

# SB2535



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2535

Introduced 1/28/2020, by Sen. Neil Anderson

### SYNOPSIS AS INTRODUCED:

See Index

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

LRB101 16577 RLC 65961 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning firearms.

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

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

6 (5 ILCS 140/7.5)

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

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

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

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

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

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

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

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

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

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

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

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

26 (k) Law enforcement officer identification information

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

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

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

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

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

22 (p) Security portions of system safety program plans,  
23 investigation reports, surveys, schedules, lists, data, or  
24 information compiled, collected, or prepared by or for the  
25 Regional Transportation Authority under Section 2.11 of  
26 the Regional Transportation Authority Act or the St. Clair

1 County Transit District under the Bi-State Transit Safety  
2 Act.

3 (q) Information prohibited from being disclosed by the  
4 Personnel Record Review Act.

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

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

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

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

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under  
2 the Firearm Owners Identification Card Act before the  
3 effective date of this amendatory Act of the 101st General  
4 Assembly or applied for or received a concealed carry  
5 license under the Firearm Concealed Carry Act, unless  
6 otherwise authorized by the Firearm Concealed Carry Act;  
7 and databases under the Firearm Concealed Carry Act,  
8 records of the Concealed Carry Licensing Review Board under  
9 the Firearm Concealed Carry Act, and law enforcement agency  
10 objections under the Firearm Concealed Carry Act.

11 (w) Personally identifiable information which is  
12 exempted from disclosure under subsection (g) of Section  
13 19.1 of the Toll Highway Act.

14 (x) Information which is exempted from disclosure  
15 under Section 5-1014.3 of the Counties Code or Section  
16 8-11-21 of the Illinois Municipal Code.

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

25 (z) Records and information provided to a fatality  
26 review team or the Illinois Fatality Review Team Advisory

1 Council under Section 15 of the Adult Protective Services  
2 Act.

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

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

7 (cc) Recordings made under the Law Enforcement  
8 Officer-Worn Body Camera Act, except to the extent  
9 authorized under that Act.

10 (dd) Information that is prohibited from being  
11 disclosed under Section 45 of the Condominium and Common  
12 Interest Community Ombudsperson Act.

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

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

17 (gg) Information that is prohibited from being  
18 disclosed under Section 7-603.5 of the Illinois Vehicle  
19 Code.

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

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

25 (jj) Information and reports that are required to be  
26 submitted to the Department of Labor by registering day and

1 temporary labor service agencies but are exempt from  
2 disclosure under subsection (a-1) of Section 45 of the Day  
3 and Temporary Labor Services Act.

4 (kk) Information prohibited from disclosure under the  
5 Seizure and Forfeiture Reporting Act.

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

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

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

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

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

21 (qq) Information and records held by the Department of  
22 Public Health and its authorized representatives collected  
23 under the Reproductive Health Act.

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

26 (ss) Data reported by an employer to the Department of



1 Human Rights pursuant to Section 2-108 of the Illinois  
2 Human Rights Act.

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

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

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

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

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

15 (yy) ~~(oo)~~ Information prohibited from being disclosed  
16 under the Illinois Educational Labor Relations Act.

17 (zz) ~~(pp)~~ Information prohibited from being disclosed  
18 under the Illinois Public Labor Relations Act.

19 (aaa) ~~(qq)~~ Information prohibited from being disclosed  
20 under Section 1-167 of the Illinois Pension Code.

21 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;  
22 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.  
23 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,  
24 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;  
25 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.  
26 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,

1 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;  
2 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.  
3 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; revised  
4 1-6-20.)

5 Section 6. The Gun Trafficking Information Act is amended  
6 by changing Section 10-5 as follows:

7 (5 ILCS 830/10-5)

8 Sec. 10-5. Gun trafficking information.

9 (a) The Department of State Police shall use all reasonable  
10 efforts in making publicly available, on a regular and ongoing  
11 basis, key information related to firearms used in the  
12 commission of crimes in this State, including, but not limited  
13 to: reports on crimes committed with firearms, locations where  
14 the crimes occurred, the number of persons killed or injured in  
15 the commission of the crimes, the state where the firearms used  
16 originated, the Federal Firearms Licensee that sold the  
17 firearm, and the type of firearms used. The Department shall  
18 make the information available on its website, in addition to  
19 electronically filing a report with the Governor and the  
20 General Assembly. The report to the General Assembly shall be  
21 filed with the Clerk of the House of Representatives and the  
22 Secretary of the Senate in electronic form only, in the manner  
23 that the Clerk and the Secretary shall direct.

24 (b) The Department shall study, on a regular and ongoing

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

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

26 (Source: P.A. 100-1178, eff. 1-18-19.)

1           Section 7. The Department of Natural Resources  
2           (Conservation) Law of the Civil Administrative Code of Illinois  
3           is amended by changing Section 805-538 as follows:

4           (20 ILCS 805/805-538)

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

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

17          Section 10. The Department of State Police Law of the Civil  
18          Administrative Code of Illinois is amended by changing Sections  
19          2605-45, 2605-300, and 2605-595 as follows:

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

21          Sec. 2605-45. Division of Justice Services. The Division of  
22          Justice Services shall exercise the following functions:

1 (1) (Blank).

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

4 (3) (Blank).

5 (4) Operate an electronic data processing and computer  
6 center for the storage and retrieval of data pertaining to  
7 criminal activity.

8 (5) Exercise the rights, powers, and duties vested in  
9 the former Division of State Troopers by Section 17 of the  
10 State Police Act.

11 (6) (Blank).

12 (6.5) (Blank). ~~Exercise the rights, powers, and duties~~  
13 ~~vested in the Department by the Firearm Owners~~  
14 ~~Identification Card Act.~~

15 (7) Exercise other duties that may be assigned by the  
16 Director to fulfill the responsibilities and achieve the  
17 purposes of the Department.

18 (8) Exercise the rights, powers, and duties vested by  
19 law in the Department by the Criminal Identification Act.

20 (Source: P.A. 101-378, eff. 1-1-20.)

21 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

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

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

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

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

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

8 (5) Establish general and field crime laboratories.

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

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

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

20 (Source: P.A. 98-63, eff. 7-9-13; 99-801, eff. 1-1-17.)

21 (20 ILCS 2605/2605-595)

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

23 (a) There is created in the State treasury a special fund  
24 known as the State Police Firearm Services Fund. The Fund shall  
25 receive revenue under the Firearm Concealed Carry Act ~~and~~

1 ~~Section 5 of the Firearm Owners Identification Card Act.~~ The  
2 Fund may also receive revenue from grants, pass-through grants,  
3 donations, appropriations, and any other legal source.

4 (b) The Department of State Police may use moneys in the  
5 Fund to finance any of its lawful purposes, mandates,  
6 functions, and duties under ~~the Firearm Owners Identification~~  
7 ~~Card Act and~~ the Firearm Concealed Carry Act, including the  
8 cost of sending notices of expiration of ~~Firearm Owner's~~  
9 ~~Identification Cards,~~ concealed carry licenses, the prompt and  
10 efficient processing of applications under ~~the Firearm Owners~~  
11 ~~Identification Card Act and~~ the Firearm Concealed Carry Act,  
12 the improved efficiency and reporting of the LEADS and federal  
13 NICS law enforcement data systems, and support for  
14 investigations required under that Act ~~these Acts~~ and law. Any  
15 surplus funds beyond what is needed to comply with the  
16 aforementioned purposes shall be used by the Department to  
17 improve the Law Enforcement Agencies Data System (LEADS) and  
18 criminal history background check system.

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

22 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

23 (20 ILCS 2605/2605-120 rep.)

24 (20 ILCS 2605/2605-610 rep.)

25 Section 15. The Department of State Police Law of the Civil

1 Administrative Code of Illinois is amended by repealing  
2 Sections 2605-120 and 2605-610.

3 Section 16. The State Police Act is amended by changing  
4 Section 17b as follows:

5 (20 ILCS 2610/17b)

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

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

18 Section 20. The Criminal Identification Act is amended by  
19 changing Section 2.2 as follows:

20 (20 ILCS 2630/2.2)

21 Sec. 2.2. Notification to the Department. Upon judgment of  
22 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,



1 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal  
2 Code of 2012 when the defendant has been determined, pursuant  
3 to Section 112A-11.1 of the Code of Criminal Procedure of 1963,  
4 to be subject to the prohibitions of 18 U.S.C. 922(g)(9), the  
5 circuit court clerk shall include notification and a copy of  
6 the written determination in a report of the conviction to the  
7 Department of State Police ~~Firearm Owner's Identification Card~~  
8 ~~Office~~ to enable the Illinois State Police office to perform  
9 its duties under the Firearm Concealed Carry Act and Sections 4  
10 ~~and 8 of the Firearm Owners Identification Card Act and to~~  
11 ~~report that determination to the Federal Bureau of~~  
12 ~~Investigation~~ to assist the Federal Bureau of Investigation in  
13 identifying persons prohibited from purchasing and possessing  
14 a firearm pursuant to the provisions of 18 U.S.C. 922. The  
15 written determination described in this Section shall be  
16 included in the defendant's record of arrest and conviction in  
17 the manner and form prescribed by the Department of State  
18 Police.

19 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

20 Section 25. The State Finance Act is amended by changing  
21 Section 6z-99 as follows:

22 (30 ILCS 105/6z-99)

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

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

1 known as the Mental Health Reporting Fund. The Fund shall  
2 receive revenue under the Firearm Concealed Carry Act. The Fund  
3 may also receive revenue from grants, pass-through grants,  
4 donations, appropriations, and any other legal source.

5 (b) The Department of State Police and Department of Human  
6 Services shall coordinate to use moneys in the Fund to finance  
7 their respective duties of collecting and reporting data on  
8 mental health records and ensuring that mental health firearm  
9 possession prohibitors are enforced as set forth under the  
10 Firearm Concealed Carry Act ~~and the Firearm Owners~~  
11 ~~Identification Card Act~~. Any surplus in the Fund beyond what is  
12 necessary to ensure compliance with mental health reporting  
13 under that Act ~~these Acts~~ shall be used by the Department of  
14 Human Services for mental health treatment programs.

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

18 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

19 Section 30. The Peace Officer Firearm Training Act is  
20 amended by changing Section 1 as follows:

21 (50 ILCS 710/1) (from Ch. 85, par. 515)

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

23 (a) "Peace officer" means (i) any person who by virtue of  
24 his office or public employment is vested by law with a primary

1 duty to maintain public order or to make arrests for offenses,  
2 whether that duty extends to all offenses or is limited to  
3 specific offenses, and who is employed in such capacity by any  
4 county or municipality or (ii) any retired law enforcement  
5 officers qualified under federal law to carry a concealed  
6 weapon.

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

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

18 (Source: P.A. 98-725, eff. 1-1-15.)

19 (50 ILCS 725/7.2 rep.)

20 Section 31. The Uniform Peace Officers' Disciplinary Act is  
21 amended by repealing Section 7.2.

22 Section 35. The School Code is amended by changing Sections  
23 10-22.6, 10-27.1A and 34-8.05 as follows:

1 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

2 Sec. 10-22.6. Suspension or expulsion of pupils; school  
3 searches.

4 (a) To expel pupils guilty of gross disobedience or  
5 misconduct, including gross disobedience or misconduct  
6 perpetuated by electronic means, pursuant to subsection (b-20)  
7 of this Section, and no action shall lie against them for such  
8 expulsion. Expulsion shall take place only after the parents  
9 have been requested to appear at a meeting of the board, or  
10 with a hearing officer appointed by it, to discuss their  
11 child's behavior. Such request shall be made by registered or  
12 certified mail and shall state the time, place and purpose of  
13 the meeting. The board, or a hearing officer appointed by it,  
14 at such meeting shall state the reasons for dismissal and the  
15 date on which the expulsion is to become effective. If a  
16 hearing officer is appointed by the board, he shall report to  
17 the board a written summary of the evidence heard at the  
18 meeting and the board may take such action thereon as it finds  
19 appropriate. If the board acts to expel a pupil, the written  
20 expulsion decision shall detail the specific reasons why  
21 removing the pupil from the learning environment is in the best  
22 interest of the school. The expulsion decision shall also  
23 include a rationale as to the specific duration of the  
24 expulsion. An expelled pupil may be immediately transferred to  
25 an alternative program in the manner provided in Article 13A or  
26 13B of this Code. A pupil must not be denied transfer because

1 of the expulsion, except in cases in which such transfer is  
2 deemed to cause a threat to the safety of students or staff in  
3 the alternative program.

4 (b) To suspend or by policy to authorize the superintendent  
5 of the district or the principal, assistant principal, or dean  
6 of students of any school to suspend pupils guilty of gross  
7 disobedience or misconduct, or to suspend pupils guilty of  
8 gross disobedience or misconduct on the school bus from riding  
9 the school bus, pursuant to subsections (b-15) and (b-20) of  
10 this Section, and no action shall lie against them for such  
11 suspension. The board may by policy authorize the  
12 superintendent of the district or the principal, assistant  
13 principal, or dean of students of any school to suspend pupils  
14 guilty of such acts for a period not to exceed 10 school days.  
15 If a pupil is suspended due to gross disobedience or misconduct  
16 on a school bus, the board may suspend the pupil in excess of  
17 10 school days for safety reasons.

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

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

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

1 non-exclusionary discipline prior to using out-of-school  
2 suspensions or expulsions.

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

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

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

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

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

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



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

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

12           (c) The Department of Human Services shall be invited to  
13 send a representative to consult with the board at such meeting  
14 whenever there is evidence that mental illness may be the cause  
15 for expulsion or suspension.

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

26           (d) The board may expel a student for a definite period of

1 time not to exceed 2 calendar years, as determined on a  
2 case-by-case basis. A student who is determined to have brought  
3 one of the following objects to school, any school-sponsored  
4 activity or event, or any activity or event that bears a  
5 reasonable relationship to school shall be expelled for a  
6 period of not less than one year:

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

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

24 Expulsion or suspension shall be construed in a manner  
25 consistent with the federal Individuals with Disabilities  
26 Education Act. A student who is subject to suspension or

1 expulsion as provided in this Section may be eligible for a  
2 transfer to an alternative school program in accordance with  
3 Article 13A of the School Code.

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

21 (e) To maintain order and security in the schools, school  
22 authorities may inspect and search places and areas such as  
23 lockers, desks, parking lots, and other school property and  
24 equipment owned or controlled by the school, as well as  
25 personal effects left in those places and areas by students,  
26 without notice to or the consent of the student, and without a

1 search warrant. As a matter of public policy, the General  
2 Assembly finds that students have no reasonable expectation of  
3 privacy in these places and areas or in their personal effects  
4 left in these places and areas. School authorities may request  
5 the assistance of law enforcement officials for the purpose of  
6 conducting inspections and searches of lockers, desks, parking  
7 lots, and other school property and equipment owned or  
8 controlled by the school for illegal drugs, weapons, or other  
9 illegal or dangerous substances or materials, including  
10 searches conducted through the use of specially trained dogs.  
11 If a search conducted in accordance with this Section produces  
12 evidence that the student has violated or is violating either  
13 the law, local ordinance, or the school's policies or rules,  
14 such evidence may be seized by school authorities, and  
15 disciplinary action may be taken. School authorities may also  
16 turn over such evidence to law enforcement authorities.

17 (f) Suspension or expulsion may include suspension or  
18 expulsion from school and all school activities and a  
19 prohibition from being present on school grounds.

20 (g) A school district may adopt a policy providing that if  
21 a student is suspended or expelled for any reason from any  
22 public or private school in this or any other state, the  
23 student must complete the entire term of the suspension or  
24 expulsion in an alternative school program under Article 13A of  
25 this Code or an alternative learning opportunities program  
26 under Article 13B of this Code before being admitted into the

1 school district if there is no threat to the safety of students  
2 or staff in the alternative program.

3 (h) School officials shall not advise or encourage students  
4 to drop out voluntarily due to behavioral or academic  
5 difficulties.

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

10 (j) Subsections (a) through (i) of this Section shall apply  
11 to elementary and secondary schools, charter schools, special  
12 charter districts, and school districts organized under  
13 Article 34 of this Code.

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

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

26 (Source: P.A. 100-105, eff. 1-1-18; 100-810, eff. 1-1-19;

1 100-863, eff. 8-14-18; 100-1035, eff. 8-22-18; 101-81, eff.  
2 7-12-19.)

3 (105 ILCS 5/10-27.1A)

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

5 (a) All school officials, including teachers, guidance  
6 counselors, and support staff, shall immediately notify the  
7 office of the principal in the event that they observe any  
8 person in possession of a firearm on school grounds; provided  
9 that taking such immediate action to notify the office of the  
10 principal would not immediately endanger the health, safety, or  
11 welfare of students who are under the direct supervision of the  
12 school official or the school official. If the health, safety,  
13 or welfare of students under the direct supervision of the  
14 school official or of the school official is immediately  
15 endangered, the school official shall notify the office of the  
16 principal as soon as the students under his or her supervision  
17 and he or she are no longer under immediate danger. A report is  
18 not required by this Section when the school official knows  
19 that the person in possession of the firearm is a law  
20 enforcement official engaged in the conduct of his or her  
21 official duties. Any school official acting in good faith who  
22 makes such a report under this Section shall have immunity from  
23 any civil or criminal liability that might otherwise be  
24 incurred as a result of making the report. The identity of the  
25 school official making such report shall not be disclosed

1     except as expressly and specifically authorized by law.  
2     Knowingly and willfully failing to comply with this Section is  
3     a petty offense. A second or subsequent offense is a Class C  
4     misdemeanor.

5           (b) Upon receiving a report from any school official  
6     pursuant to this Section, or from any other person, the  
7     principal or his or her designee shall immediately notify a  
8     local law enforcement agency. If the person found to be in  
9     possession of a firearm on school grounds is a student, the  
10    principal or his or her designee shall also immediately notify  
11    that student's parent or guardian. Any principal or his or her  
12    designee acting in good faith who makes such reports under this  
13    Section shall have immunity from any civil or criminal  
14    liability that might otherwise be incurred or imposed as a  
15    result of making the reports. Knowingly and willfully failing  
16    to comply with this Section is a petty offense. A second or  
17    subsequent offense is a Class C misdemeanor. If the person  
18    found to be in possession of the firearm on school grounds is a  
19    minor, the law enforcement agency shall detain that minor until  
20    such time as the agency makes a determination pursuant to  
21    clause (a) of subsection (1) of Section 5-401 of the Juvenile  
22    Court Act of 1987, as to whether the agency reasonably believes  
23    that the minor is delinquent. If the law enforcement agency  
24    determines that probable cause exists to believe that the minor  
25    committed a violation of item (4) of subsection (a) of Section  
26    24-1 of the Criminal Code of 2012 while on school grounds, the

1 agency shall detain the minor for processing pursuant to  
2 Section 5-407 of the Juvenile Court Act of 1987.

3 (c) On or after January 1, 1997, upon receipt of any  
4 written, electronic, or verbal report from any school personnel  
5 regarding a verified incident involving a firearm in a school  
6 or on school owned or leased property, including any conveyance  
7 owned, leased, or used by the school for the transport of  
8 students or school personnel, the superintendent or his or her  
9 designee shall report all such firearm-related incidents  
10 occurring in a school or on school property to the local law  
11 enforcement authorities immediately and to the Department of  
12 State Police in a form, manner, and frequency as prescribed by  
13 the Department of State Police.

14 The State Board of Education shall receive an annual  
15 statistical compilation and related data associated with  
16 incidents involving firearms in schools from the Department of  
17 State Police. The State Board of Education shall compile this  
18 information by school district and make it available to the  
19 public.

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

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

25 As used in this Section, the term "school grounds" includes  
26 the real property comprising any school, any conveyance owned,



1 leased, or contracted by a school to transport students to or  
2 from school or a school-related activity, or any public way  
3 within 1,000 feet of the real property comprising any school.  
4 (Source: P.A. 97-1150, eff. 1-25-13.)

5 (105 ILCS 5/34-8.05)

6 Sec. 34-8.05. Reporting firearms in schools. On or after  
7 January 1, 1997, upon receipt of any written, electronic, or  
8 verbal report from any school personnel regarding a verified  
9 incident involving a firearm in a school or on school owned or  
10 leased property, including any conveyance owned, leased, or  
11 used by the school for the transport of students or school  
12 personnel, the general superintendent or his or her designee  
13 shall report all such firearm-related incidents occurring in a  
14 school or on school property to the local law enforcement  
15 authorities no later than 24 hours after the occurrence of the  
16 incident and to the Department of State Police in a form,  
17 manner, and frequency as prescribed by the Department of State  
18 Police.

19 The State Board of Education shall receive an annual  
20 statistical compilation and related data associated with  
21 incidents involving firearms in schools from the Department of  
22 State Police. As used in this Section, the term "firearm" shall  
23 have the meaning ascribed to it in Section 2-7.5 of the  
24 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~  
25 ~~Card Act.~~

1 (Source: P.A. 89-498, eff. 6-27-96.)

2 Section 40. The Illinois Explosives Act is amended by  
3 changing Section 2005 as follows:

4 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

5 Sec. 2005. Qualifications for licensure.

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

7 (1) is under 21 years of age;

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

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

12 (4) is a fugitive from justice;

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

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

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

23 (b) A person who has been granted a "relief from  
24 disabilities" regarding criminal convictions and indictments,

1 pursuant to the federal Safe Explosives Act (18 U.S.C. Sec.  
2 845) may receive a license provided all other qualifications  
3 under this Act are met.

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

5 Section 45. The Private Detective, Private Alarm, Private  
6 Security, and Locksmith Act of 2004 is amended by changing  
7 Sections 35-30 and 35-35 as follows:

8 (225 ILCS 447/35-30)

9 (Section scheduled to be repealed on January 1, 2024)

10 Sec. 35-30. Employee requirements. All employees of a  
11 licensed agency, other than those exempted, shall apply for a  
12 permanent employee registration card. The holder of an agency  
13 license issued under this Act, known in this Section as  
14 "employer", may employ in the conduct of his or her business  
15 employees under the following provisions:

16 (a) No person shall be issued a permanent employee  
17 registration card who:

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

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

21 (3) Has been determined by the Department to be unfit  
22 by reason of conviction of an offense in this or another  
23 state, including registration as a sex offender, but not  
24 including a traffic offense. Persons convicted of felonies

1 involving bodily harm, weapons, violence, or theft within  
2 the previous 10 years shall be presumed to be unfit for  
3 registration. The Department shall adopt rules for making  
4 those determinations that shall afford the applicant due  
5 process of law.

6 (4) Has had a license or permanent employee  
7 registration card denied, suspended, or revoked under this  
8 Act (i) within one year before the date the person's  
9 application for permanent employee registration card is  
10 received by the Department; and (ii) that refusal, denial,  
11 suspension, or revocation was based on any provision of  
12 this Act other than Section 40-50, item (6) or (8) of  
13 subsection (a) of Section 15-10, subsection (b) of Section  
14 15-10, item (6) or (8) of subsection (a) of Section 20-10,  
15 subsection (b) of Section 20-10, item (6) or (8) of  
16 subsection (a) of Section 25-10, subsection (b) of Section  
17 25-10, item (7) of subsection (a) of Section 30-10,  
18 subsection (b) of Section 30-10, or Section 10-40.

19 (5) Has been declared incompetent by any court of  
20 competent jurisdiction by reason of mental disease or  
21 defect and has not been restored.

22 (6) Has been dishonorably discharged from the armed  
23 services of the United States.

24 (b) No person may be employed by a private detective  
25 agency, private security contractor agency, private alarm  
26 contractor agency, fingerprint vendor agency, or locksmith

1 agency under this Section until he or she has executed and  
2 furnished to the employer, on forms furnished by the  
3 Department, a verified statement to be known as "Employee's  
4 Statement" setting forth:

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

6 (2) The business or occupation engaged in for the 5  
7 years immediately before the date of the execution of the  
8 statement, the place where the business or occupation was  
9 engaged in, and the names of employers, if any.

10 (3) That the person has not had a license or employee  
11 registration denied, revoked, or suspended under this Act  
12 (i) within one year before the date the person's  
13 application for permanent employee registration card is  
14 received by the Department; and (ii) that refusal, denial,  
15 suspension, or revocation was based on any provision of  
16 this Act other than Section 40-50, item (6) or (8) of  
17 subsection (a) of Section 15-10, subsection (b) of Section  
18 15-10, item (6) or (8) of subsection (a) of Section 20-10,  
19 subsection (b) of Section 20-10, item (6) or (8) of  
20 subsection (a) of Section 25-10, subsection (b) of Section  
21 25-10, item (7) of subsection (a) of Section 30-10,  
22 subsection (b) of Section 30-10, or Section 10-40.

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

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

26 (6) Any dishonorable discharge from the armed services

1 of the United States.

2 (7) Any other information as may be required by any  
3 rule of the Department to show the good character,  
4 competency, and integrity of the person executing the  
5 statement.

6 (c) Each applicant for a permanent employee registration  
7 card shall have his or her fingerprints submitted to the  
8 Department of State Police in an electronic format that  
9 complies with the form and manner for requesting and furnishing  
10 criminal history record information as prescribed by the  
11 Department of State Police. These fingerprints shall be checked  
12 against the Department of State Police and Federal Bureau of  
13 Investigation criminal history record databases now and  
14 hereafter filed. The Department of State Police shall charge  
15 applicants a fee for conducting the criminal history records  
16 check, which shall be deposited in the State Police Services  
17 Fund and shall not exceed the actual cost of the records check.  
18 The Department of State Police shall furnish, pursuant to  
19 positive identification, records of Illinois convictions to  
20 the Department. The Department may require applicants to pay a  
21 separate fingerprinting fee, either to the Department or  
22 directly to the vendor. The Department, in its discretion, may  
23 allow an applicant who does not have reasonable access to a  
24 designated vendor to provide his or her fingerprints in an  
25 alternative manner. The Department, in its discretion, may also  
26 use other procedures in performing or obtaining criminal

1 background checks of applicants. Instead of submitting his or  
2 her fingerprints, an individual may submit proof that is  
3 satisfactory to the Department that an equivalent security  
4 clearance has been conducted. Also, an individual who has  
5 retired as a peace officer within 12 months of application may  
6 submit verification, on forms provided by the Department and  
7 signed by his or her employer, of his or her previous full-time  
8 employment as a peace officer.

9 (d) The Department shall issue a permanent employee  
10 registration card, in a form the Department prescribes, to all  
11 qualified applicants. The holder of a permanent employee  
12 registration card shall carry the card at all times while  
13 actually engaged in the performance of the duties of his or her  
14 employment. Expiration and requirements for renewal of  
15 permanent employee registration cards shall be established by  
16 rule of the Department. Possession of a permanent employee  
17 registration card does not in any way imply that the holder of  
18 the card is employed by an agency unless the permanent employee  
19 registration card is accompanied by the employee  
20 identification card required by subsection (f) of this Section.

21 (e) Each employer shall maintain a record of each employee  
22 that is accessible to the duly authorized representatives of  
23 the Department. The record shall contain the following  
24 information:

25 (1) A photograph taken within 10 days of the date that  
26 the employee begins employment with the employer. The

1 photograph shall be replaced with a current photograph  
2 every 3 calendar years.

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

5 (3) All correspondence or documents relating to the  
6 character and integrity of the employee received by the  
7 employer from any official source or law enforcement  
8 agency.

9 (4) In the case of former employees, the employee  
10 identification card of that person issued under subsection  
11 (f) of this Section. Each employee record shall duly note  
12 if the employee is employed in an armed capacity. Armed  
13 employee files shall contain ~~a copy of an active firearm~~  
14 ~~owner's identification card and~~ a copy of an active firearm  
15 control card. Each employer shall maintain a record for  
16 each armed employee of each instance in which the  
17 employee's weapon was discharged during the course of his  
18 or her professional duties or activities. The record shall  
19 be maintained on forms provided by the Department, a copy  
20 of which must be filed with the Department within 15 days  
21 of an instance. The record shall include the date and time  
22 of the occurrence, the circumstances involved in the  
23 occurrence, and any other information as the Department may  
24 require. Failure to provide this information to the  
25 Department or failure to maintain the record as a part of  
26 each armed employee's permanent file is grounds for



1 disciplinary action. The Department, upon receipt of a  
2 report, shall have the authority to make any investigation  
3 it considers appropriate into any occurrence in which an  
4 employee's weapon was discharged and to take disciplinary  
5 action as may be appropriate.

6 (5) A copy of the employee's permanent employee  
7 registration card or a copy of the Department's "License  
8 Lookup" Webpage showing that the employee has been issued a  
9 valid permanent employee registration card by the  
10 Department.

11 The Department may, by rule, prescribe further record  
12 requirements.

13 (f) Every employer shall furnish an employee  
14 identification card to each of his or her employees. This  
15 employee identification card shall contain a recent photograph  
16 of the employee, the employee's name, the name and agency  
17 license number of the employer, the employee's personal  
18 description, the signature of the employer, the signature of  
19 that employee, the date of issuance, and an employee  
20 identification card number.

21 (g) No employer may issue an employee identification card  
22 to any person who is not employed by the employer in accordance  
23 with this Section or falsely state or represent that a person  
24 is or has been in his or her employ. It is unlawful for an  
25 applicant for registered employment to file with the Department  
26 the fingerprints of a person other than himself or herself.

1 (h) Every employer shall obtain the identification card of  
2 every employee who terminates employment with him or her.

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

6 (j) No agency may employ any person to perform a licensed  
7 activity under this Act unless the person possesses a valid  
8 permanent employee registration card or a valid license under  
9 this Act, or is exempt pursuant to subsection (n).

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

13 (1) The agency completes in its entirety and submits to  
14 the Department an application for a permanent employee  
15 registration card, including the required fingerprint  
16 receipt and fees.

17 (2) The agency has verification from the Department  
18 that the applicant has no record of any criminal conviction  
19 pursuant to the criminal history check conducted by the  
20 Department of State Police. The agency shall maintain the  
21 verification of the results of the Department of State  
22 Police criminal history check as part of the employee  
23 record as required under subsection (e) of this Section.

24 (3) The agency exercises due diligence to ensure that  
25 the person is qualified under the requirements of the Act  
26 to be issued a permanent employee registration card.

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

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

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

24          An agency may not employ a person in a temporary capacity  
25          if it knows or reasonably should have known that the person has  
26          been convicted of a crime under the laws of this State, has

1 been convicted in another state of any crime that is a crime  
2 under the laws of this State, has been convicted of any crime  
3 in a federal court, or has been posted as an unapproved  
4 applicant by the Department. Notice by the Department to the  
5 agency, via certified mail, personal delivery, electronic  
6 mail, or posting on the Department's Internet site accessible  
7 to the agency that the person has been convicted of a crime  
8 shall be deemed constructive knowledge of the conviction on the  
9 part of the agency. The Department may adopt rules to implement  
10 this subsection (k).

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

13 (1) the person, while so employed, is being paid by the  
14 United States or any political subdivision for the time so  
15 employed in addition to any payments he or she may receive  
16 from the employer; or

17 (2) the person wears any portion of his or her official  
18 uniform, emblem of authority, or equipment while so  
19 employed.

20 (m) If information is discovered affecting the  
21 registration of a person whose fingerprints were submitted  
22 under this Section, the Department shall so notify the agency  
23 that submitted the fingerprints on behalf of that person.

24 (n) Peace officers shall be exempt from the requirements of  
25 this Section relating to permanent employee registration  
26 cards. The agency shall remain responsible for any peace

1 officer employed under this exemption, regardless of whether  
2 the peace officer is compensated as an employee or as an  
3 independent contractor and as further defined by rule.

4 (o) Persons who have no access to confidential or security  
5 information, who do not go to a client's or prospective  
6 client's residence or place of business, and who otherwise do  
7 not provide traditional security services are exempt from  
8 employee registration. Examples of exempt employees include,  
9 but are not limited to, employees working in the capacity of  
10 ushers, directors, ticket takers, cashiers, drivers, and  
11 reception personnel. Confidential or security information is  
12 that which pertains to employee files, scheduling, client  
13 contracts, or technical security and alarm data.

14 (p) An applicant who is 21 years of age or older seeking a  
15 religious exemption to the photograph requirement of this  
16 Section shall furnish with the application an approved copy of  
17 United States Department of the Treasury Internal Revenue  
18 Service Form 4029. Regardless of age, an applicant seeking a  
19 religious exemption to this photograph requirement shall  
20 submit fingerprints in a form and manner prescribed by the  
21 Department with his or her application in lieu of a photograph.  
22 (Source: P.A. 98-253, eff. 8-9-13; 98-848, eff. 1-1-15.)

23 (225 ILCS 447/35-35)

24 (Section scheduled to be repealed on January 1, 2024)

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

1           (a) No person shall perform duties that include the use,  
2 carrying, or possession of a firearm in the performance of  
3 those duties without complying with the provisions of this  
4 Section and having been issued a valid firearm control card by  
5 the Department.

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

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

25           (d) The Department shall issue a firearm control card to a  
26 person who has passed an approved firearm training course, who

1 is currently licensed or employed by an agency licensed by this  
2 Act and has met all the requirements of this Act, and who is  
3 not prohibited under State or federal law from possessing a  
4 firearm ~~possesses a valid firearm owner identification card.~~  
5 Application for the firearm control card shall be made by the  
6 employer to the Department on forms provided by the Department.  
7 The Department shall forward the card to the employer who shall  
8 be responsible for its issuance to the licensee or employee.  
9 The firearm control card shall be issued by the Department and  
10 shall identify the person holding it and the name of the course  
11 where the licensee or employee received firearm instruction and  
12 shall specify the type of weapon or weapons the person is  
13 authorized by the Department to carry and for which the person  
14 has been trained.

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

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

1 ~~hearing~~. The Secretary shall summarily suspend a firearm  
2 control card if the Secretary finds that its continued use  
3 would constitute an imminent danger to the public. A hearing  
4 shall be held before the Board within 30 days if the Secretary  
5 summarily suspends a firearm control card.

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

22 (h) The Department may issue a temporary firearm control  
23 card pending issuance of a new firearm control card upon an  
24 agency's acquiring of an established armed account. An agency  
25 that has acquired armed employees as a result of acquiring an  
26 established armed account may, on forms supplied by the



1 Department, request the issuance of a temporary firearm control  
2 card for each acquired employee who held a valid firearm  
3 control card under his or her employment with the newly  
4 acquired established armed account immediately preceding the  
5 acquiring of the account and who continues to meet all of the  
6 qualifications for issuance of a firearm control card set forth  
7 in this Act and any rules adopted under this Act. The  
8 Department shall, by rule, set the fee for issuance of a  
9 temporary firearm control card.

10 (i) The Department shall not issue a firearm control card  
11 to a licensed fingerprint vendor or a licensed locksmith or  
12 employees of a licensed fingerprint vendor agency or a licensed  
13 locksmith agency.

14 (Source: P.A. 100-712, eff. 8-3-18.)

15 Section 50. The Mental Health and Developmental  
16 Disabilities Code is amended by changing Sections 6-103.1,  
17 6-103.2, and 6-103.3 as follows:

18 (405 ILCS 5/6-103.1)

19 Sec. 6-103.1. Adjudication as a person with a mental  
20 disability. When a person has been adjudicated as a person with  
21 a mental disability ~~as defined in Section 1.1 of the Firearm~~  
22 ~~Owners Identification Card Act~~, including, but not limited to,  
23 an adjudication as a person with a disability as defined in  
24 Section 11a-2 of the Probate Act of 1975, the court shall

1 direct the circuit court clerk to notify the Department of  
2 State Police, ~~Firearm Owner's Identification (FOID) Office~~, in  
3 a form and manner prescribed by the Department of State Police,  
4 and shall forward a copy of the court order to the Department  
5 no later than 7 days after the entry of the order. Upon receipt  
6 of the order, the Department of State Police shall provide  
7 notification to the National Instant Criminal Background Check  
8 System. In this Section, "has been adjudicated as a mentally  
9 disabled person" means the person is the subject of a  
10 determination by a court, board, commission, or other lawful  
11 authority that the person, as a result of marked subnormal  
12 intelligence, or mental illness, mental impairment,  
13 incompetency, condition, or disease:

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

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

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

21 (3.5) is guilty but mentally ill, as provided in  
22 Section 5-2-6 of the Unified Code of Corrections;

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

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

1           (6) is a sexually violent person under subsection (f)  
2           of Section 5 of the Sexually Violent Persons Commitment  
3           Act;

4           (7) is a sexually dangerous person under the Sexually  
5           Dangerous Persons Act;

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

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

10           (10) is a person subject to involuntary admission on an  
11           inpatient basis as defined in Section 1-119 of the Mental  
12           Health and Developmental Disabilities Code;

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

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

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

21           (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

22           (405 ILCS 5/6-103.2)

23           Sec. 6-103.2. Developmental disability; notice. If a  
24           person 14 years old or older is determined to be a person with  
25           a developmental disability by a physician, clinical

1 psychologist, or qualified examiner, the physician, clinical  
2 psychologist, or qualified examiner shall notify the  
3 Department of Human Services within 7 days of making the  
4 determination that the person has a developmental disability.  
5 The Department of Human Services shall immediately update its  
6 records and information relating to mental health and  
7 developmental disabilities, and if appropriate, shall notify  
8 the Department of State Police in a form and manner prescribed  
9 by the Department of State Police. Information disclosed under  
10 this Section shall remain privileged and confidential, and  
11 shall not be redisclosed, except as required under clause  
12 (e)(2) of Section 24-4.5 of the Criminal Code of 2012  
13 ~~subsection (c) of Section 3.1 of the Firearm Owners~~  
14 ~~Identification Card Act~~, nor used for any other purpose. The  
15 method of providing this information shall guarantee that the  
16 information is not released beyond that which is necessary for  
17 the purpose of this Section and shall be provided by rule by  
18 the Department of Human Services. The identity of the person  
19 reporting under this Section shall not be disclosed to the  
20 subject of the report.

21 The physician, clinical psychologist, or qualified  
22 examiner making the determination and his or her employer may  
23 not be held criminally, civilly, or professionally liable for  
24 making or not making the notification required under this  
25 Section, except for willful or wanton misconduct.

26 In this Section, "developmentally disabled" has the

1 meaning ascribed to it in Section 12 of the Mental Health and  
2 Developmental Disabilities Confidentiality Act.

3 In ~~For purposes of~~ this Section, "developmental  
4 disability" means a disability which is attributable to any  
5 other condition which results in impairment similar to that  
6 caused by an intellectual disability and which requires  
7 services similar to those required by intellectually disabled  
8 persons. The disability must originate before the age of 18  
9 years, be expected to continue indefinitely, and constitute a  
10 substantial disability. This disability results, in the  
11 professional opinion of a physician, clinical psychologist, or  
12 qualified examiner, in significant functional limitations in 3  
13 or more of the following areas of major life activity:

- 14 (i) self-care;  
15 (ii) receptive and expressive language;  
16 (iii) learning;  
17 (iv) mobility; or  
18 (v) self-direction.

19 "Determined to be a person with a developmental disability  
20 by a physician, clinical psychologist, or qualified examiner"  
21 means in the professional opinion of the physician, clinical  
22 psychologist, or qualified examiner, a person is diagnosed,  
23 assessed, or evaluated as having a developmental disability.

24 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,  
25 eff. 7-27-15; 99-642, eff. 7-28-16.)

1 (405 ILCS 5/6-103.3)

2 Sec. 6-103.3. Clear and present danger; notice. If a person  
3 is determined to pose a clear and present danger to himself,  
4 herself, or to others by a physician, clinical psychologist, or  
5 qualified examiner, whether employed by the State, by any  
6 public or private mental health facility or part thereof, or by  
7 a law enforcement official or a school administrator, then the  
8 physician, clinical psychologist, qualified examiner shall  
9 notify the Department of Human Services and a law enforcement  
10 official or school administrator shall notify the Department of  
11 State Police, within 24 hours of making the determination that  
12 the person poses a clear and present danger. The Department of  
13 Human Services shall immediately update its records and  
14 information relating to mental health and developmental  
15 disabilities, and if appropriate, shall notify the Department  
16 of State Police in a form and manner prescribed by the  
17 Department of State Police. Information disclosed under this  
18 Section shall remain privileged and confidential, and shall not  
19 be redisclosed, except as required under clause (e)(2) of  
20 Section 24-4.5 of the Criminal Code of 2012 ~~subsection (e) of~~  
21 ~~Section 3.1 of the Firearm Owners Identification Card Act~~, nor  
22 used for any other purpose. The method of providing this  
23 information shall guarantee that the information is not  
24 released beyond that which is necessary for the purpose of this  
25 Section and shall be provided by rule by the Department of  
26 Human Services. The identity of the person reporting under this

1 Section shall not be disclosed to the subject of the report.  
2 The physician, clinical psychologist, qualified examiner, law  
3 enforcement official, or school administrator making the  
4 determination and his or her employer shall not be held  
5 criminally, civilly, or professionally liable for making or not  
6 making the notification required under this Section, except for  
7 willful or wanton misconduct. This Section does not apply to a  
8 law enforcement official, if making the notification under this  
9 Section will interfere with an ongoing or pending criminal  
10 investigation.

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

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

13 (1) communicates a serious threat of physical  
14 violence against a reasonably identifiable victim or  
15 poses a clear and imminent risk of serious physical  
16 injury to himself, herself, or another person as  
17 determined by a physician, clinical psychologist, or  
18 qualified examiner; or

19 (2) demonstrates threatening physical or verbal  
20 behavior, such as violent, suicidal, or assaultive  
21 threats, actions, or other behavior, as determined by a  
22 physician, clinical psychologist, qualified examiner,  
23 school administrator, or law enforcement official.

24 "Physician", "clinical psychologist", and "qualified  
25 examiner" have the meanings ascribed to them in the Mental  
26 Health and Developmental Disabilities Code ~~has the meaning~~

1 ~~ascribed to it in Section 1.1 of the Firearm Owners~~  
2 ~~Identification Card Act.~~

3 "Determined to pose a clear and present danger to  
4 himself, herself, or to others by a physician, clinical  
5 psychologist, or qualified examiner" means in the  
6 professional opinion of the physician, clinical  
7 psychologist, or qualified examiner, a person poses a clear  
8 and present danger.

9 "School administrator" means the person required to  
10 report under the School Administrator Reporting of Mental  
11 Health Clear and Present Danger Determinations Law.

12 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

13 Section 55. The Lead Poisoning Prevention Act is amended by  
14 changing Section 2 as follows:

15 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

17 "Child care facility" means any structure used by a child  
18 care provider licensed by the Department of Children and Family  
19 Services or public or private school structure frequented by  
20 children 6 years of age or younger.

21 "Childhood Lead Risk Questionnaire" means the  
22 questionnaire developed by the Department for use by physicians  
23 and other health care providers to determine risk factors for  
24 children 6 years of age or younger residing in areas designated



1 as low risk for lead exposure.

2 "Delegate agency" means a unit of local government or  
3 health department approved by the Department to carry out the  
4 provisions of this Act.

5 "Department" means the Department of Public Health.

6 "Director" means the Director of Public Health.

7 "Dwelling unit" means an individual unit within a  
8 residential building used as living quarters for one household.

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

11 "Exposed surface" means any interior or exterior surface of  
12 a regulated facility.

13 "High risk area" means an area in the State determined by  
14 the Department to be high risk for lead exposure for children 6  
15 years of age or younger. The Department may consider, but is  
16 not limited to, the following factors to determine a high risk  
17 area: age and condition (using Department of Housing and Urban  
18 Development definitions of "slum" and "blighted") of housing,  
19 proximity to highway traffic or heavy local traffic or both,  
20 percentage of housing determined as rental or vacant, proximity  
21 to industry using lead, established incidence of elevated blood  
22 lead levels in children, percentage of population living below  
23 200% of federal poverty guidelines, and number of children  
24 residing in the area who are 6 years of age or younger.

25 "Lead abatement" means any approved work practices that  
26 will permanently eliminate lead exposure or remove the

1 lead-bearing substances in a regulated facility. The  
2 Department shall establish by rule which work practices are  
3 approved or prohibited for lead abatement.

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

7 "Lead abatement supervisor" means any person employed by a  
8 lead abatement contractor and licensed by the Department to  
9 perform lead abatement and lead mitigation and to supervise  
10 lead workers who perform lead abatement and lead mitigation.

11 "Lead abatement worker" means any person employed by a lead  
12 abatement contractor and licensed by the Department to perform  
13 lead abatement and mitigation.

14 "Lead activities" means the conduct of any lead services,  
15 including, lead inspection, lead risk assessment, lead  
16 mitigation, or lead abatement work or supervision in a  
17 regulated facility.

18 "Lead-bearing substance" means any item containing or  
19 coated with lead such that the lead content is more than  
20 six-hundredths of one percent (0.06%) lead by total weight; or  
21 any dust on surfaces or in furniture or other nonpermanent  
22 elements of the regulated facility; or any paint or other  
23 surface coating material containing more than five-tenths of  
24 one percent (0.5%) lead by total weight (calculated as lead  
25 metal) in the total non-volatile content of liquid paint; or  
26 lead-bearing substances containing greater than one milligram

1 per square centimeter or any lower standard for lead content in  
2 residential paint as may be established by federal law or rule;  
3 or more than 1 milligram per square centimeter in the dried  
4 film of paint or previously applied substance; or item or dust  
5 on item containing lead in excess of the amount specified in  
6 the rules authorized by this Act or a lower standard for lead  
7 content as may be established by federal law or rule.

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

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

13 "Lead hazard screen" means a lead risk assessment that  
14 involves limited dust and paint sampling for lead-bearing  
15 substances and lead hazards. This service is used as a  
16 screening tool designed to determine if further lead  
17 investigative services are required for the regulated  
18 facility.

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

21 "Lead inspector" means an individual who has been trained  
22 by a Department-approved training program and is licensed by  
23 the Department to conduct lead inspections; to sample for the  
24 presence of lead in paint, dust, soil, and water; and to  
25 conduct compliance investigations.

26 "Lead mitigation" means the remediation, in a manner

1 described in Section 9, of a lead hazard so that the  
2 lead-bearing substance does not pose an immediate health hazard  
3 to humans.

4 "Lead poisoning" means having an elevated blood lead level.

5 "Lead risk assessment" means an on-site investigation to  
6 determine the existence, nature, severity, and location of lead  
7 hazards. "Lead risk assessment" includes any lead sampling and  
8 visual assessment associated with conducting a lead risk  
9 assessment and lead hazard screen and all lead sampling  
10 associated with compliance investigations.

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

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

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

25 "Owner" means any person, who alone, jointly, or severally  
26 with others:

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

3 (b) Has charge, care, or control of the regulated  
4 facility as owner or agent of the owner, or as executor,  
5 administrator, trustee, or guardian of the estate of the  
6 owner.

7 "Person" means any individual, partnership, firm, company,  
8 limited liability company, corporation, association, joint  
9 stock company, trust, estate, political subdivision, State  
10 agency, or any other legal entity, or their legal  
11 representative, agent, or assign.

12 "Regulated facility" means a residential building or child  
13 care facility.

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

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

19 (430 ILCS 65/Act rep.)

20 Section 60. The Firearm Owners Identification Card Act is  
21 repealed.

22 Section 65. The Firearm Concealed Carry Act is amended by  
23 changing Sections 25, 30, 40, 70, 80, and 105 as follows:

1 (430 ILCS 66/25)

2 Sec. 25. Qualifications for a license.

3 The Department shall issue a license to an applicant  
4 completing an application in accordance with Section 30 of this  
5 Act if the person:

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

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

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

15 (A) a misdemeanor involving the use or threat of  
16 physical force or violence to any person within the 5  
17 years preceding the date of the license application; or

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

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

26 (5) has not been in residential or court-ordered

1 treatment for alcoholism, alcohol detoxification, or drug  
2 treatment within the 5 years immediately preceding the date  
3 of the license application; and

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

6 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

7 (430 ILCS 66/30)

8 Sec. 30. Contents of license application.

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

17 (b) The application shall contain the following:

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

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

1           (3) a waiver of the applicant's privacy and  
2           confidentiality rights and privileges under all federal  
3           and state laws, including those limiting access to juvenile  
4           court, criminal justice, psychological, or psychiatric  
5           records or records relating to any institutionalization of  
6           the applicant, and an affirmative request that a person  
7           having custody of any of these records provide it or  
8           information concerning it to the Department. The waiver  
9           only applies to records sought in connection with  
10          determining whether the applicant qualifies for a license  
11          to carry a concealed firearm under this Act, ~~or whether the~~  
12          ~~applicant remains in compliance with the Firearm Owners~~  
13          ~~Identification Card Act;~~

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

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

23                 (A) a felony;

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



1           (C) 2 or more violations related to driving while  
2           under the influence of alcohol, other drug or drugs,  
3           intoxicating compound or compounds, or any combination  
4           thereof, within the 5 years preceding the date of the  
5           license application; and

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

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

14          (8) a full set of fingerprints submitted to the  
15          Department in electronic format, provided the Department  
16          may accept an application submitted without a set of  
17          fingerprints in which case the Department shall be granted  
18          30 days in addition to the 90 days provided under  
19          subsection (e) of Section 10 of this Act to issue or deny a  
20          license;

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

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

1 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

2 (430 ILCS 66/40)

3 Sec. 40. Non-resident license applications.

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

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

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

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

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

23 (A) is eligible under federal law and the laws of  
24 his or her state or territory of residence to own or  
25 possess a firearm;

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

5 (C) understands Illinois laws pertaining to the  
6 possession and transport of firearms; and

7 (D) acknowledges that the applicant is subject to  
8 the jurisdiction of the Department and Illinois courts  
9 for any violation of this Act;

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

13 (4) a head and shoulder color photograph in a size  
14 specified by the Department taken within the 30 days  
15 preceding the date of the application.

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

1 ~~obtain a Firearm Owner's Identification card~~ if he or she was a  
2 resident of this State.

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

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

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

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

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

19 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-78,  
20 eff. 7-20-15.)

21 (430 ILCS 66/70)

22 Sec. 70. Violations.

23 (a) A license issued or renewed under this Act shall be  
24 revoked if, at any time, the licensee is found to be ineligible  
25 for a license under this Act or the licensee is prohibited from

1 ~~possessing a firearm under State or federal law no longer meets~~  
2 ~~the eligibility requirements of the Firearm Owners~~  
3 ~~Identification Card Act.~~

4 (b) A license shall be suspended if an order of protection,  
5 including an emergency order of protection, plenary order of  
6 protection, or interim order of protection under Article 112A  
7 of the Code of Criminal Procedure of 1963 or under the Illinois  
8 Domestic Violence Act of 1986, or if a firearms restraining  
9 order, including an emergency firearms restraining order,  
10 under the Firearms Restraining Order Act, is issued against a  
11 licensee for the duration of the order, or if the Department is  
12 made aware of a similar order issued against the licensee in  
13 any other jurisdiction. If an order of protection is issued  
14 against a licensee, the licensee shall surrender the license,  
15 as applicable, to the court at the time the order is entered or  
16 to the law enforcement agency or entity serving process at the  
17 time the licensee is served the order. The court, law  
18 enforcement agency, or entity responsible for serving the order  
19 of protection shall notify the Department within 7 days and  
20 transmit the license to the Department.

21 (c) A license is invalid upon expiration of the license,  
22 unless the licensee has submitted an application to renew the  
23 license, and the applicant is otherwise eligible to possess a  
24 license under this Act.

25 (d) A licensee shall not carry a concealed firearm while  
26 under the influence of alcohol, other drug or drugs,

1 intoxicating compound or combination of compounds, or any  
2 combination thereof, under the standards set forth in  
3 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

4 A licensee in violation of this subsection (d) shall be  
5 guilty of a Class A misdemeanor for a first or second violation  
6 and a Class 4 felony for a third violation. The Department may  
7 suspend a license for up to 6 months for a second violation and  
8 shall permanently revoke a license for a third violation.

9 (e) Except as otherwise provided, a licensee in violation  
10 of this Act shall be guilty of a Class B misdemeanor. A second  
11 or subsequent violation is a Class A misdemeanor. The  
12 Department may suspend a license for up to 6 months for a  
13 second violation and shall permanently revoke a license for 3  
14 or more violations of Section 65 of this Act. Any person  
15 convicted of a violation under this Section shall pay a \$150  
16 fee to be deposited into the Mental Health Reporting Fund, plus  
17 any applicable court costs or fees.

18 (f) A licensee convicted or found guilty of a violation of  
19 this Act who has a valid license and is otherwise eligible to  
20 carry a concealed firearm shall only be subject to the  
21 penalties under this Section and shall not be subject to the  
22 penalties under Section 21-6, paragraph (4), (8), or (10) of  
23 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)  
24 of paragraph (3) of subsection (a) of Section 24-1.6 of the  
25 Criminal Code of 2012. Except as otherwise provided in this  
26 subsection, nothing in this subsection prohibits the licensee

1 from being subjected to penalties for violations other than  
2 those specified in this Act.

3 (g) A licensee whose license is revoked, suspended, or  
4 denied shall, within 48 hours of receiving notice of the  
5 revocation, suspension, or denial, surrender his or her  
6 concealed carry license to the local law enforcement agency  
7 where the person resides. The local law enforcement agency  
8 shall provide the licensee a receipt and transmit the concealed  
9 carry license to the Department of State Police. If the  
10 licensee whose concealed carry license has been revoked,  
11 suspended, or denied fails to comply with the requirements of  
12 this subsection, the law enforcement agency where the person  
13 resides may petition the circuit court to issue a warrant to  
14 search for and seize the concealed carry license in the  
15 possession and under the custody or control of the licensee  
16 whose concealed carry license has been revoked, suspended, or  
17 denied. The observation of a concealed carry license in the  
18 possession of a person whose license has been revoked,  
19 suspended, or denied constitutes a sufficient basis for the  
20 arrest of that person for violation of this subsection. A  
21 violation of this subsection is a Class A misdemeanor.

22 (h) (Blank). ~~A license issued or renewed under this Act~~  
23 ~~shall be revoked if, at any time, the licensee is found~~  
24 ~~ineligible for a Firearm Owner's Identification Card, or the~~  
25 ~~licensee no longer possesses a valid Firearm Owner's~~  
26 ~~Identification Card. A licensee whose license is revoked under~~

1 ~~this subsection (h) shall surrender his or her concealed carry~~  
2 ~~license as provided for in subsection (g) of this Section.~~

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

7 (i) A certified firearms instructor who knowingly provides  
8 or offers to provide a false certification that an applicant  
9 has completed firearms training as required under this Act is  
10 guilty of a Class A misdemeanor. A person guilty of a violation  
11 of this subsection (i) is not eligible for court supervision.  
12 The Department shall permanently revoke the firearms  
13 instructor certification of a person convicted under this  
14 subsection (i).

15 (Source: P.A. 100-607, eff. 1-1-19.)

16 (430 ILCS 66/80)

17 Sec. 80. Certified firearms instructors.

18 (a) Within 60 days of the effective date of this Act, the  
19 Department shall begin approval of certified firearms  
20 instructors and enter certified firearms instructors into an  
21 online registry on the Department's website.

22 (b) A person who is not a certified firearms instructor  
23 shall not teach applicant training courses or advertise or  
24 otherwise represent courses they teach as qualifying their  
25 students to meet the requirements to receive a license under



1 this Act. Each violation of this subsection is a business  
2 offense with a fine of at least \$1,000 per violation.

3 (c) A person seeking to become a certified firearms  
4 instructor shall:

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

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

7 (3) meet the requirements of Section 25 of this Act,  
8 ~~except for the Illinois residency requirement in item (xiv)~~  
9 ~~of paragraph (2) of subsection (a) of Section 4 of the~~  
10 ~~Firearm Owners Identification Card Act;~~ and any additional  
11 uniformly applied requirements established by the  
12 Department.

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

16 (1) possess a high school diploma or high school  
17 equivalency certificate; and

18 (2) have at least one of the following valid firearms  
19 instructor certifications:

20 (A) certification from a law enforcement agency;

21 (B) certification from a firearm instructor course  
22 offered by a State or federal governmental agency;

23 (C) certification from a firearm instructor  
24 qualification course offered by the Illinois Law  
25 Enforcement Training Standards Board; or

26 (D) certification from an entity approved by the

1 Department that offers firearm instructor education  
2 and training in the use and safety of firearms.

3 (e) A person may have his or her firearms instructor  
4 certification denied or revoked if he or she does not meet the  
5 requirements to obtain a license under this Act, provides false  
6 or misleading information to the Department, or has had a prior  
7 instructor certification revoked or denied by the Department.

8 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 98-718,  
9 eff. 1-1-15.)

10 (430 ILCS 66/105)

11 Sec. 105. Duty of school administrator. It is the duty of  
12 the principal of a public elementary or secondary school, or  
13 his or her designee, and the chief administrative officer of a  
14 private elementary or secondary school or a public or private  
15 community college, college, or university, or his or her  
16 designee, to report to the Department of State Police when a  
17 student is determined to pose a clear and present danger to  
18 himself, herself, or to others, within 24 hours of the  
19 determination as provided in Section 6-103.3 of the Mental  
20 Health and Developmental Disabilities Code. "Clear and present  
21 danger" has the meaning as provided in paragraph (2) of the  
22 definition of "clear and present danger" in Section 6-103.3 of  
23 the Mental Health and Developmental Disabilities Code ~~1.1 of~~  
24 ~~the Firearm Owners Identification Card Act.~~

25 (Source: P.A. 98-63, eff. 7-9-13.)

1           Section 66. The Firearms Restraining Order Act is amended  
2 by changing Sections 35 and 40 as follows:

3           (430 ILCS 67/35)

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

5           (a) A petitioner may request an emergency firearms  
6 restraining order by filing an affidavit or verified pleading  
7 alleging that the respondent poses an immediate and present  
8 danger of causing personal injury to himself, herself, or  
9 another by having in his or her custody or control, purchasing,  
10 possessing, or receiving a firearm. The petition shall also  
11 describe the type and location of any firearm or firearms  
12 presently believed by the petitioner to be possessed or  
13 controlled by the respondent.

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

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

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

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

14 (e) An emergency hearing held on an ex parte basis shall be  
15 held the same day that the petition is filed or the next day  
16 that the court is in session.

17 (f) If a circuit or associate judge finds probable cause to  
18 believe that the respondent poses an immediate and present  
19 danger of causing personal injury to himself, herself, or  
20 another by having in his or her custody or control, purchasing,  
21 possessing, or receiving a firearm, the circuit or associate  
22 judge shall issue an emergency order.

23 (f-5) If the court issues an emergency firearms restraining  
24 order, it shall, upon a finding of probable cause that the  
25 respondent possesses firearms, issue a search warrant  
26 directing a law enforcement agency to seize the respondent's

1 firearms. The court may, as part of that warrant, direct the  
2 law enforcement agency to search the respondent's residence and  
3 other places where the court finds there is probable cause to  
4 believe he or she is likely to possess the firearms.

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

6 (1) the respondent to refrain from having in his or her  
7 custody or control, purchasing, possessing, or receiving  
8 additional firearms for the duration of the order; and

9 (2) the respondent to turn over to the local law  
10 enforcement agency any ~~Firearm Owner's Identification Card~~  
11 ~~and~~ concealed carry license in his or her possession. The  
12 local law enforcement agency shall immediately mail the  
13 ~~card and~~ concealed carry license to the Department of State  
14 Police Firearm Services Bureau for safekeeping. The  
15 firearm or firearms ~~and Firearm Owner's Identification~~  
16 ~~Card~~ and concealed carry license, if unexpired, shall be  
17 returned to the respondent after the firearms restraining  
18 order is terminated or expired.

19 (h) Except as otherwise provided in subsection (h-5) of  
20 this Section, upon expiration of the period of safekeeping, if  
21 the firearms ~~or Firearm Owner's Identification Card~~ and  
22 concealed carry license cannot be returned to the respondent  
23 because the respondent cannot be located, fails to respond to  
24 requests to retrieve the firearms, or is not lawfully eligible  
25 to possess a firearm, upon petition from the local law  
26 enforcement agency, the court may order the local law

1 enforcement agency to destroy the firearms, use the firearms  
2 for training purposes, or use the firearms for any other  
3 application as deemed appropriate by the local law enforcement  
4 agency.

5 (h-5) A respondent whose firearms have been turned over to  
6 a local law enforcement agency ~~Firearm Owner's Identification~~  
7 ~~Card has been revoked or suspended~~ may petition the court, if  
8 the petitioner is present in court or has notice of the  
9 respondent's petition, to transfer the respondent's firearm to  
10 a person who is lawfully able to possess the firearm if the  
11 person does not reside at the same address as the respondent.  
12 Notice of the petition shall be served upon the person  
13 protected by the emergency firearms restraining order. While  
14 the order is in effect, the transferee who receives the  
15 respondent's firearms must swear or affirm by affidavit that he  
16 or she shall not transfer the firearm to the respondent or to  
17 anyone residing in the same residence as the respondent.

18 (h-6) If a person other than the respondent claims title to  
19 any firearms surrendered under this Section, he or she may  
20 petition the court, if the petitioner is present in court or  
21 has notice of the petition, to have the firearm returned to him  
22 or her. If the court determines that person to be the lawful  
23 owner of the firearm, the firearm shall be returned to him or  
24 her, provided that:

25 (1) the firearm is removed from the respondent's  
26 custody, control, or possession and the lawful owner agrees

1 to store the firearm in a manner such that the respondent  
2 does not have access to or control of the firearm; and

3 (2) the firearm is not otherwise unlawfully possessed  
4 by the owner.

5 The person petitioning for the return of his or her firearm  
6 must swear or affirm by affidavit that he or she: (i) is the  
7 lawful owner of the firearm; (ii) shall not transfer the  
8 firearm to the respondent; and (iii) will store the firearm in  
9 a manner that the respondent does not have access to or control  
10 of the firearm.

11 (i) In accordance with subsection (e) of this Section, the  
12 court shall schedule a full hearing as soon as possible, but no  
13 longer than 14 days from the issuance of an ex parte firearms  
14 restraining order, to determine if a 6-month firearms  
15 restraining order shall be issued. The court may extend an ex  
16 parte order as needed, but not to exceed 14 days, to effectuate  
17 service of the order or if necessary to continue protection.  
18 The court may extend the order for a greater length of time by  
19 mutual agreement of the parties.

20 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

21 (430 ILCS 67/40)

22 Sec. 40. Six-month orders.

23 (a) A petitioner may request a 6-month firearms restraining  
24 order by filing an affidavit or verified pleading alleging that  
25 the respondent poses a significant danger of causing personal

1 injury to himself, herself, or another in the near future by  
2 having in his or her custody or control, purchasing,  
3 possessing, or receiving a firearm. The petition shall also  
4 describe the number, types, and locations of any firearms  
5 presently believed by the petitioner to be possessed or  
6 controlled by the respondent.

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

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



1           (d) Upon receipt of a petition for a 6-month firearms  
2 restraining order, the court shall order a hearing within 30  
3 days.

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

7           (1) The unlawful and reckless use, display, or  
8 brandishing of a firearm by the respondent.

9           (2) The history of use, attempted use, or threatened  
10 use of physical force by the respondent against another  
11 person.

12           (3) Any prior arrest of the respondent for a felony  
13 offense.

14           (4) Evidence of the abuse of controlled substances or  
15 alcohol by the respondent.

16           (5) A recent threat of violence or act of violence by  
17 the respondent directed toward himself, herself, or  
18 another.

19           (6) A violation of an emergency order of protection  
20 issued under Section 217 of the Illinois Domestic Violence  
21 Act of 1986 or Section 112A-17 of the Code of Criminal  
22 Procedure of 1963 or of an order of protection issued under  
23 Section 214 of the Illinois Domestic Violence Act of 1986  
24 or Section 112A-14 of the Code of Criminal Procedure of  
25 1963.

26           (7) A pattern of violent acts or violent threats,

1 including, but not limited to, threats of violence or acts  
2 of violence by the respondent directed toward himself,  
3 herself, or another.

4 (f) At the hearing, the petitioner shall have the burden of  
5 proving, by clear and convincing evidence, that the respondent  
6 poses a significant danger of personal injury to himself,  
7 herself, or another by having in his or her custody or control,  
8 purchasing, possessing, or receiving a firearm.

9 (g) If the court finds that there is clear and convincing  
10 evidence to issue a firearms restraining order, the court shall  
11 issue a firearms restraining order that shall be in effect for  
12 6 months subject to renewal under Section 45 of this Act or  
13 termination under that Section.

14 (g-5) If the court issues a 6-month firearms restraining  
15 order, it shall, upon a finding of probable cause that the  
16 respondent possesses firearms, issue a search warrant  
17 directing a law enforcement agency to seize the respondent's  
18 firearms. The court may, as part of that warrant, direct the  
19 law enforcement agency to search the respondent's residence and  
20 other places where the court finds there is probable cause to  
21 believe he or she is likely to possess the firearms.

22 (h) A 6-month firearms restraining order shall require:

23 (1) the respondent to refrain from having in his or her  
24 custody or control, purchasing, possessing, or receiving  
25 additional firearms for the duration of the order; and

26 (2) the respondent to turn over to the local law

1 enforcement agency any firearm ~~or Firearm Owner's~~  
2 ~~Identification Card~~ and concealed carry license in his or  
3 her possession. The local law enforcement agency shall  
4 immediately mail the ~~card and~~ concealed carry license to  
5 the Department of State Police Firearm Services Bureau for  
6 safekeeping. The firearm or firearms ~~and Firearm Owner's~~  
7 ~~Identification Card~~ and concealed carry license, if  
8 unexpired, shall be returned to the respondent after the  
9 firearms restraining order is terminated or expired.

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

21 (i-5) A respondent whose firearms have been turned over to  
22 a local law enforcement agency ~~Firearm Owner's Identification~~  
23 ~~Card has been revoked or suspended~~ may petition the court, if  
24 the petitioner is present in court or has notice of the  
25 respondent's petition, to transfer the respondent's firearm to  
26 a person who is lawfully able to possess the firearm if the

1 person does not reside at the same address as the respondent.  
2 Notice of the petition shall be served upon the person  
3 protected by the emergency firearms restraining order. While  
4 the order is in effect, the transferee who receives the  
5 respondent's firearms must swear or affirm by affidavit that he  
6 or she shall not transfer the firearm to the respondent or to  
7 anyone residing in the same residence as the respondent.

8 (i-6) If a person other than the respondent claims title to  
9 any firearms surrendered under this Section, he or she may  
10 petition the court, if the petitioner is present in court or  
11 has notice of the petition, to have the firearm returned to him  
12 or her. If the court determines that person to be the lawful  
13 owner of the firearm, the firearm shall be returned to him or  
14 her, provided that:

15 (1) the firearm is removed from the respondent's  
16 custody, control, or possession and the lawful owner agrees  
17 to store the firearm in a manner such that the respondent  
18 does not have access to or control of the firearm; and

19 (2) the firearm is not otherwise unlawfully possessed  
20 by the owner.

21 The person petitioning for the return of his or her firearm  
22 must swear or affirm by affidavit that he or she: (i) is the  
23 lawful owner of the firearm; (ii) shall not transfer the  
24 firearm to the respondent; and (iii) will store the firearm in  
25 a manner that the respondent does not have access to or control  
26 of the firearm.

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

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

10 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

11 Section 70. The Firearm Dealer License Certification Act is  
12 amended by changing Sections 5-20, 5-25, 5-40, and 5-85 as  
13 follows:

14 (430 ILCS 68/5-20)

15 Sec. 5-20. Additional licensee requirements.

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

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

1           "With few exceptions enumerated in the Criminal Code of  
2           2012 ~~Firearm Owners Identification Card Act~~, it is unlawful  
3           for you to:

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

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

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

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

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

21          (Source: P.A. 100-1178, eff. 1-18-19.)

22           (430 ILCS 68/5-25)

23           Sec. 5-25. Exemptions. The provisions of this Act related  
24          to the certification of a license do not apply to a person or  
25          entity that engages in the following activities:

1           (1) temporary transfers of firearms solely for use at  
2           the location or on the premises where the transfer takes  
3           place, such as transfers at a shooting range for use at  
4           that location;

5           (2) temporary transfers of firearms solely for use  
6           while in the presence of the transferor or transfers for  
7           the purposes of firearm safety training by a firearms  
8           safety training instructor;

9           (3) transfers of firearms among immediate family or  
10          household members, as "immediate family or household  
11          member" is defined in Section 3-2.7-10 of the Unified Code  
12          of Corrections, provided that both the transferor and  
13          transferee are not prohibited from possessing a firearm  
14          under federal or State law ~~have a currently valid Firearm~~  
15          ~~Owner's Identification Card; however, this paragraph (3)~~  
16          ~~does not limit the familial gift exemption under paragraph~~  
17          ~~(2) of subsection (a 15) of Section 3 of the Firearm Owners~~  
18          ~~Identification Card Act;~~

19          (4) transfers by persons or entities acting under  
20          operation of law or a court order;

21          (5) transfers by persons or entities liquidating all or  
22          part of a collection. For purposes of this paragraph (5),  
23          "collection" means 2 or more firearms which are of special  
24          interest to collectors by reason of some quality other than  
25          is associated with firearms intended for sporting use or as  
26          offensive or defensive weapons;

1           (6) transfers of firearms that have been rendered  
2 permanently inoperable to a nonprofit historical society,  
3 museum, or institutional collection;

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

7           (8) (blank); ~~transfers to a State or local law~~  
8 ~~enforcement agency by a person who has his or her Firearm~~  
9 ~~Owner's Identification Card revoked;~~

10          (9) transfers of curios and relics, as defined under  
11 federal law, between collectors licensed under subsection  
12 (b) of Section 923 of the federal Gun Control Act of 1968;

13          (10) transfers by a person or entity licensed as an  
14 auctioneer under the Auction License Act;

15          (10.5) transfers of firearms to a resident registered  
16 competitor or attendee or non-resident registered  
17 competitor or attendee by a licensed federal firearms  
18 dealer under Section 923 of the federal Gun Control Act of  
19 1968 at a competitive shooting event held at the World  
20 Shooting and Recreational Complex that is sanctioned by a  
21 national governing body; or

22          (11) transfers between a pawnshop and a customer which  
23 amount to a bailment. For purposes of this paragraph (11),  
24 "bailment" means the act of placing property in the custody  
25 and control of another, by agreement in which the holder is  
26 responsible for the safekeeping and return of the property.



1 (Source: P.A. 100-1178, eff. 1-18-19; 101-80, eff. 7-12-19.)

2 (430 ILCS 68/5-40)

3 Sec. 5-40. Qualifications for operation.

4 (a) Each certified licensee shall submit with each  
5 application for certification or renewal an affidavit to the  
6 Department stating that each owner, employee, or other agent of  
7 the certified licensee who sells or conducts transfers of  
8 firearms for the certified licensee is at least 21 years of  
9 age, ~~has a currently valid Firearm Owner's Identification Card~~  
10 and, for a renewal, has completed the training required under  
11 Section 5-30. The affidavit must also contain the name ~~and~~  
12 ~~Firearm Owner's Identification Card number~~ of each owner,  
13 employee, or other agent who sells or conducts transfers of  
14 firearms for the certified licensee. If an owner, employee, or  
15 other agent of the certified licensee is not otherwise a  
16 resident of this State, the certified licensee shall submit an  
17 affidavit stating that the owner, employee, or other agent has  
18 undergone a background check and is not prohibited from owning  
19 or possessing firearms.

20 (b) In addition to the affidavit required under subsection  
21 (a), within 30 days of a new owner, employee, or other agent  
22 beginning selling or conducting transfers of firearms for the  
23 certified licensee, the certified licensee shall submit an  
24 affidavit to the Department stating the date that the new  
25 owner, employee, or other agent began selling or conducting

1 transfers of firearms for the certified licensee, and providing  
2 the information required in subsection (a) for that new owner,  
3 employee, or other agent.

4 (c) If a certified licensee has a license, certificate, or  
5 permit to sell, lease, transfer, purchase, or possess firearms  
6 issued by the federal government or the government of any state  
7 revoked or suspended for good cause within the preceding 4  
8 years, the Department may consider revoking or suspending the  
9 certified licenses in this State. In making a determination of  
10 whether or not to revoke or suspend a certified license in this  
11 State, the Department shall consider the number of retail  
12 locations the certified licensee or any related person or  
13 entity operates in this State or in other states under the same  
14 or different business names, and the severity of the infraction  
15 in the state in which a license was revoked or suspended.

16 (d) Applications and affidavits required under this  
17 Section are not subject to disclosure by the Department under  
18 the Freedom of Information Act.

19 (Source: P.A. 100-1178, eff. 1-18-19.)

20 (430 ILCS 68/5-85)

21 Sec. 5-85. Disciplinary sanctions.

22 (a) For violations of this Act not penalized under Section  
23 5-15, the Department may refuse to renew or restore, or may  
24 reprimand, place on probation, suspend, revoke, or take other  
25 disciplinary or non-disciplinary action against any licensee,

1 and may impose a fine commensurate with the severity of the  
2 violation not to exceed \$10,000 for each violation for any of  
3 the following, consistent with the Protection of Lawful  
4 Commerce in Arms Act, 15 U.S.C. 7901 through 7903:

5 (1) Violations of this Act, or any law applicable to  
6 the sale or transfer of firearms.

7 (2) A pattern of practice or other behavior which  
8 demonstrates incapacity or incompetency to practice under  
9 this Act.

10 (3) Aiding or assisting another person in violating any  
11 provision of this Act or rules adopted under this Act.

12 (4) Failing, within 60 days, to provide information in  
13 response to a written request made by the Department.

14 (5) Conviction of, plea of guilty to, or plea of nolo  
15 contendere to any crime that disqualifies the person from  
16 obtaining a firearm ~~valid Firearm Owner's Identification~~  
17 ~~Card~~.

18 (6) Continued practice, although the person has become  
19 unfit to practice due to any of the following:

20 (A) Any circumstance that disqualifies the person  
21 from obtaining a firearm ~~valid Firearm Owner's~~  
22 ~~Identification Card~~ or concealed carry license.

23 (B) Habitual or excessive use or abuse of drugs  
24 defined in law as controlled substances, alcohol, or  
25 any other substance that results in the inability to  
26 practice with reasonable judgment, skill, or safety.

1           (7) Receiving, directly or indirectly, compensation  
2           for any firearms sold or transferred illegally.

3           (8) Discipline by another United States jurisdiction,  
4           foreign nation, or governmental agency, if at least one of  
5           the grounds for the discipline is the same or substantially  
6           equivalent to those set forth in this Act.

7           (9) Violation of any disciplinary order imposed on a  
8           licensee by the Department.

9           (10) A finding by the Department that the licensee,  
10          after having his or her certified license placed on  
11          probationary status, has violated the terms of probation.

12          (11) A fraudulent or material misstatement in the  
13          completion of an affirmative obligation or inquiry by law  
14          enforcement.

15          (b) All fines imposed under this Section shall be paid  
16          within 90 days after the effective date of the final order  
17          imposing the fine.

18          (Source: P.A. 100-1178, eff. 1-18-19.)

19          Section 75. The Wildlife Code is amended by changing  
20          Sections 3.2 and 3.2a as follows:

21                 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

22                 Sec. 3.2. Hunting license; application; instruction.  
23                 Before the Department or any county, city, village, township,  
24                 incorporated town clerk or his duly designated agent or any

1 other person authorized or designated by the Department to  
2 issue hunting licenses shall issue a hunting license to any  
3 person, the person shall file his application with the  
4 Department or other party authorized to issue licenses on a  
5 form provided by the Department and further give definite proof  
6 of identity and place of legal residence. Each clerk  
7 designating agents to issue licenses and stamps shall furnish  
8 the Department, within 10 days following the appointment, the  
9 names and mailing addresses of the agents. Each clerk or his  
10 duly designated agent shall be authorized to sell licenses and  
11 stamps only within the territorial area for which he was  
12 elected or appointed. No duly designated agent is authorized to  
13 furnish licenses or stamps for issuance by any other business  
14 establishment. Each application shall be executed and sworn to  
15 and shall set forth the name and description of the applicant  
16 and place of residence.

17 No hunting license shall be issued to any person born on or  
18 after January 1, 1980 unless he presents the person authorized  
19 to issue the license evidence that he has held a hunting  
20 license issued by the State of Illinois or another state in a  
21 prior year, or a certificate of competency as provided in this  
22 Section. Persons under 18 years of age may be issued a Lifetime  
23 Hunting or Sportsmen's Combination License as provided under  
24 Section 20-45 of the Fish and Aquatic Life Code but shall not  
25 be entitled to hunt alone, without the supervision of an adult  
26 age 21 or older, unless they have a certificate of competency

1 as provided in this Section and the certificate is in their  
2 possession while hunting.

3 The Department of Natural Resources shall authorize  
4 personnel of the Department or certified volunteer instructors  
5 to conduct courses, of not less than 10 hours in length, in  
6 firearms and hunter safety, which may include training in bow  
7 and arrow safety, at regularly specified intervals throughout  
8 the State. Persons successfully completing the course shall  
9 receive a certificate of competency. The Department of Natural  
10 Resources may further cooperate with any reputable association  
11 or organization in establishing courses if the organization has  
12 as one of its objectives the promotion of safety in the  
13 handling of firearms or bow and arrow.

14 The Department of Natural Resources shall designate any  
15 person found by it to be competent to give instruction in the  
16 handling of firearms, hunter safety, and bow and arrow. The  
17 persons so appointed shall give the course of instruction and  
18 upon the successful completion shall issue to the person  
19 instructed a certificate of competency in the safe handling of  
20 firearms, hunter safety, and bow and arrow. No charge shall be  
21 made for any course of instruction except for materials or  
22 ammunition consumed. The Department of Natural Resources shall  
23 furnish information on the requirements of hunter safety  
24 education programs to be distributed free of charge to  
25 applicants for hunting licenses by the persons appointed and  
26 authorized to issue licenses. ~~Funds for the conducting of~~

1 ~~firearms and hunter safety courses shall be taken from the fee~~  
2 ~~charged for the Firearm Owners Identification Card.~~

3 The fee for a hunting license to hunt all species for a  
4 resident of Illinois is \$12. For residents age 65 or older,  
5 and, commencing with the 2012 license year, resident veterans  
6 of the United States Armed Forces after returning from service  
7 abroad or mobilization by the President of the United States,  
8 the fee is one-half of the fee charged for a hunting license to  
9 hunt all species for a resident of Illinois. Veterans must  
10 provide to the Department, at one of the Department's 5  
11 regional offices, verification of their service. The  
12 Department shall establish what constitutes suitable  
13 verification of service for the purpose of issuing resident  
14 veterans hunting licenses at a reduced fee. The fee for a  
15 hunting license to hunt all species shall be \$1 for residents  
16 over 75 years of age. Nonresidents shall be charged \$57 for a  
17 hunting license.

18 Nonresidents may be issued a nonresident hunting license  
19 for a period not to exceed 10 consecutive days' hunting in the  
20 State and shall be charged a fee of \$35.

21 A special nonresident hunting license authorizing a  
22 nonresident to take game birds by hunting on a game breeding  
23 and hunting preserve area only, established under Section 3.27,  
24 shall be issued upon proper application being made and payment  
25 of a fee equal to that for a resident hunting license. The  
26 expiration date of this license shall be on the same date each

1 year that game breeding and hunting preserve area licenses  
2 expire.

3 Each applicant for a State Migratory Waterfowl Stamp,  
4 regardless of his residence or other condition, shall pay a fee  
5 of \$15 and shall receive a stamp. The fee for a State Migratory  
6 Waterfowl Stamp shall be waived for residents over 75 years of  
7 age. Except as provided under Section 20-45 of the Fish and  
8 Aquatic Life Code, the stamp shall be signed by the person or  
9 affixed to his license or permit in a space designated by the  
10 Department for that purpose.

11 Each applicant for a State Habitat Stamp, regardless of his  
12 residence or other condition, shall pay a fee of \$5 and shall  
13 receive a stamp. The fee for a State Habitat Stamp shall be  
14 waived for residents over 75 years of age. Except as provided  
15 under Section 20-45 of the Fish and Aquatic Life Code, the  
16 stamp shall be signed by the person or affixed to his license  
17 or permit in a space designated by the Department for that  
18 purpose.

19 Nothing in this Section shall be construed as to require  
20 the purchase of more than one State Habitat Stamp by any person  
21 in any one license year.

22 The fees for State Pheasant Stamps and State Furbearer  
23 Stamps shall be waived for residents over 75 years of age.

24 The Department shall furnish the holders of hunting  
25 licenses and stamps with an insignia as evidence of possession  
26 of license, or license and stamp, as the Department may



1 consider advisable. The insignia shall be exhibited and used as  
2 the Department may order.

3 All other hunting licenses and all State stamps shall  
4 expire upon March 31 of each year.

5 Every person holding any license, permit, or stamp issued  
6 under the provisions of this Act shall have it in his  
7 possession for immediate presentation for inspection to the  
8 officers and authorized employees of the Department, any  
9 sheriff, deputy sheriff, or any other peace officer making a  
10 demand for it. This provision shall not apply to Department  
11 owned or managed sites where it is required that all hunters  
12 deposit their license or, ~~permit, or Firearm Owner's~~  
13 ~~Identification Card~~ at the check station upon entering the  
14 hunting areas.

15 (Source: P.A. 100-638, eff. 1-1-19; 101-81, eff. 7-12-19.)

16 (520 ILCS 5/3.2a) (from Ch. 61, par. 3.2a)

17 Sec. 3.2a. Every person holding any license, permit or  
18 stamp issued under the provisions hereof shall have it in his  
19 possession for immediate presentation for inspection to the  
20 officers and authorized employees of the Department, any  
21 sheriff, deputy sheriff or any other peace officer making a  
22 demand for it. This provision shall not apply to Department  
23 owned or managed sites where it is required that all hunters  
24 deposit their license or ~~permit or Firearm Owner's~~  
25 ~~Identification Card~~ at the check station upon entering the

1 hunting areas.

2 (Source: P.A. 85-152.)

3 Section 76. The Illinois Vehicle Code is amended by  
4 changing Section 2-116 as follows:

5 (625 ILCS 5/2-116) (from Ch. 95 1/2, par. 2-116)

6 Sec. 2-116. Secretary of State Department of Police.

7 (a) The Secretary of State and the officers, inspectors,  
8 and investigators appointed by him shall cooperate with the  
9 State Police and the sheriffs and police in enforcing the laws  
10 regulating the operation of vehicles and the use of the  
11 highways.

12 (b) The Secretary of State may provide training and  
13 education for members of his office in traffic regulation, the  
14 promotion of traffic safety and the enforcement of laws vested  
15 in the Secretary of State for administration and enforcement  
16 regulating the operation of vehicles and the use of the  
17 highways.

18 (c) The Secretary of State may provide distinctive uniforms  
19 and badges for officers, inspectors and investigators employed  
20 in the administration of laws relating to the operation of  
21 vehicles and the use of the highways and vesting the  
22 administration and enforcement of such laws in the Secretary of  
23 State.

24 (c-5) The Director of the Secretary of State Department of

1 Police shall establish a program to allow a Secretary of State  
2 Police officer, inspector, or investigator who is honorably  
3 retiring in good standing to purchase either one or both of the  
4 following: (1) any Secretary of State Department of Police  
5 badge previously issued to that officer, inspector, or  
6 investigator; or (2) ~~if the officer, inspector, or investigator~~  
7 ~~has a currently valid Firearm Owner's Identification Card,~~ the  
8 service firearm issued or previously issued to the officer,  
9 inspector, or investigator by the Secretary of State Department  
10 of Police. The cost of the firearm shall be the replacement  
11 value of the firearm and not the firearm's fair market value.

12 (d) The Secretary of State Department of Police is  
13 authorized to:

14 (1) investigate the origins, activities, persons, and  
15 incidents of crime and the ways and means, if any, to  
16 redress the victims of crimes, and study the impact, if  
17 any, of legislation relative to the criminal laws of this  
18 State related thereto and conduct any other investigations  
19 as may be provided by law;

20 (2) employ skilled experts, technicians,  
21 investigators, special agents, or otherwise specially  
22 qualified persons to aid in preventing or detecting crime,  
23 apprehending criminals, or preparing and presenting  
24 evidence of violations of the criminal laws of the State;

25 (3) cooperate with the police of cities, villages, and  
26 incorporated towns, and with the police officers of any

1 county, in enforcing the laws of the State and in making  
2 arrests;

3 (4) provide, as may be required by law, assistance to  
4 local law enforcement agencies through training,  
5 management, and consultant services for local law  
6 enforcement agencies, pertaining to law enforcement  
7 activities;

8 (5) exercise the rights, powers, and duties which have  
9 been vested in it by the Secretary of State Act and this  
10 Code; and

11 (6) enforce and administer any other laws in relation  
12 to law enforcement as may be vested in the Secretary of  
13 State Department of Police.

14 Persons within the Secretary of State Department of Police  
15 who exercise these powers are conservators of the peace and  
16 have all the powers possessed by policemen in municipalities  
17 and sheriffs, and may exercise these powers anywhere in the  
18 State in cooperation with local law enforcement officials.  
19 These persons may use false or fictitious names in the  
20 performance of their duties under this Section, upon approval  
21 of the Director of Police-Secretary of State, and shall not be  
22 subject to prosecution under the criminal laws for that use.

23 (e) The Secretary of State Department of Police may charge,  
24 collect, and receive fees or moneys equivalent to the cost of  
25 providing its personnel, equipment, and services to  
26 governmental agencies when explicitly requested by a

1 governmental agency and according to an intergovernmental  
2 agreement or memorandums of understanding as provided by this  
3 Section, including but not limited to fees or moneys equivalent  
4 to the cost of providing training to other governmental  
5 agencies on terms and conditions that in the judgment of the  
6 Director of Police-Secretary of State are in the best interest  
7 of the Secretary of State. All fees received by the Secretary  
8 of State Police Department under this Act shall be deposited in  
9 a special fund in the State Treasury to be known as the  
10 Secretary of State Police Services Fund. The money deposited in  
11 the Secretary of State Police Services Fund shall be  
12 appropriated to the Secretary of State Department of Police as  
13 provided for in subsection (g).

14 (f) The Secretary of State Department of Police may apply  
15 for grants or contracts and receive, expend, allocate, or  
16 disburse moneys made available by public or private entities,  
17 including, but not limited to, contracts, bequests, grants, or  
18 receiving equipment from corporations, foundations, or public  
19 or private institutions of higher learning.

20 (g) The Secretary of State Police Services Fund is hereby  
21 created as a special fund in the State Treasury. All moneys  
22 received under this Section by the Secretary of State  
23 Department of Police shall be deposited into the Secretary of  
24 State Police Services Fund to be appropriated to the Secretary  
25 of State Department of Police for purposes as indicated by the  
26 grantor or contractor or, in the case of moneys bequeathed or

1 granted for no specific purpose, for any purpose as deemed  
2 appropriate by the Director of Police-Secretary of State in  
3 administering the responsibilities of the Secretary of State  
4 Department of Police.

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

6 Section 80. The Criminal Code of 2012 is amended by  
7 changing Sections 2-7.1, 2-7.5, 12-3.05, 16-0.1, 17-30, 24-1,  
8 24-1.1, 24-1.6, 24-1.8, 24-2, 24-3, 24-3.1, 24-3.2, 24-3.4,  
9 24-3.5, 24-3B, 24-4.1, and 24-9 and adding Section 24-4.5 as  
10 follows:

11 (720 ILCS 5/2-7.1)

12 Sec. 2-7.1. Firearm ~~"Firearm"~~ and ~~"firearm~~ ammunition".  
13 "Firearm ~~"Firearm"~~ and ~~"firearm~~ ammunition" means any  
14 self-contained cartridge or shotgun shell, by whatever name  
15 known, which is designed to be used or adaptable to use in a  
16 firearm; excluding, however:

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

21 (2) any ammunition designed exclusively for use with a stud  
22 or rivet driver or other similar industrial ammunition ~~have the~~  
23 ~~meanings ascribed to them in Section 1.1 of the Firearm Owners~~  
24 ~~Identification Card Act.~~

1 (Source: P.A. 91-544, eff. 1-1-00.)

2 (720 ILCS 5/2-7.5)

3 Sec. 2-7.5. "Firearm". Except as otherwise provided in a  
4 specific Section, "firearm" means any device, by whatever name  
5 known, which is designed to expel a projectile or projectiles  
6 by the action of an explosion, expansion of gas or escape of  
7 gas; excluding, however:

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

12 (1.1) any pneumatic gun, spring gun, paint ball gun, or B-B  
13 gun which expels breakable paint balls containing washable  
14 marking colors;

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

18 (3) any device used exclusively for the firing of stud  
19 cartridges, explosive rivets, or similar industrial  
20 ammunition; and

21 (4) an antique firearm (other than a machine-gun) which,  
22 although designed as a weapon, the Illinois State Police finds  
23 by reason of the date of its manufacture, value, design, and  
24 other characteristics is primarily a collector's item and is  
25 not likely to be used as a weapon ~~has the meaning ascribed to~~

1 ~~it in Section 1.1 of the Firearm Owners Identification Card~~  
2 ~~Act.~~

3 (Source: P.A. 95-331, eff. 8-21-07.)

4 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

5 Sec. 12-3.05. Aggravated battery.

6 (a) Offense based on injury. A person commits aggravated  
7 battery when, in committing a battery, other than by the  
8 discharge of a firearm, he or she knowingly does any of the  
9 following:

10 (1) Causes great bodily harm or permanent disability or  
11 disfigurement.

12 (2) Causes severe and permanent disability, great  
13 bodily harm, or disfigurement by means of a caustic or  
14 flammable substance, a poisonous gas, a deadly biological  
15 or chemical contaminant or agent, a radioactive substance,  
16 or a bomb or explosive compound.

17 (3) Causes great bodily harm or permanent disability or  
18 disfigurement to an individual whom the person knows to be  
19 a peace officer, community policing volunteer, fireman,  
20 private security officer, correctional institution  
21 employee, or Department of Human Services employee  
22 supervising or controlling sexually dangerous persons or  
23 sexually violent persons:

24 (i) performing his or her official duties;

25 (ii) battered to prevent performance of his or her



1 official duties; or

2 (iii) battered in retaliation for performing his  
3 or her official duties.

4 (4) Causes great bodily harm or permanent disability or  
5 disfigurement to an individual 60 years of age or older.

6 (5) Strangles another individual.

7 (b) Offense based on injury to a child or person with an  
8 intellectual disability. A person who is at least 18 years of  
9 age commits aggravated battery when, in committing a battery,  
10 he or she knowingly and without legal justification by any  
11 means:

12 (1) causes great bodily harm or permanent disability or  
13 disfigurement to any child under the age of 13 years, or to  
14 any person with a severe or profound intellectual  
15 disability; or

16 (2) causes bodily harm or disability or disfigurement  
17 to any child under the age of 13 years or to any person  
18 with a severe or profound intellectual disability.

19 (c) Offense based on location of conduct. A person commits  
20 aggravated battery when, in committing a battery, other than by  
21 the discharge of a firearm, he or she is or the person battered  
22 is on or about a public way, public property, a public place of  
23 accommodation or amusement, a sports venue, or a domestic  
24 violence shelter, or in a church, synagogue, mosque, or other  
25 building, structure, or place used for religious worship.

26 (d) Offense based on status of victim. A person commits

1 aggravated battery when, in committing a battery, other than by  
2 discharge of a firearm, he or she knows the individual battered  
3 to be any of the following:

4 (1) A person 60 years of age or older.

5 (2) A person who is pregnant or has a physical  
6 disability.

7 (3) A teacher or school employee upon school grounds or  
8 grounds adjacent to a school or in any part of a building  
9 used for school purposes.

10 (4) A peace officer, community policing volunteer,  
11 fireman, private security officer, correctional  
12 institution employee, or Department of Human Services  
13 employee supervising or controlling sexually dangerous  
14 persons or sexually violent persons:

15 (i) performing his or her official duties;

16 (ii) battered to prevent performance of his or her  
17 official duties; or

18 (iii) battered in retaliation for performing his  
19 or her official duties.

20 (5) A judge, emergency management worker, emergency  
21 medical services personnel, or utility worker:

22 (i) performing his or her official duties;

23 (ii) battered to prevent performance of his or her  
24 official duties; or

25 (iii) battered in retaliation for performing his  
26 or her official duties.

1           (6) An officer or employee of the State of Illinois, a  
2           unit of local government, or a school district, while  
3           performing his or her official duties.

4           (7) A transit employee performing his or her official  
5           duties, or a transit passenger.

6           (8) A taxi driver on duty.

7           (9) A merchant who detains the person for an alleged  
8           commission of retail theft under Section 16-26 of this Code  
9           and the person without legal justification by any means  
10          causes bodily harm to the merchant.

11          (10) A person authorized to serve process under Section  
12          2-202 of the Code of Civil Procedure or a special process  
13          server appointed by the circuit court while that individual  
14          is in the performance of his or her duties as a process  
15          server.

16          (11) A nurse while in the performance of his or her  
17          duties as a nurse.

18          (e) Offense based on use of a firearm. A person commits  
19          aggravated battery when, in committing a battery, he or she  
20          knowingly does any of the following:

21               (1) Discharges a firearm, other than a machine gun or a  
22               firearm equipped with a silencer, and causes any injury to  
23               another person.

24               (2) Discharges a firearm, other than a machine gun or a  
25               firearm equipped with a silencer, and causes any injury to  
26               a person he or she knows to be a peace officer, community

1           policing volunteer, person summoned by a police officer,  
2           fireman, private security officer, correctional  
3           institution employee, or emergency management worker:

4                   (i) performing his or her official duties;

5                   (ii) battered to prevent performance of his or her  
6           official duties; or

7                   (iii) battered in retaliation for performing his  
8           or her official duties.

9           (3) Discharges a firearm, other than a machine gun or a  
10          firearm equipped with a silencer, and causes any injury to  
11          a person he or she knows to be emergency medical services  
12          personnel:

13                   (i) performing his or her official duties;

14                   (ii) battered to prevent performance of his or her  
15          official duties; or

16                   (iii) battered in retaliation for performing his  
17          or her official duties.

18          (4) Discharges a firearm and causes any injury to a  
19          person he or she knows to be a teacher, a student in a  
20          school, or a school employee, and the teacher, student, or  
21          employee is upon school grounds or grounds adjacent to a  
22          school or in any part of a building used for school  
23          purposes.

24          (5) Discharges a machine gun or a firearm equipped with  
25          a silencer, and causes any injury to another person.

26          (6) Discharges a machine gun or a firearm equipped with

1 a silencer, and causes any injury to a person he or she  
2 knows to be a peace officer, community policing volunteer,  
3 person summoned by a police officer, fireman, private  
4 security officer, correctional institution employee or  
5 emergency management worker:

6 (i) performing his or her official duties;

7 (ii) battered to prevent performance of his or her  
8 official duties; or

9 (iii) battered in retaliation for performing his  
10 or her official duties.

11 (7) Discharges a machine gun or a firearm equipped with  
12 a silencer, and causes any injury to a person he or she  
13 knows to be emergency medical services personnel:

14 (i) performing his or her official duties;

15 (ii) battered to prevent performance of his or her  
16 official duties; or

17 (iii) battered in retaliation for performing his  
18 or her official duties.

19 (8) Discharges a machine gun or a firearm equipped with  
20 a silencer, and causes any injury to a person he or she  
21 knows to be a teacher, or a student in a school, or a  
22 school employee, and the teacher, student, or employee is  
23 upon school grounds or grounds adjacent to a school or in  
24 any part of a building used for school purposes.

25 (f) Offense based on use of a weapon or device. A person  
26 commits aggravated battery when, in committing a battery, he or

1 she does any of the following:

2 (1) Uses a deadly weapon other than by discharge of a  
3 firearm, or uses an air rifle as defined in Section  
4 24.8-0.1 of this Code.

5 (2) Wears a hood, robe, or mask to conceal his or her  
6 identity.

7 (3) Knowingly and without lawful justification shines  
8 or flashes a laser gunsight or other laser device attached  
9 to a firearm, or used in concert with a firearm, so that  
10 the laser beam strikes upon or against the person of  
11 another.

12 (4) Knowingly video or audio records the offense with  
13 the intent to disseminate the recording.

14 (g) Offense based on certain conduct. A person commits  
15 aggravated battery when, other than by discharge of a firearm,  
16 he or she does any of the following:

17 (1) Violates Section 401 of the Illinois Controlled  
18 Substances Act by unlawfully delivering a controlled  
19 substance to another and any user experiences great bodily  
20 harm or permanent disability as a result of the injection,  
21 inhalation, or ingestion of any amount of the controlled  
22 substance.

23 (2) Knowingly administers to an individual or causes  
24 him or her to take, without his or her consent or by threat  
25 or deception, and for other than medical purposes, any  
26 intoxicating, poisonous, stupefying, narcotic, anesthetic,

1 or controlled substance, or gives to another person any  
2 food containing any substance or object intended to cause  
3 physical injury if eaten.

4 (3) Knowingly causes or attempts to cause a  
5 correctional institution employee or Department of Human  
6 Services employee to come into contact with blood, seminal  
7 fluid, urine, or feces by throwing, tossing, or expelling  
8 the fluid or material, and the person is an inmate of a  
9 penal institution or is a sexually dangerous person or  
10 sexually violent person in the custody of the Department of  
11 Human Services.

12 (h) Sentence. Unless otherwise provided, aggravated  
13 battery is a Class 3 felony.

14 Aggravated battery as defined in subdivision (a)(4),  
15 (d)(4), or (g)(3) is a Class 2 felony.

16 Aggravated battery as defined in subdivision (a)(3) or  
17 (g)(1) is a Class 1 felony.

18 Aggravated battery as defined in subdivision (a)(1) is a  
19 Class 1 felony when the aggravated battery was intentional and  
20 involved the infliction of torture, as defined in paragraph  
21 (14) of subsection (b) of Section 9-1 of this Code, as the  
22 infliction of or subjection to extreme physical pain, motivated  
23 by an intent to increase or prolong the pain, suffering, or  
24 agony of the victim.

25 Aggravated battery as defined in subdivision (a)(1) is a  
26 Class 2 felony when the person causes great bodily harm or

1 permanent disability to an individual whom the person knows to  
2 be a member of a congregation engaged in prayer or other  
3 religious activities at a church, synagogue, mosque, or other  
4 building, structure, or place used for religious worship.

5 Aggravated battery under subdivision (a)(5) is a Class 1  
6 felony if:

7 (A) the person used or attempted to use a dangerous  
8 instrument while committing the offense; ~~or~~

9 (B) the person caused great bodily harm or permanent  
10 disability or disfigurement to the other person while  
11 committing the offense; or

12 (C) the person has been previously convicted of a  
13 violation of subdivision (a)(5) under the laws of this  
14 State or laws similar to subdivision (a)(5) of any other  
15 state.

16 Aggravated battery as defined in subdivision (e)(1) is a  
17 Class X felony.

18 Aggravated battery as defined in subdivision (a)(2) is a  
19 Class X felony for which a person shall be sentenced to a term  
20 of imprisonment of a minimum of 6 years and a maximum of 45  
21 years.

22 Aggravated battery as defined in subdivision (e)(5) is a  
23 Class X felony for which a person shall be sentenced to a term  
24 of imprisonment of a minimum of 12 years and a maximum of 45  
25 years.

26 Aggravated battery as defined in subdivision (e)(2),



1 (e) (3), or (e) (4) is a Class X felony for which a person shall  
2 be sentenced to a term of imprisonment of a minimum of 15 years  
3 and a maximum of 60 years.

4 Aggravated battery as defined in subdivision (e) (6),  
5 (e) (7), or (e) (8) is a Class X felony for which a person shall  
6 be sentenced to a term of imprisonment of a minimum of 20 years  
7 and a maximum of 60 years.

8 Aggravated battery as defined in subdivision (b) (1) is a  
9 Class X felony, except that:

10 (1) if the person committed the offense while armed  
11 with a firearm, 15 years shall be added to the term of  
12 imprisonment imposed by the court;

13 (2) if, during the commission of the offense, the  
14 person personally discharged a firearm, 20 years shall be  
15 added to the term of imprisonment imposed by the court;

16 (3) if, during the commission of the offense, the  
17 person personally discharged a firearm that proximately  
18 caused great bodily harm, permanent disability, permanent  
19 disfigurement, or death to another person, 25 years or up  
20 to a term of natural life shall be added to the term of  
21 imprisonment imposed by the court.

22 (i) Definitions. In this Section:

23 "Building or other structure used to provide shelter" has  
24 the meaning ascribed to "shelter" in Section 1 of the Domestic  
25 Violence Shelters Act.

26 "Domestic violence" has the meaning ascribed to it in

1 Section 103 of the Illinois Domestic Violence Act of 1986.

2 "Domestic violence shelter" means any building or other  
3 structure used to provide shelter or other services to victims  
4 or to the dependent children of victims of domestic violence  
5 pursuant to the Illinois Domestic Violence Act of 1986 or the  
6 Domestic Violence Shelters Act, or any place within 500 feet of  
7 such a building or other structure in the case of a person who  
8 is going to or from such a building or other structure.

9 "Firearm" has the meaning provided under Section 2-7.5 of  
10 this Code ~~1.1 of the Firearm Owners Identification Card Act,~~  
11 and does not include an air rifle as defined by Section  
12 24.8-0.1 of this Code.

13 "Machine gun" has the meaning ascribed to it in Section  
14 24-1 of this Code.

15 "Merchant" has the meaning ascribed to it in Section 16-0.1  
16 of this Code.

17 "Strangle" means intentionally impeding the normal  
18 breathing or circulation of the blood of an individual by  
19 applying pressure on the throat or neck of that individual or  
20 by blocking the nose or mouth of that individual.

21 (Source: P.A. 101-223, eff. 1-1-20; revised 9-24-19.)

22 (720 ILCS 5/16-0.1)

23 Sec. 16-0.1. Definitions. In this Article, unless the  
24 context clearly requires otherwise, the following terms are  
25 defined as indicated:

1 "Access" means to use, instruct, communicate with, store  
2 data in, retrieve or intercept data from, or otherwise utilize  
3 any services of a computer.

4 "Coin-operated machine" includes any automatic vending  
5 machine or any part thereof, parking meter, coin telephone,  
6 coin-operated transit turnstile, transit fare box, coin  
7 laundry machine, coin dry cleaning machine, amusement machine,  
8 music machine, vending machine dispensing goods or services, or  
9 money changer.

10 "Communication device" means any type of instrument,  
11 device, machine, or equipment which is capable of transmitting,  
12 acquiring, decrypting, or receiving any telephonic,  
13 electronic, data, Internet access, audio, video, microwave, or  
14 radio transmissions, signals, communications, or services,  
15 including the receipt, acquisition, transmission, or  
16 decryption of all such communications, transmissions, signals,  
17 or services provided by or through any cable television, fiber  
18 optic, telephone, satellite, microwave, radio, Internet-based,  
19 data transmission, or wireless distribution network, system or  
20 facility; or any part, accessory, or component thereof,  
21 including any computer circuit, security module, smart card,  
22 software, computer chip, electronic mechanism or other  
23 component, accessory or part of any communication device which  
24 is capable of facilitating the transmission, decryption,  
25 acquisition or reception of all such communications,  
26 transmissions, signals, or services.

1 "Communication service" means any service lawfully  
2 provided for a charge or compensation to facilitate the lawful  
3 origination, transmission, emission, or reception of signs,  
4 signals, data, writings, images, and sounds or intelligence of  
5 any nature by telephone, including cellular telephones or a  
6 wire, wireless, radio, electromagnetic, photo-electronic or  
7 photo-optical system; and also any service lawfully provided by  
8 any radio, telephone, cable television, fiber optic,  
9 satellite, microwave, Internet-based or wireless distribution  
10 network, system, facility or technology, including, but not  
11 limited to, any and all electronic, data, video, audio,  
12 Internet access, telephonic, microwave and radio  
13 communications, transmissions, signals and services, and any  
14 such communications, transmissions, signals and services  
15 lawfully provided directly or indirectly by or through any of  
16 those networks, systems, facilities or technologies.

17 "Communication service provider" means: (1) any person or  
18 entity providing any communication service, whether directly  
19 or indirectly, as a reseller, including, but not limited to, a  
20 cellular, paging or other wireless communications company or  
21 other person or entity which, for a fee, supplies the facility,  
22 cell site, mobile telephone switching office or other equipment  
23 or communication service; (2) any person or entity owning or  
24 operating any cable television, fiber optic, satellite,  
25 telephone, wireless, microwave, radio, data transmission or  
26 Internet-based distribution network, system or facility; and

1 (3) any person or entity providing any communication service  
2 directly or indirectly by or through any such distribution  
3 system, network or facility.

4 "Computer" means a device that accepts, processes, stores,  
5 retrieves or outputs data, and includes but is not limited to  
6 auxiliary storage and telecommunications devices connected to  
7 computers.

8 "Continuing course of conduct" means a series of acts, and  
9 the accompanying mental state necessary for the crime in  
10 question, irrespective of whether the series of acts are  
11 continuous or intermittent.

12 "Delivery container" means any bakery basket of wire or  
13 plastic used to transport or store bread or bakery products,  
14 any dairy case of wire or plastic used to transport or store  
15 dairy products, and any dolly or cart of 2 or 4 wheels used to  
16 transport or store any bakery or dairy product.

17 "Document-making implement" means any implement,  
18 impression, template, computer file, computer disc, electronic  
19 device, computer hardware, computer software, instrument, or  
20 device that is used to make a real or fictitious or fraudulent  
21 personal identification document.

22 "Financial transaction device" means any of the following:

- 23 (1) An electronic funds transfer card.  
24 (2) A credit card.  
25 (3) A debit card.  
26 (4) A point-of-sale card.

1           (5) Any instrument, device, card, plate, code, account  
2           number, personal identification number, or a record or copy  
3           of a code, account number, or personal identification  
4           number or other means of access to a credit account or  
5           deposit account, or a driver's license or State  
6           identification card used to access a proprietary account,  
7           other than access originated solely by a paper instrument,  
8           that can be used alone or in conjunction with another  
9           access device, for any of the following purposes:

10           (A) Obtaining money, cash refund or credit  
11           account, credit, goods, services, or any other thing of  
12           value.

13           (B) Certifying or guaranteeing to a person or  
14           business the availability to the device holder of funds  
15           on deposit to honor a draft or check payable to the  
16           order of that person or business.

17           (C) Providing the device holder access to a deposit  
18           account for the purpose of making deposits,  
19           withdrawing funds, transferring funds between deposit  
20           accounts, obtaining information pertaining to a  
21           deposit account, or making an electronic funds  
22           transfer.

23           "Full retail value" means the merchant's stated or  
24           advertised price of the merchandise. "Full retail value"  
25           includes the aggregate value of property obtained from retail  
26           thefts committed by the same person as part of a continuing

1 course of conduct from one or more mercantile establishments in  
2 a single transaction or in separate transactions over a period  
3 of one year.

4 "Internet" means an interactive computer service or system  
5 or an information service, system, or access software provider  
6 that provides or enables computer access by multiple users to a  
7 computer server, and includes, but is not limited to, an  
8 information service, system, or access software provider that  
9 provides access to a network system commonly known as the  
10 Internet, or any comparable system or service and also  
11 includes, but is not limited to, a World Wide Web page,  
12 newsgroup, message board, mailing list, or chat area on any  
13 interactive computer service or system or other online service.

14 "Library card" means a card or plate issued by a library  
15 facility for purposes of identifying the person to whom the  
16 library card was issued as authorized to borrow library  
17 material, subject to all limitations and conditions imposed on  
18 the borrowing by the library facility issuing such card.

19 "Library facility" includes any public library or museum,  
20 or any library or museum of an educational, historical or  
21 eleemosynary institution, organization or society.

22 "Library material" includes any book, plate, picture,  
23 photograph, engraving, painting, sculpture, statue, artifact,  
24 drawing, map, newspaper, pamphlet, broadside, magazine,  
25 manuscript, document, letter, microfilm, sound recording,  
26 audiovisual material, magnetic or other tape, electronic data

1 processing record or other documentary, written or printed  
2 material regardless of physical form or characteristics, or any  
3 part thereof, belonging to, or on loan to or otherwise in the  
4 custody of a library facility.

5 "Manufacture or assembly of an unlawful access device"  
6 means to make, produce or assemble an unlawful access device or  
7 to modify, alter, program or re-program any instrument, device,  
8 machine, equipment or software so that it is capable of  
9 defeating or circumventing any technology, device or software  
10 used by the provider, owner or licensee of a communication  
11 service or of any data, audio or video programs or  
12 transmissions to protect any such communication, data, audio or  
13 video services, programs or transmissions from unauthorized  
14 access, acquisition, disclosure, receipt, decryption,  
15 communication, transmission or re-transmission.

16 "Manufacture or assembly of an unlawful communication  
17 device" means to make, produce or assemble an unlawful  
18 communication or wireless device or to modify, alter, program  
19 or reprogram a communication or wireless device to be capable  
20 of acquiring, disrupting, receiving, transmitting, decrypting,  
21 or facilitating the acquisition, disruption, receipt,  
22 transmission or decryption of, a communication service without  
23 the express consent or express authorization of the  
24 communication service provider, or to knowingly assist others  
25 in those activities.

26 "Master sound recording" means the original physical



1 object on which a given set of sounds were first recorded and  
2 which the original object from which all subsequent sound  
3 recordings embodying the same set of sounds are directly or  
4 indirectly derived.

5 "Merchandise" means any item of tangible personal  
6 property, including motor fuel.

7 "Merchant" means an owner or operator of any retail  
8 mercantile establishment or any agent, employee, lessee,  
9 consignee, officer, director, franchisee, or independent  
10 contractor of the owner or operator. "Merchant" also means a  
11 person who receives from an authorized user of a payment card,  
12 or someone the person believes to be an authorized user, a  
13 payment card or information from a payment card, or what the  
14 person believes to be a payment card or information from a  
15 payment card, as the instrument for obtaining, purchasing or  
16 receiving goods, services, money, or anything else of value  
17 from the person.

18 "Motor fuel" means a liquid, regardless of its properties,  
19 used to propel a vehicle, including gasoline and diesel.

20 "Online" means the use of any electronic or wireless device  
21 to access the Internet.

22 "Payment card" means a credit card, charge card, debit  
23 card, or any other card that is issued to an authorized card  
24 user and that allows the user to obtain, purchase, or receive  
25 goods, services, money, or anything else of value from a  
26 merchant.

1 "Person with a disability" means a person who suffers from  
2 a physical or mental impairment resulting from disease, injury,  
3 functional disorder or congenital condition that impairs the  
4 individual's mental or physical ability to independently  
5 manage his or her property or financial resources, or both.

6 "Personal identification document" means a birth  
7 certificate, a driver's license, a State identification card, a  
8 public, government, or private employment identification card,  
9 a social security card, a license issued under the Firearm  
10 Concealed Carry Act ~~firearm owner's identification card~~, a  
11 credit card, a debit card, or a passport issued to or on behalf  
12 of a person other than the offender, or any document made or  
13 issued, or falsely purported to have been made or issued, by or  
14 under the authority of the United States Government, the State  
15 of Illinois, or any other state political subdivision of any  
16 state, or any other governmental or quasi-governmental  
17 organization that is of a type intended for the purpose of  
18 identification of an individual, or any such document made or  
19 altered in a manner that it falsely purports to have been made  
20 on behalf of or issued to another person or by the authority of  
21 one who did not give that authority.

22 "Personal identifying information" means any of the  
23 following information:

- 24 (1) A person's name.  
25 (2) A person's address.  
26 (3) A person's date of birth.

1 (4) A person's telephone number.

2 (5) A person's driver's license number or State of  
3 Illinois identification card as assigned by the Secretary  
4 of State of the State of Illinois or a similar agency of  
5 another state.

6 (6) A person's social security number.

7 (7) A person's public, private, or government  
8 employer, place of employment, or employment  
9 identification number.

10 (8) The maiden name of a person's mother.

11 (9) The number assigned to a person's depository  
12 account, savings account, or brokerage account.

13 (10) The number assigned to a person's credit or debit  
14 card, commonly known as a "Visa Card", "MasterCard",  
15 "American Express Card", "Discover Card", or other similar  
16 cards whether issued by a financial institution,  
17 corporation, or business entity.

18 (11) Personal identification numbers.

19 (12) Electronic identification numbers.

20 (13) Digital signals.

21 (14) User names, passwords, and any other word, number,  
22 character or combination of the same usable in whole or  
23 part to access information relating to a specific  
24 individual, or to the actions taken, communications made or  
25 received, or other activities or transactions of a specific  
26 individual.

1           (15) Any other numbers or information which can be used  
2           to access a person's financial resources, or to identify a  
3           specific individual, or the actions taken, communications  
4           made or received, or other activities or transactions of a  
5           specific individual.

6           "Premises of a retail mercantile establishment" includes,  
7           but is not limited to, the retail mercantile establishment; any  
8           common use areas in shopping centers; and all parking areas set  
9           aside by a merchant or on behalf of a merchant for the parking  
10          of vehicles for the convenience of the patrons of such retail  
11          mercantile establishment.

12          "Public water, gas, or power supply, or other public  
13          services" mean any service subject to regulation by the  
14          Illinois Commerce Commission; any service furnished by a public  
15          utility that is owned and operated by any political  
16          subdivision, public institution of higher education or  
17          municipal corporation of this State; any service furnished by  
18          any public utility that is owned by such political subdivision,  
19          public institution of higher education, or municipal  
20          corporation and operated by any of its lessees or operating  
21          agents; any service furnished by an electric cooperative as  
22          defined in Section 3.4 of the Electric Supplier Act; or  
23          wireless service or other service regulated by the Federal  
24          Communications Commission.

25          "Publish" means to communicate or disseminate information  
26          to any one or more persons, either orally, in person, or by

1 telephone, radio or television or in writing of any kind,  
2 including, without limitation, a letter or memorandum,  
3 circular or handbill, newspaper or magazine article or book.

4 "Radio frequency identification device" means any  
5 implement, computer file, computer disc, electronic device,  
6 computer hardware, computer software, or instrument that is  
7 used to activate, read, receive, or decode information stored  
8 on a RFID tag or transponder attached to a personal  
9 identification document.

10 "RFID tag or transponder" means a chip or device that  
11 contains personal identifying information from which the  
12 personal identifying information can be read or decoded by  
13 another device emitting a radio frequency that activates or  
14 powers a radio frequency emission response from the chip or  
15 transponder.

16 "Reencoder" means an electronic device that places encoded  
17 information from the magnetic strip or stripe of a payment card  
18 onto the magnetic strip or stripe of a different payment card.

19 "Retail mercantile establishment" means any place where  
20 merchandise is displayed, held, stored or offered for sale to  
21 the public.

22 "Scanning device" means a scanner, reader, or any other  
23 electronic device that is used to access, read, scan, obtain,  
24 memorize, or store, temporarily or permanently, information  
25 encoded on the magnetic strip or stripe of a payment card.

26 "Shopping cart" means those push carts of the type or types

1 which are commonly provided by grocery stores, drug stores or  
2 other retail mercantile establishments for the use of the  
3 public in transporting commodities in stores and markets and,  
4 incidentally, from the stores to a place outside the store.

5 "Sound or audio visual recording" means any sound or audio  
6 visual phonograph record, disc, pre-recorded tape, film, wire,  
7 magnetic tape or other object, device or medium, now known or  
8 hereafter invented, by which sounds or images may be reproduced  
9 with or without the use of any additional machine, equipment or  
10 device.

11 "Theft detection device remover" means any tool or device  
12 specifically designed and intended to be used to remove any  
13 theft detection device from any merchandise.

14 "Under-ring" means to cause the cash register or other  
15 sales recording device to reflect less than the full retail  
16 value of the merchandise.

17 "Unidentified sound or audio visual recording" means a  
18 sound or audio visual recording without the actual name and  
19 full and correct street address of the manufacturer, and the  
20 name of the actual performers or groups prominently and legibly  
21 printed on the outside cover or jacket and on the label of such  
22 sound or audio visual recording.

23 "Unlawful access device" means any type of instrument,  
24 device, machine, equipment, technology, or software which is  
25 primarily possessed, used, designed, assembled, manufactured,  
26 sold, distributed or offered, promoted or advertised for the

1 purpose of defeating or circumventing any technology, device or  
2 software, or any component or part thereof, used by the  
3 provider, owner or licensee of any communication service or of  
4 any data, audio or video programs or transmissions to protect  
5 any such communication, audio or video services, programs or  
6 transmissions from unauthorized access, acquisition, receipt,  
7 decryption, disclosure, communication, transmission or  
8 re-transmission.

9 "Unlawful communication device" means any electronic  
10 serial number, mobile identification number, personal  
11 identification number or any communication or wireless device  
12 that is capable of acquiring or facilitating the acquisition of  
13 a communication service without the express consent or express  
14 authorization of the communication service provider, or that  
15 has been altered, modified, programmed or reprogrammed, alone  
16 or in conjunction with another communication or wireless device  
17 or other equipment, to so acquire or facilitate the  
18 unauthorized acquisition of a communication service. "Unlawful  
19 communication device" also means:

20 (1) any phone altered to obtain service without the  
21 express consent or express authorization of the  
22 communication service provider, tumbler phone, counterfeit  
23 or clone phone, tumbler microchip, counterfeit or clone  
24 microchip, scanning receiver of wireless communication  
25 service or other instrument capable of disguising its  
26 identity or location or of gaining unauthorized access to a

1           communications or wireless system operated by a  
2           communication service provider; and

3           (2) any communication or wireless device which is  
4           capable of, or has been altered, designed, modified,  
5           programmed or reprogrammed, alone or in conjunction with  
6           another communication or wireless device or devices, so as  
7           to be capable of, facilitating the disruption,  
8           acquisition, receipt, transmission or decryption of a  
9           communication service without the express consent or  
10          express authorization of the communication service  
11          provider, including, but not limited to, any device,  
12          technology, product, service, equipment, computer software  
13          or component or part thereof, primarily distributed, sold,  
14          designed, assembled, manufactured, modified, programmed,  
15          reprogrammed or used for the purpose of providing the  
16          unauthorized receipt of, transmission of, disruption of,  
17          decryption of, access to or acquisition of any  
18          communication service provided by any communication  
19          service provider.

20          "Vehicle" means a motor vehicle, motorcycle, or farm  
21          implement that is self-propelled and that uses motor fuel for  
22          propulsion.

23          "Wireless device" includes any type of instrument, device,  
24          machine, or equipment that is capable of transmitting or  
25          receiving telephonic, electronic or radio communications, or  
26          any part of such instrument, device, machine, or equipment, or



1 any computer circuit, computer chip, electronic mechanism, or  
2 other component that is capable of facilitating the  
3 transmission or reception of telephonic, electronic, or radio  
4 communications.

5 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-388, eff.  
6 1-1-12; 97-1109, eff. 1-1-13.)

7 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

8 Sec. 17-30. Defaced, altered, or removed manufacturer or  
9 owner identification number.

10 (a) Unlawful sale of household appliances. A person commits  
11 unlawful sale of household appliances when he or she knowingly,  
12 with the intent to defraud or deceive another, keeps for sale,  
13 within any commercial context, any household appliance with a  
14 missing, defaced, obliterated, or otherwise altered  
15 manufacturer's identification number.

16 (b) Construction equipment identification defacement. A  
17 person commits construction equipment identification  
18 defacement when he or she knowingly changes, alters, removes,  
19 mutilates, or obliterates a permanently affixed serial number,  
20 product identification number, part number, component  
21 identification number, owner-applied identification, or other  
22 mark of identification attached to or stamped, inscribed,  
23 molded, or etched into a machine or other equipment, whether  
24 stationary or mobile or self-propelled, or a part of such  
25 machine or equipment, used in the construction, maintenance, or

1 demolition of buildings, structures, bridges, tunnels, sewers,  
2 utility pipes or lines, ditches or open cuts, roads, highways,  
3 dams, airports, or waterways or in material handling for such  
4 projects.

5 The trier of fact may infer that the defendant has  
6 knowingly changed, altered, removed, or obliterated the serial  
7 number, product identification number, part number, component  
8 identification number, owner-applied identification number, or  
9 other mark of identification, if the defendant was in  
10 possession of any machine or other equipment or a part of such  
11 machine or equipment used in the construction, maintenance, or  
12 demolition of buildings, structures, bridges, tunnels, sewers,  
13 utility pipes or lines, ditches or open cuts, roads, highways,  
14 dams, airports, or waterways or in material handling for such  
15 projects upon which any such serial number, product  
16 identification number, part number, component identification  
17 number, owner-applied identification number, or other mark of  
18 identification has been changed, altered, removed, or  
19 obliterated.

20 (c) Defacement of manufacturer's serial number or  
21 identification mark. A person commits defacement of a  
22 manufacturer's serial number or identification mark when he or  
23 she knowingly removes, alters, defaces, covers, or destroys the  
24 manufacturer's serial number or any other manufacturer's  
25 number or distinguishing identification mark upon any machine  
26 or other article of merchandise, other than a motor vehicle as

1 defined in Section 1-146 of the Illinois Vehicle Code or a  
2 firearm ~~as defined in the Firearm Owners Identification Card~~  
3 ~~Act~~, with the intent of concealing or destroying the identity  
4 of such machine or other article of merchandise.

5 (d) Sentence.

6 (1) A violation of subsection (a) of this Section is a  
7 Class 4 felony if the value of the appliance or appliances  
8 exceeds \$1,000 and a Class B misdemeanor if the value of  
9 the appliance or appliances is \$1,000 or less.

10 (2) A violation of subsection (b) of this Section is a  
11 Class A misdemeanor.

12 (3) A violation of subsection (c) of this Section is a  
13 Class B misdemeanor.

14 (e) No liability shall be imposed upon any person for the  
15 unintentional failure to comply with subsection (a).

16 (f) Definitions. In this Section:

17 "Commercial context" means a continuing business  
18 enterprise conducted for profit by any person whose primary  
19 business is the wholesale or retail marketing of household  
20 appliances, or a significant portion of whose business or  
21 inventory consists of household appliances kept or sold on a  
22 wholesale or retail basis.

23 "Household appliance" means any gas or electric device or  
24 machine marketed for use as home entertainment or for  
25 facilitating or expediting household tasks or chores. The term  
26 shall include but not necessarily be limited to refrigerators,

1 freezers, ranges, radios, television sets, vacuum cleaners,  
2 toasters, dishwashers, and other similar household items.

3 "Manufacturer's identification number" means any serial  
4 number or other similar numerical or alphabetical designation  
5 imprinted upon or attached to or placed, stamped, or otherwise  
6 imprinted upon or attached to a household appliance or item by  
7 the manufacturer for purposes of identifying a particular  
8 appliance or item individually or by lot number.

9 (Source: P.A. 96-1551, eff. 7-1-11.)

10 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

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

24 (2) Carries or possesses with intent to use the same  
25 unlawfully against another, a dagger, dirk, billy,

1 dangerous knife, razor, stiletto, broken bottle or other  
2 piece of glass, stun gun or taser or any other dangerous or  
3 deadly weapon or instrument of like character; or

4 (2.5) Carries or possesses with intent to use the same  
5 unlawfully against another, any firearm in a church,  
6 synagogue, mosque, or other building, structure, or place  
7 used for religious worship; or

8 (3) Carries on or about his person or in any vehicle, a  
9 tear gas gun projector or bomb or any object containing  
10 noxious liquid gas or substance, other than an object  
11 containing a non-lethal noxious liquid gas or substance  
12 designed solely for personal defense carried by a person 18  
13 years of age or older; or

14 (4) Carries or possesses in any vehicle or concealed on  
15 or about his person except when on his land or in his own  
16 abode, legal dwelling, or fixed place of business, or on  
17 the land or in the legal dwelling of another person as an  
18 invitee with that person's permission, any pistol,  
19 revolver, stun gun or taser or other firearm, except that  
20 this subsection (a) (4) does not apply to or affect  
21 transportation of weapons that meet one of the following  
22 conditions:

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

24 (ii) are not immediately accessible; or

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

1           person eligible under State and federal law to possess  
2           a firearm ~~who has been issued a currently valid Firearm~~  
3           ~~Owner's Identification Card~~; or

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

8           (5) Sets a spring gun; or

9           (6) Possesses any device or attachment of any kind  
10          designed, used or intended for use in silencing the report  
11          of any firearm; or

12           (7) Sells, manufactures, purchases, possesses or  
13          carries:

14                   (i) a machine gun, which shall be defined for the  
15          purposes of this subsection as any weapon, which  
16          shoots, is designed to shoot, or can be readily  
17          restored to shoot, automatically more than one shot  
18          without manually reloading by a single function of the  
19          trigger, including the frame or receiver of any such  
20          weapon, or sells, manufactures, purchases, possesses,  
21          or carries any combination of parts designed or  
22          intended for use in converting any weapon into a  
23          machine gun, or any combination or parts from which a  
24          machine gun can be assembled if such parts are in the  
25          possession or under the control of a person;

26                   (ii) any rifle having one or more barrels less than

1           16 inches in length or a shotgun having one or more  
2           barrels less than 18 inches in length or any weapon  
3           made from a rifle or shotgun, whether by alteration,  
4           modification, or otherwise, if such a weapon as  
5           modified has an overall length of less than 26 inches;  
6           or

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

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

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

24          (9) Carries or possesses in a vehicle or on or about  
25          his or her person any pistol, revolver, stun gun or taser  
26          or firearm or ballistic knife, when he or she is hooded,

1           robed or masked in such manner as to conceal his or her  
2           identity; or

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

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

17                 (ii) are not immediately accessible; or

18                 (iii) are unloaded and enclosed in a case, firearm  
19                 carrying box, shipping box, or other container by a  
20                 person eligible under State and federal law to possess  
21                 a firearm ~~who has been issued a currently valid Firearm~~  
22                 ~~Owner's Identification Card~~; or

23                 (iv) are carried or possessed in accordance with  
24                 the Firearm Concealed Carry Act by a person who has  
25                 been issued a currently valid license under the Firearm  
26                 Concealed Carry Act.



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

13           (11) Sells, manufactures, or purchases any explosive  
14 bullet. For purposes of this paragraph (a) "explosive  
15 bullet" means the projectile portion of an ammunition  
16 cartridge which contains or carries an explosive charge  
17 which will explode upon contact with the flesh of a human  
18 or an animal. "Cartridge" means a tubular metal case having  
19 a projectile affixed at the front thereof and a cap or  
20 primer at the rear end thereof, with the propellant  
21 contained in such tube between the projectile and the cap;  
22 or

23           (12) (Blank); or

24           (13) Carries or possesses on or about his or her person  
25 while in a building occupied by a unit of government, a  
26 billy club, other weapon of like character, or other

1 instrument of like character intended for use as a weapon.  
2 For the purposes of this Section, "billy club" means a  
3 short stick or club commonly carried by police officers  
4 which is either telescopic or constructed of a solid piece  
5 of wood or other man-made material.

6 (b) Sentence. A person convicted of a violation of  
7 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
8 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a  
9 Class A misdemeanor. A person convicted of a violation of  
10 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a  
11 person convicted of a violation of subsection 24-1(a)(6) or  
12 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person  
13 convicted of a violation of subsection 24-1(a)(7)(i) commits a  
14 Class 2 felony and shall be sentenced to a term of imprisonment  
15 of not less than 3 years and not more than 7 years, unless the  
16 weapon is possessed in the passenger compartment of a motor  
17 vehicle as defined in Section 1-146 of the Illinois Vehicle  
18 Code, or on the person, while the weapon is loaded, in which  
19 case it shall be a Class X felony. A person convicted of a  
20 second or subsequent violation of subsection 24-1(a)(4),  
21 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3  
22 felony. A person convicted of a violation of subsection  
23 24-1(a)(2.5) commits a Class 2 felony. The possession of each  
24 weapon in violation of this Section constitutes a single and  
25 separate violation.

26 (c) Violations in specific places.

1           (1) A person who violates subsection 24-1(a)(6) or  
2           24-1(a)(7) in any school, regardless of the time of day or  
3           the time of year, in residential property owned, operated  
4           or managed by a public housing agency or leased by a public  
5           housing agency as part of a scattered site or mixed-income  
6           development, in a public park, in a courthouse, on the real  
7           property comprising any school, regardless of the time of  
8           day or the time of year, on residential property owned,  
9           operated or managed by a public housing agency or leased by  
10          a public housing agency as part of a scattered site or  
11          mixed-income development, on the real property comprising  
12          any public park, on the real property comprising any  
13          courthouse, in any conveyance owned, leased or contracted  
14          by a school to transport students to or from school or a  
15          school related activity, in any conveyance owned, leased,  
16          or contracted by a public transportation agency, or on any  
17          public way within 1,000 feet of the real property  
18          comprising any school, public park, courthouse, public  
19          transportation facility, or residential property owned,  
20          operated, or managed by a public housing agency or leased  
21          by a public housing agency as part of a scattered site or  
22          mixed-income development commits a Class 2 felony and shall  
23          be sentenced to a term of imprisonment of not less than 3  
24          years and not more than 7 years.

25           (1.5) A person who violates subsection 24-1(a)(4),  
26          24-1(a)(9), or 24-1(a)(10) in any school, regardless of the

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

22 (2) A person who violates subsection 24-1(a)(1),  
23 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
24 time of day or the time of year, in residential property  
25 owned, operated or managed by a public housing agency or  
26 leased by a public housing agency as part of a scattered

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

21 (3) Paragraphs (1), (1.5), and (2) of this subsection  
22 (c) shall not apply to law enforcement officers or security  
23 officers of such school, college, or university or to  
24 students carrying or possessing firearms for use in  
25 training courses, parades, hunting, target shooting on  
26 school ranges, or otherwise with the consent of school

1 authorities and which firearms are transported unloaded  
2 enclosed in a suitable case, box, or transportation  
3 package.

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

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

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

1 (e) Exemptions.

2 (1) Crossbows, Common or Compound bows and Underwater  
3 Spearguns are exempted from the definition of ballistic  
4 knife as defined in paragraph (1) of subsection (a) of this  
5 Section.

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

18 (Source: P.A. 100-82, eff. 8-11-17; 101-223, eff. 1-1-20.)

19 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

20 Sec. 24-1.1. Unlawful use or possession of weapons by  
21 felons or persons in the custody of the Department of  
22 Corrections facilities.

23 (a) It is unlawful for a person to knowingly possess on or  
24 about his person or on his land or in his own abode or fixed  
25 place of business any weapon prohibited under Section 24-1 of

1 this Act or any firearm or any firearm ammunition if the person  
2 has been convicted of a felony under the laws of this State or  
3 any other jurisdiction. This Section shall not apply if the  
4 person has been granted relief under this subsection ~~by the~~  
5 ~~Director of the Department of State Police under Section 10 of~~  
6 ~~the Firearm Owners Identification Card Act.~~ A person prohibited  
7 from possessing a firearm under this subsection (a) may  
8 petition the Director of the Illinois State Police for a  
9 hearing and relief from the prohibition, unless the prohibition  
10 was based upon a forcible felony, stalking, aggravated  
11 stalking, domestic battery, any violation of the Illinois  
12 Controlled Substances Act, the Methamphetamine Control and  
13 Community Protection Act, or the Cannabis Control Act that is  
14 classified as a Class 2 or greater felony, any felony violation  
15 of Article 24 of the Criminal Code of 1961 or the Criminal Code  
16 of 2012, or any adjudication as a delinquent minor for the  
17 commission of an offense that if committed by an adult would be  
18 a felony, in which case the person may petition the circuit  
19 court in writing in the county of his or her residence for a  
20 hearing and relief from the prohibition. The Director or court  
21 may grant the relief if it is established by the petitioner to  
22 the court's or Director's satisfaction that:

23 (1) when in the circuit court, the State's Attorney has  
24 been served with a written copy of the petition at least 30  
25 days before any hearing in the circuit court and at the  
26 hearing the State's Attorney was afforded an opportunity to



1 present evidence and object to the petition;

2 (2) the petitioner has not been convicted of a forcible  
3 felony under the laws of this State or any other  
4 jurisdiction within 20 years of the filing of the petition,  
5 or at least 20 years have passed since the end of any  
6 period of imprisonment imposed in relation to that  
7 conviction;

8 (3) the circumstances regarding a criminal conviction,  
9 where applicable, the petitioner's criminal history and  
10 his or her reputation are such that the petitioner will not  
11 be likely to act in a manner dangerous to public safety;

12 (4) granting relief would not be contrary to the public  
13 interest; and

14 (5) granting relief would not be contrary to federal  
15 law.

16 (b) It is unlawful for any person confined in a penal  
17 institution, which is a facility of the Illinois Department of  
18 Corrections, to possess any weapon prohibited under Section  
19 24-1 of this Code or any firearm or firearm ammunition,  
20 regardless of the intent with which he possesses it.

21 (c) It shall be an affirmative defense to a violation of  
22 subsection (b), that such possession was specifically  
23 authorized by rule, regulation, or directive of the Illinois  
24 Department of Corrections or order issued pursuant thereto.

25 (d) The defense of necessity is not available to a person  
26 who is charged with a violation of subsection (b) of this

1 Section.

2 (e) Sentence. Violation of this Section by a person not  
3 confined in a penal institution shall be a Class 3 felony for  
4 which the person shall be sentenced to no less than 2 years and  
5 no more than 10 years. A second or subsequent violation of this  
6 Section shall be a Class 2 felony for which the person shall be  
7 sentenced to a term of imprisonment of not less than 3 years  
8 and not more than 14 years, except as provided for in Section  
9 5-4.5-110 of the Unified Code of Corrections. Violation of this  
10 Section by a person not confined in a penal institution who has  
11 been convicted of a forcible felony, a felony violation of  
12 Article 24 of this Code ~~or of the Firearm Owners Identification~~  
13 ~~Card Act~~, stalking or aggravated stalking, or a Class 2 or  
14 greater felony under the Illinois Controlled Substances Act,  
15 the Cannabis Control Act, or the Methamphetamine Control and  
16 Community Protection Act is a Class 2 felony for which the  
17 person shall be sentenced to not less than 3 years and not more  
18 than 14 years, except as provided for in Section 5-4.5-110 of  
19 the Unified Code of Corrections. Violation of this Section by a  
20 person who is on parole or mandatory supervised release is a  
21 Class 2 felony for which the person shall be sentenced to not  
22 less than 3 years and not more than 14 years, except as  
23 provided for in Section 5-4.5-110 of the Unified Code of  
24 Corrections. Violation of this Section by a person not confined  
25 in a penal institution is a Class X felony when the firearm  
26 possessed is a machine gun. Any person who violates this

1 Section while confined in a penal institution, which is a  
2 facility of the Illinois Department of Corrections, is guilty  
3 of a Class 1 felony, if he possesses any weapon prohibited  
4 under Section 24-1 of this Code regardless of the intent with  
5 which he possesses it, a Class X felony if he possesses any  
6 firearm, firearm ammunition or explosive, and a Class X felony  
7 for which the offender shall be sentenced to not less than 12  
8 years and not more than 50 years when the firearm possessed is  
9 a machine gun. A violation of this Section while wearing or in  
10 possession of body armor as defined in Section 33F-1 is a Class  
11 X felony punishable by a term of imprisonment of not less than  
12 10 years and not more than 40 years. The possession of each  
13 firearm or firearm ammunition in violation of this Section  
14 constitutes a single and separate violation.

15 (Source: P.A. 100-3, eff. 1-1-18.)

16 (720 ILCS 5/24-1.6)

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

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

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

1 taser or other firearm; or

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

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

14 (A) the firearm, other than a pistol, revolver, or  
15 handgun, possessed was uncased, loaded, and  
16 immediately accessible at the time of the offense; or

17 (A-5) the pistol, revolver, or handgun possessed  
18 was uncased, loaded, and immediately accessible at the  
19 time of the offense and the person possessing the  
20 pistol, revolver, or handgun has not been issued a  
21 currently valid license under the Firearm Concealed  
22 Carry Act; or

23 (B) the firearm, other than a pistol, revolver, or  
24 handgun, possessed was uncased, unloaded, and the  
25 ammunition for the weapon was immediately accessible  
26 at the time of the offense; or

1 (B-5) the pistol, revolver, or handgun possessed  
2 was uncased, unloaded, and the ammunition for the  
3 weapon was immediately accessible at the time of the  
4 offense and the person possessing the pistol,  
5 revolver, or handgun has not been issued a currently  
6 valid license under the Firearm Concealed Carry Act; or

7 (C) (blank); or ~~the person possessing the firearm~~  
8 ~~has not been issued a currently valid Firearm Owner's~~  
9 ~~Identification Card; or~~

10 (D) the person possessing the weapon was  
11 previously adjudicated a delinquent minor under the  
12 Juvenile Court Act of 1987 for an act that if committed  
13 by an adult would be a felony; or

14 (E) the person possessing the weapon was engaged in  
15 a misdemeanor violation of the Cannabis Control Act, in  
16 a misdemeanor violation of the Illinois Controlled  
17 Substances Act, or in a misdemeanor violation of the  
18 Methamphetamine Control and Community Protection Act;  
19 or

20 (F) (blank); or

21 (G) the person possessing the weapon had an order  
22 of protection issued against him or her within the  
23 previous 2 years; or

24 (H) the person possessing the weapon was engaged in  
25 the commission or attempted commission of a  
26 misdemeanor involving the use or threat of violence

1 against the person or property of another; or

2 (I) the person possessing the weapon was under 21  
3 years of age and in possession of a handgun, unless the  
4 person under 21 is engaged in lawful activities under  
5 the Wildlife Code or described in subsection  
6 24-2(b) (1), (b) (3), or 24-2(f).

7 (a-5) "Handgun" as used in this Section has the meaning  
8 given to it in Section 5 of the Firearm Concealed Carry Act.

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

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

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

14 (ii) are not immediately accessible; or

15 (iii) are unloaded and enclosed in a case, firearm  
16 carrying box, shipping box, or other container by a person  
17 is eligible under State and federal law to possess a  
18 firearm ~~who has been issued a currently valid Firearm~~  
19 ~~Owner's Identification Card.~~

20 (d) Sentence.

21 (1) Aggravated unlawful use of a weapon is a Class 4  
22 felony; a second or subsequent offense is a Class 2 felony  
23 for which the person shall be sentenced to a term of  
24 imprisonment of not less than 3 years and not more than 7  
25 years, except as provided for in Section 5-4.5-110 of the  
26 Unified Code of Corrections.

1           (2) (Blank). ~~Except as otherwise provided in~~  
2 ~~paragraphs (3) and (4) of this subsection (d), a first~~  
3 ~~offense of aggravated unlawful use of a weapon committed~~  
4 ~~with a firearm by a person 18 years of age or older where~~  
5 ~~the factors listed in both items (A) and (C) or both items~~  
6 ~~(A 5) and (C) of paragraph (3) of subsection (a) are~~  
7 ~~present is a Class 4 felony, for which the person shall be~~  
8 ~~sentenced to a term of imprisonment of not less than one~~  
9 ~~year and not more than 3 years.~~

10           (3) Aggravated unlawful use of a weapon by a person who  
11 has been previously convicted of a felony in this State or  
12 another jurisdiction is a Class 2 felony for which the  
13 person shall be sentenced to a term of imprisonment of not  
14 less than 3 years and not more than 7 years, except as  
15 provided for in Section 5-4.5-110 of the Unified Code of  
16 Corrections.

17           (4) Aggravated unlawful use of a weapon while wearing  
18 or in possession of body armor as defined in Section 33F-1  
19 by a person who is prohibited under State or federal law  
20 from possessing a firearm ~~has not been issued a valid~~  
21 ~~Firearms Owner's Identification Card in accordance with~~  
22 ~~Section 5 of the Firearm Owners Identification Card Act~~ is  
23 a Class X felony.

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

26           (Source: P.A. 100-3, eff. 1-1-18; 100-201, eff. 8-18-17.)

1 (720 ILCS 5/24-1.8)

2 Sec. 24-1.8. Unlawful possession of a firearm by a street  
3 gang member.

4 (a) A person commits unlawful possession of a firearm by a  
5 street gang member when he or she knowingly:

6 (1) possesses, carries, or conceals on or about his or  
7 her person a firearm and firearm ammunition while on any  
8 street, road, alley, gangway, sidewalk, or any other lands,  
9 except when inside his or her own abode or inside his or  
10 her fixed place of business, ~~and has not been issued a~~  
11 ~~currently valid Firearm Owner's Identification Card~~ and is  
12 a member of a street gang; or

13 (2) possesses or carries in any vehicle a firearm and  
14 firearm ammunition which are both immediately accessible  
15 at the time of the offense while on any street, road,  
16 alley, or any other lands, except when inside his or her  
17 own abode or garage, ~~and has not been issued a currently~~  
18 ~~valid Firearm Owner's Identification Card~~ and is a member  
19 of a street gang.

20 (b) Unlawful possession of a firearm by a street gang  
21 member is a Class 2 felony for which the person, if sentenced  
22 to a term of imprisonment, shall be sentenced to no less than 3  
23 years and no more than 10 years. A period of probation, a term  
24 of periodic imprisonment or conditional discharge shall not be  
25 imposed for the offense of unlawful possession of a firearm by



1 a street gang member when the firearm was loaded or contained  
2 firearm ammunition and the court shall sentence the offender to  
3 not less than the minimum term of imprisonment authorized for  
4 the Class 2 felony.

5 (c) For purposes of this Section:

6 "Street gang" or "gang" has the meaning ascribed to it  
7 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
8 Prevention Act.

9 "Street gang member" or "gang member" has the meaning  
10 ascribed to it in Section 10 of the Illinois Streetgang  
11 Terrorism Omnibus Prevention Act.

12 (Source: P.A. 96-829, eff. 12-3-09.)

13 (720 ILCS 5/24-2)

14 Sec. 24-2. Exemptions.

15 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
16 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
17 the following:

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

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

1           (3) Members of the Armed Services or Reserve Forces of  
2           the United States or the Illinois National Guard or the  
3           Reserve Officers Training Corps, while in the performance  
4           of their official duty.

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

12          (5) Persons licensed as private security contractors,  
13          private detectives, or private alarm contractors, or  
14          employed by a private security contractor, private  
15          detective, or private alarm contractor agency licensed by  
16          the Department of Financial and Professional Regulation,  
17          if their duties include the carrying of a weapon under the  
18          provisions of the Private Detective, Private Alarm,  
19          Private Security, Fingerprint Vendor, and Locksmith Act of  
20          2004, while actually engaged in the performance of the  
21          duties of their employment or commuting between their homes  
22          and places of employment. A person shall be considered  
23          eligible for this exemption if he or she has completed the  
24          required 20 hours of training for a private security  
25          contractor, private detective, or private alarm  
26          contractor, or employee of a licensed private security

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

16 (6) Any person regularly employed in a commercial or  
17 industrial operation as a security guard for the protection  
18 of persons employed and private property related to such  
19 commercial or industrial operation, while actually engaged  
20 in the performance of his or her duty or traveling between  
21 sites or properties belonging to the employer, and who, as  
22 a security guard, is a member of a security force  
23 registered with the Department of Financial and  
24 Professional Regulation; provided that such security guard  
25 has successfully completed a course of study, approved by  
26 and supervised by the Department of Financial and

1 Professional Regulation, consisting of not less than 40  
2 hours of training that includes the theory of law  
3 enforcement, liability for acts, and the handling of  
4 weapons. A person shall be considered eligible for this  
5 exemption if he or she has completed the required 20 hours  
6 of training for a security officer and 20 hours of required  
7 firearm training, and has been issued a firearm control  
8 card by the Department of Financial and Professional  
9 Regulation. Conditions for the renewal of firearm control  
10 cards issued under the provisions of this Section shall be  
11 the same as for those cards issued under the provisions of  
12 the Private Detective, Private Alarm, Private Security,  
13 Fingerprint Vendor, and Locksmith Act of 2004. The firearm  
14 control card shall be carried by the security guard at all  
15 times when he or she is in possession of a concealable  
16 weapon permitted by his or her firearm control card.

17 (7) Agents and investigators of the Illinois  
18 Legislative Investigating Commission authorized by the  
19 Commission to carry the weapons specified in subsections  
20 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
21 any investigation for the Commission.

22 (8) Persons employed by a financial institution as a  
23 security guard for the protection of other employees and  
24 property related to such financial institution, while  
25 actually engaged in the performance of their duties,  
26 commuting between their homes and places of employment, or

1 traveling between sites or properties owned or operated by  
2 such financial institution, and who, as a security guard,  
3 is a member of a security force registered with the  
4 Department; provided that any person so employed has  
5 successfully completed a course of study, approved by and  
6 supervised by the Department of Financial and Professional  
7 Regulation, consisting of not less than 40 hours of  
8 training which includes theory of law enforcement,  
9 liability for acts, and the handling of weapons. A person  
10 shall be considered to be eligible for this exemption if he  
11 or she has completed the required 20 hours of training for  
12 a security officer and 20 hours of required firearm  
13 training, and has been issued a firearm control card by the  
14 Department of Financial and Professional Regulation.  
15 Conditions for renewal of firearm control cards issued  
16 under the provisions of this Section shall be the same as  
17 for those issued under the provisions of the Private  
18 Detective, Private Alarm, Private Security, Fingerprint  
19 Vendor, and Locksmith Act of 2004. The firearm control card  
20 shall be carried by the security guard at all times when he  
21 or she is in possession of a concealable weapon permitted  
22 by his or her firearm control card. For purposes of this  
23 subsection, "financial institution" means a bank, savings  
24 and loan association, credit union or company providing  
25 armored car services.

26 (9) Any person employed by an armored car company to

1 drive an armored car, while actually engaged in the  
2 performance of his duties.

3 (10) Persons who have been classified as peace officers  
4 pursuant to the Peace Officer Fire Investigation Act.

5 (11) Investigators of the Office of the State's  
6 Attorneys Appellate Prosecutor authorized by the board of  
7 governors of the Office of the State's Attorneys Appellate  
8 Prosecutor to carry weapons pursuant to Section 7.06 of the  
9 State's Attorneys Appellate Prosecutor's Act.

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

12 (12.5) Probation officers while in the performance of  
13 their duties, or while commuting between their homes,  
14 places of employment or specific locations that are part of  
15 their assigned duties, with the consent of the chief judge  
16 of the circuit for which they are employed, if they have  
17 received weapons training according to requirements of the  
18 Peace Officer and Probation Officer Firearm Training Act.

19 (13) Court Security Officers while in the performance  
20 of their official duties, or while commuting between their  
21 homes and places of employment, with the consent of the  
22 Sheriff.

23 (13.5) A person employed as an armed security guard at  
24 a nuclear energy, storage, weapons or development site or  
25 facility regulated by the Nuclear Regulatory Commission  
26 who has completed the background screening and training

1 mandated by the rules and regulations of the Nuclear  
2 Regulatory Commission.

3 (14) Manufacture, transportation, or sale of weapons  
4 to persons authorized under subdivisions (1) through  
5 (13.5) of this subsection to possess those weapons.

6 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply  
7 to or affect any person carrying a concealed pistol, revolver,  
8 or handgun and the person has been issued a currently valid  
9 license under the Firearm Concealed Carry Act at the time of  
10 the commission of the offense.

11 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply  
12 to or affect a qualified current or retired law enforcement  
13 officer qualified under the laws of this State or under the  
14 federal Law Enforcement Officers Safety Act.

15 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
16 24-1.6 do not apply to or affect any of the following:

17 (1) Members of any club or organization organized for  
18 the purpose of practicing shooting at targets upon  
19 established target ranges, whether public or private, and  
20 patrons of such ranges, while such members or patrons are  
21 using their firearms on those target ranges.

22 (2) Duly authorized military or civil organizations  
23 while parading, with the special permission of the  
24 Governor.

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

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

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

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

9           (1) Peace officers while in performance of their  
10 official duties.

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

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

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

22           (5) Persons licensed under federal law to manufacture  
23 any weapon from which 8 or more shots or bullets can be  
24 discharged by a single function of the firing device, or  
25 ammunition for such weapons, and actually engaged in the  
26 business of manufacturing such weapons or ammunition, but



1           only with respect to activities which are within the lawful  
2           scope of such business, such as the manufacture,  
3           transportation, or testing of such weapons or ammunition.  
4           This exemption does not authorize the general private  
5           possession of any weapon from which 8 or more shots or  
6           bullets can be discharged by a single function of the  
7           firing device, but only such possession and activities as  
8           are within the lawful scope of a licensed manufacturing  
9           business described in this paragraph.

10           During transportation, such weapons shall be broken  
11           down in a non-functioning state or not immediately  
12           accessible.

13           (6) The manufacture, transport, testing, delivery,  
14           transfer or sale, and all lawful commercial or experimental  
15           activities necessary thereto, of rifles, shotguns, and  
16           weapons made from rifles or shotguns, or ammunition for  
17           such rifles, shotguns or weapons, where engaged in by a  
18           person operating as a contractor or subcontractor pursuant  
19           to a contract or subcontract for the development and supply  
20           of such rifles, shotguns, weapons or ammunition to the  
21           United States government or any branch of the Armed Forces  
22           of the United States, when such activities are necessary  
23           and incident to fulfilling the terms of such contract.

24           The exemption granted under this subdivision (c)(6)  
25           shall also apply to any authorized agent of any such  
26           contractor or subcontractor who is operating within the

1 scope of his employment, where such activities involving  
2 such weapon, weapons or ammunition are necessary and  
3 incident to fulfilling the terms of such contract.

4 (7) A person possessing a rifle with a barrel or  
5 barrels less than 16 inches in length if: (A) the person  
6 has been issued a Curios and Relics license from the U.S.  
7 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)  
8 the person is an active member of a bona fide, nationally  
9 recognized military re-enacting group and the modification  
10 is required and necessary to accurately portray the weapon  
11 for historical re-enactment purposes; the re-enactor is in  
12 possession of a valid and current re-enacting group  
13 membership credential; and the overall length of the weapon  
14 as modified is not less than 26 inches.

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

18 (e) Subsection 24-1(a)(8) does not apply to any owner,  
19 manager or authorized employee of any place specified in that  
20 subsection nor to any law enforcement officer.

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

26 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply

1 to:

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

5 (2) Bonafide collectors of antique or surplus military  
6 ordnance.

7 (3) Laboratories having a department of forensic  
8 ballistics, or specializing in the development of  
9 ammunition or explosive ordnance.

10 (4) Commerce, preparation, assembly or possession of  
11 explosive bullets by manufacturers of ammunition licensed  
12 by the federal government, in connection with the supply of  
13 those organizations and persons exempted by subdivision  
14 (g)(1) of this Section, or like organizations and persons  
15 outside this State, or the transportation of explosive  
16 bullets to any organization or person exempted in this  
17 Section by a common carrier or by a vehicle owned or leased  
18 by an exempted manufacturer.

19 (g-5) Subsection 24-1(a)(6) does not apply to or affect  
20 persons licensed under federal law to manufacture any device or  
21 attachment of any kind designed, used, or intended for use in  
22 silencing the report of any firearm, firearms, or ammunition  
23 for those firearms equipped with those devices, and actually  
24 engaged in the business of manufacturing those devices,  
25 firearms, or ammunition, but only with respect to activities  
26 that are within the lawful scope of that business, such as the

1 manufacture, transportation, or testing of those devices,  
2 firearms, or ammunition. This exemption does not authorize the  
3 general private possession of any device or attachment of any  
4 kind designed, used, or intended for use in silencing the  
5 report of any firearm, but only such possession and activities  
6 as are within the lawful scope of a licensed manufacturing  
7 business described in this subsection (g-5). During  
8 transportation, these devices shall be detached from any weapon  
9 or not immediately accessible.

10 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
11 24-1.6 do not apply to or affect any parole agent or parole  
12 supervisor who meets the qualifications and conditions  
13 prescribed in Section 3-14-1.5 of the Unified Code of  
14 Corrections.

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

23 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and  
24 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an  
25 athlete's possession, transport on official Olympic and  
26 Paralympic transit systems established for athletes, or use of

1 competition firearms sanctioned by the International Olympic  
2 Committee, the International Paralympic Committee, the  
3 International Shooting Sport Federation, or USA Shooting in  
4 connection with such athlete's training for and participation  
5 in shooting competitions at the 2016 Olympic and Paralympic  
6 Games and sanctioned test events leading up to the 2016 Olympic  
7 and Paralympic Games.

8 (h) An information or indictment based upon a violation of  
9 any subsection of this Article need not negative any exemptions  
10 contained in this Article. The defendant shall have the burden  
11 of proving such an exemption.

12 (i) Nothing in this Article shall prohibit, apply to, or  
13 affect the transportation, carrying, or possession, of any  
14 pistol or revolver, stun gun, taser, or other firearm consigned  
15 to a common carrier operating under license of the State of  
16 Illinois or the federal government, where such transportation,  
17 carrying, or possession is incident to the lawful  
18 transportation in which such common carrier is engaged; and  
19 nothing in this Article shall prohibit, apply to, or affect the  
20 transportation, carrying, or possession of any pistol,  
21 revolver, stun gun, taser, or other firearm, not the subject of  
22 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of  
23 this Article, which is unloaded and enclosed in a case, firearm  
24 carrying box, shipping box, or other container, by a person  
25 eligible under State and federal law to possess a firearm ~~the~~  
26 ~~possessor of a valid Firearm Owners Identification Card.~~

1 (Source: P.A. 100-201, eff. 8-18-17; 101-80, eff. 7-12-19.)

2 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

4 (A) A person commits the offense of unlawful sale or  
5 delivery of firearms when he or she knowingly does any of the  
6 following:

7 (a) Sells or gives any firearm of a size which may be  
8 concealed upon the person to any person under 18 years of  
9 age.

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

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

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

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

20 "Mental institution" means any hospital,  
21 institution, clinic, evaluation facility, mental  
22 health center, or part thereof, which is used primarily  
23 for the care or treatment of persons with mental  
24 illness.

25 "Patient in a mental institution" means the person

1           was admitted, either voluntarily or involuntarily, to  
2           a mental institution for mental health treatment,  
3           unless the treatment was voluntary and solely for an  
4           alcohol abuse disorder and no other secondary  
5           substance abuse disorder or mental illness.

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

8           (g) Delivers any firearm, incidental to a sale, without  
9           withholding delivery of the firearm for at least 72 hours  
10          after application for its purchase has been made, or  
11          delivers a stun gun or taser, incidental to a sale, without  
12          withholding delivery of the stun gun or taser for at least  
13          24 hours after application for its purchase has been made.  
14          However, this paragraph (g) does not apply to: (1) the sale  
15          of a firearm to a law enforcement officer if the seller of  
16          the firearm knows that the person to whom he or she is  
17          selling the firearm is a law enforcement officer or the  
18          sale of a firearm to a person who desires to purchase a  
19          firearm for use in promoting the public interest incident  
20          to his or her employment as a bank guard, armed truck  
21          guard, or other similar employment; (2) a mail order sale  
22          of a firearm from a federally licensed firearms dealer to a  
23          nonresident of Illinois under which the firearm is mailed  
24          to a federally licensed firearms dealer outside the  
25          boundaries of Illinois; (3) (blank); (4) the sale of a  
26          firearm to a dealer licensed as a federal firearms dealer

1 under Section 923 of the federal Gun Control Act of 1968  
2 (18 U.S.C. 923); or (5) the transfer or sale of any rifle,  
3 shotgun, or other long gun to a resident registered  
4 competitor or attendee or non-resident registered  
5 competitor or attendee by any dealer licensed as a federal  
6 firearms dealer under Section 923 of the federal Gun  
7 Control Act of 1968 at competitive shooting events held at  
8 the World Shooting Complex sanctioned by a national  
9 governing body. For purposes of transfers or sales under  
10 subparagraph (5) of this paragraph (g), the Department of  
11 Natural Resources shall give notice to the Department of  
12 State Police at least 30 calendar days prior to any  
13 competitive shooting events at the World Shooting Complex  
14 sanctioned by a national governing body. The notification  
15 shall be made on a form prescribed by the Department of  
16 State Police. The sanctioning body shall provide a list of  
17 all registered competitors and attendees at least 24 hours  
18 before the events to the Department of State Police. Any  
19 changes to the list of registered competitors and attendees  
20 shall be forwarded to the Department of State Police as  
21 soon as practicable. The Department of State Police must  
22 destroy the list of registered competitors and attendees no  
23 later than 30 days after the date of the event. Nothing in  
24 this paragraph (g) relieves a federally licensed firearm  
25 dealer from the requirements of conducting a NICS  
26 background check through the Illinois Point of Contact



1 under 18 U.S.C. 922(t). For purposes of this paragraph (g),  
2 "application" means when the buyer and seller reach an  
3 agreement to purchase a firearm. For purposes of this  
4 paragraph (g), "national governing body" means a group of  
5 persons who adopt rules and formulate policy on behalf of a  
6 national firearm sporting organization.

7 (h) While holding any license as a dealer, importer,  
8 manufacturer or pawnbroker under the federal Gun Control  
9 Act of 1968, manufactures, sells or delivers to any  
10 unlicensed person a handgun having a barrel, slide, frame  
11 or receiver which is a die casting of zinc alloy or any  
12 other nonhomogeneous metal which will melt or deform at a  
13 temperature of less than 800 degrees Fahrenheit. For  
14 purposes of this paragraph, ~~(1) "firearm" is defined as in~~  
15 ~~the Firearm Owners Identification Card Act; and (2)~~  
16 "handgun" is defined as a firearm designed to be held and  
17 fired by the use of a single hand, and includes a  
18 combination of parts from which such a firearm can be  
19 assembled.

20 (i) Sells or gives a firearm of any size to any person  
21 under 18 years of age who is not eligible under State or  
22 federal law to possess a firearm ~~does not possess a valid~~  
23 ~~Firearm Owner's Identification Card.~~

24 (j) Sells or gives a firearm while engaged in the  
25 business of selling firearms at wholesale or retail without  
26 being licensed as a federal firearms dealer under Section

1 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

2 In this paragraph (j):

3 A person "engaged in the business" means a person who  
4 devotes time, attention, and labor to engaging in the  
5 activity as a regular course of trade or business with the  
6 principal objective of livelihood and profit, but does not  
7 include a person who makes occasional repairs of firearms  
8 or who occasionally fits special barrels, stocks, or  
9 trigger mechanisms to firearms.

10 "With the principal objective of livelihood and  
11 profit" means that the intent underlying the sale or  
12 disposition of firearms is predominantly one of obtaining  
13 livelihood and pecuniary gain, as opposed to other intents,  
14 such as improving or liquidating a personal firearms  
15 collection; however, proof of profit shall not be required  
16 as to a person who engages in the regular and repetitive  
17 purchase and disposition of firearms for criminal purposes  
18 or terrorism.

19 (k) (Blank). ~~Sells or transfers ownership of a firearm~~  
20 ~~to a person who does not display to the seller or~~  
21 ~~transferor of the firearm either: (1) a currently valid~~  
22 ~~Firearm Owner's Identification Card that has previously~~  
23 ~~been issued in the transferee's name by the Department of~~  
24 ~~State Police under the provisions of the Firearm Owners~~  
25 ~~Identification Card Act; or (2) a currently valid license~~  
26 ~~to carry a concealed firearm that has previously been~~

1 ~~issued in the transferee's name by the Department of State~~  
2 ~~Police under the Firearm Concealed Carry Act. This~~  
3 ~~paragraph (k) does not apply to the transfer of a firearm~~  
4 ~~to a person who is exempt from the requirement of~~  
5 ~~possessing a Firearm Owner's Identification Card under~~  
6 ~~Section 2 of the Firearm Owners Identification Card Act.~~  
7 ~~For the purposes of this Section, a currently valid Firearm~~  
8 ~~Owner's Identification Card means (i) a Firearm Owner's~~  
9 ~~Identification Card that has not expired or (ii) an~~  
10 ~~approval number issued in accordance with subsection~~  
11 ~~(a-10) of subsection 3 or Section 3.1 of the Firearm Owners~~  
12 ~~Identification Card Act shall be proof that the Firearm~~  
13 ~~Owner's Identification Card was valid.~~

14 (1) (Blank). ~~In addition to the other requirements~~  
15 ~~of this paragraph (k), all persons who are not~~  
16 ~~federally licensed firearms dealers must also have~~  
17 ~~complied with subsection (a-10) of Section 3 of the~~  
18 ~~Firearm Owners Identification Card Act by determining~~  
19 ~~the validity of a purchaser's Firearm Owner's~~  
20 ~~Identification Card.~~

21 (2) (Blank). ~~All sellers or transferors who have~~  
22 ~~complied with the requirements of subparagraph (1) of~~  
23 ~~this paragraph (k) shall not be liable for damages in~~  
24 ~~any civil action arising from the use or misuse by the~~  
25 ~~transferee of the firearm transferred, except for~~  
26 ~~willful or wanton misconduct on the part of the seller~~

1           ~~or transferor.~~

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

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

18          (C) Sentence.

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

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

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

1 commits a Class 2 felony.

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

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

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

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

18 (7) ~~(Blank). Any person convicted of unlawful sale or~~  
19 ~~delivery of firearms in violation of paragraph (k) of~~  
20 ~~subsection (A) commits a Class 4 felony, except that a~~  
21 ~~violation of subparagraph (1) of paragraph (k) of~~  
22 ~~subsection (A) shall not be punishable as a crime or petty~~  
23 ~~offense. A third or subsequent conviction for a violation~~  
24 ~~of paragraph (k) of subsection (A) is a Class 1 felony.~~

25 (8) A person 18 years of age or older convicted of  
26 unlawful sale or delivery of firearms in violation of

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

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

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

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

18 (D) For purposes of this Section:

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

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

25 ~~(E) A prosecution for a violation of paragraph (k) of~~  
26 ~~subsection (A) of this Section may be commenced within 6 years~~



1 ~~after the commission of the offense.~~ A prosecution for a  
2 violation of this Section other than paragraph (g) of  
3 subsection (A) of this Section may be commenced within 5 years  
4 after the commission of the offense defined in the particular  
5 paragraph.

6 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;  
7 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

8 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

9 Sec. 24-3.1. Unlawful possession of firearms and firearm  
10 ammunition.

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

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

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

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

22 (4) He has been a patient in a mental institution  
23 within the past 5 years and has any firearms or firearm  
24 ammunition in his possession. For purposes of this  
25 paragraph (4):

1 "Mental institution" means any hospital,  
2 institution, clinic, evaluation facility, mental  
3 health center, or part thereof, which is used primarily  
4 for the care or treatment of persons with mental  
5 illness.

6 "Patient in a mental institution" means the person  
7 was admitted, either voluntarily or involuntarily, to  
8 a mental institution for mental health treatment,  
9 unless the treatment was voluntary and solely for an  
10 alcohol abuse disorder and no other secondary  
11 substance abuse disorder or mental illness; or

12 (5) He is a person with an intellectual disability and  
13 has any firearms or firearm ammunition in his possession;  
14 or

15 (6) He has in his possession any explosive bullet.

16 For purposes of this paragraph "explosive bullet" means the  
17 projectile portion of an ammunition cartridge which contains or  
18 carries an explosive charge which will explode upon contact  
19 with the flesh of a human or an animal. "Cartridge" means a  
20 tubular metal case having a projectile affixed at the front  
21 thereof and a cap or primer at the rear end thereof, with the  
22 propellant contained in such tube between the projectile and  
23 the cap.

24 (a-5) A person prohibited from possessing a firearm under  
25 this Section may petition the Director of the Illinois State  
26 Police for a hearing and relief from the prohibition, unless

1 the prohibition was based upon a forcible felony, stalking,  
2 aggravated stalking, domestic battery, any violation of the  
3 Illinois Controlled Substances Act, the Methamphetamine  
4 Control and Community Protection Act, or the Cannabis Control  
5 Act that is classified as a Class 2 or greater felony, any  
6 felony violation of Article 24 of the Criminal Code of 1961 or  
7 the Criminal Code of 2012, or any adjudication as a delinquent  
8 minor for the commission of an offense that if committed by an  
9 adult would be a felony, in which case the person may petition  
10 the circuit court in writing in the county of his or her  
11 residence for a hearing and relief from the prohibition. The  
12 Director or court may grant the relief if it is established by  
13 the petitioner to the court's or Director's satisfaction that:

14 (1) when in the circuit court, the State's Attorney has  
15 been served with a written copy of the petition at least 30  
16 days before any hearing in the circuit court and at the  
17 hearing the State's Attorney was afforded an opportunity to  
18 present evidence and object to the petition;

19 (2) the petitioner has not been convicted of a forcible  
20 felony under the laws of this State or any other  
21 jurisdiction within 20 years of the filing of the petition,  
22 or at least 20 years have passed since the end of any  
23 period of imprisonment imposed in relation to that  
24 conviction;

25 (3) the circumstances regarding a criminal conviction,  
26 where applicable, the petitioner's criminal history and

1 his reputation are such that the petitioner will not be  
2 likely to act in a manner dangerous to public safety;

3 (4) granting relief would not be contrary to the public  
4 interest; and

5 (5) granting relief would not be contrary to federal  
6 law.

7 (b) Sentence.

8 Unlawful possession of firearms, other than handguns, and  
9 firearm ammunition is a Class A misdemeanor. Unlawful  
10 possession of handguns is a Class 4 felony. The possession of  
11 each firearm or firearm ammunition in violation of this Section  
12 constitutes a single and separate violation.

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

20 (Source: P.A. 99-143, eff. 7-27-15.)

21 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

22 Sec. 24-3.2. Unlawful discharge of firearm projectiles.

23 (a) A person commits the offense of unlawful discharge of  
24 firearm projectiles when he or she knowingly or recklessly uses  
25 an armor piercing bullet, dragon's breath shotgun shell, bolo

1 shell, or flechette shell in violation of this Section.

2 For purposes of this Section:

3 "Armor piercing bullet" means any handgun bullet or handgun  
4 ammunition with projectiles or projectile cores constructed  
5 entirely (excluding the presence of traces of other substances)  
6 from tungsten alloys, steel, iron, brass, bronze, beryllium  
7 copper or depleted uranium, or fully jacketed bullets larger  
8 than 22 caliber whose jacket has a weight of more than 25% of  
9 the total weight of the projectile, and excluding those handgun  
10 projectiles whose cores are composed of soft materials such as  
11 lead or lead alloys, zinc or zinc alloys, frangible projectiles  
12 designed primarily for sporting purposes, and any other  
13 projectiles or projectile cores that the U. S. Secretary of the  
14 Treasury finds to be primarily intended to be used for sporting  
15 purposes or industrial purposes or that otherwise does not  
16 constitute "armor piercing ammunition" as that term is defined  
17 by federal law.

18 "Dragon's breath shotgun shell" means any shotgun shell  
19 that contains exothermic pyrophoric mesh metal as the  
20 projectile and is designed for the purpose of throwing or  
21 spewing a flame or fireball to simulate a flame-thrower.

22 "Bolo shell" means any shell that can be fired in a firearm  
23 and expels as projectiles 2 or more metal balls connected by  
24 solid metal wire.

25 "Flechette shell" means any shell that can be fired in a  
26 firearm and expels 2 or more pieces of fin-stabilized solid

1 metal wire or 2 or more solid dart-type projectiles.

2 (b) A person commits a Class X felony when he or she,  
3 knowing that a firearm, ~~as defined in Section 1.1 of the~~  
4 ~~Firearm Owners Identification Card Act,~~ is loaded with an armor  
5 piercing bullet, dragon's breath shotgun shell, bolo shell, or  
6 flechette shell, intentionally or recklessly discharges such  
7 firearm and such bullet or shell strikes any other person.

8 (c) Any person who possesses, concealed on or about his or  
9 her person, an armor piercing bullet, dragon's breath shotgun  
10 shell, bolo shell, or flechette shell and a firearm suitable  
11 for the discharge thereof is guilty of a Class 2 felony.

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

14 (1) Peace officers;

15 (2) Wardens, superintendents and keepers of prisons,  
16 penitentiaries, jails and other institutions for the  
17 detention of persons accused or convicted of an offense;

18 (3) Members of the Armed Services or Reserve Forces of  
19 the United States or the Illinois National Guard while in  
20 the performance of their official duties;

21 (4) Federal officials required to carry firearms,  
22 while engaged in the performance of their official duties;

23 (5) United States Marshals, while engaged in the  
24 performance of their official duties.

25 (Source: P.A. 92-423, eff. 1-1-02.)

1 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

2 Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

3 (a) It shall be unlawful for any person who holds a license  
4 to sell at retail any alcoholic liquor issued by the Illinois  
5 Liquor Control Commission or local liquor control commissioner  
6 under the Liquor Control Act of 1934 or an agent or employee of  
7 the licensee to sell or deliver to any other person a firearm  
8 in or on the real property of the establishment where the  
9 licensee is licensed to sell alcoholic liquors unless the sale  
10 or delivery of the firearm is otherwise lawful under this  
11 Article ~~and under the Firearm Owners Identification Card Act.~~

12 (b) Sentence. A violation of subsection (a) of this Section  
13 is a Class 4 felony.

14 (Source: P.A. 87-591.)

15 (720 ILCS 5/24-3.5)

16 Sec. 24-3.5. Unlawful purchase of a firearm.

17 (a) For purposes of this Section, "firearms transaction  
18 record form" means a form:

19 (1) executed by a transferee of a firearm stating: (i)  
20 the transferee's name and address (including county or  
21 similar political subdivision); (ii) whether the  
22 transferee is a citizen of the United States; (iii) the  
23 transferee's State of residence; and (iv) the date and  
24 place of birth, height, weight, and race of the transferee;  
25 and

1           (2) on which the transferee certifies that he or she is  
2           not prohibited by federal law from transporting or shipping  
3           a firearm in interstate or foreign commerce or receiving a  
4           firearm that has been shipped or transported in interstate  
5           or foreign commerce or possessing a firearm in or affecting  
6           commerce.

7           (b) A person commits the offense of unlawful purchase of a  
8           firearm who knowingly purchases or attempts to purchase a  
9           firearm with the intent to deliver that firearm to another  
10          person who is prohibited by federal or State law from  
11          possessing a firearm.

12          (c) A person commits the offense of unlawful purchase of a  
13          firearm when he or she, in purchasing or attempting to purchase  
14          a firearm, intentionally provides false or misleading  
15          information on a United States Department of the Treasury,  
16          Bureau of Alcohol, Tobacco and Firearms firearms transaction  
17          record form.

18          (d) Exemption. It is not a violation of subsection (b) of  
19          this Section for a person to make a gift or loan of a firearm to  
20          a person who is not prohibited by federal or State law from  
21          possessing a firearm ~~if the transfer of the firearm is made in~~  
22          ~~accordance with Section 3 of the Firearm Owners Identification~~  
23          ~~Card Act.~~

24          (e) Sentence.

25                 (1) A person who commits the offense of unlawful  
26                 purchase of a firearm:



1 (A) is guilty of a Class 2 felony for purchasing or  
2 attempting to purchase one firearm;

3 (B) is guilty of a Class 1 felony for purchasing or  
4 attempting to purchase not less than 2 firearms and not  
5 more than 5 firearms at the same time or within a one  
6 year period;

7 (C) is guilty of a Class X felony for which the  
8 offender shall be sentenced to a term of imprisonment  
9 of not less than 9 years and not more than 40 years for  
10 purchasing or attempting to purchase not less than 6  
11 firearms at the same time or within a 2 year period.

12 (2) In addition to any other penalty that may be  
13 imposed for a violation of this Section, the court may  
14 sentence a person convicted of a violation of subsection  
15 (c) of this Section to a fine not to exceed \$250,000 for  
16 each violation.

17 (f) A prosecution for unlawful purchase of a firearm may be  
18 commenced within 6 years after the commission of the offense.

19 (Source: P.A. 95-882, eff. 1-1-09.)

20 (720 ILCS 5/24-3B)

21 Sec. 24-3B. Firearms trafficking.

22 (a) A person commits firearms trafficking when he or she is  
23 prohibited under federal or State law from possessing a firearm  
24 ~~has not been issued a currently valid Firearm Owner's~~  
25 ~~Identification Card~~ and knowingly:

1 (1) brings, or causes to be brought, into this State, a  
2 firearm or firearm ammunition for the purpose of sale,  
3 delivery, or transfer to any other person or with the  
4 intent to sell, deliver, or transfer the firearm or firearm  
5 ammunition to any other person; or

6 (2) brings, or causes to be brought, into this State, a  
7 firearm and firearm ammunition for the purpose of sale,  
8 delivery, or transfer to any other person or with the  
9 intent to sell, deliver, or transfer the firearm and  
10 firearm ammunition to any other person.

11 (a-5) (Blank). ~~This Section does not apply to:~~

12 ~~(1) a person exempt under Section 2 of the Firearm~~  
13 ~~Owners Identification Card Act from the requirement of~~  
14 ~~having possession of a Firearm Owner's Identification Card~~  
15 ~~previously issued in his or her name by the Department of~~  
16 ~~State Police in order to acquire or possess a firearm or~~  
17 ~~firearm ammunition;~~

18 ~~(2) a common carrier under subsection (i) of Section~~  
19 ~~24-2 of this Code; or~~

20 ~~(3) a non-resident who may lawfully possess a firearm~~  
21 ~~in his or her resident state.~~

22 (b) Sentence.

23 (1) Firearms trafficking is a Class 1 felony for which  
24 the person, if sentenced to a term of imprisonment, shall  
25 be sentenced to not less than 4 years and not more than 20  
26 years.

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

6           (Source: P.A. 99-885, eff. 8-23-16.)

7           (720 ILCS 5/24-4.1)

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

9           (a) If a person ~~who possesses a valid Firearm Owner's~~  
10          ~~Identification Card and~~ who possesses or acquires a firearm  
11          thereafter loses the firearm, or if the firearm is stolen from  
12          the person, the person must report the loss or theft to the  
13          local law enforcement agency within 72 hours after obtaining  
14          knowledge of the loss or theft.

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

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

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

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

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

3           (d) Sentence. A person who violates this Section is guilty  
4           of a petty offense for a first violation. A second or  
5           subsequent violation of this Section is a Class A misdemeanor.  
6           (Source: P.A. 98-508, eff. 8-19-13.)

7           (720 ILCS 5/24-4.5 new)

8           Sec. 24-4.5. Dial up system.

9           (a) The Illinois State Police shall provide a dial up  
10          telephone system or utilize other existing technology which  
11          shall be used by any federally licensed firearm dealer, gun  
12          show promoter, or gun show vendor who is to transfer a firearm,  
13          stun gun, or taser under the provisions of this Code. The  
14          Illinois State Police may utilize existing technology which  
15          allows the caller to be charged a fee not to exceed \$2. Fees  
16          collected by the Illinois State Police shall be deposited in  
17          the State Police Services Fund and used to provide the service.

18          (b) Upon receiving a request from a federally licensed  
19          firearm dealer, gun show promoter, or gun show vendor, the  
20          Illinois State Police shall immediately approve, or within the  
21          time period established by Section 24-3 of this Code regarding  
22          the delivery of firearms, stun guns, and tasers notify the  
23          inquiring dealer, gun show promoter, or gun show vendor of any  
24          objection that would disqualify the transferee from acquiring  
25          or possessing a firearm, stun gun, or taser. In conducting the

1 inquiry, the Illinois State Police shall initiate and complete  
2 an automated search of its criminal history record information  
3 files and those of the Federal Bureau of Investigation,  
4 including the National Instant Criminal Background Check  
5 System, and of the files of the Department of Human Services  
6 relating to mental health and developmental disabilities to  
7 obtain any felony conviction or patient hospitalization  
8 information which would disqualify a person from obtaining a  
9 firearm.

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

12 (1) assign a unique identification number to the  
13 transfer; and

14 (2) provide the licensee, gun show promoter, or gun  
15 show vendor with the number.

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

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

22 (2) The Illinois State Police and the Department of Human  
23 Services shall, in accordance with State and federal law  
24 regarding confidentiality, enter into a memorandum of  
25 understanding with the Federal Bureau of Investigation for the  
26 purpose of implementing the National Instant Criminal

1 Background Check System in the State. The Illinois State Police  
2 shall report the name, date of birth, and physical description  
3 of any person prohibited from possessing a firearm under this  
4 Code or 18 U.S.C. 922(g) and (n) to the National Instant  
5 Criminal Background Check System Index, Denied Persons Files.

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

8 (720 ILCS 5/24-9)

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

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

19 (1) secured by a device or mechanism, other than the  
20 firearm safety, designed to render a firearm temporarily  
21 inoperable; or

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

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

1 (b) Sentence. A person who violates this Section is guilty  
2 of a Class C misdemeanor and shall be fined not less than  
3 \$1,000. A second or subsequent violation of this Section is a  
4 Class A misdemeanor.

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

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

9 (2) to any firearm obtained by a minor under the age of  
10 14 because of an unlawful entry of the premises by the  
11 minor or another person.

12 (d) (Blank). ~~For the purposes of this Section, "firearm"~~  
13 ~~has the meaning ascribed to it in Section 1.1 of the Firearm~~  
14 ~~Owners Identification Card Act.~~

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

16 Section 85. The Methamphetamine Control and Community  
17 Protection Act is amended by changing Section 10 as follows:

18 (720 ILCS 646/10)

19 Sec. 10. Definitions. As used in this Act:

20 "Anhydrous ammonia" has the meaning provided in subsection  
21 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

22 "Anhydrous ammonia equipment" means all items used to  
23 store, hold, contain, handle, transfer, transport, or apply  
24 anhydrous ammonia for lawful purposes.

1 "Booby trap" means any device designed to cause physical  
2 injury when triggered by an act of a person approaching,  
3 entering, or moving through a structure, a vehicle, or any  
4 location where methamphetamine has been manufactured, is being  
5 manufactured, or is intended to be manufactured.

6 "Deliver" or "delivery" has the meaning provided in  
7 subsection (h) of Section 102 of the Illinois Controlled  
8 Substances Act.

9 "Director" means the Director of State Police or the  
10 Director's designated agents.

11 "Dispose" or "disposal" means to abandon, discharge,  
12 release, deposit, inject, dump, spill, leak, or place  
13 methamphetamine waste onto or into any land, water, or well of  
14 any type so that the waste has the potential to enter the  
15 environment, be emitted into the air, or be discharged into the  
16 soil or any waters, including groundwater.

17 "Emergency response" means the act of collecting evidence  
18 from or securing a methamphetamine laboratory site,  
19 methamphetamine waste site or other methamphetamine-related  
20 site and cleaning up the site, whether these actions are  
21 performed by public entities or private contractors paid by  
22 public entities.

23 "Emergency service provider" means a local, State, or  
24 federal peace officer, firefighter, emergency medical  
25 technician-ambulance, emergency medical  
26 technician-intermediate, emergency medical



1 technician-paramedic, ambulance driver, or other medical or  
2 first aid personnel rendering aid, or any agent or designee of  
3 the foregoing.

4 "Finished methamphetamine" means methamphetamine in a form  
5 commonly used for personal consumption.

6 "Firearm" has the meaning provided in Section 2-7.5 of the  
7 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~  
8 ~~Card Act.~~

9 "Manufacture" means to produce, prepare, compound,  
10 convert, process, synthesize, concentrate, purify, separate,  
11 extract, or package any methamphetamine, methamphetamine  
12 precursor, methamphetamine manufacturing catalyst,  
13 methamphetamine manufacturing reagent, methamphetamine  
14 manufacturing solvent, or any substance containing any of the  
15 foregoing.

16 "Methamphetamine" means the chemical methamphetamine (a  
17 Schedule II controlled substance under the Illinois Controlled  
18 Substances Act) or any salt, optical isomer, salt of optical  
19 isomer, or analog thereof, with the exception of  
20 3,4-Methylenedioxymethamphetamine (MDMA) or any other  
21 scheduled substance with a separate listing under the Illinois  
22 Controlled Substances Act.

23 "Methamphetamine manufacturing catalyst" means any  
24 substance that has been used, is being used, or is intended to  
25 be used to activate, accelerate, extend, or improve a chemical  
26 reaction involved in the manufacture of methamphetamine.

1 "Methamphetamine manufacturing environment" means a  
2 structure or vehicle in which:

3 (1) methamphetamine is being or has been manufactured;

4 (2) chemicals that are being used, have been used, or  
5 are intended to be used to manufacture methamphetamine are  
6 stored;

7 (3) methamphetamine manufacturing materials that have  
8 been used to manufacture methamphetamine are stored; or

9 (4) methamphetamine manufacturing waste is stored.

10 "Methamphetamine manufacturing material" means any  
11 methamphetamine precursor, substance containing any  
12 methamphetamine precursor, methamphetamine manufacturing  
13 catalyst, substance containing any methamphetamine  
14 manufacturing catalyst, methamphetamine manufacturing reagent,  
15 substance containing any methamphetamine manufacturing  
16 reagent, methamphetamine manufacturing solvent, substance  
17 containing any methamphetamine manufacturing solvent, or any  
18 other chemical, substance, ingredient, equipment, apparatus,  
19 or item that is being used, has been used, or is intended to be  
20 used in the manufacture of methamphetamine.

21 "Methamphetamine manufacturing reagent" means any  
22 substance other than a methamphetamine manufacturing catalyst  
23 that has been used, is being used, or is intended to be used to  
24 react with and chemically alter any methamphetamine precursor.

25 "Methamphetamine manufacturing solvent" means any  
26 substance that has been used, is being used, or is intended to

1 be used as a medium in which any methamphetamine precursor,  
2 methamphetamine manufacturing catalyst, methamphetamine  
3 manufacturing reagent, or any substance containing any of the  
4 foregoing is dissolved, diluted, or washed during any part of  
5 the methamphetamine manufacturing process.

6 "Methamphetamine manufacturing waste" means any chemical,  
7 substance, ingredient, equipment, apparatus, or item that is  
8 left over from, results from, or is produced by the process of  
9 manufacturing methamphetamine, other than finished  
10 methamphetamine.

11 "Methamphetamine precursor" means ephedrine,  
12 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,  
13 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical  
14 isomer, or salt of an optical isomer of any of these chemicals.

15 "Multi-unit dwelling" means a unified structure used or  
16 intended for use as a habitation, home, or residence that  
17 contains 2 or more condominiums, apartments, hotel rooms, motel  
18 rooms, or other living units.

19 "Package" means an item marked for retail sale that is not  
20 designed to be further broken down or subdivided for the  
21 purpose of retail sale.

22 "Participate" or "participation" in the manufacture of  
23 methamphetamine means to produce, prepare, compound, convert,  
24 process, synthesize, concentrate, purify, separate, extract,  
25 or package any methamphetamine, methamphetamine precursor,  
26 methamphetamine manufacturing catalyst, methamphetamine

1 manufacturing reagent, methamphetamine manufacturing solvent,  
2 or any substance containing any of the foregoing, or to assist  
3 in any of these actions, or to attempt to take any of these  
4 actions, regardless of whether this action or these actions  
5 result in the production of finished methamphetamine.

6 "Person with a disability" means a person who suffers from  
7 a permanent physical or mental impairment resulting from  
8 disease, injury, functional disorder, or congenital condition  
9 which renders the person incapable of adequately providing for  
10 his or her own health and personal care.

11 "Procure" means to purchase, steal, gather, or otherwise  
12 obtain, by legal or illegal means, or to cause another to take  
13 such action.

14 "Second or subsequent offense" means an offense under this  
15 Act committed by an offender who previously committed an  
16 offense under this Act, the Illinois Controlled Substances Act,  
17 the Cannabis Control Act, or another Act of this State, another  
18 state, or the United States relating to methamphetamine,  
19 cannabis, or any other controlled substance.

20 "Standard dosage form", as used in relation to any  
21 methamphetamine precursor, means that the methamphetamine  
22 precursor is contained in a pill, tablet, capsule, caplet, gel  
23 cap, or liquid cap that has been manufactured by a lawful  
24 entity and contains a standard quantity of methamphetamine  
25 precursor.

26 "Unauthorized container", as used in relation to anhydrous

1 ammonia, means any container that is not designed for the  
2 specific and sole purpose of holding, storing, transporting, or  
3 applying anhydrous ammonia. "Unauthorized container" includes,  
4 but is not limited to, any propane tank, fire extinguisher,  
5 oxygen cylinder, gasoline can, food or beverage cooler, or  
6 compressed gas cylinder used in dispensing fountain drinks.  
7 "Unauthorized container" does not encompass anhydrous ammonia  
8 manufacturing plants, refrigeration systems where anhydrous  
9 ammonia is used solely as a refrigerant, anhydrous ammonia  
10 transportation pipelines, anhydrous ammonia tankers, or  
11 anhydrous ammonia barges.

12 (Source: P.A. 97-434, eff. 1-1-12.)

13 Section 90. The Code of Criminal Procedure of 1963 is  
14 amended by changing Sections 102-7.1, 110-10, 112A-11.1,  
15 112A-11.2, 112A-14, and 112A-14.7 as follows:

16 (725 ILCS 5/102-7.1)

17 Sec. 102-7.1. "Category A offense". "Category A offense"  
18 means a Class 1 felony, Class 2 felony, Class X felony, first  
19 degree murder, a violation of Section 11-204 of the Illinois  
20 Vehicle Code, a second or subsequent violation of Section  
21 11-501 of the Illinois Vehicle Code, a violation of subsection  
22 (d) of Section 11-501 of the Illinois Vehicle Code, a violation  
23 of Section 11-401 of the Illinois Vehicle Code if the accident  
24 results in injury and the person failed to report the accident

1 within 30 minutes, a violation of Section 9-3, 9-3.4, 10-3,  
2 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5, 11-25, 12-2,  
3 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5, 12-6, 12-7.1,  
4 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5, 24-3, 25-1,  
5 26.5-2, or 48-1 of the Criminal Code of 2012, a second or  
6 subsequent violation of 12-3.2 or 12-3.4 of the Criminal Code  
7 of 2012, a violation of paragraph (5) or (6) of subsection (b)  
8 of Section 10-9 of the Criminal Code of 2012, a violation of  
9 subsection (b) or (c) or paragraph (1) or (2) of subsection (a)  
10 of Section 11-1.50 of the Criminal Code of 2012, a violation of  
11 Section 12-7 of the Criminal Code of 2012 if the defendant  
12 inflicts bodily harm on the victim to obtain a confession,  
13 statement, or information, a violation of Section 12-7.5 of the  
14 Criminal Code of 2012 if the action results in bodily harm, a  
15 violation of paragraph (3) of subsection (b) of Section 17-2 of  
16 the Criminal Code of 2012, a violation of subdivision  
17 (a)(7)(ii) of Section 24-1 of the Criminal Code of 2012, a  
18 violation of paragraph (6) of subsection (a) of Section 24-1 of  
19 the Criminal Code of 2012, a first violation of Section 24-1.6  
20 of the Criminal Code of 2012 by a person 18 years of age or  
21 older where the factors listed in both items (A) and (C) or  
22 both items (A-5) and (C) of paragraph (3) of subsection (a) of  
23 Section 24-1.6 of the Criminal Code of 2012 are present, a  
24 Class 3 felony violation of paragraph (1) of subsection (a) of  
25 Section 2 of the Firearm Owners Identification Card Act  
26 committed before the effective date of this amendatory Act of

1 the 101st General Assembly, or a violation of Section 10 of the  
2 Sex Offender Registration Act.

3 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

4 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

5 Sec. 110-10. Conditions of bail bond.

6 (a) If a person is released prior to conviction, either  
7 upon payment of bail security or on his or her own  
8 recognizance, the conditions of the bail bond shall be that he  
9 or she will:

10 (1) Appear to answer the charge in the court having  
11 jurisdiction on a day certain and thereafter as ordered by  
12 the court until discharged or final order of the court;

13 (2) Submit himself or herself to the orders and process  
14 of the court;

15 (3) Not depart this State without leave of the court;

16 (4) Not violate any criminal statute of any  
17 jurisdiction;

18 (5) At a time and place designated by the court,  
19 surrender all firearms in his or her possession to a law  
20 enforcement officer designated by the court to take custody  
21 of and impound the firearms ~~and physically surrender his or~~  
22 ~~her Firearm Owner's Identification Card to the clerk of the~~  
23 ~~circuit court~~ when the offense the person has been charged  
24 with is a forcible felony, stalking, aggravated stalking,  
25 domestic battery, any violation of the Illinois Controlled

1 Substances Act, the Methamphetamine Control and Community  
2 Protection Act, or the Cannabis Control Act that is  
3 classified as a Class 2 or greater felony, or any felony  
4 violation of Article 24 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012; the court may, however, forgo the  
6 imposition of this condition when the circumstances of the  
7 case clearly do not warrant it or when its imposition would  
8 be impractical; ~~if the Firearm Owner's Identification Card~~  
9 ~~is confiscated, the clerk of the circuit court shall mail~~  
10 ~~the confiscated card to the Illinois State Police;~~ all  
11 legally possessed firearms shall be returned to the person  
12 upon the charges being dismissed, or if the person is found  
13 not guilty, unless the finding of not guilty is by reason  
14 of insanity; and

15 (6) At a time and place designated by the court, submit  
16 to a psychological evaluation when the person has been  
17 charged with a violation of item (4) of subsection (a) of  
18 Section 24-1 of the Criminal Code of 1961 or the Criminal  
19 Code of 2012 and that violation occurred in a school or in  
20 any conveyance owned, leased, or contracted by a school to  
21 transport students to or from school or a school-related  
22 activity, or on any public way within 1,000 feet of real  
23 property comprising any school.

24 Psychological evaluations ordered pursuant to this Section  
25 shall be completed promptly and made available to the State,  
26 the defendant, and the court. As a further condition of bail



1 under these circumstances, the court shall order the defendant  
2 to refrain from entering upon the property of the school,  
3 including any conveyance owned, leased, or contracted by a  
4 school to transport students to or from school or a  
5 school-related activity, or on any public way within 1,000 feet  
6 of real property comprising any school. Upon receipt of the  
7 psychological evaluation, either the State or the defendant may  
8 request a change in the conditions of bail, pursuant to Section  
9 110-6 of this Code. The court may change the conditions of bail  
10 to include a requirement that the defendant follow the  
11 recommendations of the psychological evaluation, including  
12 undergoing psychiatric treatment. The conclusions of the  
13 psychological evaluation and any statements elicited from the  
14 defendant during its administration are not admissible as  
15 evidence of guilt during the course of any trial on the charged  
16 offense, unless the defendant places his or her mental  
17 competency in issue.

18 (b) The court may impose other conditions, such as the  
19 following, if the court finds that such conditions are  
20 reasonably necessary to assure the defendant's appearance in  
21 court, protect the public from the defendant, or prevent the  
22 defendant's unlawful interference with the orderly  
23 administration of justice:

24 (1) Report to or appear in person before such person or  
25 agency as the court may direct;

26 (2) Refrain from possessing a firearm or other

1 dangerous weapon;

2 (3) Refrain from approaching or communicating with  
3 particular persons or classes of persons;

4 (4) Refrain from going to certain described  
5 geographical areas or premises;

6 (5) Refrain from engaging in certain activities or  
7 indulging in intoxicating liquors or in certain drugs;

8 (6) Undergo treatment for drug addiction or  
9 alcoholism;

10 (7) Undergo medical or psychiatric treatment;

11 (8) Work or pursue a course of study or vocational  
12 training;

13 (9) Attend or reside in a facility designated by the  
14 court;

15 (10) Support his or her dependents;

16 (11) If a minor resides with his or her parents or in a  
17 foster home, attend school, attend a non-residential  
18 program for youths, and contribute to his or her own  
19 support at home or in a foster home;

20 (12) Observe any curfew ordered by the court;

21 (13) Remain in the custody of such designated person or  
22 organization agreeing to supervise his release. Such third  
23 party custodian shall be responsible for notifying the  
24 court if the defendant fails to observe the conditions of  
25 release which the custodian has agreed to monitor, and  
26 shall be subject to contempt of court for failure so to

1           notify the court;

2           (14) Be placed under direct supervision of the Pretrial  
3           Services Agency, Probation Department or Court Services  
4           Department in a pretrial bond home supervision capacity  
5           with or without the use of an approved electronic  
6           monitoring device subject to Article 8A of Chapter V of the  
7           Unified Code of Corrections;

8           (14.1) The court shall impose upon a defendant who is  
9           charged with any alcohol, cannabis, methamphetamine, or  
10          controlled substance violation and is placed under direct  
11          supervision of the Pretrial Services Agency, Probation  
12          Department or Court Services Department in a pretrial bond  
13          home supervision capacity with the use of an approved  
14          monitoring device, as a condition of such bail bond, a fee  
15          that represents costs incidental to the electronic  
16          monitoring for each day of such bail supervision ordered by  
17          the court, unless after determining the inability of the  
18          defendant to pay the fee, the court assesses a lesser fee  
19          or no fee as the case may be. The fee shall be collected by  
20          the clerk of the circuit court, except as provided in an  
21          administrative order of the Chief Judge of the circuit  
22          court. The clerk of the circuit court shall pay all monies  
23          collected from this fee to the county treasurer for deposit  
24          in the substance abuse services fund under Section 5-1086.1  
25          of the Counties Code, except as provided in an  
26          administrative order of the Chief Judge of the circuit

1 court.

2 The Chief Judge of the circuit court of the county may  
3 by administrative order establish a program for electronic  
4 monitoring of offenders with regard to drug-related and  
5 alcohol-related offenses, in which a vendor supplies and  
6 monitors the operation of the electronic monitoring  
7 device, and collects the fees on behalf of the county. The  
8 program shall include provisions for indigent offenders  
9 and the collection of unpaid fees. The program shall not  
10 unduly burden the offender and shall be subject to review  
11 by the Chief Judge.

12 The Chief Judge of the circuit court may suspend any  
13 additional charges or fees for late payment, interest, or  
14 damage to any device;

15 (14.2) The court shall impose upon all defendants,  
16 including those defendants subject to paragraph (14.1)  
17 above, placed under direct supervision of the Pretrial  
18 Services Agency, Probation Department or Court Services  
19 Department in a pretrial bond home supervision capacity  
20 with the use of an approved monitoring device, as a  
21 condition of such bail bond, a fee which shall represent  
22 costs incidental to such electronic monitoring for each day  
23 of such bail supervision ordered by the court, unless after  
24 determining the inability of the defendant to pay the fee,  
25 the court assesses a lesser fee or no fee as the case may  
26 be. The fee shall be collected by the clerk of the circuit

1 court, except as provided in an administrative order of the  
2 Chief Judge of the circuit court. The clerk of the circuit  
3 court shall pay all monies collected from this fee to the  
4 county treasurer who shall use the monies collected to  
5 defray the costs of corrections. The county treasurer shall  
6 deposit the fee collected in the county working cash fund  
7 under Section 6-27001 or Section 6-29002 of the Counties  
8 Code, as the case may be, except as provided in an  
9 administrative order of the Chief Judge of the circuit  
10 court.

11 The Chief Judge of the circuit court of the county may  
12 by administrative order establish a program for electronic  
13 monitoring of offenders with regard to drug-related and  
14 alcohol-related offenses, in which a vendor supplies and  
15 monitors the operation of the electronic monitoring  
16 device, and collects the fees on behalf of the county. The  
17 program shall include provisions for indigent offenders  
18 and the collection of unpaid fees. The program shall not  
19 unduly burden the offender and shall be subject to review  
20 by the Chief Judge.

21 The Chief Judge of the circuit court may suspend any  
22 additional charges or fees for late payment, interest, or  
23 damage to any device;

24 (14.3) The Chief Judge of the Judicial Circuit may  
25 establish reasonable fees to be paid by a person receiving  
26 pretrial services while under supervision of a pretrial

1 services agency, probation department, or court services  
2 department. Reasonable fees may be charged for pretrial  
3 services including, but not limited to, pretrial  
4 supervision, diversion programs, electronic monitoring,  
5 victim impact services, drug and alcohol testing, DNA  
6 testing, GPS electronic monitoring, assessments and  
7 evaluations related to domestic violence and other  
8 victims, and victim mediation services. The person  
9 receiving pretrial services may be ordered to pay all costs  
10 incidental to pretrial services in accordance with his or  
11 her ability to pay those costs;

12 (14.4) For persons charged with violating Section  
13 11-501 of the Illinois Vehicle Code, refrain from operating  
14 a motor vehicle not equipped with an ignition interlock  
15 device, as defined in Section 1-129.1 of the Illinois  
16 Vehicle Code, pursuant to the rules promulgated by the  
17 Secretary of State for the installation of ignition  
18 interlock devices. Under this condition the court may allow  
19 a defendant who is not self-employed to operate a vehicle  
20 owned by the defendant's employer that is not equipped with  
21 an ignition interlock device in the course and scope of the  
22 defendant's employment;

23 (15) Comply with the terms and conditions of an order  
24 of protection issued by the court under the Illinois  
25 Domestic Violence Act of 1986 or an order of protection  
26 issued by the court of another state, tribe, or United

1 States territory;

2 (16) Under Section 110-6.5 comply with the conditions  
3 of the drug testing program; and

4 (17) Such other reasonable conditions as the court may  
5 impose.

6 (c) When a person is charged with an offense under Section  
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
8 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
9 Criminal Code of 2012, involving a victim who is a minor under  
10 18 years of age living in the same household with the defendant  
11 at the time of the offense, in granting bail or releasing the  
12 defendant on his own recognizance, the judge shall impose  
13 conditions to restrict the defendant's access to the victim  
14 which may include, but are not limited to conditions that he  
15 will:

16 1. Vacate the household.

17 2. Make payment of temporary support to his dependents.

18 3. Refrain from contact or communication with the child  
19 victim, except as ordered by the court.

20 (d) When a person is charged with a criminal offense and  
21 the victim is a family or household member as defined in  
22 Article 112A, conditions shall be imposed at the time of the  
23 defendant's release on bond that restrict the defendant's  
24 access to the victim. Unless provided otherwise by the court,  
25 the restrictions shall include requirements that the defendant  
26 do the following:

1           (1) refrain from contact or communication with the  
2           victim for a minimum period of 72 hours following the  
3           defendant's release; and

4           (2) refrain from entering or remaining at the victim's  
5           residence for a minimum period of 72 hours following the  
6           defendant's release.

7           (e) Local law enforcement agencies shall develop  
8           standardized bond forms for use in cases involving family or  
9           household members as defined in Article 112A, including  
10          specific conditions of bond as provided in subsection (d).  
11          Failure of any law enforcement department to develop or use  
12          those forms shall in no way limit the applicability and  
13          enforcement of subsections (d) and (f).

14          (f) If the defendant is admitted to bail after conviction  
15          the conditions of the bail bond shall be that he will, in  
16          addition to the conditions set forth in subsections (a) and (b)  
17          hereof:

18                 (1) Duly prosecute his appeal;

19                 (2) Appear at such time and place as the court may  
20                 direct;

21                 (3) Not depart this State without leave of the court;

22                 (4) Comply with such other reasonable conditions as the  
23                 court may impose; and

24                 (5) If the judgment is affirmed or the cause reversed  
25                 and remanded for a new trial, forthwith surrender to the  
26                 officer from whose custody he was bailed.



1 (g) Upon a finding of guilty for any felony offense, the  
2 defendant shall physically surrender, at a time and place  
3 designated by the court, any and all firearms in his or her  
4 possession ~~and his or her Firearm Owner's Identification Card~~  
5 as a condition of remaining on bond pending sentencing.

6 (h) In the event the defendant is unable to post bond, the  
7 court may impose a no contact provision with the victim or  
8 other interested party that shall be enforced while the  
9 defendant remains in custody.

10 (Source: P.A. 101-138, eff. 1-1-20.)

11 (725 ILCS 5/112A-11.1)

12 Sec. 112A-11.1. Procedure for determining whether certain  
13 misdemeanor crimes are crimes of domestic violence for purposes  
14 of federal law.

15 (a) When a defendant has been charged with a violation of  
16 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the  
17 Criminal Code of 1961 or the Criminal Code of 2012, the State  
18 may, at arraignment or no later than 45 days after arraignment,  
19 for the purpose of notification to the Department of State  
20 Police ~~Firearm Owner's Identification Card Office~~, serve on the  
21 defendant and file with the court a notice alleging that  
22 conviction of the offense would subject the defendant to the  
23 prohibitions of 18 U.S.C. 922(g)(9) because of the relationship  
24 between the defendant and the alleged victim and the nature of  
25 the alleged offense.

1 (b) The notice shall include the name of the person alleged  
2 to be the victim of the crime and shall specify the nature of  
3 the alleged relationship as set forth in 18 U.S.C.  
4 921(a)(33)(A)(ii). It shall also specify the element of the  
5 charged offense which requires the use or attempted use of  
6 physical force, or the threatened use of a deadly weapon, as  
7 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include  
8 notice that the defendant is entitled to a hearing on the  
9 allegation contained in the notice and that if the allegation  
10 is sustained, that determination and conviction shall be  
11 reported to the Department of State Police ~~Firearm Owner's~~  
12 ~~Identification Card Office.~~

13 (c) After having been notified as provided in subsection  
14 (b) of this Section, the defendant may stipulate or admit,  
15 orally on the record or in writing, that conviction of the  
16 offense would subject the defendant to the prohibitions of 18  
17 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.  
18 922(g)(9) shall be deemed established for purposes of Section  
19 112A-11.2. If the defendant denies the applicability of 18  
20 U.S.C. 922(g)(9) as alleged in the notice served by the State,  
21 or stands mute with respect to that allegation, then the State  
22 shall bear the burden to prove beyond a reasonable doubt that  
23 the offense is one to which the prohibitions of 18 U.S.C.  
24 922(g)(9) apply. The court may consider reliable hearsay  
25 evidence submitted by either party provided that it is relevant  
26 to the determination of the allegation. Facts previously proven

1 at trial or elicited at the time of entry of a plea of guilty  
2 shall be deemed established beyond a reasonable doubt and shall  
3 not be relitigated. At the conclusion of the hearing, or upon a  
4 stipulation or admission, as applicable, the court shall make a  
5 specific written determination with respect to the allegation.

6 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

7 (725 ILCS 5/112A-11.2)

8 Sec. 112A-11.2. Notification to the Department of State  
9 Police ~~Firearm Owner's Identification Card Office~~ of  
10 determinations in certain misdemeanor cases. Upon judgment of  
11 conviction of a violation of Section 12-1, 12-2, 12-3, 12-3.2,  
12 12-3.4, or 12-3.5 of the Criminal Code of 1961 or the Criminal  
13 Code of 2012 when the defendant has been determined, under  
14 Section 112A-11.1, to be subject to the prohibitions of 18  
15 U.S.C. 922(g)(9), the circuit court clerk shall include  
16 notification and a copy of the written determination in a  
17 report of the conviction to the Department of State Police  
18 ~~Firearm Owner's Identification Card Office~~ to enable the office  
19 to report that determination to the Federal Bureau of  
20 Investigation and assist the Bureau in identifying persons  
21 prohibited from purchasing and possessing a firearm pursuant to  
22 the provisions of 18 U.S.C. 922.

23 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

24 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

1           Sec. 112A-14. Domestic violence order of protection;  
2 remedies.

3           (a) (Blank).

4           (b) The court may order any of the remedies listed in this  
5 subsection (b). The remedies listed in this subsection (b)  
6 shall be in addition to other civil or criminal remedies  
7 available to petitioner.

8           (1) Prohibition of abuse. Prohibit respondent's  
9 harassment, interference with personal liberty,  
10 intimidation of a dependent, physical abuse, or willful  
11 deprivation, as defined in this Article, if such abuse has  
12 occurred or otherwise appears likely to occur if not  
13 prohibited.

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

24           (A) Right to occupancy. A party has a right to  
25 occupancy of a residence or household if it is solely  
26 or jointly owned or leased by that party, that party's

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

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

23 The balance of hardships is presumed to favor  
24 possession by petitioner unless the presumption is  
25 rebutted by a preponderance of the evidence, showing  
26 that the hardships to respondent substantially

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

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

18          (A) If a domestic violence order of protection  
19          grants petitioner exclusive possession of the  
20          residence, prohibits respondent from entering the  
21          residence, or orders respondent to stay away from  
22          petitioner or other protected persons, then the court  
23          may allow respondent access to the residence to remove  
24          items of clothing and personal adornment used  
25          exclusively by respondent, medications, and other  
26          items as the court directs. The right to access shall

1 be exercised on only one occasion as the court directs  
2 and in the presence of an agreed-upon adult third party  
3 or law enforcement officer.

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

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



1           respondent is responsible for transportation and other  
2           costs associated with the transfer or change.

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

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

24          (5) Physical care and possession of the minor child. In  
25          order to protect the minor child from abuse, neglect, or  
26          unwarranted separation from the person who has been the

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

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

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

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

24 (7) Parenting time. Determine the parenting time, if  
25 any, of respondent in any case in which the court awards  
26 physical care or temporary significant decision-making

1 responsibility of a minor child to petitioner. The court  
2 shall restrict or deny respondent's parenting time with a  
3 minor child if the court finds that respondent has done or  
4 is likely to do any of the following:

5 (i) abuse or endanger the minor child during  
6 parenting time;

7 (ii) use the parenting time as an opportunity to  
8 abuse or harass petitioner or petitioner's family or  
9 household members;

10 (iii) improperly conceal or detain the minor  
11 child; or

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

14 The court shall not be limited by the standards set  
15 forth in Section 603.10 of the Illinois Marriage and  
16 Dissolution of Marriage Act. If the court grants parenting  
17 time, the order shall specify dates and times for the  
18 parenting time to take place or other specific parameters  
19 or conditions that are appropriate. No order for parenting  
20 time shall refer merely to the term "reasonable parenting  
21 time". Petitioner may deny respondent access to the minor  
22 child if, when respondent arrives for parenting time,  
23 respondent is under the influence of drugs or alcohol and  
24 constitutes a threat to the safety and well-being of  
25 petitioner or petitioner's minor children or is behaving in  
26 a violent or abusive manner. If necessary to protect any

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

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

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

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

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

25 (ii) the petitioner and respondent own the  
26 property jointly; sharing it would risk abuse of

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

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

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

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

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

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

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

1 now or hereafter amended.

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

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

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

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

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

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

23 (ii) Recovery of expenses. In the case of an  
24 improper concealment or removal of a minor child, the  
25 court may order respondent to pay the reasonable  
26 expenses incurred or to be incurred in the search for

1 and recovery of the minor child, including, but not  
2 limited to, legal fees, court costs, private  
3 investigator fees, and travel costs.

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

9 (14.5) Prohibition of firearm possession.

10 (A) A person who is subject to an existing domestic  
11 violence order of protection issued under this Code may  
12 not lawfully possess firearms, stun guns, or tasers  
13 ~~weapons under Section 8.2 of the Firearm Owners~~  
14 ~~Identification Card Act.~~

15 (B) Any firearms in the possession of the  
16 respondent, except as provided in subparagraph (C) of  
17 this paragraph (14.5), shall be ordered by the court to  
18 be turned over to a person who is not prohibited under  
19 State or federal law from possessing firearms with a  
20 ~~valid Firearm Owner's Identification Card for~~  
21 ~~safekeeping. The court shall issue an order that the~~  
22 ~~respondent's Firearm Owner's Identification Card be~~  
23 ~~turned over to the local law enforcement agency, which~~  
24 ~~in turn shall immediately mail the card to the~~  
25 ~~Department of State Police Firearm Owner's~~  
26 ~~Identification Card Office for safekeeping. The period~~



1 of safekeeping shall be for the duration of the  
2 domestic violence order of protection. The firearm ~~or~~  
3 ~~firearms and Firearm Owner's Identification Card, if~~  
4 ~~unexpired,~~ shall at the respondent's request be  
5 returned to the respondent at expiration of the  
6 domestic violence order of protection.

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

15 (D) Upon expiration of the period of safekeeping,  
16 if the firearms ~~or Firearm Owner's Identification Card~~  
17 cannot be returned to respondent because respondent  
18 cannot be located, fails to respond to requests to  
19 retrieve the firearms, or is not lawfully eligible to  
20 possess a firearm, upon petition from the local law  
21 enforcement agency, the court may order the local law  
22 enforcement agency to destroy the firearms, use the  
23 firearms for training purposes, or for any other  
24 application as deemed appropriate by the local law  
25 enforcement agency; or that the firearms be turned over  
26 to a third party who is lawfully eligible to possess

1 firearms, and who does not reside with respondent.

2 (15) Prohibition of access to records. If a domestic  
3 violence order of protection prohibits respondent from  
4 having contact with the minor child, or if petitioner's  
5 address is omitted under subsection (b) of Section 112A-5  
6 of this Code, or if necessary to prevent abuse or wrongful  
7 removal or concealment of a minor child, the order shall  
8 deny respondent access to, and prohibit respondent from  
9 inspecting, obtaining, or attempting to inspect or obtain,  
10 school or any other records of the minor child who is in  
11 the care of petitioner.

12 (16) Order for payment of shelter services. Order  
13 respondent to reimburse a shelter providing temporary  
14 housing and counseling services to the petitioner for the  
15 cost of the services, as certified by the shelter and  
16 deemed reasonable by the court.

17 (17) Order for injunctive relief. Enter injunctive  
18 relief necessary or appropriate to prevent further abuse of  
19 a family or household member or to effectuate one of the  
20 granted remedies, if supported by the balance of hardships.  
21 If the harm to be prevented by the injunction is abuse or  
22 any other harm that one of the remedies listed in  
23 paragraphs (1) through (16) of this subsection is designed  
24 to prevent, no further evidence is necessary to establish  
25 that the harm is an irreparable injury.

26 (18) Telephone services.

1 (A) Unless a condition described in subparagraph  
2 (B) of this paragraph exists, the court may, upon  
3 request by the petitioner, order a wireless telephone  
4 service provider to transfer to the petitioner the  
5 right to continue to use a telephone number or numbers  
6 indicated by the petitioner and the financial  
7 responsibility associated with the number or numbers,  
8 as set forth in subparagraph (C) of this paragraph. In  
9 this paragraph (18), the term "wireless telephone  
10 service provider" means a provider of commercial  
11 mobile service as defined in 47 U.S.C. 332. The  
12 petitioner may request the transfer of each telephone  
13 number that the petitioner, or a minor child in his or  
14 her custody, uses. The clerk of the court shall serve  
15 the order on the wireless telephone service provider's  
16 agent for service of process provided to the Illinois  
17 Commerce Commission. The order shall contain all of the  
18 following:

19 (i) The name and billing telephone number of  
20 the account holder including the name of the  
21 wireless telephone service provider that serves  
22 the account.

23 (ii) Each telephone number that will be  
24 transferred.

25 (iii) A statement that the provider transfers  
26 to the petitioner all financial responsibility for

1           and right to the use of any telephone number  
2           transferred under this paragraph.

3           (B) A wireless telephone service provider shall  
4           terminate the respondent's use of, and shall transfer  
5           to the petitioner use of, the telephone number or  
6           numbers indicated in subparagraph (A) of this  
7           paragraph unless it notifies the petitioner, within 72  
8           hours after it receives the order, that one of the  
9           following applies:

10                  (i) The account holder named in the order has  
11                  terminated the account.

12                  (ii) A difference in network technology would  
13                  prevent or impair the functionality of a device on  
14                  a network if the transfer occurs.

15                  (iii) The transfer would cause a geographic or  
16                  other limitation on network or service provision  
17                  to the petitioner.

18                  (iv) Another technological or operational  
19                  issue would prevent or impair the use of the  
20                  telephone number if the transfer occurs.

21           (C) The petitioner assumes all financial  
22           responsibility for and right to the use of any  
23           telephone number transferred under this paragraph. In  
24           this paragraph, "financial responsibility" includes  
25           monthly service costs and costs associated with any  
26           mobile device associated with the number.

1 (D) A wireless telephone service provider may  
2 apply to the petitioner its routine and customary  
3 requirements for establishing an account or  
4 transferring a number, including requiring the  
5 petitioner to provide proof of identification,  
6 financial information, and customer preferences.

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

11 (F) All wireless service providers that provide  
12 services to residential customers shall provide to the  
13 Illinois Commerce Commission the name and address of an  
14 agent for service of orders entered under this  
15 paragraph (18). Any change in status of the registered  
16 agent must be reported to the Illinois Commerce  
17 Commission within 30 days of such change.

18 (G) The Illinois Commerce Commission shall  
19 maintain the list of registered agents for service for  
20 each wireless telephone service provider on the  
21 Commission's website. The Commission may consult with  
22 wireless telephone service providers and the Circuit  
23 Court Clerks on the manner in which this information is  
24 provided and displayed.

25 (c) Relevant factors; findings.

26 (1) In determining whether to grant a specific remedy,

1 other than payment of support, the court shall consider  
2 relevant factors, including, but not limited to, the  
3 following:

4 (i) the nature, frequency, severity, pattern, and  
5 consequences of the respondent's past abuse of the  
6 petitioner or any family or household member,  
7 including the concealment of his or her location in  
8 order to evade service of process or notice, and the  
9 likelihood of danger of future abuse to petitioner or  
10 any member of petitioner's or respondent's family or  
11 household; and

12 (ii) the danger that any minor child will be abused  
13 or neglected or improperly relocated from the  
14 jurisdiction, improperly concealed within the State,  
15 or improperly separated from the child's primary  
16 caretaker.

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

21 (i) availability, accessibility, cost, safety,  
22 adequacy, location, and other characteristics of  
23 alternate housing for each party and any minor child or  
24 dependent adult in the party's care;

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

26 (iii) the effect on the relationship of the party,

1 and any minor child or dependent adult in the party's  
2 care, to family, school, church, and community.

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

7 (i) That the court has considered the applicable  
8 relevant factors described in paragraphs (1) and (2) of  
9 this subsection (c).

10 (ii) Whether the conduct or actions of respondent,  
11 unless prohibited, will likely cause irreparable harm  
12 or continued abuse.

13 (iii) Whether it is necessary to grant the  
14 requested relief in order to protect petitioner or  
15 other alleged abused persons.

16 (4) (Blank).

17 (5) Never married parties. No rights or  
18 responsibilities for a minor child born outside of marriage  
19 attach to a putative father until a father and child  
20 relationship has been established under the Illinois  
21 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
22 the Illinois Public Aid Code, Section 12 of the Vital  
23 Records Act, the Juvenile Court Act of 1987, the Probate  
24 Act of 1975, the Uniform Interstate Family Support Act, the  
25 Expedited Child Support Act of 1990, any judicial,  
26 administrative, or other act of another state or territory,

1 any other statute of this State, or by any foreign nation  
2 establishing the father and child relationship, any other  
3 proceeding substantially in conformity with the federal  
4 Personal Responsibility and Work Opportunity  
5 Reconciliation Act of 1996, or when both parties appeared  
6 in open court or at an administrative hearing acknowledging  
7 under oath or admitting by affirmation the existence of a  
8 father and child relationship. Absent such an  
9 adjudication, no putative father shall be granted  
10 temporary allocation of parental responsibilities,  
11 including parenting time with the minor child, or physical  
12 care and possession of the minor child, nor shall an order  
13 of payment for support of the minor child be entered.

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

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

25 (1) respondent has cause for any use of force, unless  
26 that cause satisfies the standards for justifiable use of



1 force provided by Article 7 of the Criminal Code of 2012;

2 (2) respondent was voluntarily intoxicated;

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

7 (4) petitioner did not act in self-defense or defense  
8 of another;

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

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

13 (7) conduct by any family or household member excused  
14 the abuse by respondent, unless that same conduct would  
15 have excused such abuse if the parties had not been family  
16 or household members.

17 (Source: P.A. 100-199, eff. 1-1-18; 100-388, eff. 1-1-18;  
18 100-597, eff. 6-29-18; 100-863, eff. 8-14-18; 100-923, eff.  
19 1-1-19; 101-81, eff. 7-12-19.)

20 (725 ILCS 5/112A-14.7)

21 Sec. 112A-14.7. Stalking no contact order; remedies.

22 (a) The court may order any of the remedies listed in this  
23 Section. The remedies listed in this Section shall be in  
24 addition to other civil or criminal remedies available to  
25 petitioner. A stalking no contact order shall order one or more

1 of the following:

2 (1) prohibit the respondent from threatening to commit  
3 or committing stalking;

4 (2) order the respondent not to have any contact with  
5 the petitioner or a third person specifically named by the  
6 court;

7 (3) prohibit the respondent from knowingly coming  
8 within, or knowingly remaining within a specified distance  
9 of the petitioner or the petitioner's residence, school,  
10 daycare, or place of employment, or any specified place  
11 frequented by the petitioner; however, the court may order  
12 the respondent to stay away from the respondent's own  
13 residence, school, or place of employment only if the  
14 respondent has been provided actual notice of the  
15 opportunity to appear and be heard on the petition;

16 (4) prohibit the respondent from ~~possessing a Firearm~~  
17 ~~Owners Identification Card, or~~ possessing or buying  
18 firearms; and

19 (5) order other injunctive relief the court determines  
20 to be necessary to protect the petitioner or third party  
21 specifically named by the court.

22 (b) When the petitioner and the respondent attend the same  
23 public, private, or non-public elementary, middle, or high  
24 school, the court when issuing a stalking no contact order and  
25 providing relief shall consider the severity of the act, any  
26 continuing physical danger or emotional distress to the

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

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

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

22 (d) The court shall not hold a school district or private  
23 or non-public school or any of its employees in civil or  
24 criminal contempt unless the school district or private or  
25 non-public school has been allowed to intervene.

26 (e) The court may hold the parents, guardian, or legal

1 custodian of a minor respondent in civil or criminal contempt  
2 for a violation of any provision of any order entered under  
3 this Article for conduct of the minor respondent in violation  
4 of this Article if the parents, guardian, or legal custodian  
5 directed, encouraged, or assisted the respondent minor in the  
6 conduct.

7 (f) Monetary damages are not recoverable as a remedy.

8 (g) If the stalking no contact order prohibits the  
9 respondent from ~~possessing a Firearm Owner's Identification~~  
10 ~~Card, or~~ possessing or buying firearms; the court shall  
11 confiscate the respondent's firearms ~~Firearm Owner's~~  
12 ~~Identification Card and immediately return the card to the~~  
13 ~~Department of State Police Firearm Owner's Identification Card~~  
14 ~~Office.~~

15 (Source: P.A. 100-199, eff. 1-1-18.)

16 Section 95. The Unified Code of Corrections is amended by  
17 changing Sections 5-4.5-110, 5-5-3, 5-5-3.2, and 5-6-3 as  
18 follows:

19 (730 ILCS 5/5-4.5-110)

20 (Section scheduled to be repealed on January 1, 2023)

21 Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH  
22 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

23 (a) DEFINITIONS. For the purposes of this Section:

24 "Firearm" has the meaning ascribed to it in Section

1        2-7.5 of the Criminal Code of 2012 ~~Section 1.1 of the~~  
2        ~~Firearm Owners Identification Card Act.~~

3                "Qualifying predicate offense" means the following  
4        offenses under the Criminal Code of 2012:

5                (A) aggravated unlawful use of a weapon under  
6        Section 24-1.6 or similar offense under the Criminal  
7        Code of 1961, when the weapon is a firearm;

8                (B) unlawful use or possession of a weapon by a  
9        felon under Section 24-1.1 or similar offense under the  
10       Criminal Code of 1961, when the weapon is a firearm;

11               (C) first degree murder under Section 9-1 or  
12       similar offense under the Criminal Code of 1961;

13               (D) attempted first degree murder with a firearm or  
14       similar offense under the Criminal Code of 1961;

15               (E) aggravated kidnapping with a firearm under  
16       paragraph (6) or (7) of subsection (a) of Section 10-2  
17       or similar offense under the Criminal Code of 1961;

18               (F) aggravated battery with a firearm under  
19       subsection (e) of Section 12-3.05 or similar offense  
20       under the Criminal Code of 1961;

21               (G) aggravated criminal sexual assault under  
22       Section 11-1.30 or similar offense under the Criminal  
23       Code of 1961;

24               (H) predatory criminal sexual assault of a child  
25       under Section 11-1.40 or similar offense under the  
26       Criminal Code of 1961;

1 (I) armed robbery under Section 18-2 or similar  
2 offense under the Criminal Code of 1961;

3 (J) vehicular hijacking under Section 18-3 or  
4 similar offense under the Criminal Code of 1961;

5 (K) aggravated vehicular hijacking under Section  
6 18-4 or similar offense under the Criminal Code of  
7 1961;

8 (L) home invasion with a firearm under paragraph  
9 (3), (4), or (5) of subsection (a) of Section 19-6 or  
10 similar offense under the Criminal Code of 1961;

11 (M) aggravated discharge of a firearm under  
12 Section 24-1.2 or similar offense under the Criminal  
13 Code of 1961;

14 (N) aggravated discharge of a machine gun or a  
15 firearm equipped with a device designed or used for  
16 silencing the report of a firearm under Section  
17 24-1.2-5 or similar offense under the Criminal Code of  
18 1961;

19 (O) unlawful use of firearm projectiles under  
20 Section 24-2.1 or similar offense under the Criminal  
21 Code of 1961;

22 (P) manufacture, sale, or transfer of bullets or  
23 shells represented to be armor piercing bullets,  
24 dragon's breath shotgun shells, bolo shells, or  
25 flechette shells under Section 24-2.2 or similar  
26 offense under the Criminal Code of 1961;

1           (Q) unlawful sale or delivery of firearms under  
2 Section 24-3 or similar offense under the Criminal Code  
3 of 1961;

4           (R) unlawful discharge of firearm projectiles  
5 under Section 24-3.2 or similar offense under the  
6 Criminal Code of 1961;

7           (S) unlawful sale or delivery of firearms on school  
8 premises of any school under Section 24-3.3 or similar  
9 offense under the Criminal Code of 1961;

10          (T) unlawful purchase of a firearm under Section  
11 24-3.5 or similar offense under the Criminal Code of  
12 1961;

13          (U) use of a stolen firearm in the commission of an  
14 offense under Section 24-3.7 or similar offense under  
15 the Criminal Code of 1961;

16          (V) possession of a stolen firearm under Section  
17 24-3.8 or similar offense under the Criminal Code of  
18 1961;

19          (W) aggravated possession of a stolen firearm  
20 under Section 24-3.9 or similar offense under the  
21 Criminal Code of 1961;

22          (X) gunrunning under Section 24-3A or similar  
23 offense under the Criminal Code of 1961;

24          (Y) defacing identification marks of firearms  
25 under Section 24-5 or similar offense under the  
26 Criminal Code of 1961; and



1           (Z) armed violence under Section 33A-2 or similar  
2           offense under the Criminal Code of 1961.

3           (b) APPLICABILITY. For an offense committed on or after  
4           January 1, 2018 (the effective date Public Act 100-3) ~~of this~~  
5           ~~amendatory Act of the 100th General Assembly~~ and before January  
6           1, 2023, when a person is convicted of unlawful use or  
7           possession of a weapon by a felon, when the weapon is a  
8           firearm, or aggravated unlawful use of a weapon, when the  
9           weapon is a firearm, after being previously convicted of a  
10          qualifying predicate offense the person shall be subject to the  
11          sentencing guidelines under this Section.

12          (c) SENTENCING GUIDELINES.

13           (1) When a person is convicted of unlawful use or  
14           possession of a weapon by a felon, when the weapon is a  
15           firearm, and that person has been previously convicted of a  
16           qualifying predicate offense, the person shall be  
17           sentenced to a term of imprisonment within the sentencing  
18           range of not less than 7 years and not more than 14 years,  
19           unless the court finds that a departure from the sentencing  
20           guidelines under this paragraph is warranted under  
21           subsection (d) of this Section.

22           (2) When a person is convicted of aggravated unlawful  
23           use of a weapon, when the weapon is a firearm, and that  
24           person has been previously convicted of a qualifying  
25           predicate offense, the person shall be sentenced to a term  
26           of imprisonment within the sentencing range of not less

1 than 6 years and not more than 7 years, unless the court  
2 finds that a departure from the sentencing guidelines under  
3 this paragraph is warranted under subsection (d) of this  
4 Section.

5 (3) The sentencing guidelines in paragraphs (1) and (2)  
6 of this subsection (c) apply only to offenses committed on  
7 and after January 1, 2018 (the effective date of Public Act  
8 100-3) ~~this amendatory Act of the 100th General Assembly~~  
9 and before January 1, 2023.

10 (d) DEPARTURE FROM SENTENCING GUIDELINES.

11 (1) At the sentencing hearing conducted under Section  
12 5-4-1 of this Code, the court may depart from the  
13 sentencing guidelines provided in subsection (c) of this  
14 Section and impose a sentence otherwise authorized by law  
15 for the offense if the court, after considering any factor  
16 under paragraph (2) of this subsection (d) relevant to the  
17 nature and circumstances of the crime and to the history  
18 and character of the defendant, finds on the record  
19 substantial and compelling justification that the sentence  
20 within the sentencing guidelines would be unduly harsh and  
21 that a sentence otherwise authorized by law would be  
22 consistent with public safety and does not deprecate the  
23 seriousness of the offense.

24 (2) In deciding whether to depart from the sentencing  
25 guidelines under this paragraph, the court shall consider:

26 (A) the age, immaturity, or limited mental

1 capacity of the defendant at the time of commission of  
2 the qualifying predicate or current offense, including  
3 whether the defendant was suffering from a mental or  
4 physical condition insufficient to constitute a  
5 defense but significantly reduced the defendant's  
6 culpability;

7 (B) the nature and circumstances of the qualifying  
8 predicate offense;

9 (C) the time elapsed since the qualifying  
10 predicate offense;

11 (D) the nature and circumstances of the current  
12 offense;

13 (E) the defendant's prior criminal history;

14 (F) whether the defendant committed the qualifying  
15 predicate or current offense under specific and  
16 credible duress, coercion, threat, or compulsion;

17 (G) whether the defendant aided in the  
18 apprehension of another felon or testified truthfully  
19 on behalf of another prosecution of a felony; and

20 (H) whether departure is in the interest of the  
21 person's rehabilitation, including employment or  
22 educational or vocational training, after taking into  
23 account any past rehabilitation efforts or  
24 dispositions of probation or supervision, and the  
25 defendant's cooperation or response to rehabilitation.

26 (3) When departing from the sentencing guidelines

1 under this Section, the court shall specify on the record,  
2 the particular evidence, information, factor or factors,  
3 or other reasons which led to the departure from the  
4 sentencing guidelines. When departing from the sentencing  
5 range in accordance with this subsection (d), the court  
6 shall indicate on the sentencing order which departure  
7 factor or factors outlined in paragraph (2) of this  
8 subsection (d) led to the sentence imposed. The sentencing  
9 order shall be filed with the clerk of the court and shall  
10 be a public record.

11 (e) This Section is repealed on January 1, 2023.

12 (Source: P.A. 100-3, eff. 1-1-18.)

13 (730 ILCS 5/5-5-3)

14 Sec. 5-5-3. Disposition.

15 (a) (Blank).

16 (b) (Blank).

17 (c) (1) (Blank).

18 (2) A period of probation, a term of periodic imprisonment  
19 or conditional discharge shall not be imposed for the following  
20 offenses. The court shall sentence the offender to not less  
21 than the minimum term of imprisonment set forth in this Code  
22 for the following offenses, and may order a fine or restitution  
23 or both in conjunction with such term of imprisonment:

24 (A) First degree murder where the death penalty is not  
25 imposed.

1 (B) Attempted first degree murder.

2 (C) A Class X felony.

3 (D) A violation of Section 401.1 or 407 of the Illinois  
4 Controlled Substances Act, or a violation of subdivision  
5 (c)(1.5) of Section 401 of that Act which relates to more  
6 than 5 grams of a substance containing fentanyl or an  
7 analog thereof.

8 (D-5) A violation of subdivision (c)(1) of Section 401  
9 of the Illinois Controlled Substances Act which relates to  
10 3 or more grams of a substance containing heroin or an  
11 analog thereof.

12 (E) (Blank).

13 (F) A Class 1 or greater felony if the offender had  
14 been convicted of a Class 1 or greater felony, including  
15 any state or federal conviction for an offense that  
16 contained, at the time it was committed, the same elements  
17 as an offense now (the date of the offense committed after  
18 the prior Class 1 or greater felony) classified as a Class  
19 1 or greater felony, within 10 years of the date on which  
20 the offender committed the offense for which he or she is  
21 being sentenced, except as otherwise provided in Section  
22 40-10 of the Substance Use Disorder Act.

23 (F-3) A Class 2 or greater felony sex offense or felony  
24 firearm offense if the offender had been convicted of a  
25 Class 2 or greater felony, including any state or federal  
26 conviction for an offense that contained, at the time it

1 was committed, the same elements as an offense now (the  
2 date of the offense committed after the prior Class 2 or  
3 greater felony) classified as a Class 2 or greater felony,  
4 within 10 years of the date on which the offender committed  
5 the offense for which he or she is being sentenced, except  
6 as otherwise provided in Section 40-10 of the Substance Use  
7 Disorder Act.

8 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of  
9 the Criminal Code of 1961 or the Criminal Code of 2012 for  
10 which imprisonment is prescribed in those Sections.

11 (G) Residential burglary, except as otherwise provided  
12 in Section 40-10 of the Substance Use Disorder Act.

13 (H) Criminal sexual assault.

14 (I) Aggravated battery of a senior citizen as described  
15 in Section 12-4.6 or subdivision (a) (4) of Section 12-3.05  
16 of the Criminal Code of 1961 or the Criminal Code of 2012.

17 (J) A forcible felony if the offense was related to the  
18 activities of an organized gang.

19 Before July 1, 1994, for the purposes of this  
20 paragraph, "organized gang" means an association of 5 or  
21 more persons, with an established hierarchy, that  
22 encourages members of the association to perpetrate crimes  
23 or provides support to the members of the association who  
24 do commit crimes.

25 Beginning July 1, 1994, for the purposes of this  
26 paragraph, "organized gang" has the meaning ascribed to it

1 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
2 Prevention Act.

3 (K) Vehicular hijacking.

4 (L) A second or subsequent conviction for the offense  
5 of hate crime when the underlying offense upon which the  
6 hate crime is based is felony aggravated assault or felony  
7 mob action.

8 (M) A second or subsequent conviction for the offense  
9 of institutional vandalism if the damage to the property  
10 exceeds \$300.

11 (N) A Class 3 felony violation of paragraph (1) of  
12 subsection (a) of Section 2 of the Firearm Owners  
13 Identification Card Act committed before the effective  
14 date of this amendatory Act of the 101st General Assembly.

15 (O) A violation of Section 12-6.1 or 12-6.5 of the  
16 Criminal Code of 1961 or the Criminal Code of 2012.

17 (P) A violation of paragraph (1), (2), (3), (4), (5),  
18 or (7) of subsection (a) of Section 11-20.1 of the Criminal  
19 Code of 1961 or the Criminal Code of 2012.

20 (Q) A violation of subsection (b) or (b-5) of Section  
21 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
22 Code of 1961 or the Criminal Code of 2012.

23 (R) A violation of Section 24-3A of the Criminal Code  
24 of 1961 or the Criminal Code of 2012.

25 (S) (Blank).

26 (T) (Blank).

1           (U) A second or subsequent violation of Section 6-303  
2 of the Illinois Vehicle Code committed while his or her  
3 driver's license, permit, or privilege was revoked because  
4 of a violation of Section 9-3 of the Criminal Code of 1961  
5 or the Criminal Code of 2012, relating to the offense of  
6 reckless homicide, or a similar provision of a law of  
7 another state.

8           (V) A violation of paragraph (4) of subsection (c) of  
9 Section 11-20.1B or paragraph (4) of subsection (c) of  
10 Section 11-20.3 of the Criminal Code of 1961, or paragraph  
11 (6) of subsection (a) of Section 11-20.1 of the Criminal  
12 Code of 2012 when the victim is under 13 years of age and  
13 the defendant has previously been convicted under the laws  
14 of this State or any other state of the offense of child  
15 pornography, aggravated child pornography, aggravated  
16 criminal sexual abuse, aggravated criminal sexual assault,  
17 predatory criminal sexual assault of a child, or any of the  
18 offenses formerly known as rape, deviate sexual assault,  
19 indecent liberties with a child, or aggravated indecent  
20 liberties with a child where the victim was under the age  
21 of 18 years or an offense that is substantially equivalent  
22 to those offenses.

23           (W) A violation of Section 24-3.5 of the Criminal Code  
24 of 1961 or the Criminal Code of 2012.

25           (X) A violation of subsection (a) of Section 31-1a of  
26 the Criminal Code of 1961 or the Criminal Code of 2012.



1 (Y) A conviction for unlawful possession of a firearm  
2 by a street gang member when the firearm was loaded or  
3 contained firearm ammunition.

4 (Z) A Class 1 felony committed while he or she was  
5 serving a term of probation or conditional discharge for a  
6 felony.

7 (AA) Theft of property exceeding \$500,000 and not  
8 exceeding \$1,000,000 in value.

9 (BB) Laundering of criminally derived property of a  
10 value exceeding \$500,000.

11 (CC) Knowingly selling, offering for sale, holding for  
12 sale, or using 2,000 or more counterfeit items or  
13 counterfeit items having a retail value in the aggregate of  
14 \$500,000 or more.

15 (DD) A conviction for aggravated assault under  
16 paragraph (6) of subsection (c) of Section 12-2 of the  
17 Criminal Code of 1961 or the Criminal Code of 2012 if the  
18 firearm is aimed toward the person against whom the firearm  
19 is being used.

20 (EE) A conviction for a violation of paragraph (2) of  
21 subsection (a) of Section 24-3B of the Criminal Code of  
22 2012.

23 (3) (Blank).

24 (4) A minimum term of imprisonment of not less than 10  
25 consecutive days or 30 days of community service shall be  
26 imposed for a violation of paragraph (c) of Section 6-303 of

1 the Illinois Vehicle Code.

2 (4.1) (Blank).

3 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
4 this subsection (c), a minimum of 100 hours of community  
5 service shall be imposed for a second violation of Section  
6 6-303 of the Illinois Vehicle Code.

7 (4.3) A minimum term of imprisonment of 30 days or 300  
8 hours of community service, as determined by the court, shall  
9 be imposed for a second violation of subsection (c) of Section  
10 6-303 of the Illinois Vehicle Code.

11 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
12 (4.9) of this subsection (c), a minimum term of imprisonment of  
13 30 days or 300 hours of community service, as determined by the  
14 court, shall be imposed for a third or subsequent violation of  
15 Section 6-303 of the Illinois Vehicle Code. The court may give  
16 credit toward the fulfillment of community service hours for  
17 participation in activities and treatment as determined by  
18 court services.

19 (4.5) A minimum term of imprisonment of 30 days shall be  
20 imposed for a third violation of subsection (c) of Section  
21 6-303 of the Illinois Vehicle Code.

22 (4.6) Except as provided in paragraph (4.10) of this  
23 subsection (c), a minimum term of imprisonment of 180 days  
24 shall be imposed for a fourth or subsequent violation of  
25 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

26 (4.7) A minimum term of imprisonment of not less than 30

1 consecutive days, or 300 hours of community service, shall be  
2 imposed for a violation of subsection (a-5) of Section 6-303 of  
3 the Illinois Vehicle Code, as provided in subsection (b-5) of  
4 that Section.

5 (4.8) A mandatory prison sentence shall be imposed for a  
6 second violation of subsection (a-5) of Section 6-303 of the  
7 Illinois Vehicle Code, as provided in subsection (c-5) of that  
8 Section. The person's driving privileges shall be revoked for a  
9 period of not less than 5 years from the date of his or her  
10 release from prison.

11 (4.9) A mandatory prison sentence of not less than 4 and  
12 not more than 15 years shall be imposed for a third violation  
13 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
14 Code, as provided in subsection (d-2.5) of that Section. The  
15 person's driving privileges shall be revoked for the remainder  
16 of his or her life.

17 (4.10) A mandatory prison sentence for a Class 1 felony  
18 shall be imposed, and the person shall be eligible for an  
19 extended term sentence, for a fourth or subsequent violation of  
20 subsection (a-5) of Section 6-303 of the Illinois Vehicle Code,  
21 as provided in subsection (d-3.5) of that Section. The person's  
22 driving privileges shall be revoked for the remainder of his or  
23 her life.

24 (5) The court may sentence a corporation or unincorporated  
25 association convicted of any offense to:

26 (A) a period of conditional discharge;

1 (B) a fine;

2 (C) make restitution to the victim under Section 5-5-6  
3 of this Code.

4 (5.1) In addition to any other penalties imposed, and  
5 except as provided in paragraph (5.2) or (5.3), a person  
6 convicted of violating subsection (c) of Section 11-907 of the  
7 Illinois Vehicle Code shall have his or her driver's license,  
8 permit, or privileges suspended for at least 90 days but not  
9 more than one year, if the violation resulted in damage to the  
10 property of another person.

11 (5.2) In addition to any other penalties imposed, and  
12 except as provided in paragraph (5.3), a person convicted of  
13 violating subsection (c) of Section 11-907 of the Illinois  
14 Vehicle Code shall have his or her driver's license, permit, or  
15 privileges suspended for at least 180 days but not more than 2  
16 years, if the violation resulted in injury to another person.

17 (5.3) In addition to any other penalties imposed, a person  
18 convicted of violating subsection (c) of Section 11-907 of the  
19 Illinois Vehicle Code shall have his or her driver's license,  
20 permit, or privileges suspended for 2 years, if the violation  
21 resulted in the death of another person.

22 (5.4) In addition to any other penalties imposed, a person  
23 convicted of violating Section 3-707 of the Illinois Vehicle  
24 Code shall have his or her driver's license, permit, or  
25 privileges suspended for 3 months and until he or she has paid  
26 a reinstatement fee of \$100.

1           (5.5) In addition to any other penalties imposed, a person  
2 convicted of violating Section 3-707 of the Illinois Vehicle  
3 Code during a period in which his or her driver's license,  
4 permit, or privileges were suspended for a previous violation  
5 of that Section shall have his or her driver's license, permit,  
6 or privileges suspended for an additional 6 months after the  
7 expiration of the original 3-month suspension and until he or  
8 she has paid a reinstatement fee of \$100.

9           (6) (Blank).

10          (7) (Blank).

11          (8) (Blank).

12          (9) A defendant convicted of a second or subsequent offense  
13 of ritualized abuse of a child may be sentenced to a term of  
14 natural life imprisonment.

15          (10) (Blank).

16          (11) The court shall impose a minimum fine of \$1,000 for a  
17 first offense and \$2,000 for a second or subsequent offense  
18 upon a person convicted of or placed on supervision for battery  
19 when the individual harmed was a sports official or coach at  
20 any level of competition and the act causing harm to the sports  
21 official or coach occurred within an athletic facility or  
22 within the immediate vicinity of the athletic facility at which  
23 the sports official or coach was an active participant of the  
24 athletic contest held at the athletic facility. For the  
25 purposes of this paragraph (11), "sports official" means a  
26 person at an athletic contest who enforces the rules of the

1 contest, such as an umpire or referee; "athletic facility"  
2 means an indoor or outdoor playing field or recreational area  
3 where sports activities are conducted; and "coach" means a  
4 person recognized as a coach by the sanctioning authority that  
5 conducted the sporting event.

6 (12) A person may not receive a disposition of court  
7 supervision for a violation of Section 5-16 of the Boat  
8 Registration and Safety Act if that person has previously  
9 received a disposition of court supervision for a violation of  
10 that Section.

11 (13) A person convicted of or placed on court supervision  
12 for an assault or aggravated assault when the victim and the  
13 offender are family or household members as defined in Section  
14 103 of the Illinois Domestic Violence Act of 1986 or convicted  
15 of domestic battery or aggravated domestic battery may be  
16 required to attend a Partner Abuse Intervention Program under  
17 protocols set forth by the Illinois Department of Human  
18 Services under such terms and conditions imposed by the court.  
19 The costs of such classes shall be paid by the offender.

20 (d) In any case in which a sentence originally imposed is  
21 vacated, the case shall be remanded to the trial court. The  
22 trial court shall hold a hearing under Section 5-4-1 of this  
23 Code which may include evidence of the defendant's life, moral  
24 character and occupation during the time since the original  
25 sentence was passed. The trial court shall then impose sentence  
26 upon the defendant. The trial court may impose any sentence

1 which could have been imposed at the original trial subject to  
2 Section 5-5-4 of this Code. If a sentence is vacated on appeal  
3 or on collateral attack due to the failure of the trier of fact  
4 at trial to determine beyond a reasonable doubt the existence  
5 of a fact (other than a prior conviction) necessary to increase  
6 the punishment for the offense beyond the statutory maximum  
7 otherwise applicable, either the defendant may be re-sentenced  
8 to a term within the range otherwise provided or, if the State  
9 files notice of its intention to again seek the extended  
10 sentence, the defendant shall be afforded a new trial.

11 (e) In cases where prosecution for aggravated criminal  
12 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
13 Code of 1961 or the Criminal Code of 2012 results in conviction  
14 of a defendant who was a family member of the victim at the  
15 time of the commission of the offense, the court shall consider  
16 the safety and welfare of the victim and may impose a sentence  
17 of probation only where:

18 (1) the court finds (A) or (B) or both are appropriate:

19 (A) the defendant is willing to undergo a court  
20 approved counseling program for a minimum duration of 2  
21 years; or

22 (B) the defendant is willing to participate in a  
23 court approved plan including but not limited to the  
24 defendant's:

25 (i) removal from the household;

26 (ii) restricted contact with the victim;

1 (iii) continued financial support of the  
2 family;

3 (iv) restitution for harm done to the victim;  
4 and

5 (v) compliance with any other measures that  
6 the court may deem appropriate; and

7 (2) the court orders the defendant to pay for the  
8 victim's counseling services, to the extent that the court  
9 finds, after considering the defendant's income and  
10 assets, that the defendant is financially capable of paying  
11 for such services, if the victim was under 18 years of age  
12 at the time the offense was committed and requires  
13 counseling as a result of the offense.

14 Probation may be revoked or modified pursuant to Section  
15 5-6-4; except where the court determines at the hearing that  
16 the defendant violated a condition of his or her probation  
17 restricting contact with the victim or other family members or  
18 commits another offense with the victim or other family  
19 members, the court shall revoke the defendant's probation and  
20 impose a term of imprisonment.

21 For the purposes of this Section, "family member" and  
22 "victim" shall have the meanings ascribed to them in Section  
23 11-0.1 of the Criminal Code of 2012.

24 (f) (Blank).

25 (g) Whenever a defendant is convicted of an offense under  
26 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,



1 11-14.3, 11-14.4 except for an offense that involves keeping a  
2 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
3 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
4 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012, the defendant shall undergo medical  
6 testing to determine whether the defendant has any sexually  
7 transmissible disease, including a test for infection with  
8 human immunodeficiency virus (HIV) or any other identified  
9 causative agent of acquired immunodeficiency syndrome (AIDS).  
10 Any such medical test shall be performed only by appropriately  
11 licensed medical practitioners and may include an analysis of  
12 any bodily fluids as well as an examination of the defendant's  
13 person. Except as otherwise provided by law, the results of  
14 such test shall be kept strictly confidential by all medical  
15 personnel involved in the testing and must be personally  
16 delivered in a sealed envelope to the judge of the court in  
17 which the conviction was entered for the judge's inspection in  
18 camera. Acting in accordance with the best interests of the  
19 victim and the public, the judge shall have the discretion to  
20 determine to whom, if anyone, the results of the testing may be  
21 revealed. The court shall notify the defendant of the test  
22 results. The court shall also notify the victim if requested by  
23 the victim, and if the victim is under the age of 15 and if  
24 requested by the victim's parents or legal guardian, the court  
25 shall notify the victim's parents or legal guardian of the test  
26 results. The court shall provide information on the

1 availability of HIV testing and counseling at Department of  
2 Public Health facilities to all parties to whom the results of  
3 the testing are revealed and shall direct the State's Attorney  
4 to provide the information to the victim when possible. A  
5 State's Attorney may petition the court to obtain the results  
6 of any HIV test administered under this Section, and the court  
7 shall grant the disclosure if the State's Attorney shows it is  
8 relevant in order to prosecute a charge of criminal  
9 transmission of HIV under Section 12-5.01 or 12-16.2 of the  
10 Criminal Code of 1961 or the Criminal Code of 2012 against the  
11 defendant. The court shall order that the cost of any such test  
12 shall be paid by the county and may be taxed as costs against  
13 the convicted defendant.

14 (g-5) When an inmate is tested for an airborne communicable  
15 disease, as determined by the Illinois Department of Public  
16 Health including but not limited to tuberculosis, the results  
17 of the test shall be personally delivered by the warden or his  
18 or her designee in a sealed envelope to the judge of the court  
19 in which the inmate must appear for the judge's inspection in  
20 camera if requested by the judge. Acting in accordance with the  
21 best interests of those in the courtroom, the judge shall have  
22 the discretion to determine what if any precautions need to be  
23 taken to prevent transmission of the disease in the courtroom.

24 (h) Whenever a defendant is convicted of an offense under  
25 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
26 defendant shall undergo medical testing to determine whether

1 the defendant has been exposed to human immunodeficiency virus  
2 (HIV) or any other identified causative agent of acquired  
3 immunodeficiency syndrome (AIDS). Except as otherwise provided  
4 by law, the results of such test shall be kept strictly  
5 confidential by all medical personnel involved in the testing  
6 and must be personally delivered in a sealed envelope to the  
7 judge of the court in which the conviction was entered for the  
8 judge's inspection in camera. Acting in accordance with the  
9 best interests of the public, the judge shall have the  
10 discretion to determine to whom, if anyone, the results of the  
11 testing may be revealed. The court shall notify the defendant  
12 of a positive test showing an infection with the human  
13 immunodeficiency virus (HIV). The court shall provide  
14 information on the availability of HIV testing and counseling  
15 at Department of Public Health facilities to all parties to  
16 whom the results of the testing are revealed and shall direct  
17 the State's Attorney to provide the information to the victim  
18 when possible. A State's Attorney may petition the court to  
19 obtain the results of any HIV test administered under this  
20 Section, and the court shall grant the disclosure if the  
21 State's Attorney shows it is relevant in order to prosecute a  
22 charge of criminal transmission of HIV under Section 12-5.01 or  
23 12-16.2 of the Criminal Code of 1961 or the Criminal Code of  
24 2012 against the defendant. The court shall order that the cost  
25 of any such test shall be paid by the county and may be taxed as  
26 costs against the convicted defendant.

1 (i) All fines and penalties imposed under this Section for  
2 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
3 Vehicle Code, or a similar provision of a local ordinance, and  
4 any violation of the Child Passenger Protection Act, or a  
5 similar provision of a local ordinance, shall be collected and  
6 disbursed by the circuit clerk as provided under the Criminal  
7 and Traffic Assessment Act.

8 (j) In cases when prosecution for any violation of Section  
9 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
10 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
11 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
12 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
13 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
14 Code of 2012, any violation of the Illinois Controlled  
15 Substances Act, any violation of the Cannabis Control Act, or  
16 any violation of the Methamphetamine Control and Community  
17 Protection Act results in conviction, a disposition of court  
18 supervision, or an order of probation granted under Section 10  
19 of the Cannabis Control Act, Section 410 of the Illinois  
20 Controlled Substances Act, or Section 70 of the Methamphetamine  
21 Control and Community Protection Act of a defendant, the court  
22 shall determine whether the defendant is employed by a facility  
23 or center as defined under the Child Care Act of 1969, a public  
24 or private elementary or secondary school, or otherwise works  
25 with children under 18 years of age on a daily basis. When a  
26 defendant is so employed, the court shall order the Clerk of

1 the Court to send a copy of the judgment of conviction or order  
2 of supervision or probation to the defendant's employer by  
3 certified mail. If the employer of the defendant is a school,  
4 the Clerk of the Court shall direct the mailing of a copy of  
5 the judgment of conviction or order of supervision or probation  
6 to the appropriate regional superintendent of schools. The  
7 regional superintendent of schools shall notify the State Board  
8 of Education of any notification under this subsection.

9 (j-5) A defendant at least 17 years of age who is convicted  
10 of a felony and who has not been previously convicted of a  
11 misdemeanor or felony and who is sentenced to a term of  
12 imprisonment in the Illinois Department of Corrections shall as  
13 a condition of his or her sentence be required by the court to  
14 attend educational courses designed to prepare the defendant  
15 for a high school diploma and to work toward a high school  
16 diploma or to work toward passing high school equivalency  
17 testing or to work toward completing a vocational training  
18 program offered by the Department of Corrections. If a  
19 defendant fails to complete the educational training required  
20 by his or her sentence during the term of incarceration, the  
21 Prisoner Review Board shall, as a condition of mandatory  
22 supervised release, require the defendant, at his or her own  
23 expense, to pursue a course of study toward a high school  
24 diploma or passage of high school equivalency testing. The  
25 Prisoner Review Board shall revoke the mandatory supervised  
26 release of a defendant who wilfully fails to comply with this

1 subsection (j-5) upon his or her release from confinement in a  
2 penal institution while serving a mandatory supervised release  
3 term; however, the inability of the defendant after making a  
4 good faith effort to obtain financial aid or pay for the  
5 educational training shall not be deemed a wilful failure to  
6 comply. The Prisoner Review Board shall recommit the defendant  
7 whose mandatory supervised release term has been revoked under  
8 this subsection (j-5) as provided in Section 3-3-9. This  
9 subsection (j-5) does not apply to a defendant who has a high  
10 school diploma or has successfully passed high school  
11 equivalency testing. This subsection (j-5) does not apply to a  
12 defendant who is determined by the court to be a person with a  
13 developmental disability or otherwise mentally incapable of  
14 completing the educational or vocational program.

15 (k) (Blank).

16 (l) (A) Except as provided in paragraph (C) of subsection  
17 (l), whenever a defendant, who is an alien as defined by the  
18 Immigration and Nationality Act, is convicted of any felony or  
19 misdemeanor offense, the court after sentencing the defendant  
20 may, upon motion of the State's Attorney, hold sentence in  
21 abeyance and remand the defendant to the custody of the  
22 Attorney General of the United States or his or her designated  
23 agent to be deported when:

24 (1) a final order of deportation has been issued  
25 against the defendant pursuant to proceedings under the  
26 Immigration and Nationality Act, and

1           (2) the deportation of the defendant would not  
2           deprecate the seriousness of the defendant's conduct and  
3           would not be inconsistent with the ends of justice.

4           Otherwise, the defendant shall be sentenced as provided in  
5           this Chapter V.

6           (B) If the defendant has already been sentenced for a  
7           felony or misdemeanor offense, or has been placed on probation  
8           under Section 10 of the Cannabis Control Act, Section 410 of  
9           the Illinois Controlled Substances Act, or Section 70 of the  
10          Methamphetamine Control and Community Protection Act, the  
11          court may, upon motion of the State's Attorney to suspend the  
12          sentence imposed, commit the defendant to the custody of the  
13          Attorney General of the United States or his or her designated  
14          agent when:

15           (1) a final order of deportation has been issued  
16           against the defendant pursuant to proceedings under the  
17           Immigration and Nationality Act, and

18           (2) the deportation of the defendant would not  
19           deprecate the seriousness of the defendant's conduct and  
20           would not be inconsistent with the ends of justice.

21          (C) This subsection (1) does not apply to offenders who are  
22          subject to the provisions of paragraph (2) of subsection (a) of  
23          Section 3-6-3.

24          (D) Upon motion of the State's Attorney, if a defendant  
25          sentenced under this Section returns to the jurisdiction of the  
26          United States, the defendant shall be recommitted to the

1 custody of the county from which he or she was sentenced.  
2 Thereafter, the defendant shall be brought before the  
3 sentencing court, which may impose any sentence that was  
4 available under Section 5-5-3 at the time of initial  
5 sentencing. In addition, the defendant shall not be eligible  
6 for additional earned sentence credit as provided under Section  
7 3-6-3.

8 (m) A person convicted of criminal defacement of property  
9 under Section 21-1.3 of the Criminal Code of 1961 or the  
10 Criminal Code of 2012, in which the property damage exceeds  
11 \$300 and the property damaged is a school building, shall be  
12 ordered to perform community service that may include cleanup,  
13 removal, or painting over the defacement.

14 (n) The court may sentence a person convicted of a  
15 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
16 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
17 of 1961 or the Criminal Code of 2012 (i) to an impact  
18 incarceration program if the person is otherwise eligible for  
19 that program under Section 5-8-1.1, (ii) to community service,  
20 or (iii) if the person has a substance use disorder, as defined  
21 in the Substance Use Disorder Act, to a treatment program  
22 licensed under that Act.

23 (o) Whenever a person is convicted of a sex offense as  
24 defined in Section 2 of the Sex Offender Registration Act, the  
25 defendant's driver's license or permit shall be subject to  
26 renewal on an annual basis in accordance with the provisions of



1 license renewal established by the Secretary of State.  
2 (Source: P.A. 100-575, eff. 1-8-18; 100-759, eff. 1-1-19;  
3 100-987, eff. 7-1-19; 101-81, eff. 7-12-19.)

4 (730 ILCS 5/5-5-3.2)

5 Sec. 5-5-3.2. Factors in aggravation and extended-term  
6 sentencing.

7 (a) The following factors shall be accorded weight in favor  
8 of imposing a term of imprisonment or may be considered by the  
9 court as reasons to impose a more severe sentence under Section  
10 5-8-1 or Article 4.5 of Chapter V:

11 (1) the defendant's conduct caused or threatened  
12 serious harm;

13 (2) the defendant received compensation for committing  
14 the offense;

15 (3) the defendant has a history of prior delinquency or  
16 criminal activity;

17 (4) the defendant, by the duties of his office or by  
18 his position, was obliged to prevent the particular offense  
19 committed or to bring the offenders committing it to  
20 justice;

21 (5) the defendant held public office at the time of the  
22 offense, and the offense related to the conduct of that  
23 office;

24 (6) the defendant utilized his professional reputation  
25 or position in the community to commit the offense, or to

1 afford him an easier means of committing it;

2 (7) the sentence is necessary to deter others from  
3 committing the same crime;

4 (8) the defendant committed the offense against a  
5 person 60 years of age or older or such person's property;

6 (9) the defendant committed the offense against a  
7 person who has a physical disability or such person's  
8 property;

9 (10) by reason of another individual's actual or  
10 perceived race, color, creed, religion, ancestry, gender,  
11 sexual orientation, physical or mental disability, or  
12 national origin, the defendant committed the offense  
13 against (i) the person or property of that individual; (ii)  
14 the person or property of a person who has an association  
15 with, is married to, or has a friendship with the other  
16 individual; or (iii) the person or property of a relative  
17 (by blood or marriage) of a person described in clause (i)  
18 or (ii). For the purposes of this Section, "sexual  
19 orientation" has the meaning ascribed to it in paragraph  
20 (O-1) of Section 1-103 of the Illinois Human Rights Act;

21 (11) the offense took place in a place of worship or on  
22 the grounds of a place of worship, immediately prior to,  
23 during or immediately following worship services. For  
24 purposes of this subparagraph, "place of worship" shall  
25 mean any church, synagogue or other building, structure or  
26 place used primarily for religious worship;

1           (12) the defendant was convicted of a felony committed  
2 while he was released on bail or his own recognizance  
3 pending trial for a prior felony and was convicted of such  
4 prior felony, or the defendant was convicted of a felony  
5 committed while he was serving a period of probation,  
6 conditional discharge, or mandatory supervised release  
7 under subsection (d) of Section 5-8-1 for a prior felony;

8           (13) the defendant committed or attempted to commit a  
9 felony while he was wearing a bulletproof vest. For the  
10 purposes of this paragraph (13), a bulletproof vest is any  
11 device which is designed for the purpose of protecting the  
12 wearer from bullets, shot or other lethal projectiles;

13           (14) the defendant held a position of trust or  
14 supervision such as, but not limited to, family member as  
15 defined in Section 11-0.1 of the Criminal Code of 2012,  
16 teacher, scout leader, baby sitter, or day care worker, in  
17 relation to a victim under 18 years of age, and the  
18 defendant committed an offense in violation of Section  
19 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
20 11-14.4 except for an offense that involves keeping a place  
21 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
22 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
23 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
24 of 2012 against that victim;

25           (15) the defendant committed an offense related to the  
26 activities of an organized gang. For the purposes of this

1 factor, "organized gang" has the meaning ascribed to it in  
2 Section 10 of the Streetgang Terrorism Omnibus Prevention  
3 Act;

4 (16) the defendant committed an offense in violation of  
5 one of the following Sections while in a school, regardless  
6 of the time of day or time of year; on any conveyance  
7 owned, leased, or contracted by a school to transport  
8 students to or from school or a school related activity; on  
9 the real property of a school; or on a public way within  
10 1,000 feet of the real property comprising any school:  
11 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
12 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
13 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
14 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
15 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
16 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
17 Criminal Code of 2012;

18 (16.5) the defendant committed an offense in violation  
19 of one of the following Sections while in a day care  
20 center, regardless of the time of day or time of year; on  
21 the real property of a day care center, regardless of the  
22 time of day or time of year; or on a public way within  
23 1,000 feet of the real property comprising any day care  
24 center, regardless of the time of day or time of year:  
25 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
26 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,

1 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
2 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
3 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
4 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
5 Criminal Code of 2012;

6 (17) the defendant committed the offense by reason of  
7 any person's activity as a community policing volunteer or  
8 to prevent any person from engaging in activity as a  
9 community policing volunteer. For the purpose of this  
10 Section, "community policing volunteer" has the meaning  
11 ascribed to it in Section 2-3.5 of the Criminal Code of  
12 2012;

13 (18) the defendant committed the offense in a nursing  
14 home or on the real property comprising a nursing home. For  
15 the purposes of this paragraph (18), "nursing home" means a  
16 skilled nursing or intermediate long term care facility  
17 that is subject to license by the Illinois Department of  
18 Public Health under the Nursing Home Care Act, the  
19 Specialized Mental Health Rehabilitation Act of 2013, the  
20 ID/DD Community Care Act, or the MC/DD Act;

21 (19) the defendant was a federally licensed firearm  
22 dealer and was previously convicted of a violation of  
23 subsection (a) of Section 3 of the Firearm Owners  
24 Identification Card Act before its repeal by this  
25 amendatory Act of the 101st General Assembly and has now  
26 committed ~~either a felony violation of the Firearm Owners~~

1 ~~Identification Card Act or~~ an act of armed violence while  
2 armed with a firearm;

3 (20) the defendant (i) committed the offense of  
4 reckless homicide under Section 9-3 of the Criminal Code of  
5 1961 or the Criminal Code of 2012 or the offense of driving  
6 under the influence of alcohol, other drug or drugs,  
7 intoxicating compound or compounds or any combination  
8 thereof under Section 11-501 of the Illinois Vehicle Code  
9 or a similar provision of a local ordinance and (ii) was  
10 operating a motor vehicle in excess of 20 miles per hour  
11 over the posted speed limit as provided in Article VI of  
12 Chapter 11 of the Illinois Vehicle Code;

13 (21) the defendant (i) committed the offense of  
14 reckless driving or aggravated reckless driving under  
15 Section 11-503 of the Illinois Vehicle Code and (ii) was  
16 operating a motor vehicle in excess of 20 miles per hour  
17 over the posted speed limit as provided in Article VI of  
18 Chapter 11 of the Illinois Vehicle Code;

19 (22) the defendant committed the offense against a  
20 person that the defendant knew, or reasonably should have  
21 known, was a member of the Armed Forces of the United  
22 States serving on active duty. For purposes of this clause  
23 (22), the term "Armed Forces" means any of the Armed Forces  
24 of the United States, including a member of any reserve  
25 component thereof or National Guard unit called to active  
26 duty;

1           (23) the defendant committed the offense against a  
2 person who was elderly or infirm or who was a person with a  
3 disability by taking advantage of a family or fiduciary  
4 relationship with the elderly or infirm person or person  
5 with a disability;

6           (24) the defendant committed any offense under Section  
7 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
8 of 2012 and possessed 100 or more images;

9           (25) the defendant committed the offense while the  
10 defendant or the victim was in a train, bus, or other  
11 vehicle used for public transportation;

12           (26) the defendant committed the offense of child  
13 pornography or aggravated child pornography, specifically  
14 including paragraph (1), (2), (3), (4), (5), or (7) of  
15 subsection (a) of Section 11-20.1 of the Criminal Code of  
16 1961 or the Criminal Code of 2012 where a child engaged in,  
17 solicited for, depicted in, or posed in any act of sexual  
18 penetration or bound, fettered, or subject to sadistic,  
19 masochistic, or sadomasochistic abuse in a sexual context  
20 and specifically including paragraph (1), (2), (3), (4),  
21 (5), or (7) of subsection (a) of Section 11-20.1B or  
22 Section 11-20.3 of the Criminal Code of 1961 where a child  
23 engaged in, solicited for, depicted in, or posed in any act  
24 of sexual penetration or bound, fettered, or subject to  
25 sadistic, masochistic, or sadomasochistic abuse in a  
26 sexual context;

1           (27) the defendant committed the offense of first  
2 degree murder, assault, aggravated assault, battery,  
3 aggravated battery, robbery, armed robbery, or aggravated  
4 robbery against a person who was a veteran and the  
5 defendant knew, or reasonably should have known, that the  
6 person was a veteran performing duties as a representative  
7 of a veterans' organization. For the purposes of this  
8 paragraph (27), "veteran" means an Illinois resident who  
9 has served as a member of the United States Armed Forces, a  
10 member of the Illinois National Guard, or a member of the  
11 United States Reserve Forces; and "veterans' organization"  
12 means an organization comprised of members of which  
13 substantially all are individuals who are veterans or  
14 spouses, widows, or widowers of veterans, the primary  
15 purpose of which is to promote the welfare of its members  
16 and to provide assistance to the general public in such a  
17 way as to confer a public benefit;

18           (28) the defendant committed the offense of assault,  
19 aggravated assault, battery, aggravated battery, robbery,  
20 armed robbery, or aggravated robbery against a person that  
21 the defendant knew or reasonably should have known was a  
22 letter carrier or postal worker while that person was  
23 performing his or her duties delivering mail for the United  
24 States Postal Service;

25           (29) the defendant committed the offense of criminal  
26 sexual assault, aggravated criminal sexual assault,



1 criminal sexual abuse, or aggravated criminal sexual abuse  
2 against a victim with an intellectual disability, and the  
3 defendant holds a position of trust, authority, or  
4 supervision in relation to the victim;

5 (30) the defendant committed the offense of promoting  
6 juvenile prostitution, patronizing a prostitute, or  
7 patronizing a minor engaged in prostitution and at the time  
8 of the commission of the offense knew that the prostitute  
9 or minor engaged in prostitution was in the custody or  
10 guardianship of the Department of Children and Family  
11 Services;

12 (31) the defendant (i) committed the offense of driving  
13 while under the influence of alcohol, other drug or drugs,  
14 intoxicating compound or compounds or any combination  
15 thereof in violation of Section 11-501 of the Illinois  
16 Vehicle Code or a similar provision of a local ordinance  
17 and (ii) the defendant during the commission of the offense  
18 was driving his or her vehicle upon a roadway designated  
19 for one-way traffic in the opposite direction of the  
20 direction indicated by official traffic control devices;

21 ~~or~~

22 (32) the defendant committed the offense of reckless  
23 homicide while committing a violation of Section 11-907 of  
24 the Illinois Vehicle Code;~~:-~~

25 (33) ~~(32)~~ the defendant was found guilty of an  
26 administrative infraction related to an act or acts of

1 public indecency or sexual misconduct in the penal  
2 institution. In this paragraph (33) ~~(32)~~, "penal  
3 institution" has the same meaning as in Section 2-14 of the  
4 Criminal Code of 2012; or.

5 (34) ~~(32)~~ the defendant committed the offense of  
6 leaving the scene of an accident in violation of subsection  
7 (b) of Section 11-401 of the Illinois Vehicle Code and the  
8 accident resulted in the death of a person and at the time  
9 of the offense, the defendant was: (i) driving under the  
10 influence of alcohol, other drug or drugs, intoxicating  
11 compound or compounds or any combination thereof as defined  
12 by Section 11-501 of the Illinois Vehicle Code; or (ii)  
13 operating the motor vehicle while using an electronic  
14 communication device as defined in Section 12-610.2 of the  
15 Illinois Vehicle Code.

16 For the purposes of this Section:

17 "School" is defined as a public or private elementary or  
18 secondary school, community college, college, or university.

19 "Day care center" means a public or private State certified  
20 and licensed day care center as defined in Section 2.09 of the  
21 Child Care Act of 1969 that displays a sign in plain view  
22 stating that the property is a day care center.

23 "Intellectual disability" means significantly subaverage  
24 intellectual functioning which exists concurrently with  
25 impairment in adaptive behavior.

26 "Public transportation" means the transportation or

1 conveyance of persons by means available to the general public,  
2 and includes paratransit services.

3 "Traffic control devices" means all signs, signals,  
4 markings, and devices that conform to the Illinois Manual on  
5 Uniform Traffic Control Devices, placed or erected by authority  
6 of a public body or official having jurisdiction, for the  
7 purpose of regulating, warning, or guiding traffic.

8 (b) The following factors, related to all felonies, may be  
9 considered by the court as reasons to impose an extended term  
10 sentence under Section 5-8-2 upon any offender:

11 (1) When a defendant is convicted of any felony, after  
12 having been previously convicted in Illinois or any other  
13 jurisdiction of the same or similar class felony or greater  
14 class felony, when such conviction has occurred within 10  
15 years after the previous conviction, excluding time spent  
16 in custody, and such charges are separately brought and  
17 tried and arise out of different series of acts; or

18 (2) When a defendant is convicted of any felony and the  
19 court finds that the offense was accompanied by  
20 exceptionally brutal or heinous behavior indicative of  
21 wanton cruelty; or

22 (3) When a defendant is convicted of any felony  
23 committed against:

24 (i) a person under 12 years of age at the time of  
25 the offense or such person's property;

26 (ii) a person 60 years of age or older at the time

1 of the offense or such person's property; or

2 (iii) a person who had a physical disability at the  
3 time of the offense or such person's property; or

4 (4) When a defendant is convicted of any felony and the  
5 offense involved any of the following types of specific  
6 misconduct committed as part of a ceremony, rite,  
7 initiation, observance, performance, practice or activity  
8 of any actual or ostensible religious, fraternal, or social  
9 group:

10 (i) the brutalizing or torturing of humans or  
11 animals;

12 (ii) the theft of human corpses;

13 (iii) the kidnapping of humans;

14 (iv) the desecration of any cemetery, religious,  
15 fraternal, business, governmental, educational, or  
16 other building or property; or

17 (v) ritualized abuse of a child; or

18 (5) When a defendant is convicted of a felony other  
19 than conspiracy and the court finds that the felony was  
20 committed under an agreement with 2 or more other persons  
21 to commit that offense and the defendant, with respect to  
22 the other individuals, occupied a position of organizer,  
23 supervisor, financier, or any other position of management  
24 or leadership, and the court further finds that the felony  
25 committed was related to or in furtherance of the criminal  
26 activities of an organized gang or was motivated by the

1 defendant's leadership in an organized gang; or

2 (6) When a defendant is convicted of an offense  
3 committed while using a firearm with a laser sight attached  
4 to it. For purposes of this paragraph, "laser sight" has  
5 the meaning ascribed to it in Section 26-7 of the Criminal  
6 Code of 2012; or

7 (7) When a defendant who was at least 17 years of age  
8 at the time of the commission of the offense is convicted  
9 of a felony and has been previously adjudicated a  
10 delinquent minor under the Juvenile Court Act of 1987 for  
11 an act that if committed by an adult would be a Class X or  
12 Class 1 felony when the conviction has occurred within 10  
13 years after the previous adjudication, excluding time  
14 spent in custody; or

15 (8) When a defendant commits any felony and the  
16 defendant used, possessed, exercised control over, or  
17 otherwise directed an animal to assault a law enforcement  
18 officer engaged in the execution of his or her official  
19 duties or in furtherance of the criminal activities of an  
20 organized gang in which the defendant is engaged; or

21 (9) When a defendant commits any felony and the  
22 defendant knowingly video or audio records the offense with  
23 the intent to disseminate the recording.

24 (c) The following factors may be considered by the court as  
25 reasons to impose an extended term sentence under Section 5-8-2  
26 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

1           (1) When a defendant is convicted of first degree  
2 murder, after having been previously convicted in Illinois  
3 of any offense listed under paragraph (c)(2) of Section  
4 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred  
5 within 10 years after the previous conviction, excluding  
6 time spent in custody, and the charges are separately  
7 brought and tried and arise out of different series of  
8 acts.

9           (1.5) When a defendant is convicted of first degree  
10 murder, after having been previously convicted of domestic  
11 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
12 (720 ILCS 5/12-3.3) committed on the same victim or after  
13 having been previously convicted of violation of an order  
14 of protection (720 ILCS 5/12-30) in which the same victim  
15 was the protected person.

16           (2) When a defendant is convicted of voluntary  
17 manslaughter, second degree murder, involuntary  
18 manslaughter, or reckless homicide in which the defendant  
19 has been convicted of causing the death of more than one  
20 individual.

21           (3) When a defendant is convicted of aggravated  
22 criminal sexual assault or criminal sexual assault, when  
23 there is a finding that aggravated criminal sexual assault  
24 or criminal sexual assault was also committed on the same  
25 victim by one or more other individuals, and the defendant  
26 voluntarily participated in the crime with the knowledge of

1 the participation of the others in the crime, and the  
2 commission of the crime was part of a single course of  
3 conduct during which there was no substantial change in the  
4 nature of the criminal objective.

5 (4) If the victim was under 18 years of age at the time  
6 of the commission of the offense, when a defendant is  
7 convicted of aggravated criminal sexual assault or  
8 predatory criminal sexual assault of a child under  
9 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
10 of Section 12-14.1 of the Criminal Code of 1961 or the  
11 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

12 (5) When a defendant is convicted of a felony violation  
13 of Section 24-1 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
15 finding that the defendant is a member of an organized  
16 gang.

17 (6) When a defendant was convicted of unlawful use of  
18 weapons under Section 24-1 of the Criminal Code of 1961 or  
19 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
20 a weapon that is not readily distinguishable as one of the  
21 weapons enumerated in Section 24-1 of the Criminal Code of  
22 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

23 (7) When a defendant is convicted of an offense  
24 involving the illegal manufacture of a controlled  
25 substance under Section 401 of the Illinois Controlled  
26 Substances Act (720 ILCS 570/401), the illegal manufacture

1 of methamphetamine under Section 25 of the Methamphetamine  
2 Control and Community Protection Act (720 ILCS 646/25), or  
3 the illegal possession of explosives and an emergency  
4 response officer in the performance of his or her duties is  
5 killed or injured at the scene of the offense while  
6 responding to the emergency caused by the commission of the  
7 offense. In this paragraph, "emergency" means a situation  
8 in which a person's life, health, or safety is in jeopardy;  
9 and "emergency response officer" means a peace officer,  
10 community policing volunteer, fireman, emergency medical  
11 technician-ambulance, emergency medical  
12 technician-intermediate, emergency medical  
13 technician-paramedic, ambulance driver, other medical  
14 assistance or first aid personnel, or hospital emergency  
15 room personnel.

16 (8) When the defendant is convicted of attempted mob  
17 action, solicitation to commit mob action, or conspiracy to  
18 commit mob action under Section 8-1, 8-2, or 8-4 of the  
19 Criminal Code of 2012, where the criminal object is a  
20 violation of Section 25-1 of the Criminal Code of 2012, and  
21 an electronic communication is used in the commission of  
22 the offense. For the purposes of this paragraph (8),  
23 "electronic communication" shall have the meaning provided  
24 in Section 26.5-0.1 of the Criminal Code of 2012.

25 (d) For the purposes of this Section, "organized gang" has  
26 the meaning ascribed to it in Section 10 of the Illinois



1 Streetgang Terrorism Omnibus Prevention Act.

2 (e) The court may impose an extended term sentence under  
3 Article 4.5 of Chapter V upon an offender who has been  
4 convicted of a felony violation of Section 11-1.20, 11-1.30,  
5 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
6 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
7 when the victim of the offense is under 18 years of age at the  
8 time of the commission of the offense and, during the  
9 commission of the offense, the victim was under the influence  
10 of alcohol, regardless of whether or not the alcohol was  
11 supplied by the offender; and the offender, at the time of the  
12 commission of the offense, knew or should have known that the  
13 victim had consumed alcohol.

14 (Source: P.A. 100-1053, eff. 1-1-19; 101-173, eff. 1-1-20;  
15 101-401, eff. 1-1-20; 101-417, eff. 1-1-20; revised 9-18-19.)

16 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

17 Sec. 5-6-3. Conditions of probation and of conditional  
18 discharge.

19 (a) The conditions of probation and of conditional  
20 discharge shall be that the person:

21 (1) not violate any criminal statute of any  
22 jurisdiction;

23 (2) report to or appear in person before such person or  
24 agency as directed by the court;

25 (3) refrain from possessing a firearm or other

1 dangerous weapon where the offense is a felony or, if a  
2 misdemeanor, the offense involved the intentional or  
3 knowing infliction of bodily harm or threat of bodily harm;

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

13 (5) permit the probation officer to visit him at his  
14 home or elsewhere to the extent necessary to discharge his  
15 duties;

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

1           2012 and similar damage to property located within the  
2           municipality or county in which the violation occurred.  
3           When possible and reasonable, the community service should  
4           be performed in the offender's neighborhood. For purposes  
5           of this Section, "organized gang" has the meaning ascribed  
6           to it in Section 10 of the Illinois Streetgang Terrorism  
7           Omnibus Prevention Act. The court may give credit toward  
8           the fulfillment of community service hours for  
9           participation in activities and treatment as determined by  
10          court services;

11           (7) if he or she is at least 17 years of age and has  
12          been sentenced to probation or conditional discharge for a  
13          misdemeanor or felony in a county of 3,000,000 or more  
14          inhabitants and has not been previously convicted of a  
15          misdemeanor or felony, may be required by the sentencing  
16          court to attend educational courses designed to prepare the  
17          defendant for a high school diploma and to work toward a  
18          high school diploma or to work toward passing high school  
19          equivalency testing or to work toward completing a  
20          vocational training program approved by the court. The  
21          person on probation or conditional discharge must attend a  
22          public institution of education to obtain the educational  
23          or vocational training required by this paragraph (7). The  
24          court shall revoke the probation or conditional discharge  
25          of a person who wilfully fails to comply with this  
26          paragraph (7). The person on probation or conditional

1 discharge shall be required to pay for the cost of the  
2 educational courses or high school equivalency testing if a  
3 fee is charged for those courses or testing. The court  
4 shall resentence the offender whose probation or  
5 conditional discharge has been revoked as provided in  
6 Section 5-6-4. This paragraph (7) does not apply to a  
7 person who has a high school diploma or has successfully  
8 passed high school equivalency testing. This paragraph (7)  
9 does not apply to a person who is determined by the court  
10 to be a person with a developmental disability or otherwise  
11 mentally incapable of completing the educational or  
12 vocational program;

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

26 (8.5) if convicted of a felony sex offense as defined

1 in the Sex Offender Management Board Act, the person shall  
2 undergo and successfully complete sex offender treatment  
3 by a treatment provider approved by the Board and conducted  
4 in conformance with the standards developed under the Sex  
5 Offender Management Board Act;

6 (8.6) if convicted of a sex offense as defined in the  
7 Sex Offender Management Board Act, refrain from residing at  
8 the same address or in the same condominium unit or  
9 apartment unit or in the same condominium complex or  
10 apartment complex with another person he or she knows or  
11 reasonably should know is a convicted sex offender or has  
12 been placed on supervision for a sex offense; the  
13 provisions of this paragraph do not apply to a person  
14 convicted of a sex offense who is placed in a Department of  
15 Corrections licensed transitional housing facility for sex  
16 offenders;

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

1 Code of 2012; and a person is not related to the accused if  
2 the person is not: (i) the spouse, brother, or sister of  
3 the accused; (ii) a descendant of the accused; (iii) a  
4 first or second cousin of the accused; or (iv) a step-child  
5 or adopted child of the accused;

6 (8.8) if convicted for an offense under Section 11-6,  
7 11-9.1, 11-14.4 that involves soliciting for a juvenile  
8 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
9 of the Criminal Code of 1961 or the Criminal Code of 2012,  
10 or any attempt to commit any of these offenses, committed  
11 on or after June 1, 2009 (the effective date of Public Act  
12 95-983):

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

19 (ii) submit to periodic unannounced examinations  
20 of the offender's computer or any other device with  
21 Internet capability by the offender's probation  
22 officer, a law enforcement officer, or assigned  
23 computer or information technology specialist,  
24 including the retrieval and copying of all data from  
25 the computer or device and any internal or external  
26 peripherals and removal of such information,

1 equipment, or device to conduct a more thorough  
2 inspection;

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

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

11 (8.9) if convicted of a sex offense as defined in the  
12 Sex Offender Registration Act committed on or after January  
13 1, 2010 (the effective date of Public Act 96-262), refrain  
14 from accessing or using a social networking website as  
15 defined in Section 17-0.5 of the Criminal Code of 2012;

16 (9) if convicted of a felony or of any misdemeanor  
17 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
18 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
19 2012 that was determined, pursuant to Section 112A-11.1 of  
20 the Code of Criminal Procedure of 1963, to trigger the  
21 prohibitions of 18 U.S.C. 922(g)(9), physically surrender  
22 at a time and place designated by the court, ~~his or her~~  
23 ~~Firearm Owner's Identification Card~~ and any and all  
24 firearms in his or her possession. ~~The Court shall return~~  
25 ~~to the Department of State Police Firearm Owner's~~  
26 ~~Identification Card Office the person's Firearm Owner's~~

1       ~~Identification Card;~~

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

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

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

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

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



1 ammonium nitrate; and

2 (13) if convicted of a hate crime involving the  
3 protected class identified in subsection (a) of Section  
4 12-7.1 of the Criminal Code of 2012 that gave rise to the  
5 offense the offender committed, perform public or  
6 community service of no less than 200 hours and enroll in  
7 an educational program discouraging hate crimes that  
8 includes racial, ethnic, and cultural sensitivity training  
9 ordered by the court.

10 (b) The Court may in addition to other reasonable  
11 conditions relating to the nature of the offense or the  
12 rehabilitation of the defendant as determined for each  
13 defendant in the proper discretion of the Court require that  
14 the person:

15 (1) serve a term of periodic imprisonment under Article  
16 7 for a period not to exceed that specified in paragraph  
17 (d) of Section 5-7-1;

18 (2) pay a fine and costs;

19 (3) work or pursue a course of study or vocational  
20 training;

21 (4) undergo medical, psychological or psychiatric  
22 treatment; or treatment for drug addiction or alcoholism;

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

25 (6) support his dependents;

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

- 1 (i) reside with his parents or in a foster home;
- 2 (ii) attend school;
- 3 (iii) attend a non-residential program for youth;
- 4 (iv) contribute to his own support at home or in a  
5 foster home;
- 6 (v) with the consent of the superintendent of the  
7 facility, attend an educational program at a facility  
8 other than the school in which the offense was  
9 committed if he or she is convicted of a crime of  
10 violence as defined in Section 2 of the Crime Victims  
11 Compensation Act committed in a school, on the real  
12 property comprising a school, or within 1,000 feet of  
13 the real property comprising a school;
- 14 (8) make restitution as provided in Section 5-5-6 of  
15 this Code;
- 16 (9) perform some reasonable public or community  
17 service;
- 18 (10) serve a term of home confinement. In addition to  
19 any other applicable condition of probation or conditional  
20 discharge, the conditions of home confinement shall be that  
21 the offender:
- 22 (i) remain within the interior premises of the  
23 place designated for his confinement during the hours  
24 designated by the court;
- 25 (ii) admit any person or agent designated by the  
26 court into the offender's place of confinement at any

1 time for purposes of verifying the offender's  
2 compliance with the conditions of his confinement; and

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

7 (iv) for persons convicted of any alcohol,  
8 cannabis or controlled substance violation who are  
9 placed on an approved monitoring device as a condition  
10 of probation or conditional discharge, the court shall  
11 impose a reasonable fee for each day of the use of the  
12 device, as established by the county board in  
13 subsection (g) of this Section, unless after  
14 determining the inability of the offender to pay the  
15 fee, the court assesses a lesser fee or no fee as the  
16 case may be. This fee shall be imposed in addition to  
17 the fees imposed under subsections (g) and (i) of this  
18 Section. The fee shall be collected by the clerk of the  
19 circuit court, except as provided in an administrative  
20 order of the Chief Judge of the circuit court. The  
21 clerk of the circuit court shall pay all monies  
22 collected from this fee to the county treasurer for  
23 deposit in the substance abuse services fund under  
24 Section 5-1086.1 of the Counties Code, except as  
25 provided in an administrative order of the Chief Judge  
26 of the circuit court.

1           The Chief Judge of the circuit court of the county  
2           may by administrative order establish a program for  
3           electronic monitoring of offenders, in which a vendor  
4           supplies and monitors the operation of the electronic  
5           monitoring device, and collects the fees on behalf of  
6           the county. The program shall include provisions for  
7           indigent offenders and the collection of unpaid fees.  
8           The program shall not unduly burden the offender and  
9           shall be subject to review by the Chief Judge.

10           The Chief Judge of the circuit court may suspend  
11           any additional charges or fees for late payment,  
12           interest, or damage to any device; and

13           (v) for persons convicted of offenses other than  
14           those referenced in clause (iv) above and who are  
15           placed on an approved monitoring device as a condition  
16           of probation or conditional discharge, the court shall  
17           impose a reasonable fee for each day of the use of the  
18           device, as established by the county board in  
19           subsection (g) of this Section, unless after  
20           determining the inability of the defendant to pay the  
21           fee, the court assesses a lesser fee or no fee as the  
22           case may be. This fee shall be imposed in addition to  
23           the fees imposed under subsections (g) and (i) of this  
24           Section. The fee shall be collected by the clerk of the  
25           circuit court, except as provided in an administrative  
26           order of the Chief Judge of the circuit court. The

1 clerk of the circuit court shall pay all monies  
2 collected from this fee to the county treasurer who  
3 shall use the monies collected to defray the costs of  
4 corrections. The county treasurer shall deposit the  
5 fee collected in the probation and court services fund.  
6 The Chief Judge of the circuit court of the county may  
7 by administrative order establish a program for  
8 electronic monitoring of offenders, in which a vendor  
9 supplies and monitors the operation of the electronic  
10 monitoring device, and collects the fees on behalf of  
11 the county. The program shall include provisions for  
12 indigent offenders and the collection of unpaid fees.  
13 The program shall not unduly burden the offender and  
14 shall be subject to review by the Chief Judge.

15 The Chief Judge of the circuit court may suspend  
16 any additional charges or fees for late payment,  
17 interest, or damage to any device.

18 (11) comply with the terms and conditions of an order  
19 of protection issued by the court pursuant to the Illinois  
20 Domestic Violence Act of 1986, as now or hereafter amended,  
21 or an order of protection issued by the court of another  
22 state, tribe, or United States territory. A copy of the  
23 order of protection shall be transmitted to the probation  
24 officer or agency having responsibility for the case;

25 (12) reimburse any "local anti-crime program" as  
26 defined in Section 7 of the Anti-Crime Advisory Council Act

1 for any reasonable expenses incurred by the program on the  
2 offender's case, not to exceed the maximum amount of the  
3 fine authorized for the offense for which the defendant was  
4 sentenced;

5 (13) contribute a reasonable sum of money, not to  
6 exceed the maximum amount of the fine authorized for the  
7 offense for which the defendant was sentenced, (i) to a  
8 "local anti-crime program", as defined in Section 7 of the  
9 Anti-Crime Advisory Council Act, or (ii) for offenses under  
10 the jurisdiction of the Department of Natural Resources, to  
11 the fund established by the Department of Natural Resources  
12 for the purchase of evidence for investigation purposes and  
13 to conduct investigations as outlined in Section 805-105 of  
14 the Department of Natural Resources (Conservation) Law;

15 (14) refrain from entering into a designated  
16 geographic area except upon such terms as the court finds  
17 appropriate. Such terms may include consideration of the  
18 purpose of the entry, the time of day, other persons  
19 accompanying the defendant, and advance approval by a  
20 probation officer, if the defendant has been placed on  
21 probation or advance approval by the court, if the  
22 defendant was placed on conditional discharge;

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

1           (16) refrain from having in his or her body the  
2 presence of any illicit drug prohibited by the Cannabis  
3 Control Act, the Illinois Controlled Substances Act, or the  
4 Methamphetamine Control and Community Protection Act,  
5 unless prescribed by a physician, and submit samples of his  
6 or her blood or urine or both for tests to determine the  
7 presence of any illicit drug;

8           (17) if convicted for an offense committed on or after  
9 June 1, 2008 (the effective date of Public Act 95-464) that  
10 would qualify the accused as a child sex offender as  
11 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
12 1961 or the Criminal Code of 2012, refrain from  
13 communicating with or contacting, by means of the Internet,  
14 a person who is related to the accused and whom the accused  
15 reasonably believes to be under 18 years of age; for  
16 purposes of this paragraph (17), "Internet" has the meaning  
17 ascribed to it in Section 16-0.1 of the Criminal Code of  
18 2012; and a person is related to the accused if the person  
19 is: (i) the spouse, brother, or sister of the accused; (ii)  
20 a descendant of the accused; (iii) a first or second cousin  
21 of the accused; or (iv) a step-child or adopted child of  
22 the accused;

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

1           (i) not access or use a computer or any other  
2 device with Internet capability without the prior  
3 written approval of the offender's probation officer,  
4 except in connection with the offender's employment or  
5 search for employment with the prior approval of the  
6 offender's probation officer;

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

17           (iii) submit to the installation on the offender's  
18 computer or device with Internet capability, at the  
19 subject's expense, of one or more hardware or software  
20 systems to monitor the Internet use; and

21           (iv) submit to any other appropriate restrictions  
22 concerning the offender's use of or access to a  
23 computer or any other device with Internet capability  
24 imposed by the offender's probation officer; and

25           (19) refrain from possessing a firearm or other  
26 dangerous weapon where the offense is a misdemeanor that



1           did not involve the intentional or knowing infliction of  
2           bodily harm or threat of bodily harm.

3           (c) The court may as a condition of probation or of  
4           conditional discharge require that a person under 18 years of  
5           age found guilty of any alcohol, cannabis or controlled  
6           substance violation, refrain from acquiring a driver's license  
7           during the period of probation or conditional discharge. If  
8           such person is in possession of a permit or license, the court  
9           may require that the minor refrain from driving or operating  
10          any motor vehicle during the period of probation or conditional  
11          discharge, except as may be necessary in the course of the  
12          minor's lawful employment.

13          (d) An offender sentenced to probation or to conditional  
14          discharge shall be given a certificate setting forth the  
15          conditions thereof.

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

24          Persons committed to imprisonment as a condition of  
25          probation or conditional discharge shall not be committed to  
26          the Department of Corrections.

1           (f) The court may combine a sentence of periodic  
2 imprisonment under Article 7 or a sentence to a county impact  
3 incarceration program under Article 8 with a sentence of  
4 probation or conditional discharge.

5           (g) An offender sentenced to probation or to conditional  
6 discharge and who during the term of either undergoes mandatory  
7 drug or alcohol testing, or both, or is assigned to be placed  
8 on an approved electronic monitoring device, shall be ordered  
9 to pay all costs incidental to such mandatory drug or alcohol  
10 testing, or both, and all costs incidental to such approved  
11 electronic monitoring in accordance with the defendant's  
12 ability to pay those costs. The county board with the  
13 concurrence of the Chief Judge of the judicial circuit in which  
14 the county is located shall establish reasonable fees for the  
15 cost of maintenance, testing, and incidental expenses related  
16 to the mandatory drug or alcohol testing, or both, and all  
17 costs incidental to approved electronic monitoring, involved  
18 in a successful probation program for the county. The  
19 concurrence of the Chief Judge shall be in the form of an  
20 administrative order. The fees shall be collected by the clerk  
21 of the circuit court, except as provided in an administrative  
22 order of the Chief Judge of the circuit court. The clerk of the  
23 circuit court shall pay all moneys collected from these fees to  
24 the county treasurer who shall use the moneys collected to  
25 defray the costs of drug testing, alcohol testing, and  
26 electronic monitoring. The county treasurer shall deposit the

1 fees collected in the county working cash fund under Section  
2 6-27001 or Section 6-29002 of the Counties Code, as the case  
3 may be. The Chief Judge of the circuit court of the county may  
4 by administrative order establish a program for electronic  
5 monitoring of offenders, in which a vendor supplies and  
6 monitors the operation of the electronic monitoring device, and  
7 collects the fees on behalf of the county. The program shall  
8 include provisions for indigent offenders and the collection of  
9 unpaid fees. The program shall not unduly burden the offender  
10 and shall be subject to review by the Chief Judge.

11 The Chief Judge of the circuit court may suspend any  
12 additional charges or fees for late payment, interest, or  
13 damage to any device.

14 (h) Jurisdiction over an offender may be transferred from  
15 the sentencing court to the court of another circuit with the  
16 concurrence of both courts. Further transfers or retransfers of  
17 jurisdiction are also authorized in the same manner. The court  
18 to which jurisdiction has been transferred shall have the same  
19 powers as the sentencing court. The probation department within  
20 the circuit to which jurisdiction has been transferred, or  
21 which has agreed to provide supervision, may impose probation  
22 fees upon receiving the transferred offender, as provided in  
23 subsection (i). For all transfer cases, as defined in Section  
24 9b of the Probation and Probation Officers Act, the probation  
25 department from the original sentencing court shall retain all  
26 probation fees collected prior to the transfer. After the

1 transfer, all probation fees shall be paid to the probation  
2 department within the circuit to which jurisdiction has been  
3 transferred.

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

25 A circuit court may not impose a probation fee under this  
26 subsection (i) in excess of \$25 per month unless the circuit

1 court has adopted, by administrative order issued by the chief  
2 judge, a standard probation fee guide determining an offender's  
3 ability to pay. Of the amount collected as a probation fee, up  
4 to \$5 of that fee collected per month may be used to provide  
5 services to crime victims and their families.

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

18 Public Act 93-970 deletes the \$10 increase in the fee under  
19 this subsection that was imposed by Public Act 93-616. This  
20 deletion is intended to control over any other Act of the 93rd  
21 General Assembly that retains or incorporates that fee  
22 increase.

23 (i-5) In addition to the fees imposed under subsection (i)  
24 of this Section, in the case of an offender convicted of a  
25 felony sex offense (as defined in the Sex Offender Management  
26 Board Act) or an offense that the court or probation department

1 has determined to be sexually motivated (as defined in the Sex  
2 Offender Management Board Act), the court or the probation  
3 department shall assess additional fees to pay for all costs of  
4 treatment, assessment, evaluation for risk and treatment, and  
5 monitoring the offender, based on that offender's ability to  
6 pay those costs either as they occur or under a payment plan.

7 (j) All fines and costs imposed under this Section for any  
8 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
9 Code, or a similar provision of a local ordinance, and any  
10 violation of the Child Passenger Protection Act, or a similar  
11 provision of a local ordinance, shall be collected and  
12 disbursed by the circuit clerk as provided under the Criminal  
13 and Traffic Assessment Act.

14 (k) Any offender who is sentenced to probation or  
15 conditional discharge for a felony sex offense as defined in  
16 the Sex Offender Management Board Act or any offense that the  
17 court or probation department has determined to be sexually  
18 motivated as defined in the Sex Offender Management Board Act  
19 shall be required to refrain from any contact, directly or  
20 indirectly, with any persons specified by the court and shall  
21 be available for all evaluations and treatment programs  
22 required by the court or the probation department.

23 (l) The court may order an offender who is sentenced to  
24 probation or conditional discharge for a violation of an order  
25 of protection be placed under electronic surveillance as  
26 provided in Section 5-8A-7 of this Code.

1 (Source: P.A. 99-143, eff. 7-27-15; 99-797, eff. 8-12-16;  
2 100-159, eff. 8-18-17; 100-260, eff. 1-1-18; 100-575, eff.  
3 1-8-18; 100-987, eff. 7-1-19; revised 7-12-19.)

4 Section 100. The Stalking No Contact Order Act is amended  
5 by changing Section 80 as follows:

6 (740 ILCS 21/80)

7 Sec. 80. Stalking no contact orders; remedies.

8 (a) If the court finds that the petitioner has been a  
9 victim of stalking, a stalking no contact order shall issue;  
10 provided that the petitioner must also satisfy the requirements  
11 of Section 95 on emergency orders or Section 100 on plenary  
12 orders. The petitioner shall not be denied a stalking no  
13 contact order because the petitioner or the respondent is a  
14 minor. The court, when determining whether or not to issue a  
15 stalking no contact order, may not require physical injury on  
16 the person of the petitioner. Modification and extension of  
17 prior stalking no contact orders shall be in accordance with  
18 this Act.

19 (b) A stalking no contact order shall order one or more of  
20 the following:

21 (1) prohibit the respondent from threatening to commit  
22 or committing stalking;

23 (2) order the respondent not to have any contact with  
24 the petitioner or a third person specifically named by the

1 court;

2 (3) prohibit the respondent from knowingly coming  
3 within, or knowingly remaining within a specified distance  
4 of the petitioner or the petitioner's residence, school,  
5 daycare, or place of employment, or any specified place  
6 frequented by the petitioner; however, the court may order  
7 the respondent to stay away from the respondent's own  
8 residence, school, or place of employment only if the  
9 respondent has been provided actual notice of the  
10 opportunity to appear and be heard on the petition;

11 (4) prohibit the respondent from ~~possessing a Firearm~~  
12 ~~Owners Identification Card, or~~ possessing or buying  
13 firearms; and

14 (5) order other injunctive relief the court determines  
15 to be necessary to protect the petitioner or third party  
16 specifically named by the court.

17 (b-5) When the petitioner and the respondent attend the  
18 same public, private, or non-public elementary, middle, or high  
19 school, the court when issuing a stalking no contact order and  
20 providing relief shall consider the severity of the act, any  
21 continuing physical danger or emotional distress to the  
22 petitioner, the educational rights guaranteed to the  
23 petitioner and respondent under federal and State law, the  
24 availability of a transfer of the respondent to another school,  
25 a change of placement or a change of program of the respondent,  
26 the expense, difficulty, and educational disruption that would



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

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

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

17 (b-7) The court shall not hold a school district or private  
18 or non-public school or any of its employees in civil or  
19 criminal contempt unless the school district or private or  
20 non-public school has been allowed to intervene.

21 (b-8) The court may hold the parents, guardian, or legal  
22 custodian of a minor respondent in civil or criminal contempt  
23 for a violation of any provision of any order entered under  
24 this Act for conduct of the minor respondent in violation of  
25 this Act if the parents, guardian, or legal custodian directed,  
26 encouraged, or assisted the respondent minor in such conduct.

1 (c) The court may award the petitioner costs and attorneys  
2 fees if a stalking no contact order is granted.

3 (d) Monetary damages are not recoverable as a remedy.

4 (e) If the stalking no contact order prohibits the  
5 respondent from ~~possessing a Firearm Owner's Identification~~  
6 ~~Card, or~~ possessing or buying firearms; the court shall  
7 confiscate the respondent's firearms ~~Firearm Owner's~~  
8 ~~Identification Card and immediately return the card to the~~  
9 ~~Department of State Police Firearm Owner's Identification Card~~  
10 ~~Office.~~

11 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12;  
12 97-1131, eff. 1-1-13.)

13 Section 105. The Mental Health and Developmental  
14 Disabilities Confidentiality Act is amended by changing  
15 Section 12 as follows:

16 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

17 Sec. 12. (a) If the United States Secret Service or the  
18 Department of State Police requests information from a mental  
19 health or developmental disability facility, as defined in  
20 Section 1-107 and 1-114 of the Mental Health and Developmental  
21 Disabilities Code, relating to a specific recipient and the  
22 facility director determines that disclosure of such  
23 information may be necessary to protect the life of, or to  
24 prevent the infliction of great bodily harm to, a public

1 official, or a person under the protection of the United States  
2 Secret Service, only the following information may be  
3 disclosed: the recipient's name, address, and age and the date  
4 of any admission to or discharge from a facility; and any  
5 information which would indicate whether or not the recipient  
6 has a history of violence or presents a danger of violence to  
7 the person under protection. Any information so disclosed shall  
8 be used for investigative purposes only and shall not be  
9 publicly disseminated. Any person participating in good faith  
10 in the disclosure of such information in accordance with this  
11 provision shall have immunity from any liability, civil,  
12 criminal or otherwise, if such information is disclosed relying  
13 upon the representation of an officer of the United States  
14 Secret Service or the Department of State Police that a person  
15 is under the protection of the United States Secret Service or  
16 is a public official.

17 For the purpose of this subsection (a), the term "public  
18 official" means the Governor, Lieutenant Governor, Attorney  
19 General, Secretary of State, State Comptroller, State  
20 Treasurer, member of the General Assembly, member of the United  
21 States Congress, Judge of the United States as defined in 28  
22 U.S.C. 451, Justice of the United States as defined in 28  
23 U.S.C. 451, United States Magistrate Judge as defined in 28  
24 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or  
25 Supreme, Appellate, Circuit, or Associate Judge of the State of  
26 Illinois. The term shall also include the spouse, child or

1 children of a public official.

2 (b) The Department of Human Services (acting as successor  
3 to the Department of Mental Health and Developmental  
4 Disabilities) and all public or private hospitals and mental  
5 health facilities are required, as hereafter described in this  
6 subsection, to furnish the Department of State Police only such  
7 information as may be required for the sole purpose of  
8 determining whether an individual who may be or may have been a  
9 patient is disqualified because of that status from receiving  
10 or retaining a firearm under paragraph (4) of subsection (a) of  
11 Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~  
12 ~~Identification Card or falls within the federal prohibitors~~  
13 ~~under subsection (e), (f), (g), (r), (s), or (t) of Section 8~~  
14 ~~of the Firearm Owners Identification Card Act~~, or falls within  
15 the federal prohibitors in 18 U.S.C. 922(g) and (n). All  
16 physicians, clinical psychologists, or qualified examiners at  
17 public or private mental health facilities or parts thereof as  
18 defined in this subsection shall, in the form and manner  
19 required by the Department, provide notice directly to the  
20 Department of Human Services, or to his or her employer who  
21 shall then report to the Department, within 24 hours after  
22 determining that a person poses a clear and present danger to  
23 himself, herself, or others, or within 7 days after a person 14  
24 years or older is determined to be a person with a  
25 developmental disability by a physician, clinical  
26 psychologist, or qualified examiner as described in this

1 ~~subsection (b) Section 1.1 of the Firearm Owners Identification~~  
2 ~~Card Act.~~ If a person is a patient as described in clause  
3 ~~(2) (A) (1)~~ of the definition of "patient" in (2) (A) Section 1.1  
4 ~~of the Firearm Owners Identification Card Act,~~ this information  
5 shall be furnished within 7 days after admission to a public or  
6 private hospital or mental health facility or the provision of  
7 services. Any such information disclosed under this subsection  
8 shall remain privileged and confidential, and shall not be  
9 redisclosed, except as required by clause (e) (2) of Section  
10 24-4.5 of the Criminal Code of 2012 ~~subsection (e) of Section~~  
11 ~~3.1 of the Firearm Owners Identification Card Act,~~ nor utilized  
12 for any other purpose. The method of requiring the providing of  
13 such information shall guarantee that no information is  
14 released beyond what is necessary for this purpose. In  
15 addition, the information disclosed shall be provided by the  
16 Department within the time period established by Section 24-3  
17 of the Criminal Code of 2012 regarding the delivery of  
18 firearms. The method used shall be sufficient to provide the  
19 necessary information within the prescribed time period, which  
20 may include periodically providing lists to the Department of  
21 Human Services or any public or private hospital or mental  
22 health facility of ~~Firearm Owner's Identification Card~~  
23 applicants for firearm purchases on which the Department or  
24 hospital shall indicate the identities of those individuals who  
25 are to its knowledge disqualified from having a firearm ~~Firearm~~  
26 ~~Owner's Identification Card~~ for reasons described herein. The

1 Department may provide for a centralized source of information  
2 for the State on this subject under its jurisdiction. The  
3 identity of the person reporting under this subsection shall  
4 not be disclosed to the subject of the report. For the purposes  
5 of this subsection, the physician, clinical psychologist, or  
6 qualified examiner making the determination and his or her  
7 employer shall not be held criminally, civilly, or  
8 professionally liable for making or not making the notification  
9 required under this subsection, except for willful or wanton  
10 misconduct.

11 Any person, institution, or agency, under this Act,  
12 participating in good faith in the reporting or disclosure of  
13 records and communications otherwise in accordance with this  
14 provision or with rules, regulations or guidelines issued by  
15 the Department shall have immunity from any liability, civil,  
16 criminal or otherwise, that might result by reason of the  
17 action. For the purpose of any proceeding, civil or criminal,  
18 arising out of a report or disclosure in accordance with this  
19 provision, the good faith of any person, institution, or agency  
20 so reporting or disclosing shall be presumed. The full extent  
21 of the immunity provided in this subsection (b) shall apply to  
22 any person, institution or agency that fails to make a report  
23 or disclosure in the good faith belief that the report or  
24 disclosure would violate federal regulations governing the  
25 confidentiality of alcohol and drug abuse patient records  
26 implementing 42 U.S.C. 290dd-3 and 290ee-3.

1 For purposes of this subsection (b) only, the following  
2 terms shall have the meaning prescribed:

3 (1) (Blank).

4 (1.3) "Clear and present danger" has the meaning as  
5 defined in Section 6-103.3 of the Mental Health and  
6 Developmental Disabilities Code ~~1.1 of the Firearm Owners~~  
7 ~~Identification Card Act.~~

8 (1.5) "Person with a developmental disability" has the  
9 meaning as defined in Section 6-103.3 of the Mental Health  
10 and Developmental Disabilities Code ~~1.1 of the Firearm~~  
11 ~~Owners Identification Card Act.~~

12 (2) "Patient" means (A) a person who voluntarily  
13 receives mental health treatment as an in-patient or  
14 resident of any public or private mental health facility,  
15 unless the treatment was solely for an alcohol abuse  
16 disorder and no other secondary substance abuse disorder or  
17 mental illness; or (B) a person who voluntarily receives  
18 mental health treatment as an out-patient or is provided  
19 services by a public or private mental health facility, and  
20 who poses a clear and present danger to himself, herself,  
21 or to others ~~has the meaning as defined in Section 1.1 of~~  
22 ~~the Firearm Owners Identification Card Act.~~

23 (3) "Mental health facility" means any licensed  
24 private hospital or hospital affiliate, institution, or  
25 facility, or part thereof, and any facility, or part  
26 thereof, operated by the State or a political subdivision



1 thereof which provide treatment of persons with mental  
2 illness and includes all hospitals, institutions, clinics,  
3 evaluation facilities, mental health centers, colleges,  
4 universities, long-term care facilities, and nursing  
5 homes, or parts thereof, which provide treatment of persons  
6 with mental illness whether or not the primary purpose is  
7 to provide treatment of persons with mental illness ~~has the~~  
8 ~~meaning as defined in Section 1.1 of the Firearm Owners~~  
9 ~~Identification Card Act.~~

10 (c) Upon the request of a peace officer who takes a person  
11 into custody and transports such person to a mental health or  
12 developmental disability facility pursuant to Section 3-606 or  
13 4-404 of the Mental Health and Developmental Disabilities Code  
14 or who transports a person from such facility, a facility  
15 director shall furnish said peace officer the name, address,  
16 age and name of the nearest relative of the person transported  
17 to or from the mental health or developmental disability  
18 facility. In no case shall the facility director disclose to  
19 the peace officer any information relating to the diagnosis,  
20 treatment or evaluation of the person's mental or physical  
21 health.

22 For the purposes of this subsection (c), the terms "mental  
23 health or developmental disability facility", "peace officer"  
24 and "facility director" shall have the meanings ascribed to  
25 them in the Mental Health and Developmental Disabilities Code.

26 (d) Upon the request of a peace officer or prosecuting

1 authority who is conducting a bona fide investigation of a  
2 criminal offense, or attempting to apprehend a fugitive from  
3 justice, a facility director may disclose whether a person is  
4 present at the facility. Upon request of a peace officer or  
5 prosecuting authority who has a valid forcible felony warrant  
6 issued, a facility director shall disclose: (1) whether the  
7 person who is the subject of the warrant is present at the  
8 facility and (2) the date of that person's discharge or future  
9 discharge from the facility. The requesting peace officer or  
10 prosecuting authority must furnish a case number and the  
11 purpose of the investigation or an outstanding arrest warrant  
12 at the time of the request. Any person, institution, or agency  
13 participating in good faith in disclosing such information in  
14 accordance with this subsection (d) is immune from any  
15 liability, civil, criminal or otherwise, that might result by  
16 reason of the action.

17 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,  
18 eff. 7-27-15; 99-642, eff. 7-28-16.)

19 Section 110. The Illinois Domestic Violence Act of 1986 is  
20 amended by changing Sections 210 and 214 as follows:

21 (750 ILCS 60/210) (from Ch. 40, par. 2312-10)

22 Sec. 210. Process.

23 (a) Summons. Any action for an order of protection, whether  
24 commenced alone or in conjunction with another proceeding, is a

1 distinct cause of action and requires that a separate summons  
2 be issued and served, except that in pending cases the  
3 following methods may be used:

4 (1) By delivery of the summons to respondent personally  
5 in open court in pending civil or criminal cases.

6 (2) By notice in accordance with Section 210.1 in civil  
7 cases in which the defendant has filed a general  
8 appearance.

9 The summons shall be in the form prescribed by Supreme  
10 Court Rule 101(d), except that it shall require respondent to  
11 answer or appear within 7 days. Attachments to the summons or  
12 notice shall include the petition for order of protection and  
13 supporting affidavits, if any, and any emergency order of  
14 protection that has been issued. The enforcement of an order of  
15 protection under Section 223 shall not be affected by the lack  
16 of service, delivery, or notice, provided the requirements of  
17 subsection (d) of that Section are otherwise met.

18 (b) Blank.

19 (c) Expedited service. The summons shall be served by the  
20 sheriff or other law enforcement officer at the earliest time  
21 and shall take precedence over other summonses except those of  
22 a similar emergency nature. Special process servers may be  
23 appointed at any time, and their designation shall not affect  
24 the responsibilities and authority of the sheriff or other  
25 official process servers. In counties with a population over  
26 3,000,000, a special process server may not be appointed if the

1 order of protection grants the surrender of a child, the  
2 surrender of a firearm ~~or firearm owners identification card,~~  
3 or the exclusive possession of a shared residence.

4 (d) Remedies requiring actual notice. The counseling,  
5 payment of support, payment of shelter services, and payment of  
6 losses remedies provided by paragraphs 4, 12, 13, and 16 of  
7 subsection (b) of Section 214 may be granted only if respondent  
8 has been personally served with process, has answered or has  
9 made a general appearance.

10 (e) Remedies upon constructive notice. Service of process  
11 on a member of respondent's household or by publication shall  
12 be adequate for the remedies provided by paragraphs 1, 2, 3, 5,  
13 6, 7, 8, 9, 10, 11, 14, 15, and 17 of subsection (b) of Section  
14 214, but only if: (i) petitioner has made all reasonable  
15 efforts to accomplish actual service of process personally upon  
16 respondent, but respondent cannot be found to effect such  
17 service and (ii) petitioner files an affidavit or presents  
18 sworn testimony as to those efforts.

19 (f) Default. A plenary order of protection may be entered  
20 by default as follows:

21 (1) For any of the remedies sought in the petition, if  
22 respondent has been served or given notice in accordance  
23 with subsection (a) and if respondent then fails to appear  
24 as directed or fails to appear on any subsequent appearance  
25 or hearing date agreed to by the parties or set by the  
26 court; or

1           (2) For any of the remedies provided in accordance with  
2           subsection (e), if respondent fails to answer or appear in  
3           accordance with the date set in the publication notice or  
4           the return date indicated on the service of a household  
5           member.

6           (g) Emergency orders. If an order is granted under  
7           subsection (c) of Section 217, the court shall immediately file  
8           a certified copy of the order with the sheriff or other law  
9           enforcement official charged with maintaining Department of  
10          State Police records.

11          (Source: P.A. 101-508, eff. 1-1-20.)

12          (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

13          Sec. 214. Order of protection; remedies.

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

1 on the person of the victim. Modification and extension of  
2 prior orders of protection shall be in accordance with this  
3 Act.

4 (b) Remedies and standards. The remedies to be included in  
5 an order of protection shall be determined in accordance with  
6 this Section and one of the following Sections, as appropriate:  
7 Section 217 on emergency orders, Section 218 on interim orders,  
8 and Section 219 on plenary orders. The remedies listed in this  
9 subsection shall be in addition to other civil or criminal  
10 remedies available to petitioner.

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

20 (2) Grant of exclusive possession of residence.  
21 Prohibit respondent from entering or remaining in any  
22 residence, household, or premises of the petitioner,  
23 including one owned or leased by respondent, if petitioner  
24 has a right to occupancy thereof. The grant of exclusive  
25 possession of the residence, household, or premises shall  
26 not affect title to real property, nor shall the court be

1 limited by the standard set forth in subsection (c-2) of  
2 Section 501 of the Illinois Marriage and Dissolution of  
3 Marriage Act.

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

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

1 Hardships need not be balanced if respondent does not  
2 have a right to occupancy.

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

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

24 (A) If an order of protection grants petitioner  
25 exclusive possession of the residence, or prohibits  
26 respondent from entering the residence, or orders



1           respondent to stay away from petitioner or other  
2           protected persons, then the court may allow respondent  
3           access to the residence to remove items of clothing and  
4           personal adornment used exclusively by respondent,  
5           medications, and other items as the court directs. The  
6           right to access shall be exercised on only one occasion  
7           as the court directs and in the presence of an  
8           agreed-upon adult third party or law enforcement  
9           officer.

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

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

1 center to which the respondent is transferred. In the  
2 event the court order results in a transfer of the  
3 minor respondent to another attendance center, a  
4 change in the respondent's placement, or a change of  
5 the respondent's program, the parents, guardian, or  
6 legal custodian of the respondent is responsible for  
7 transportation and other costs associated with the  
8 transfer or change.

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

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

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

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

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

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

26 If a court finds, after a hearing, that respondent has

1 committed abuse (as defined in Section 103) of a minor  
2 child, there shall be a rebuttable presumption that  
3 awarding temporary significant decision-making  
4 responsibility to respondent would not be in the child's  
5 best interest.

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

26 Petitioner may deny respondent access to the minor

1 child if, when respondent arrives for parenting time,  
2 respondent is under the influence of drugs or alcohol and  
3 constitutes a threat to the safety and well-being of  
4 petitioner or petitioner's minor children or is behaving in  
5 a violent or abusive manner.

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

15 (8) Removal or concealment of minor child. Prohibit  
16 respondent from removing a minor child from the State or  
17 concealing the child within the State.

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

24 (10) Possession of personal property. Grant petitioner  
25 exclusive possession of personal property and, if  
26 respondent has possession or control, direct respondent to

1 promptly make it available to petitioner, if:

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

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

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

15 No order under this provision shall affect title to  
16 property.

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

21 (i) petitioner, but not respondent, owns the  
22 property; or

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

25 If petitioner's sole claim to ownership of the property  
26 is that it is marital property, the court may grant

1 petitioner relief under subparagraph (ii) of this  
2 paragraph only if a proper proceeding has been filed under  
3 the Illinois Marriage and Dissolution of Marriage Act, as  
4 now or hereafter amended.

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

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

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



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

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

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

1           (ii) Recovery of expenses. In the case of an  
2           improper concealment or removal of a minor child, the  
3           court may order respondent to pay the reasonable  
4           expenses incurred or to be incurred in the search for  
5           and recovery of the minor child, including but not  
6           limited to legal fees, court costs, private  
7           investigator fees, and travel costs.

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

13          (14.5) Prohibition of firearm possession.

14          (a) Prohibit a respondent against whom an order of  
15          protection was issued from possessing any firearms  
16          during the duration of the order if the order:

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

20                  (2) restrains such person from harassing,  
21                  stalking, or threatening an intimate partner of  
22                  such person or child of such intimate partner or  
23                  person, or engaging in other conduct that would  
24                  place an intimate partner in reasonable fear of  
25                  bodily injury to the partner or child; and

26                  (3) (i) includes a finding that such person

1 represents a credible threat to the physical  
2 safety of such intimate partner or child; or (ii)  
3 by its terms explicitly prohibits the use,  
4 attempted use, or threatened use of physical force  
5 against such intimate partner or child that would  
6 reasonably be expected to cause bodily injury.

7 ~~Any Firearm Owner's Identification Card in the~~  
8 ~~possession of the respondent, except as provided in~~  
9 ~~subsection (b), shall be ordered by the court to be~~  
10 ~~turned over to the local law enforcement agency. The~~  
11 ~~local law enforcement agency shall immediately mail~~  
12 ~~the card to the Department of State Police Firearm~~  
13 ~~Owner's Identification Card Office for safekeeping.~~  
14 The court shall issue a warrant for seizure of any  
15 firearm in the possession of the respondent, to be kept  
16 by the local law enforcement agency for safekeeping,  
17 except as provided in subsection (b). The period of  
18 safekeeping shall be for the duration of the order of  
19 protection. The firearm or firearms ~~and Firearm~~  
20 ~~Owner's Identification Card, if unexpired,~~ shall at  
21 the respondent's request, be returned to the  
22 respondent at the end of the order of protection. It is  
23 the respondent's responsibility to notify the  
24 Department of State Police ~~Firearm Owner's~~  
25 ~~Identification Card Office.~~

26 (b) If the respondent is a peace officer as defined

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

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

21 (15) Prohibition of access to records. If an order of  
22 protection prohibits respondent from having contact with  
23 the minor child, or if petitioner's address is omitted  
24 under subsection (b) of Section 203, or if necessary to  
25 prevent abuse or wrongful removal or concealment of a minor  
26 child, the order shall deny respondent access to, and

1 prohibit respondent from inspecting, obtaining, or  
2 attempting to inspect or obtain, school or any other  
3 records of the minor child who is in the care of  
4 petitioner.

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

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

20 (18) Telephone services.

21 (A) Unless a condition described in subparagraph  
22 (B) of this paragraph exists, the court may, upon  
23 request by the petitioner, order a wireless telephone  
24 service provider to transfer to the petitioner the  
25 right to continue to use a telephone number or numbers  
26 indicated by the petitioner and the financial

1 responsibility associated with the number or numbers,  
2 as set forth in subparagraph (C) of this paragraph. For  
3 purposes of this paragraph (18), the term "wireless  
4 telephone service provider" means a provider of  
5 commercial mobile service as defined in 47 U.S.C. 332.  
6 The petitioner may request the transfer of each  
7 telephone number that the petitioner, or a minor child  
8 in his or her custody, uses. The clerk of the court  
9 shall serve the order on the wireless telephone service  
10 provider's agent for service of process provided to the  
11 Illinois Commerce Commission. The order shall contain  
12 all of the following:

13 (i) The name and billing telephone number of  
14 the account holder including the name of the  
15 wireless telephone service provider that serves  
16 the account.

17 (ii) Each telephone number that will be  
18 transferred.

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

23 (B) A wireless telephone service provider shall  
24 terminate the respondent's use of, and shall transfer  
25 to the petitioner use of, the telephone number or  
26 numbers indicated in subparagraph (A) of this

1 paragraph unless it notifies the petitioner, within 72  
2 hours after it receives the order, that one of the  
3 following applies:

4 (i) The account holder named in the order has  
5 terminated the account.

6 (ii) A difference in network technology would  
7 prevent or impair the functionality of a device on  
8 a network if the transfer occurs.

9 (iii) The transfer would cause a geographic or  
10 other limitation on network or service provision  
11 to the petitioner.

12 (iv) Another technological or operational  
13 issue would prevent or impair the use of the  
14 telephone number if the transfer occurs.

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

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

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

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

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

19 (c) Relevant factors; findings.

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

24           (i) the nature, frequency, severity, pattern and  
25 consequences of the respondent's past abuse, neglect  
26 or exploitation of the petitioner or any family or



1 household member, including the concealment of his or  
2 her location in order to evade service of process or  
3 notice, and the likelihood of danger of future abuse,  
4 neglect, or exploitation to petitioner or any member of  
5 petitioner's or respondent's family or household; and

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

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

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

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

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

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

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

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

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

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

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

25          (5) Never married parties. No rights or  
26 responsibilities for a minor child born outside of marriage

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

24 (d) Balance of hardships; findings. If the court finds that  
25 the balance of hardships does not support the granting of a  
26 remedy governed by paragraph (2), (3), (10), (11), or (16) of

1 subsection (b) of this Section, which may require such  
2 balancing, the court's findings shall so indicate and shall  
3 include a finding as to whether granting the remedy will result  
4 in hardship to respondent that would substantially outweigh the  
5 hardship to petitioner from denial of the remedy. The findings  
6 shall be an official record or in writing.

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

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

12 (2) Respondent was voluntarily intoxicated;

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

17 (4) Petitioner did not act in self-defense or defense  
18 of another;

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

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

24 (7) Conduct by any family or household member excused  
25 the abuse, neglect, or exploitation by respondent, unless  
26 that same conduct would have excused such abuse, neglect,

1 or exploitation if the parties had not been family or  
2 household members.

3 (Source: P.A. 99-85, eff. 1-1-16; 99-90, eff. 1-1-16; 99-642,  
4 eff. 7-28-16; 100-388, eff. 1-1-18; 100-863, eff. 8-14-18;  
5 100-923, eff. 1-1-19.)

6 Section 115. The Uniform Disposition of Unclaimed Property  
7 Act is amended by changing Section 1 as follows:

8 (765 ILCS 1025/1) (from Ch. 141, par. 101)

9 Sec. 1. As used in this Act, unless the context otherwise  
10 requires:

11 (a) "Banking organization" means any bank, trust company,  
12 savings bank, industrial bank, land bank, safe deposit company,  
13 or a private banker.

14 (b) "Business association" means any corporation, joint  
15 stock company, business trust, partnership, or any  
16 association, limited liability company, or other business  
17 entity consisting of one or more persons, whether or not for  
18 profit.

19 (c) "Financial organization" means any savings and loan  
20 association, building and loan association, credit union,  
21 currency exchange, co-operative bank, mutual funds, or  
22 investment company.

23 (d) "Holder" means any person in possession of property  
24 subject to this Act belonging to another, or who is trustee in

1 case of a trust, or is indebted to another on an obligation  
2 subject to this Act.

3 (e) "Life insurance corporation" means any association or  
4 corporation transacting the business of insurance on the lives  
5 of persons or insurance appertaining thereto, including, but  
6 not by way of limitation, endowments and annuities.

7 (f) "Owner" means a depositor in case of a deposit, a  
8 beneficiary in case of a trust, a creditor, claimant, or payee  
9 in case of other property, or any person having a legal or  
10 equitable interest in property subject to this Act, or his  
11 legal representative.

12 (g) "Person" means any individual, business association,  
13 financial organization, government or political subdivision or  
14 agency, public authority, estate, trust, or any other legal or  
15 commercial entity.

16 (h) "Utility" means any person who owns or operates, for  
17 public use, any plant, equipment, property, franchise, or  
18 license for the transmission of communications or the  
19 production, storage, transmission, sale, delivery, or  
20 furnishing of electricity, water, steam, oil or gas.

21 (i) (Blank).

22 (j) "Insurance company" means any person transacting the  
23 kinds of business enumerated in Section 4 of the Illinois  
24 Insurance Code other than life insurance.

25 (k) "Economic loss", as used in Sections 2a and 9 of this  
26 Act includes, but is not limited to, delivery charges,

1 mark-downs and write-offs, carrying costs, restocking charges,  
2 lay-aways, special orders, issuance of credit memos, and the  
3 costs of special services or goods provided that reduce the  
4 property value or that result in lost sales opportunity.

5 (l) "Reportable property" means property, tangible or  
6 intangible, presumed abandoned under this Act that must be  
7 appropriately and timely reported and remitted to the Office of  
8 the State Treasurer under this Act. Interest, dividends, stock  
9 splits, warrants, or other rights that become reportable  
10 property under this Act include the underlying security or  
11 commodity giving rise to the interest, dividend, split,  
12 warrant, or other right to which the owner would be entitled.

13 (m) "Firearm" has the meaning ascribed to that term in  
14 Section 2-7.5 of the Criminal Code of 2012 ~~the Firearm Owners~~  
15 ~~Identification Card Act.~~

16 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99; 91-748,  
17 eff. 6-2-00.)

18 Section 120. The Revised Uniform Unclaimed Property Act is  
19 amended by changing Section 15-705 as follows:

20 (765 ILCS 1026/15-705)

21 Sec. 15-705. Exceptions to the sale of tangible property.  
22 The administrator shall dispose of tangible property  
23 identified by this Section in accordance with this Section.

24 (a) Military medals or decorations. The administrator may

1 not sell a medal or decoration awarded for military service in  
2 the armed forces of the United States. Instead, the  
3 administrator, with the consent of the respective organization  
4 under paragraph (1), agency under paragraph (2), or entity  
5 under paragraph (3), may deliver a medal or decoration to be  
6 held in custody for the owner, to:

7 (1) a military veterans organization qualified under  
8 Section 501(c)(19) of the Internal Revenue Code;

9 (2) the agency that awarded the medal or decoration; or

10 (3) a governmental entity.

11 After delivery, the administrator is not responsible for  
12 the safekeeping of the medal or decoration.

13 (b) Property with historical value. Property that the  
14 administrator reasonably believes may have historical value  
15 may be, at his or her discretion, loaned to an accredited  
16 museum in the United States where it will be kept until such  
17 time as the administrator orders it to be returned to his or  
18 her custody.

19 (c) Human remains. If human remains are delivered to the  
20 administrator under this Act, the administrator shall deliver  
21 those human remains to the coroner of the county in which the  
22 human remains were abandoned for disposition under Section  
23 3-3034 of the Counties Code. The only human remains that may be  
24 delivered to the administrator under this Act and that the  
25 administrator may receive are those that are reported and  
26 delivered as contents of a safe deposit box.



1 (d) Evidence in a criminal investigation. Property that may  
2 have been used in the commission of a crime or that may assist  
3 in the investigation of a crime, as determined after consulting  
4 with the Department of State Police, shall be delivered to the  
5 Department of State Police or other appropriate law enforcement  
6 authority to allow law enforcement to determine whether a  
7 criminal investigation should take place. Any such property  
8 delivered to a law enforcement authority shall be held in  
9 accordance with existing statutes and rules related to the  
10 gathering, retention, and release of evidence.

11 (e) Firearms.

12 (1) The administrator, in cooperation with the  
13 Department of State Police, shall develop a procedure to  
14 determine whether a firearm delivered to the administrator  
15 under this Act has been stolen or used in the commission of  
16 a crime. The Department of State Police shall determine the  
17 appropriate disposition of a firearm that has been stolen  
18 or used in the commission of a crime. The administrator  
19 shall attempt to return a firearm that has not been stolen  
20 or used in the commission of a crime to the rightful owner  
21 if the Department of State Police determines that the owner  
22 may lawfully possess the firearm.

23 (2) If the administrator is unable to return a firearm  
24 to its owner, the administrator shall transfer custody of  
25 the firearm to the Department of State Police. Legal title  
26 to a firearm transferred to the Department of State Police

1 under this subsection (e) is vested in the Department of  
2 State Police by operation of law if:

3 (i) the administrator cannot locate the owner of  
4 the firearm;

5 (ii) the owner of the firearm may not lawfully  
6 possess the firearm;

7 (iii) the apparent owner does not respond to notice  
8 published under Section 15-503 of this Act; or

9 (iv) the apparent owner responds to notice  
10 published under Section 15-502 and states that he or  
11 she no longer claims an interest in the firearm.

12 (3) With respect to a firearm whose title is  
13 transferred to the Department of State Police under this  
14 subsection (e), the Department of State Police may:

15 (i) retain the firearm for use by the crime  
16 laboratory system, for training purposes, or for any  
17 other application as deemed appropriate by the  
18 Department;

19 (ii) transfer the firearm to the Illinois State  
20 Museum if the firearm has historical value; or

21 (iii) destroy the firearm if it is not retained  
22 pursuant to subparagraph (i) or transferred pursuant  
23 to subparagraph (ii).

24 As used in this subsection, "firearm" has the meaning  
25 provided in Section 2-7.5 of the Criminal Code of 2012 ~~the~~  
26 ~~Firearm Owners Identification Card Act.~~

1 (Source: P.A. 100-22, eff. 1-1-18.)

2 Section 999. Effective date. This Act takes effect upon  
3 becoming law.

1	INDEX	
2	Statutes amended in order of appearance	
3	5 ILCS 140/7.5	
4	5 ILCS 830/10-5	
5	20 ILCS 805/805-538	
6	20 ILCS 2605/2605-45	was 20 ILCS 2605/55a-5
7	20 ILCS 2605/2605-300	was 20 ILCS 2605/55a in part
8	20 ILCS 2605/2605-595	
9	20 ILCS 2605/2605-120 rep.	
10	20 ILCS 2605/2605-610 rep.	
11	20 ILCS 2610/17b	
12	20 ILCS 2630/2.2	
13	30 ILCS 105/6z-99	
14	50 ILCS 710/1	from Ch. 85, par. 515
15	50 ILCS 725/7.2 rep.	
16	105 ILCS 5/10-22.6	from Ch. 122, par. 10-22.6
17	105 ILCS 5/10-27.1A	
18	105 ILCS 5/34-8.05	
19	225 ILCS 210/2005	from Ch. 96 1/2, par. 1-2005
20	225 ILCS 447/35-30	
21	225 ILCS 447/35-35	
22	405 ILCS 5/6-103.1	
23	405 ILCS 5/6-103.2	
24	405 ILCS 5/6-103.3	
25	410 ILCS 45/2	from Ch. 111 1/2, par. 1302

1	430 ILCS 65/Act rep.	
2	430 ILCS 66/25	
3	430 ILCS 66/30	
4	430 ILCS 66/40	
5	430 ILCS 66/70	
6	430 ILCS 66/80	
7	430 ILCS 66/105	
8	430 ILCS 67/35	
9	430 ILCS 67/40	
10	430 ILCS 68/5-20	
11	430 ILCS 68/5-25	
12	430 ILCS 68/5-40	
13	430 ILCS 68/5-85	
14	520 ILCS 5/3.2	from Ch. 61, par. 3.2
15	520 ILCS 5/3.2a	from Ch. 61, par. 3.2a
16	625 ILCS 5/2-116	from Ch. 95 1/2, par. 2-116
17	720 ILCS 5/2-7.1	
18	720 ILCS 5/2-7.5	
19	720 ILCS 5/12-3.05	was 720 ILCS 5/12-4
20	720 ILCS 5/16-0.1	
21	720 ILCS 5/17-30	was 720 ILCS 5/16C-2
22	720 ILCS 5/24-1	from Ch. 38, par. 24-1
23	720 ILCS 5/24-1.1	from Ch. 38, par. 24-1.1
24	720 ILCS 5/24-1.6	
25	720 ILCS 5/24-1.8	
26	720 ILCS 5/24-2	

1	720 ILCS 5/24-3	from Ch. 38, par. 24-3
2	720 ILCS 5/24-3.1	from Ch. 38, par. 24-3.1
3	720 ILCS 5/24-3.2	from Ch. 38, par. 24-3.2
4	720 ILCS 5/24-3.4	from Ch. 38, par. 24-3.4
5	720 ILCS 5/24-3.5	
6	720 ILCS 5/24-3B	
7	720 ILCS 5/24-4.1	
8	720 ILCS 5/24-4.5 new	
9	720 ILCS 5/24-9	
10	720 ILCS 646/10	
11	725 ILCS 5/102-7.1	
12	725 ILCS 5/110-10	from Ch. 38, par. 110-10
13	725 ILCS 5/112A-11.1	
14	725 ILCS 5/112A-11.2	
15	725 ILCS 5/112A-14	from Ch. 38, par. 112A-14
16	725 ILCS 5/112A-14.7	
17	730 ILCS 5/5-4.5-110	
18	730 ILCS 5/5-5-3	
19	730 ILCS 5/5-5-3.2	
20	730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
21	740 ILCS 21/80	
22	740 ILCS 110/12	from Ch. 91 1/2, par. 812
23	750 ILCS 60/210	from Ch. 40, par. 2312-10
24	750 ILCS 60/214	from Ch. 40, par. 2312-14
25	765 ILCS 1025/1	from Ch. 141, par. 101
26	765 ILCS 1026/15-705	