent has no  
19           right to enter the premises.

20           (A) If an order of protection grants petitioner  
21           exclusive possession of the residence, or prohibits  
22           respondent from entering the residence, or orders  
23           respondent to stay away from petitioner or other  
24           protected persons, then the court may allow respondent  
25           access to the residence to remove items of clothing  
26           and personal adornment used exclusively by respondent,

1 medications, and other items as the court directs. The  
2 right to access shall be exercised on only one  
3 occasion as the court directs and in the presence of an  
4 agreed-upon adult third party or law enforcement  
5 officer.

6 (B) When the petitioner and the respondent attend  
7 the same public, private, or non-public elementary,  
8 middle, or high school, the court when issuing an  
9 order of protection and providing relief shall  
10 consider the severity of the act, any continuing  
11 physical danger or emotional distress to the  
12 petitioner, the educational rights guaranteed to the  
13 petitioner and respondent under federal and State law,  
14 the availability of a transfer of the respondent to  
15 another school, a change of placement or a change of  
16 program of the respondent, the expense, difficulty,  
17 and educational disruption that would be caused by a  
18 transfer of the respondent to another school, and any  
19 other relevant facts of the case. The court may order  
20 that the respondent not attend the public, private, or  
21 non-public elementary, middle, or high school attended  
22 by the petitioner, order that the respondent accept a  
23 change of placement or change of program, as  
24 determined by the school district or private or  
25 non-public school, or place restrictions on the  
26 respondent's movements within the school attended by

1 the petitioner. The respondent bears the burden of  
2 proving by a preponderance of the evidence that a  
3 transfer, change of placement, or change of program of  
4 the respondent is not available. The respondent also  
5 bears the burden of production with respect to the  
6 expense, difficulty, and educational disruption that  
7 would be caused by a transfer of the respondent to  
8 another school. A transfer, change of placement, or  
9 change of program is not unavailable to the respondent  
10 solely on the ground that the respondent does not  
11 agree with the school district's or private or  
12 non-public school's transfer, change of placement, or  
13 change of program or solely on the ground that the  
14 respondent fails or refuses to consent or otherwise  
15 does not take an action required to effectuate a  
16 transfer, change of placement, or change of program.  
17 When a court orders a respondent to stay away from the  
18 public, private, or non-public school attended by the  
19 petitioner and the respondent requests a transfer to  
20 another attendance center within the respondent's  
21 school district or private or non-public school, the  
22 school district or private or non-public school shall  
23 have sole discretion to determine the attendance  
24 center to which the respondent is transferred. In the  
25 event the court order results in a transfer of the  
26 minor respondent to another attendance center, a

1 change in the respondent's placement, or a change of  
2 the respondent's program, the parents, guardian, or  
3 legal custodian of the respondent is responsible for  
4 transportation and other costs associated with the  
5 transfer or change.

6 (C) The court may order the parents, guardian, or  
7 legal custodian of a minor respondent to take certain  
8 actions or to refrain from taking certain actions to  
9 ensure that the respondent complies with the order. In  
10 the event the court orders a transfer of the  
11 respondent to another school, the parents, guardian,  
12 or legal custodian of the respondent is responsible  
13 for transportation and other costs associated with the  
14 change of school by the respondent.

15 (4) Counseling. Require or recommend the respondent to  
16 undergo counseling for a specified duration with a social  
17 worker, psychologist, clinical psychologist,  
18 psychiatrist, family service agency, alcohol or substance  
19 abuse program, mental health center guidance counselor,  
20 agency providing services to elders, program designed for  
21 domestic violence abusers or any other guidance service  
22 the court deems appropriate. The Court may order the  
23 respondent in any intimate partner relationship to report  
24 to an Illinois Department of Human Services protocol  
25 approved partner abuse intervention program for an  
26 assessment and to follow all recommended treatment.

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

11          If a court finds, after a hearing, that respondent has  
12          committed abuse (as defined in Section 103) of a minor  
13          child, there shall be a rebuttable presumption that  
14          awarding physical care to respondent would not be in the  
15          minor child's best interest.

16          (6) Temporary allocation of parental responsibilities:  
17          significant decision-making. Award temporary  
18          decision-making responsibility to petitioner in accordance  
19          with this Section, the Illinois Marriage and Dissolution  
20          of Marriage Act, the Illinois Parentage Act of 2015, and  
21          this State's Uniform Child-Custody Jurisdiction and  
22          Enforcement Act.

23          If a court finds, after a hearing, that respondent has  
24          committed abuse (as defined in Section 103) of a minor  
25          child, there shall be a rebuttable presumption that  
26          awarding temporary significant decision-making

1 responsibility to respondent would not be in the child's  
2 best interest.

3 (7) Parenting time. Determine the parenting time, if  
4 any, of respondent in any case in which the court awards  
5 physical care or allocates temporary significant  
6 decision-making responsibility of a minor child to  
7 petitioner. The court shall restrict or deny respondent's  
8 parenting time with a minor child if the court finds that  
9 respondent has done or is likely to do any of the  
10 following: (i) abuse or endanger the minor child during  
11 parenting time; (ii) use the parenting time as an  
12 opportunity to abuse or harass petitioner or petitioner's  
13 family or household members; (iii) improperly conceal or  
14 detain the minor child; or (iv) otherwise act in a manner  
15 that is not in the best interests of the minor child. The  
16 court shall not be limited by the standards set forth in  
17 Section 603.10 of the Illinois Marriage and Dissolution of  
18 Marriage Act. If the court grants parenting time, the  
19 order shall specify dates and times for the parenting time  
20 to take place or other specific parameters or conditions  
21 that are appropriate. No order for parenting time shall  
22 refer merely to the term "reasonable parenting time".

23 Petitioner may deny respondent access to the minor  
24 child if, when respondent arrives for parenting time,  
25 respondent is under the influence of drugs or alcohol and  
26 constitutes a threat to the safety and well-being of

1 petitioner or petitioner's minor children or is behaving  
2 in a violent or abusive manner.

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

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

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

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

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

1           (ii) the parties own the property jointly; sharing  
2           it would risk abuse of petitioner by respondent or is  
3           impracticable; and the balance of hardships favors  
4           temporary possession by petitioner.

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

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

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

19               (i) petitioner, but not respondent, owns the  
20               property; or

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

23          If petitioner's sole claim to ownership of the  
24          property is that it is marital property, the court may  
25          grant petitioner relief under subparagraph (ii) of this  
26          paragraph only if a proper proceeding has been filed under

1 the Illinois Marriage and Dissolution of Marriage Act, as  
2 now or hereafter amended.

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

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

16 (12) Order for payment of support. Order respondent to  
17 pay temporary support for the petitioner or any child in  
18 the petitioner's care or over whom the petitioner has been  
19 allocated parental responsibility, when the respondent has  
20 a legal obligation to support that person, in accordance  
21 with the Illinois Marriage and Dissolution of Marriage  
22 Act, which shall govern, among other matters, the amount  
23 of support, payment through the clerk and withholding of  
24 income to secure payment. An order for child support may  
25 be granted to a petitioner with lawful physical care of a  
26 child, or an order or agreement for physical care of a

1 child, prior to entry of an order allocating significant  
2 decision-making responsibility. Such a support order shall  
3 expire upon entry of a valid order allocating parental  
4 responsibility differently and vacating the petitioner's  
5 significant decision-making authority, unless otherwise  
6 provided in the order.

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

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

25 (ii) Recovery of expenses. In the case of an  
26 improper concealment or removal of a minor child, the

1 court may order respondent to pay the reasonable  
2 expenses incurred or to be incurred in the search for  
3 and recovery of the minor child, including but not  
4 limited to legal fees, court costs, private  
5 investigator fees, and travel costs.

6 (14) Prohibition of entry. Prohibit the respondent  
7 from entering or remaining in the residence or household  
8 while the respondent is under the influence of alcohol or  
9 drugs and constitutes a threat to the safety and  
10 well-being of the petitioner or the petitioner's children.

11 (14.5) Prohibition of possession of firearms and  
12 firearm parts; search and seizure of firearms and firearms  
13 parts.

14 (A) (i) Prohibit a respondent against whom an  
15 emergency, interim, or plenary order of protection was  
16 issued from possessing, during the duration of the  
17 order, any firearms or firearm parts that could be  
18 assembled into an operable firearm if a search warrant  
19 is issued under (A-1) or the order:

20 (aa) was issued after a hearing of which such  
21 person received actual notice, and at which such  
22 person had an opportunity to participate, or the  
23 petitioner has satisfied the requirements of  
24 Section 217;

25 (bb) restrains such person from using physical  
26 force; harassing, stalking, or threatening ~~an~~

1           ~~intimate partner of such person or child of such~~  
2           ~~intimate partner or person;~~ or engaging in other  
3           conduct that would place a petitioner ~~an intimate~~  
4           ~~partner~~ in reasonable fear of bodily injury ~~to the~~  
5           ~~partner or child;~~ and

6           (cc) includes a finding that such person  
7           represents a credible threat to the physical  
8           safety of a petitioner ~~such intimate partner or~~  
9           ~~child.~~

10          (ii) The court shall order any respondent  
11          prohibited from possessing firearms under item (i) of  
12          subparagraph (A) to surrender any firearms or firearm  
13          parts that could be assembled to make an operable  
14          firearm. Any firearms or firearm parts on the  
15          respondent's person or at the place of service shall  
16          be surrendered to the serving officers at the time of  
17          service of the order of protection, and any other  
18          firearms or firearm parts shall be surrendered to  
19          local law enforcement within 24 hours of service of  
20          the order of protection. Any Firearm Owner's  
21          Identification Card or Concealed Carry License in the  
22          possession of the respondent, except as provided in  
23          subparagraph (B), shall also be ordered by the court  
24          to be turned over to the officer serving the order of  
25          protection at the time of service or, if not on the  
26          respondent's person or at the location where the

1           respondent is served at the time of service, to local  
2           law enforcement within 24 hours of service of the  
3           order of protection. The law enforcement agency shall  
4           immediately mail the card, as well as any license, to  
5           the Illinois State Police Firearm Owner's  
6           Identification Card Office for safekeeping.

7           (A-1)(i) Upon issuance of an emergency, interim,  
8           or plenary order of protection and subject to the  
9           provisions of item (ii) of this subparagraph (A-1),  
10          the court shall issue a search warrant for the seizure  
11          of any firearms or firearm parts that could be  
12          assembled to make an operable firearm belonging to the  
13          respondent if the court, based upon sworn testimony,  
14          finds that:

15                 (aa) the respondent poses a credible threat to  
16                 the physical safety of the petitioner protected by  
17                 the order of protection; and

18                 (bb) probable cause exists to believe that:

19                         (I) the respondent possesses firearms or  
20                         firearm parts that could be assembled to make  
21                         an operable firearm;

22                         (II) the firearms or firearm parts that  
23                         could be assembled to make an operable firearm  
24                         are located at the residence, vehicle, or  
25                         other property of the respondent to be  
26                         searched; and

1 (III) the credible threat to the physical  
2 safety of the petitioner protected by the  
3 order of protection is immediate and present.

4 The record shall reflect the court's findings in  
5 determining whether the search warrant shall be  
6 issued.

7 (ii) If the petitioner does not seek a warrant  
8 under this subparagraph (A-1) or the court determines  
9 that the requirements of this subparagraph (A-1) have  
10 not been met, relief under subparagraph (A) alone may  
11 be granted.

12 (iii) An ex parte search warrant shall be granted  
13 under this subparagraph (A-1) only if the court finds  
14 that:

15 (aa) the elements of item (i) of subparagraph  
16 (A-1) have been met;

17 (bb) personal injury to the petitioner is  
18 likely to occur if the respondent received prior  
19 notice; and

20 (cc) the petitioner has otherwise satisfied  
21 the requirements of Section 217 of this Act.

22 (iv) Oral testimony is sufficient in lieu of an  
23 affidavit to support a finding of probable cause.

24 (v) A search warrant issued under this  
25 subparagraph (A-1) shall be directed by the court for  
26 enforcement to the law enforcement agency with primary

1 responsibility for responding to calls for service at  
2 the location to be searched or to another appropriate  
3 law enforcement agency if justified by the  
4 circumstances. The search warrant shall specify with  
5 particularity the scope of the search, including the  
6 property to be searched, and shall direct the law  
7 enforcement agency to seize the respondent's firearms  
8 and firearm parts that could be assembled to make an  
9 operable firearm. Law enforcement shall also be  
10 directed to seize any Firearm Owner's Identification  
11 Card and any Concealed Carry License belonging to the  
12 respondent.

13 (vi) The petitioner shall prepare an information  
14 sheet, reviewed by the court, for law enforcement at  
15 the time the warrant is granted. The information sheet  
16 shall include:

17 (aa) contact information for the petitioner,  
18 the petitioner's attorney, or both, including a  
19 telephone number and email, if available;

20 (bb) a physical description of the respondent,  
21 including the respondent's date of birth, if  
22 known, or approximate age, height, weight, race,  
23 and hair color;

24 (cc) days and times that the respondent is  
25 likely to be at the property to be searched, if  
26 known; and

1 (dd) whether people other than the respondent  
2 are likely to be present at the property to be  
3 searched and when, if known.

4 (vii) The information sheet shall be transmitted  
5 to the law enforcement agency to which the search  
6 warrant is directed in the same manner as the warrant  
7 is transmitted under Section 222 of this Act.

8 (viii) If the court, after determining a search  
9 warrant should issue, finds that the petitioner has  
10 made a credible report of domestic violence to the  
11 local law enforcement agency within the previous 90  
12 days, law enforcement shall execute the warrant no  
13 later than 96 hours after receipt of the warrant. If  
14 the court finds that petitioner has not made such a  
15 report, the law enforcement agency to which the court  
16 has directed the warrant shall, within 48 hours of  
17 receipt, evaluate the warrant and seek any corrections  
18 to the warrant, and, if applicable, add to or negate  
19 the warrant. If the law enforcement agency seeks to  
20 negate the warrant, it shall take reasonable steps to  
21 notify the petitioner before appearing before the  
22 court. The record shall reflect the court's findings  
23 in determining whether to correct, add, or negate the  
24 warrant. If a change is made regarding the search  
25 warrant, law enforcement shall execute the warrant no  
26 later than 96 hours after the correction is issued.

1           The law enforcement agency shall notify the petitioner  
2           of any changes to the warrant or if the warrant has  
3           been negated. The law enforcement agency to which the  
4           court has directed the warrant may coordinate with  
5           other law enforcement agencies to execute the warrant.  
6           A return of the warrant shall be filed by the law  
7           enforcement agency within 24 hours of execution,  
8           setting forth the time, date, and location where the  
9           warrant was executed and what items, if any, were  
10          seized. If the court is not in session, the return  
11          information shall be returned on the next date the  
12          court is in session. Subject to the provisions of this  
13          Section, peace officers shall have the same authority  
14          to execute a warrant issued pursuant to this  
15          subsection as a warrant issued under Article 108 of  
16          the Code of Criminal Procedure of 1963.

17                 (ix) Upon discovering a defect in the search  
18          warrant, the appropriate law enforcement agency may  
19          petition the court to correct the warrant. The law  
20          enforcement agency shall notify the petitioner of any  
21          such correction.

22                 (x) Upon petition by the appropriate law  
23          enforcement agency, the court may modify the search  
24          warrant or extend the time to execute the search  
25          warrant for a period of no more than 96 hours. If the  
26          court is not in session, the law enforcement agency

1           may seek an extension and, if needed, modification on  
2           the next day the court is in session. Any extension  
3           granted under this paragraph shall run from the end of  
4           the initial period to execute the warrant or the entry  
5           of the extending order, whichever is later. In  
6           determining whether to modify or extend the warrant,  
7           the court shall consider:

8                   (aa) any increased risk to the petitioner's  
9                   safety that may result from a modification or  
10                   extension of the warrant;

11                   (bb) any unnecessary risk to law enforcement  
12                   that would be mitigated by a modification or  
13                   extension of the warrant;

14                   (cc) any risks to third parties at the  
15                   location to be searched that would be mitigated by  
16                   a modification or extension of the warrant; and

17                   (dd) the likelihood of successful execution of  
18                   warrant.

19           The record shall reflect the court's findings in  
20           determining whether to extend or modify the warrant.  
21           If seeking an extension of time to execute the  
22           warrant, the law enforcement agency shall take  
23           reasonable steps to notify the petitioner prior to  
24           appearing before the court. The law enforcement agency  
25           shall notify the petitioner of any modification or  
26           extension of the warrant.

1           (xi) Service of any order of protection shall, to  
2           the extent possible, be concurrent with the execution  
3           of any search warrant under this paragraph.

4           (B) If the respondent is a peace officer as  
5           defined in Section 2-13 of the Criminal Code of 2012,  
6           the court shall order that any firearms used by the  
7           respondent in the performance of his or her duties as a  
8           peace officer be surrendered to the chief law  
9           enforcement executive of the agency in which the  
10          respondent is employed, who shall retain the firearms  
11          for safekeeping for the duration of the order of  
12          protection.

13          (C) (i) Any firearms or firearm parts that could be  
14          assembled to make an operable firearm shall be kept by  
15          the law enforcement agency that took possession of the  
16          items for safekeeping, except as provided in  
17          subparagraph (B). The period of safekeeping shall be  
18          for the duration of the order of protection. Except as  
19          provided in subparagraph (E), the respondent is  
20          prohibited from transferring firearms or firearm parts  
21          to another individual in lieu of surrender to law  
22          enforcement. The law enforcement agency shall provide  
23          an itemized statement of receipt to the respondent and  
24          the court describing any seized or surrendered  
25          firearms or firearm parts and informing the respondent  
26          that the respondent may seek the return of the

1 respondent's items at the end of the order of  
2 protection. The law enforcement agency may enter  
3 arrangements, as needed, with federally licensed  
4 firearm dealers or other law enforcement agencies for  
5 the storage of any firearms seized or surrendered  
6 under this subsection.

7 (ii) It is the respondent's responsibility to  
8 request the return or reinstatement of any Firearm  
9 Owner's Identification Card or Concealed Carry License  
10 and notify the Illinois State Police Firearm Owner's  
11 Identification Card Office at the end of the Order of  
12 Protection.

13 (iii) At the end of the order of protection, a  
14 respondent may request the return of any seized or  
15 surrendered firearms or firearm parts that could be  
16 assembled to make an operable firearm. Such firearms  
17 or firearm parts shall be returned within 14 days of  
18 the request to the respondent, if the respondent is  
19 lawfully eligible to possess firearms, or to a  
20 designated third party who is lawfully eligible to  
21 possess firearms. If the firearms or firearm parts  
22 cannot be returned to respondent because (1) the  
23 respondent has not requested the return or transfer of  
24 the firearms or firearm parts as set forth in this  
25 subparagraph, and (2) the respondent cannot be located  
26 or fails to respond to more than 3 requests to retrieve

1           the firearms or firearm parts the court may, or is not  
2           lawfully eligible to possess a firearm, upon petition  
3           from the appropriate law enforcement agency and notice  
4           to the respondent at the respondent's last known  
5           address, order the law enforcement agency to destroy  
6           the firearms or firearm parts; use the firearms or  
7           firearm parts for training purposes or for any other  
8           application as deemed appropriate by the law  
9           enforcement agency; or turn over the firearm or  
10          firearm parts to a third party who is lawfully  
11          eligible to possess firearms, and who does not reside  
12          with respondent.

13           (D) (i) If a person other than the respondent  
14          claims title to any firearms and firearm parts that  
15          could be assembled to make an operable firearm seized  
16          or surrendered under this subsection, the person may  
17          petition the court to have the firearm and firearm  
18          parts that could be assembled to make an operable  
19          firearm returned to him or her with proper notice to  
20          the petitioner and respondent. If, at a hearing on the  
21          petition, the court determines the person to be the  
22          lawful owner of the firearm and firearm parts that  
23          could be assembled to make an operable firearm, the  
24          firearm and firearm parts that could be assembled to  
25          make an operable firearm shall be returned to the  
26          person, provided that:

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

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

14          (ii) The person petitioning for the return of his  
15          or her firearm and firearm parts that could be  
16          assembled to make an operable firearm must swear or  
17          affirm by affidavit that he or she:

18               (aa) is the lawful owner of the firearm and  
19               firearm parts that could be assembled to make an  
20               operable firearm;

21               (bb) shall not transfer the firearm and  
22               firearm parts that could be assembled to make an  
23               operable firearm to the respondent; and

24               (cc) will store the firearm and firearm parts  
25               that could be assembled to make an operable  
26               firearm in a manner that the respondent does not

1           have access to or control of the firearm and  
2           firearm parts that could be assembled to make an  
3           operable firearm.

4           (E) (i) The respondent may file a motion to  
5           transfer, at the next scheduled hearing, any seized or  
6           surrendered firearms or firearm parts to a third  
7           party. Notice of the motion shall be provided to the  
8           petitioner and the third party must appear at the  
9           hearing.

10           (ii) The court may order transfer of the seized or  
11           surrendered firearm or firearm parts only if:

12           (aa) the third party transferee affirms by  
13           affidavit and to the open court that:

14           (I) the third party transferee does not  
15           reside with the respondent;

16           (II) the respondent does not have access  
17           to the location in which the third party  
18           transferee intends to keep the firearms or  
19           firearm parts;

20           (III) the third party transferee will not  
21           transfer the firearm or firearm parts to the  
22           respondent or anyone who resides with the  
23           respondent;

24           (IV) the third party transferee will  
25           maintain control and possession of the firearm  
26           or firearm parts until otherwise ordered by

1 the court; and

2 (V) the third party transferee is aware  
3 that transferring the firearms or firearm  
4 parts or allowing the respondent access to the  
5 firearms or firearm parts would be a violation  
6 of Section 24-3 of the Criminal Code of 2012  
7 ~~will be subject to criminal penalties for~~  
8 ~~transferring the firearms or firearm parts to~~  
9 ~~the respondent;~~ and

10 (bb) the court finds that:

11 (I) the third party ~~respondent~~ holds a  
12 valid Firearm Owner's Identification; and

13 (II) the transfer of firearms or firearm  
14 parts to the third party transferee does not  
15 place the petitioner or any other protected  
16 parties at any additional threat or risk of  
17 harm.

18 (15) Prohibition of access to records. If an order of  
19 protection prohibits respondent from having contact with  
20 the minor child, or if petitioner's address is omitted  
21 under subsection (b) of Section 203, or if necessary to  
22 prevent abuse or wrongful removal or concealment of a  
23 minor child, the order shall deny respondent access to,  
24 and prohibit respondent from inspecting, obtaining, or  
25 attempting to inspect or obtain, school or any other  
26 records of the minor child who is in the care of

1 petitioner.

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

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

17 (18) Telephone services.

18 (A) Unless a condition described in subparagraph  
19 (B) of this paragraph exists, the court may, upon  
20 request by the petitioner, order a wireless telephone  
21 service provider to transfer to the petitioner the  
22 right to continue to use a telephone number or numbers  
23 indicated by the petitioner and the financial  
24 responsibility associated with the number or numbers,  
25 as set forth in subparagraph (C) of this paragraph.  
26 For purposes of this paragraph (18), the term

1 "wireless telephone service provider" means a provider  
2 of commercial mobile service as defined in 47 U.S.C.  
3 332. The petitioner may request the transfer of each  
4 telephone number that the petitioner, or a minor child  
5 in his or her custody, uses. The clerk of the court  
6 shall serve the order on the wireless telephone  
7 service provider's agent for service of process  
8 provided to the Illinois Commerce Commission. The  
9 order shall contain all of the following:

10 (i) The name and billing telephone number of  
11 the account holder including the name of the  
12 wireless telephone service provider that serves  
13 the account.

14 (ii) Each telephone number that will be  
15 transferred.

16 (iii) A statement that the provider transfers  
17 to the petitioner all financial responsibility for  
18 and right to the use of any telephone number  
19 transferred under this paragraph.

20 (B) A wireless telephone service provider shall  
21 terminate the respondent's use of, and shall transfer  
22 to the petitioner use of, the telephone number or  
23 numbers indicated in subparagraph (A) of this  
24 paragraph unless it notifies the petitioner, within 72  
25 hours after it receives the order, that one of the  
26 following applies:

1 (i) The account holder named in the order has  
2 terminated the account.

3 (ii) A difference in network technology would  
4 prevent or impair the functionality of a device on  
5 a network if the transfer occurs.

6 (iii) The transfer would cause a geographic or  
7 other limitation on network or service provision  
8 to the petitioner.

9 (iv) Another technological or operational  
10 issue would prevent or impair the use of the  
11 telephone number if the transfer occurs.

12 (C) The petitioner assumes all financial  
13 responsibility for and right to the use of any  
14 telephone number transferred under this paragraph. In  
15 this paragraph, "financial responsibility" includes  
16 monthly service costs and costs associated with any  
17 mobile device associated with the number.

18 (D) A wireless telephone service provider may  
19 apply to the petitioner its routine and customary  
20 requirements for establishing an account or  
21 transferring a number, including requiring the  
22 petitioner to provide proof of identification,  
23 financial information, and customer preferences.

24 (E) Except for willful or wanton misconduct, a  
25 wireless telephone service provider is immune from  
26 civil liability for its actions taken in compliance

1 with a court order issued under this paragraph.

2 (F) All wireless service providers that provide  
3 services to residential customers shall provide to the  
4 Illinois Commerce Commission the name and address of  
5 an agent for service of orders entered under this  
6 paragraph (18). Any change in status of the registered  
7 agent must be reported to the Illinois Commerce  
8 Commission within 30 days of such change.

9 (G) The Illinois Commerce Commission shall  
10 maintain the list of registered agents for service for  
11 each wireless telephone service provider on the  
12 Commission's website. The Commission may consult with  
13 wireless telephone service providers and the Circuit  
14 Court Clerks on the manner in which this information  
15 is provided and displayed.

16 (c) Relevant factors; findings.

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

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

1 neglect, or exploitation to petitioner or any member  
2 of petitioner's or respondent's family or household;  
3 and

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

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

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

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

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

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

25 (i) That the court has considered the applicable  
26 relevant factors described in paragraphs (1) and (2)

1 of this subsection.

2 (ii) Whether the conduct or actions of respondent,  
3 unless prohibited, will likely cause irreparable harm  
4 or continued abuse.

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

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

13 When a verified petition for an emergency order of  
14 protection in accordance with the requirements of Sections  
15 203 and 217 is presented to the court, the court shall  
16 examine petitioner on oath or affirmation. An emergency  
17 order of protection shall be issued by the court if it  
18 appears from the contents of the petition and the  
19 examination of petitioner that the averments are  
20 sufficient to indicate abuse by respondent and to support  
21 the granting of relief under the issuance of the emergency  
22 order of protection.

23 (5) Never married parties. No rights or  
24 responsibilities for a minor child born outside of  
25 marriage attach to a putative father until a father and  
26 child relationship has been established under the Illinois

1 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
2 the Illinois Public Aid Code, Section 12 of the Vital  
3 Records Act, the Juvenile Court Act of 1987, the Probate  
4 Act of 1975, the Revised Uniform Reciprocal Enforcement of  
5 Support Act, the Uniform Interstate Family Support Act,  
6 the Expedited Child Support Act of 1990, any judicial,  
7 administrative, or other act of another state or  
8 territory, any other Illinois statute, or by any foreign  
9 nation establishing the father and child relationship, any  
10 other proceeding substantially in conformity with the  
11 Personal Responsibility and Work Opportunity  
12 Reconciliation Act of 1996 (Pub. L. 104-193), or where  
13 both parties appeared in open court or at an  
14 administrative hearing acknowledging under oath or  
15 admitting by affirmation the existence of a father and  
16 child relationship. Absent such an adjudication, finding,  
17 or acknowledgment, no putative father shall be granted  
18 temporary allocation of parental responsibilities,  
19 including parenting time with the minor child, or physical  
20 care and possession of the minor child, nor shall an order  
21 of payment for support of the minor child be entered.

22 (d) Balance of hardships; findings. If the court finds  
23 that the balance of hardships does not support the granting of  
24 a remedy governed by paragraph (2), (3), (10), (11), or (16) of  
25 subsection (b) of this Section, which may require such  
26 balancing, the court's findings shall so indicate and shall

1 include a finding as to whether granting the remedy will  
2 result in hardship to respondent that would substantially  
3 outweigh the hardship to petitioner from denial of the remedy.  
4 The findings shall be an official record or in writing.

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

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

10 (2) Respondent was voluntarily intoxicated;

11 (3) Petitioner acted in self-defense or defense of  
12 another, provided that, if petitioner utilized force, such  
13 force was justifiable under Article 7 of the Criminal Code  
14 of 2012;

15 (4) Petitioner did not act in self-defense or defense  
16 of another;

17 (5) Petitioner left the residence or household to  
18 avoid further abuse, neglect, or exploitation by  
19 respondent;

20 (6) Petitioner did not leave the residence or  
21 household to avoid further abuse, neglect, or exploitation  
22 by respondent;

23 (7) Conduct by any family or household member excused  
24 the abuse, neglect, or exploitation by respondent, unless  
25 that same conduct would have excused such abuse, neglect,  
26 or exploitation if the parties had not been family or

1 household members.

2 (Source: P.A. 102-538, eff. 8-20-21; 103-1065, eff.

3 5-11-25.)".