



Sen. David Koehler

Filed: 5/30/2021

10200HB0562sam001

LRB102 02734 RLC 27377 a

1 AMENDMENT TO HOUSE BILL 562

2 AMENDMENT NO. _____. Amend House Bill 562 by replacing
3 everything after the enacting clause with the following:

4 "Section 3. The Open Meetings Act is amended by changing
5 Section 2 as follows:

6 (5 ILCS 120/2) (from Ch. 102, par. 42)

7 (Text of Section before amendment by P.A. 101-652)

8 Sec. 2. Open meetings.

9 (a) Openness required. All meetings of public bodies shall
10 be open to the public unless excepted in subsection (c) and
11 closed in accordance with Section 2a.

12 (b) Construction of exceptions. The exceptions contained
13 in subsection (c) are in derogation of the requirement that
14 public bodies meet in the open, and therefore, the exceptions
15 are to be strictly construed, extending only to subjects
16 clearly within their scope. The exceptions authorize but do

1 not require the holding of a closed meeting to discuss a
2 subject included within an enumerated exception.

3 (c) Exceptions. A public body may hold closed meetings to
4 consider the following subjects:

5 (1) The appointment, employment, compensation,
6 discipline, performance, or dismissal of specific
7 employees, specific individuals who serve as independent
8 contractors in a park, recreational, or educational
9 setting, or specific volunteers of the public body or
10 legal counsel for the public body, including hearing
11 testimony on a complaint lodged against an employee, a
12 specific individual who serves as an independent
13 contractor in a park, recreational, or educational
14 setting, or a volunteer of the public body or against
15 legal counsel for the public body to determine its
16 validity. However, a meeting to consider an increase in
17 compensation to a specific employee of a public body that
18 is subject to the Local Government Wage Increase
19 Transparency Act may not be closed and shall be open to the
20 public and posted and held in accordance with this Act.

21 (2) Collective negotiating matters between the public
22 body and its employees or their representatives, or
23 deliberations concerning salary schedules for one or more
24 classes of employees.

25 (3) The selection of a person to fill a public office,
26 as defined in this Act, including a vacancy in a public

1 office, when the public body is given power to appoint
2 under law or ordinance, or the discipline, performance or
3 removal of the occupant of a public office, when the
4 public body is given power to remove the occupant under
5 law or ordinance.

6 (4) Evidence or testimony presented in open hearing,
7 or in closed hearing where specifically authorized by law,
8 to a quasi-adjudicative body, as defined in this Act,
9 provided that the body prepares and makes available for
10 public inspection a written decision setting forth its
11 determinative reasoning.

12 (5) The purchase or lease of real property for the use
13 of the public body, including meetings held for the
14 purpose of discussing whether a particular parcel should
15 be acquired.

16 (6) The setting of a price for sale or lease of
17 property owned by the public body.

18 (7) The sale or purchase of securities, investments,
19 or investment contracts. This exception shall not apply to
20 the investment of assets or income of funds deposited into
21 the Illinois Prepaid Tuition Trust Fund.

22 (8) Security procedures, school building safety and
23 security, and the use of personnel and equipment to
24 respond to an actual, a threatened, or a reasonably
25 potential danger to the safety of employees, students,
26 staff, the public, or public property.

1 (9) Student disciplinary cases.

2 (10) The placement of individual students in special
3 education programs and other matters relating to
4 individual students.

5 (11) Litigation, when an action against, affecting or
6 on behalf of the particular public body has been filed and
7 is pending before a court or administrative tribunal, or
8 when the public body finds that an action is probable or
9 imminent, in which case the basis for the finding shall be
10 recorded and entered into the minutes of the closed
11 meeting.

12 (12) The establishment of reserves or settlement of
13 claims as provided in the Local Governmental and
14 Governmental Employees Tort Immunity Act, if otherwise the
15 disposition of a claim or potential claim might be
16 prejudiced, or the review or discussion of claims, loss or
17 risk management information, records, data, advice or
18 communications from or with respect to any insurer of the
19 public body or any intergovernmental risk management
20 association or self insurance pool of which the public
21 body is a member.

22 (13) Conciliation of complaints of discrimination in
23 the sale or rental of housing, when closed meetings are
24 authorized by the law or ordinance prescribing fair
25 housing practices and creating a commission or
26 administrative agency for their enforcement.

1 (14) Informant sources, the hiring or assignment of
2 undercover personnel or equipment, or ongoing, prior or
3 future criminal investigations, when discussed by a public
4 body with criminal investigatory responsibilities.

5 (15) Professional ethics or performance when
6 considered by an advisory body appointed to advise a
7 licensing or regulatory agency on matters germane to the
8 advisory body's field of competence.

9 (16) Self evaluation, practices and procedures or
10 professional ethics, when meeting with a representative of
11 a statewide association of which the public body is a
12 member.

13 (17) The recruitment, credentialing, discipline or
14 formal peer review of physicians or other health care
15 professionals, or for the discussion of matters protected
16 under the federal Patient Safety and Quality Improvement
17 Act of 2005, and the regulations promulgated thereunder,
18 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
19 Health Insurance Portability and Accountability Act of
20 1996, and the regulations promulgated thereunder,
21 including 45 C.F.R. Parts 160, 162, and 164, by a
22 hospital, or other institution providing medical care,
23 that is operated by the public body.

24 (18) Deliberations for decisions of the Prisoner
25 Review Board.

26 (19) Review or discussion of applications received

1 under the Experimental Organ Transplantation Procedures
2 Act.

3 (20) The classification and discussion of matters
4 classified as confidential or continued confidential by
5 the State Government Suggestion Award Board.

6 (21) Discussion of minutes of meetings lawfully closed
7 under this Act, whether for purposes of approval by the
8 body of the minutes or semi-annual review of the minutes
9 as mandated by Section 2.06.

10 (22) Deliberations for decisions of the State
11 Emergency Medical Services Disciplinary Review Board.

12 (23) The operation by a municipality of a municipal
13 utility or the operation of a municipal power agency or
14 municipal natural gas agency when the discussion involves
15 (i) contracts relating to the purchase, sale, or delivery
16 of electricity or natural gas or (ii) the results or
17 conclusions of load forecast studies.

18 (24) Meetings of a residential health care facility
19 resident sexual assault and death review team or the
20 Executive Council under the Abuse Prevention Review Team
21 Act.

22 (25) Meetings of an independent team of experts under
23 Brian's Law.

24 (26) Meetings of a mortality review team appointed
25 under the Department of Juvenile Justice Mortality Review
26 Team Act.

1 (27) (Blank).

2 (28) Correspondence and records (i) that may not be
3 disclosed under Section 11-9 of the Illinois Public Aid
4 Code or (ii) that pertain to appeals under Section 11-8 of
5 the Illinois Public Aid Code.

6 (29) Meetings between internal or external auditors
7 and governmental audit committees, finance committees, and
8 their equivalents, when the discussion involves internal
9 control weaknesses, identification of potential fraud risk
10 areas, known or suspected frauds, and fraud interviews
11 conducted in accordance with generally accepted auditing
12 standards of the United States of America.

13 (30) Those meetings or portions of meetings of a
14 fatality review team or the Illinois Fatality Review Team
15 Advisory Council during which a review of the death of an
16 eligible adult in which abuse or neglect is suspected,
17 alleged, or substantiated is conducted pursuant to Section
18 15 of the Adult Protective Services Act.

19 (31) Meetings and deliberations for decisions of the
20 Concealed Carry Licensing Review Board under the Firearm
21 Concealed Carry Act.

22 (32) Meetings between the Regional Transportation
23 Authority Board and its Service Boards when the discussion
24 involves review by the Regional Transportation Authority
25 Board of employment contracts under Section 28d of the
26 Metropolitan Transit Authority Act and Sections 3A.18 and

1 3B.26 of the Regional Transportation Authority Act.

2 (33) Those meetings or portions of meetings of the
3 advisory committee and peer review subcommittee created
4 under Section 320 of the Illinois Controlled Substances
5 Act during which specific controlled substance prescriber,
6 dispenser, or patient information is discussed.

7 (34) Meetings of the Tax Increment Financing Reform
8 Task Force under Section 2505-800 of the Department of
9 Revenue Law of the Civil Administrative Code of Illinois.

10 (35) Meetings of the group established to discuss
11 Medicaid capitation rates under Section 5-30.8 of the
12 Illinois Public Aid Code.

13 (36) Those deliberations or portions of deliberations
14 for decisions of the Illinois Gaming Board in which there
15 is discussed any of the following: (i) personal,
16 commercial, financial, or other information obtained from
17 any source that is privileged, proprietary, confidential,
18 or a trade secret; or (ii) information specifically
19 exempted from the disclosure by federal or State law.

20 (d) Definitions. For purposes of this Section:

21 "Employee" means a person employed by a public body whose
22 relationship with the public body constitutes an
23 employer-employee relationship under the usual common law
24 rules, and who is not an independent contractor.

25 "Public office" means a position created by or under the
26 Constitution or laws of this State, the occupant of which is

1 charged with the exercise of some portion of the sovereign
2 power of this State. The term "public office" shall include
3 members of the public body, but it shall not include
4 organizational positions filled by members thereof, whether
5 established by law or by a public body itself, that exist to
6 assist the body in the conduct of its business.

7 "Quasi-adjudicative body" means an administrative body
8 charged by law or ordinance with the responsibility to conduct
9 hearings, receive evidence or testimony and make
10 determinations based thereon, but does not include local
11 electoral boards when such bodies are considering petition
12 challenges.

13 (e) Final action. No final action may be taken at a closed
14 meeting. Final action shall be preceded by a public recital of
15 the nature of the matter being considered and other
16 information that will inform the public of the business being
17 conducted.

18 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;
19 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff.
20 8-23-19; revised 9-27-19.)

21 (Text of Section after amendment by P.A. 101-652)

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24 be open to the public unless excepted in subsection (c) and
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6 not require the holding of a closed meeting to discuss a
7 subject included within an enumerated exception.

8 (c) Exceptions. A public body may hold closed meetings to
9 consider the following subjects:

10 (1) The appointment, employment, compensation,
11 discipline, performance, or dismissal of specific
12 employees, specific individuals who serve as independent
13 contractors in a park, recreational, or educational
14 setting, or specific volunteers of the public body or
15 legal counsel for the public body, including hearing
16 testimony on a complaint lodged against an employee, a
17 specific individual who serves as an independent
18 contractor in a park, recreational, or educational
19 setting, or a volunteer of the public body or against
20 legal counsel for the public body to determine its
21 validity. However, a meeting to consider an increase in
22 compensation to a specific employee of a public body that
23 is subject to the Local Government Wage Increase
24 Transparency Act may not be closed and shall be open to the
25 public and posted and held in accordance with this Act.

26 (2) Collective negotiating matters between the public

1 body and its employees or their representatives, or
2 deliberations concerning salary schedules for one or more
3 classes of employees.

4 (3) The selection of a person to fill a public office,
5 as defined in this Act, including a vacancy in a public
6 office, when the public body is given power to appoint
7 under law or ordinance, or the discipline, performance or
8 removal of the occupant of a public office, when the
9 public body is given power to remove the occupant under
10 law or ordinance.

11 (4) Evidence or testimony presented in open hearing,
12 or in closed hearing where specifically authorized by law,
13 to a quasi-adjudicative body, as defined in this Act,
14 provided that the body prepares and makes available for
15 public inspection a written decision setting forth its
16 determinative reasoning.

17 (5) The purchase or lease of real property for the use
18 of the public body, including meetings held for the
19 purpose of discussing whether a particular parcel should
20 be acquired.

21 (6) The setting of a price for sale or lease of
22 property owned by the public body.

23 (7) The sale or purchase of securities, investments,
24 or investment contracts. This exception shall not apply to
25 the investment of assets or income of funds deposited into
26 the Illinois Prepaid Tuition Trust Fund.

1 (8) Security procedures, school building safety and
2 security, and the use of personnel and equipment to
3 respond to an actual, a threatened, or a reasonably
4 potential danger to the safety of employees, students,
5 staff, the public, or public property.

6 (9) Student disciplinary cases.

7 (10) The placement of individual students in special
8 education programs and other matters relating to
9 individual students.

10 (11) Litigation, when an action against, affecting or
11 on behalf of the particular public body has been filed and
12 is pending before a court or administrative tribunal, or
13 when the public body finds that an action is probable or
14 imminent, in which case the basis for the finding shall be
15 recorded and entered into the minutes of the closed
16 meeting.

17 (12) The establishment of reserves or settlement of
18 claims as provided in the Local Governmental and
19 Governmental Employees Tort Immunity Act, if otherwise the
20 disposition of a claim or potential claim might be
21 prejudiced, or the review or discussion of claims, loss or
22 risk management information, records, data, advice or
23 communications from or with respect to any insurer of the
24 public body or any intergovernmental risk management
25 association or self insurance pool of which the public
26 body is a member.

1 (13) Conciliation of complaints of discrimination in
2 the sale or rental of housing, when closed meetings are
3 authorized by the law or ordinance prescribing fair
4 housing practices and creating a commission or
5 administrative agency for their enforcement.

6 (14) Informant sources, the hiring or assignment of
7 undercover personnel or equipment, or ongoing, prior or
8 future criminal investigations, when discussed by a public
9 body with criminal investigatory responsibilities.

10 (15) Professional ethics or performance when
11 considered by an advisory body appointed to advise a
12 licensing or regulatory agency on matters germane to the
13 advisory body's field of competence.

14 (16) Self evaluation, practices and procedures or
15 professional ethics, when meeting with a representative of
16 a statewide association of which the public body is a
17 member.

18 (17) The recruitment, credentialing, discipline or
19 formal peer review of physicians or other health care
20 professionals, or for the discussion of matters protected
21 under the federal Patient Safety and Quality Improvement
22 Act of 2005, and the regulations promulgated thereunder,
23 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
24 Health Insurance Portability and Accountability Act of
25 1996, and the regulations promulgated thereunder,
26 including 45 C.F.R. Parts 160, 162, and 164, by a

1 hospital, or other institution providing medical care,
2 that is operated by the public body.

3 (18) Deliberations for decisions of the Prisoner
4 Review Board.

5 (19) Review or discussion of applications received
6 under the Experimental Organ Transplantation Procedures
7 Act.

8 (20) The classification and discussion of matters
9 classified as confidential or continued confidential by
10 the State Government Suggestion Award Board.

11 (21) Discussion of minutes of meetings lawfully closed
12 under this Act, whether for purposes of approval by the
13 body of the minutes or semi-annual review of the minutes
14 as mandated by Section 2.06.

15 (22) Deliberations for decisions of the State
16 Emergency Medical Services Disciplinary Review Board.

17 (23) The operation by a municipality of a municipal
18 utility or the operation of a municipal power agency or
19 municipal natural gas agency when the discussion involves
20 (i) contracts relating to the purchase, sale, or delivery
21 of electricity or natural gas or (ii) the results or
22 conclusions of load forecast studies.

23 (24) Meetings of a residential health care facility
24 resident sexual assault and death review team or the
25 Executive Council under the Abuse Prevention Review Team
26 Act.

1 (25) Meetings of an independent team of experts under
2 Brian's Law.

3 (26) Meetings of a mortality review team appointed
4 under the Department of Juvenile Justice Mortality Review
5 Team Act.

6 (27) (Blank).

7 (28) Correspondence and records (i) that may not be
8 disclosed under Section 11-9 of the Illinois Public Aid
9 Code or (ii) that pertain to appeals under Section 11-8 of
10 the Illinois Public Aid Code.

11 (29) Meetings between internal or external auditors
12 and governmental audit committees, finance committees, and
13 their equivalents, when the discussion involves internal
14 control weaknesses, identification of potential fraud risk
15 areas, known or suspected frauds, and fraud interviews
16 conducted in accordance with generally accepted auditing
17 standards of the United States of America.

18 (30) Those meetings or portions of meetings of a
19 fatality review team or the Illinois Fatality Review Team
20 Advisory Council during which a review of the death of an
21 eligible adult in which abuse or neglect is suspected,
22 alleged, or substantiated is conducted pursuant to Section
23 15 of the Adult Protective Services Act.

24 (31) Meetings and deliberations for decisions of the
25 Concealed Carry Licensing Review Board under the Firearm
26 Concealed Carry Act.

1 (32) Meetings between the Regional Transportation
2 Authority Board and its Service Boards when the discussion
3 involves review by the Regional Transportation Authority
4 Board of employment contracts under Section 28d of the
5 Metropolitan Transit Authority Act and Sections 3A.18 and
6 3B.26 of the Regional Transportation Authority Act.

7 (33) Those meetings or portions of meetings of the
8 advisory committee and peer review subcommittee created
9 under Section 320 of the Illinois Controlled Substances
10 Act during which specific controlled substance prescriber,
11 dispenser, or patient information is discussed.

12 (34) Meetings of the Tax Increment Financing Reform
13 Task Force under Section 2505-800 of the Department of
14 Revenue Law of the Civil Administrative Code of Illinois.

15 (35) Meetings of the group established to discuss
16 Medicaid capitation rates under Section 5-30.8 of the
17 Illinois Public Aid Code.

18 (36) Those deliberations or portions of deliberations
19 for decisions of the Illinois Gaming Board in which there
20 is discussed any of the following: (i) personal,
21 commercial, financial, or other information obtained from
22 any source that is privileged, proprietary, confidential,
23 or a trade secret; or (ii) information specifically
24 exempted from the disclosure by federal or State law.

25 (37) Deliberations for decisions of the Illinois Law
26 Enforcement Training Standards Board, the Certification

1 Review Panel, and the Illinois State Police Merit Board
2 regarding certification and decertification.

3 (38) Meetings of the Firearm Owner's Identification
4 Card Review Board under Section 10 of the Firearm Owners
5 Identification Card Act.

6 (d) Definitions. For purposes of this Section:

7 "Employee" means a person employed by a public body whose
8 relationship with the public body constitutes an
9 employer-employee relationship under the usual common law
10 rules, and who is not an independent contractor.

11 "Public office" means a position created by or under the
12 Constitution or laws of this State, the occupant of which is
13 charged with the exercise of some portion of the sovereign
14 power of this State. The term "public office" shall include
15 members of the public body, but it shall not include
16 organizational positions filled by members thereof, whether
17 established by law or by a public body itself, that exist to
18 assist the body in the conduct of its business.

19 "Quasi-adjudicative body" means an administrative body
20 charged by law or ordinance with the responsibility to conduct
21 hearings, receive evidence or testimony and make
22 determinations based thereon, but does not include local
23 electoral boards when such bodies are considering petition
24 challenges.

25 (e) Final action. No final action may be taken at a closed
26 meeting. Final action shall be preceded by a public recital of

1 the nature of the matter being considered and other
2 information that will inform the public of the business being
3 conducted.

4 (Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17;
5 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff.
6 8-23-19; 101-652, eff. 1-1-22.)

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

9 (5 ILCS 140/7.5)

10 (Text of Section before amendment by P.A. 101-652)

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

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

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

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

1 has received.

2 (d) Information and records held by the Department of
3 Public Health and its authorized representatives relating
4 to known or suspected cases of sexually transmissible
5 disease or any information the disclosure of which is
6 restricted under the Illinois Sexually Transmissible
7 Disease Control Act.

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

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

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

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

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

26 (j) Information and data concerning the distribution

1 of surcharge moneys collected and remitted by carriers
2 under the Emergency Telephone System Act.

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

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

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

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

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

25 (p) Security portions of system safety program plans,
26 investigation reports, surveys, schedules, lists, data, or

1 information compiled, collected, or prepared by or for the
2 Regional Transportation Authority under Section 2.11 of
3 the Regional Transportation Authority Act or the St. Clair
4 County Transit District under the Bi-State Transit Safety
5 Act.

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

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

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

12 (t) All identified or deidentified health information
13 in the form of health data or medical records contained
14 in, stored in, submitted to, transferred by, or released
15 from the Illinois Health Information Exchange, and
16 identified or deidentified health information in the form
17 of health data and medical records of the Illinois Health
18 Information Exchange in the possession of the Illinois
19 Health Information Exchange Office due to its
20 administration of the Illinois Health Information
21 Exchange. The terms "identified" and "deidentified" shall
22 be given the same meaning as in the Health Insurance
23 Portability and Accountability Act of 1996, Public Law
24 104-191, or any subsequent amendments thereto, and any
25 regulations promulgated thereunder.

26 (u) Records and information provided to an independent

1 team of experts under the Developmental Disability and
2 Mental Health Safety Act (also known as Brian's Law).

3 (v) Names and information of people who have applied
4 for or received Firearm Owner's Identification Cards under
5 the Firearm Owners Identification Card Act or applied for
6 or received a concealed carry license under the Firearm
7 Concealed Carry Act, unless otherwise authorized by the
8 Firearm Concealed Carry Act; and databases under the
9 Firearm Concealed Carry Act, records of the Concealed
10 Carry Licensing Review Board under the Firearm Concealed
11 Carry Act, and law enforcement agency objections under the
12 Firearm Concealed Carry Act.

13 (w) Personally identifiable information which is
14 exempted from disclosure under subsection (g) of Section
15 19.1 of the Toll Highway Act.

16 (x) Information which is exempted from disclosure
17 under Section 5-1014.3 of the Counties Code or Section
18 8-11-21 of the Illinois Municipal Code.

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

1 (z) Records and information provided to a fatality
2 review team or the Illinois Fatality Review Team Advisory
3 Council under Section 15 of the Adult Protective Services
4 Act.

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

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

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

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

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

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

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

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

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

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

6 (kk) Information prohibited from disclosure under the
7 Seizure and Forfeiture Reporting Act.

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

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

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

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

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

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

26 (rr) Information that is exempt from disclosure under

1 the Cannabis Regulation and Tax Act.

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

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

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

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

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

15 (xx) Information that is exempt from disclosure or
16 information that shall not be made public under the
17 Illinois Insurance Code.

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

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

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

24 (bbb) Information that is exempt from disclosure under
25 subsection (k) of Section 11 of the Equal Pay Act of 2003.

26 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;

1 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
2 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
3 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
4 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
5 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
6 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
7 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
8 1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; 101-649,
9 eff. 7-7-20; 101-656, eff. 3-23-21.)

10 (Text of Section after amendment by P.A. 101-652)

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

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

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

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

1 (d) Information and records held by the Department of
2 Public Health and its authorized representatives relating
3 to known or suspected cases of sexually transmissible
4 disease or any information the disclosure of which is
5 restricted under the Illinois Sexually Transmissible
6 Disease Control Act.

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

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

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

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

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

25 (j) Information and data concerning the distribution
26 of surcharge moneys collected and remitted by carriers

1 under the Emergency Telephone System Act.

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

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

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

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

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

24 (p) Security portions of system safety program plans,
25 investigation reports, surveys, schedules, lists, data, or
26 information compiled, collected, or prepared by or for the

1 Regional Transportation Authority under Section 2.11 of
2 the Regional Transportation Authority Act or the St. Clair
3 County Transit District under the Bi-State Transit Safety
4 Act.

5 (q) Information prohibited from being disclosed by the
6 Personnel Record Review Act.

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

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

11 (t) All identified or deidentified health information
12 in the form of health data or medical records contained
13 in, stored in, submitted to, transferred by, or released
14 from the Illinois Health Information Exchange, and
15 identified or deidentified health information in the form
16 of health data and medical records of the Illinois Health
17 Information Exchange in the possession of the Illinois
18 Health Information Exchange Office due to its
19 administration of the Illinois Health Information
20 Exchange. The terms "identified" and "deidentified" shall
21 be given the same meaning as in the Health Insurance
22 Portability and Accountability Act of 1996, Public Law
23 104-191, or any subsequent amendments thereto, and any
24 regulations promulgated thereunder.

25 (u) Records and information provided to an independent
26 team of experts under the Developmental Disability and

1 Mental Health Safety Act (also known as Brian's Law).

2 (v) Names and information of people who have applied
3 for or received Firearm Owner's Identification Cards under
4 the Firearm Owners Identification Card Act or applied for
5 or received a concealed carry license under the Firearm
6 Concealed Carry Act, unless otherwise authorized by the
7 Firearm Concealed Carry Act; and databases under the
8 Firearm Concealed Carry Act, records of the Concealed
9 Carry Licensing Review Board under the Firearm Concealed
10 Carry Act, and law enforcement agency objections under the
11 Firearm Concealed Carry Act.

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

15 (w) Personally identifiable information which is
16 exempted from disclosure under subsection (g) of Section
17 19.1 of the Toll Highway Act.

18 (x) Information which is exempted from disclosure
19 under Section 5-1014.3 of the Counties Code or Section
20 8-11-21 of the Illinois Municipal Code.

21 (y) Confidential information under the Adult
22 Protective Services Act and its predecessor enabling
23 statute, the Elder Abuse and Neglect Act, including
24 information about the identity and administrative finding
25 against any caregiver of a verified and substantiated
26 decision of abuse, neglect, or financial exploitation of

1 an eligible adult maintained in the Registry established
2 under Section 7.5 of the Adult Protective Services Act.

3 (z) Records and information provided to a fatality
4 review team or the Illinois Fatality Review Team Advisory
5 Council under Section 15 of the Adult Protective Services
6 Act.

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

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

11 (cc) Recordings made under the Law Enforcement
12 Officer-Worn Body Camera Act, except to the extent
13 authorized under that Act.

14 (dd) Information that is prohibited from being
15 disclosed under Section 45 of the Condominium and Common
16 Interest Community Ombudsperson Act.

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

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

21 (gg) Information that is prohibited from being
22 disclosed under Section 7-603.5 of the Illinois Vehicle
23 Code.

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

26 (ii) Information which is exempted from disclosure

1 under Section 2505-800 of the Department of Revenue Law of
2 the Civil Administrative Code of Illinois.

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

8 (kk) Information prohibited from disclosure under the
9 Seizure and Forfeiture Reporting Act.

10 (ll) Information the disclosure of which is restricted
11 and exempted under Section 5-30.8 of the Illinois Public
12 Aid Code.

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

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

17 (oo) Communications, notes, records, and reports
18 arising out of a peer support counseling session
19 prohibited from disclosure under the First Responders
20 Suicide Prevention Act.

21 (pp) Names and all identifying information relating to
22 an employee of an emergency services provider or law
23 enforcement agency under the First Responders Suicide
24 Prevention Act.

25 (qq) Information and records held by the Department of
26 Public Health and its authorized representatives collected

1 under the Reproductive Health Act.

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

4 (ss) Data reported by an employer to the Department of
5 Human Rights pursuant to Section 2-108 of the Illinois
6 Human Rights Act.

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

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

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

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

17 (xx) Information that is exempt from disclosure or
18 information that shall not be made public under the
19 Illinois Insurance Code.

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

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

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

26 (bbb) Information that is exempt from disclosure under

1 subsection (k) of Section 11 of the Equal Pay Act of 2003.

2 (ccc) ~~(bbb)~~ Information that is prohibited from
3 disclosure by the Illinois Police Training Act and the
4 State Police Act.

5 (ddd) Records exempt from disclosure under Section
6 2605-304 of the Department of State Police Law of the
7 Civil Administrative Code of Illinois.

8 (Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
9 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
10 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
11 eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19;
12 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff.
13 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221,
14 eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19;
15 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.
16 1-1-20; 101-600, eff. 12-6-19; 101-620, eff. 12-20-19; 101-649,
17 eff. 7-7-20; 101-652, eff. 1-1-22; 101-656, eff. 3-23-21;
18 revised 4-21-21.)

19 Section 7. The Gun Trafficking Information Act is amended
20 by changing Section 10-5 as follows:

21 (5 ILCS 830/10-5)

22 Sec. 10-5. Gun trafficking information.

23 (a) The Department of State Police shall use all
24 reasonable efforts in making publicly available, on a regular

1 and ongoing basis, key information related to firearms used in
2 the commission of crimes in this State, including, but not
3 limited to: reports on crimes committed with firearms,
4 locations where the crimes occurred, the number of persons
5 killed or injured in the commission of the crimes, the state
6 where the firearms used originated, the Federal Firearms
7 Licensee that sold the firearm, ~~and~~ the type of firearms used,
8 annual statistical information concerning Firearm Owner's
9 Identification Card and concealed carry license applications,
10 revocations, and compliance with Section 9.5 of the Firearm
11 Owners Identification Card Act, firearm restraining order
12 dispositions, and firearm dealer license certification
13 inspections. The Department shall make the information
14 available on its website, which may be presented in a
15 dashboard format, in addition to electronically filing a
16 report with the Governor and the General Assembly. The report
17 to the General Assembly shall be filed with the Clerk of the
18 House of Representatives and the Secretary of the Senate in
19 electronic form only, in the manner that the Clerk and the
20 Secretary shall direct.

21 (b) The Department shall study, on a regular and ongoing
22 basis, and compile reports on the number of Firearm Owner's
23 Identification Card checks to determine firearms trafficking
24 or straw purchase patterns. The Department shall, to the
25 extent not inconsistent with law, share such reports and
26 underlying data with academic centers, foundations, and law

1 enforcement agencies studying firearms trafficking, provided
2 that personally identifying information is protected. For
3 purposes of this subsection (b), a Firearm Owner's
4 Identification Card number is not personally identifying
5 information, provided that no other personal information of
6 the card holder is attached to the record. The Department may
7 create and attach an alternate unique identifying number to
8 each Firearm Owner's Identification Card number, instead of
9 releasing the Firearm Owner's Identification Card number
10 itself.

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

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

22 Section 10. The Department of State Police Law of the
23 Civil Administrative Code of Illinois is amended by changing
24 Section 2605-605 and by adding Section 2605-304 as follows:

1 (20 ILCS 2605/2605-304 new)

2 Sec. 2605-304. Prohibited persons portal.

3 (a) Within 90 days after the effective date of this
4 amendatory Act of the 102nd General Assembly, the Illinois
5 State Police shall establish a portal for use by federal,
6 State, or local law enforcement agencies, including Offices of
7 the State's Attorneys and the Office of the Attorney General
8 to capture a report of persons whose Firearm Owner's
9 Identification Cards have been revoked or suspended. The
10 portal is for law enforcement purposes only.

11 (b) The Illinois State Police shall include in the report
12 the reason the person's Firearm Owner's Identification Card
13 was subject to revocation or suspension, to the extent allowed
14 by law, consistent with Sections 8 and 8.2 of the Firearm
15 Owners Identification Card Act.

16 (c) The Illinois State Police shall indicate whether the
17 person subject to the revocation or suspension of his or her
18 Firearm Owner's Identification Card has surrendered his or her
19 revoked or suspended Firearm Owner's Identification Card and
20 whether the person has completed a Firearm Disposition Record
21 required under Section 9.5 of the Firearm Owners
22 Identification Card Act. The Illinois State Police shall make
23 reasonable efforts to make this information available on the
24 Law Enforcement Agencies Data System (LEADS).

25 (d) The Illinois State Police shall provide updates of
26 information related to an individual's current Firearm Owner's

1 Identification Card revocation or suspension status, including
2 compliance under Section 9.5 of the Firearm Owners
3 Identification Card Act, in the Illinois State Police's Law
4 Enforcement Agencies Data System.

5 (e) Records in this portal are exempt from disclosure
6 under the Freedom of Information Act.

7 (f) The Illinois State Police may adopt rules necessary to
8 implement this Section.

9 (20 ILCS 2605/2605-605)

10 Sec. 2605-605. Violent Crime Intelligence Task Force. The
11 Director of State Police shall ~~may~~ establish a statewide
12 multi-jurisdictional Violent Crime Intelligence Task Force led
13 by the Department of State Police dedicated to combating gun
14 violence, gun-trafficking, and other violent crime with the
15 primary mission of preservation of life and reducing the
16 occurrence and the fear of crime. The objectives of the Task
17 Force shall include, but not be limited to, reducing and
18 preventing illegal possession and use of firearms,
19 firearm-related homicides, and other violent crimes, and
20 solving firearm-related crimes.

21 (1) The Task Force may develop and acquire information,
22 training, tools, and resources necessary to implement a
23 data-driven approach to policing, with an emphasis on
24 intelligence development.

25 (2) The Task Force may utilize information sharing,

1 partnerships, crime analysis, and evidence-based practices to
2 assist in the reduction of firearm-related shootings,
3 homicides, and gun-trafficking, including, but not limited to,
4 ballistic data, eTrace data, DNA evidence, latent
5 fingerprints, firearm training data, and National Integrated
6 Ballistic Information Network (NIBIN) data. The Task Force may
7 design a model crime gun intelligence strategy which may
8 include, but is not limited to, comprehensive collection and
9 documentation of all ballistic evidence, timely transfer of
10 NIBIN and eTrace leads to an intelligence center, which may
11 include the Division of Criminal Investigation of the Illinois
12 State Police, timely dissemination of intelligence to
13 investigators, investigative follow-up, and coordinated
14 prosecution.

15 (3) The Task Force may recognize and utilize best
16 practices of community policing and may develop potential
17 partnerships with faith-based and community organizations to
18 achieve its goals.

19 (4) The Task Force may identify and utilize best practices
20 in drug-diversion programs and other community-based services
21 to redirect low-level offenders.

22 (5) The Task Force may assist in violence suppression
23 strategies including, but not limited to, details in
24 identified locations that have shown to be the most prone to
25 gun violence and violent crime, focused deterrence against
26 violent gangs and groups considered responsible for the

1 violence in communities, and other intelligence driven methods
2 deemed necessary to interrupt cycles of violence or prevent
3 retaliation.

4 (6) In consultation with the Chief Procurement Officer,
5 the Department of State Police may obtain contracts for
6 software, commodities, resources, and equipment to assist the
7 Task Force with achieving this Act. Any contracts necessary to
8 support the delivery of necessary software, commodities,
9 resources, and equipment are not subject to the Illinois
10 Procurement Code, except for Sections 20-60, 20-65, 20-70, and
11 20-160 and Article 50 of that Code, provided that the Chief
12 Procurement Officer may, in writing with justification, waive
13 any certification required under Article 50 of the Illinois
14 Procurement Code.

15 (7) The Task Force shall conduct enforcement operations
16 against persons whose Firearm Owner's Identification Cards
17 have been revoked or suspended and persons who fail to comply
18 with the requirements of Section 9.5 of the Firearm Owners
19 Identification Card Act, prioritizing individuals presenting a
20 clear and present danger to themselves or to others under
21 paragraph (2) of subsection (d) of Section 8.1 of the Firearm
22 Owners Identification Card Act.

23 (8) The Task Force shall collaborate with local law
24 enforcement agencies to enforce provisions of the Firearm
25 Owners Identification Card Act, the Firearm Concealed Carry
26 Act, the Firearm Dealer License Certification Act, and Article

1 24 of the Criminal Code of 2012.

2 (9) To implement this Section, the Director of the
3 Illinois State Police may establish intergovernmental
4 agreements with law enforcement agencies in accordance with
5 the Intergovernmental Cooperation Act.

6 (10) Law enforcement agencies that participate in
7 activities described in paragraphs (7) through (9) may apply
8 to the Illinois State Police for grants from the State Police
9 Revocation Enforcement Fund.

10 (Source: P.A. 100-3, eff. 1-1-18.)

11 Section 11. The Illinois Criminal Justice Information Act
12 is amended by adding Section 7.9 as follows:

13 (20 ILCS 3930/7.9 new)

14 Sec. 7.9. Firearm Prohibitors and Records Improvement Task
15 Force.

16 (a) As used in this Section, "firearms prohibitor" means
17 any factor listed in Section 4 of the Firearm Owners
18 Identification Card Act or Section 24-3 or 24-3.1 of the
19 Criminal Code of 2012 that prohibits a person from
20 transferring or possessing a firearm, firearm ammunition,
21 Firearm Owner's Identification Card, or concealed carry
22 license.

23 (b) The Firearm Prohibitors and Records Improvement Task
24 Force is created to identify and research all available

1 grants, resources, and revenue that may be applied for and
2 used by all entities responsible for reporting federal and
3 State firearm prohibitors to the Illinois State Police and the
4 National Instant Criminal Background Check System. Under the
5 Firearm Owners Identification Card Act, these reporting
6 entities include, but are not limited to, hospitals, courts,
7 law enforcement and corrections. The Task Force shall identify
8 weaknesses in reporting and recommend a strategy to direct
9 resources and revenue to ensuring reporting is reliable,
10 accurate, and timely. The Task Force shall inventory all
11 statutorily mandated firearm and gun violence related data
12 collection and reporting requirements, along with the agency
13 responsible for collecting that data, and identify gaps in
14 those requirements. The Task Force shall submit a coordinated
15 application with and through the Illinois Criminal Justice
16 Information Authority for federal funds from the National
17 Criminal History Improvement Program and the NICS Acts Record
18 Improvement Program. The Firearm Prohibitors and Records
19 Improvement Task Force shall be comprised of the following
20 members, all of whom shall serve without compensation:

21 (1) the Executive Director of the Illinois Criminal
22 Justice Information Authority, who shall serve as Chair;

23 (2) the Director of the Illinois State Police, or his
24 or her designee;

25 (3) the Secretary of Human Services, or his or her
26 designee;

1 (4) the Director of Corrections, or his or her
2 designee;

3 (5) the Attorney General, or his or her designee;

4 (6) the Director of the Administrative Office of the
5 Illinois Courts, or his or her designee;

6 (7) a representative of an association representing
7 circuit clerks appointed by the President of the Senate;

8 (8) a representative of an association representing
9 sheriffs appointed by the House Minority Leader;

10 (9) a representative of an association representing
11 State's Attorneys appointed by the House Minority Leader;

12 (10) a representative of an association representing
13 chiefs of police appointed by the Senate Minority Leader;

14 (11) a representative of an association representing
15 hospitals appointed by the Speaker of the House of
16 Representatives;

17 (12) a representative of an association representing
18 counties appointed by the President of the Senate; and

19 (13) a representative of an association representing
20 municipalities appointed by the Speaker of the House of
21 Representatives.

22 (c) The Illinois Criminal Justice Information Authority
23 shall provide administrative and other support to the Task
24 Force. The Illinois State Police Division of Justice Services
25 shall also provide support to the Illinois Criminal Justice
26 Information Authority and the Task Force.

1 (d) The Task Force may meet in person or virtually and
2 shall issue a written report of its findings and
3 recommendations to General Assembly on or before July 1, 2022.
4 The Task Force shall issue an annual report, which shall
5 include information on the state of FOID data, including a
6 review of previous activity by the Task Force to close
7 previously identified gaps; identifying known (or new) gaps; a
8 proposal of policy and practice recommendations to close those
9 gaps; and a preview of expected activities of the Task Force
10 for the coming year.

11 (e) Within 60 days of the effective date of this
12 amendatory Act of the 102nd General Assembly, the Chair shall
13 establish the Task Force.

14 (f) This Section is repealed on July 1, 2027.

15 Section 15. The State Finance Act is amended by changing
16 6z-99 and by adding Sections 5.938 and 6z-125 as follows:

17 (30 ILCS 105/5.938 new)

18 Sec. 5.938. The State Police Revocation Enforcement Fund.

19 (30 ILCS 105/6z-99)

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

21 (a) There is created in the State treasury a special fund
22 known as the Mental Health Reporting Fund. The Fund shall
23 receive revenue under the Firearm Concealed Carry Act. The

1 Fund may also receive revenue from grants, pass-through
2 grants, donations, appropriations, and any other legal source.

3 (b) The Department of State Police and Department of Human
4 Services shall coordinate to use moneys in the Fund to finance
5 their respective duties of collecting and reporting data on
6 mental health records and ensuring that mental health firearm
7 possession prohibitors are enforced as set forth under the
8 Firearm Concealed Carry Act and the Firearm Owners
9 Identification Card Act. Any surplus in the Fund beyond what
10 is necessary to ensure compliance with mental health reporting
11 under these Acts shall be used by the Department of Human
12 Services for mental health treatment programs as follows: (1)
13 50% shall be used to fund community-based mental health
14 programs aimed at reducing gun violence, community integration
15 and education, or mental health awareness and prevention,
16 including administrative costs; and (2) 50% shall be used to
17 award grants that use and promote the National School Mental
18 Health Curriculum model for school-based mental health
19 support, integration, and services.

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

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

24 (30 ILCS 105/6z-125 new)

25 Sec. 6z-125. State Police Revocation Enforcement Fund.

1 (a) The State Police Revocation Enforcement Fund is
2 established as a special fund in the State treasury. This Fund
3 is established to receive moneys from the Firearm Owners
4 Identification Card Act to enforce that Act, the Firearm
5 Concealed Carry Act, Article 24 of the Criminal Code of 2012,
6 and other firearm offenses. The Fund may also receive revenue
7 from grants, donations, appropriations, and any other legal
8 source.

9 (b) The Illinois State Police may use moneys from the Fund
10 to establish task forces and, if necessary, include other law
11 enforcement agencies, under intergovernmental contracts
12 written and executed in conformity with the Intergovernmental
13 Cooperation Act.

14 (c) The Illinois State Police may use moneys in the Fund to
15 hire and train State Police officers and prevention of violent
16 crime.

17 (d) The State Police Revocation Enforcement Fund is not
18 subject to administrative chargebacks.

19 (e) Law enforcement agencies that participate in Firearm
20 Owner's Identification Card revocation enforcement in the
21 Violent Crime Intelligence Task Force may apply for grants
22 from the Illinois State Police.

23 Section 16. The Intergovernmental Drug Laws Enforcement
24 Act is amended by changing Section 3 as follows:

1 (30 ILCS 715/3) (from Ch. 56 1/2, par. 1703)

2 Sec. 3. A Metropolitan Enforcement Group which meets the
3 minimum criteria established in this Section is eligible to
4 receive State grants to help defray the costs of operation. To
5 be eligible a MEG must:

6 (1) Be established and operating pursuant to
7 intergovernmental contracts written and executed in
8 conformity with the Intergovernmental Cooperation Act, and
9 involve 2 or more units of local government.

10 (2) Establish a MEG Policy Board composed of an
11 elected official, or his designee, and the chief law
12 enforcement officer, or his designee, from each
13 participating unit of local government to oversee the
14 operations of the MEG and make such reports to the
15 Department of State Police as the Department may require.

16 (3) Designate a single appropriate elected official of
17 a participating unit of local government to act as the
18 financial officer of the MEG for all participating units
19 of local government and to receive funds for the operation
20 of the MEG.

21 (4) Limit its operations to enforcement of drug laws;
22 enforcement of Sections 10-9, 24-1, 24-1.1, 24-1.2,
23 24-1.2-5, 24-1.5, 24-1.7, 24-1.8, 24-2.1, 24-2.2, 24-3,
24 24-3.1, 24-3.2, 24-3.3, 24-3.4, 24-3.5, 24-3.7, 24-3.8,
25 24-3.9, 24-3A, 24-3B, 24-4, and 24-5 ~~and subsections~~
26 ~~24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9),~~

1 ~~24-1(a)(10), and 24-1(e)~~ of the Criminal Code of 2012;
2 Sections 2, 3, 6.1, 14 of the Firearm Owners
3 Identification Card Act; and the investigation of
4 streetgang related offenses.

5 (5) Cooperate with the Department of State Police in
6 order to assure compliance with this Act and to enable the
7 Department to fulfill its duties under this Act, and
8 supply the Department with all information the Department
9 deems necessary therefor.

10 (6) Receive funding of at least 50% of the total
11 operating budget of the MEG from the participating units
12 of local government.

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

14 Section 20. The Firearm Owners Identification Card Act is
15 amended by changing Sections 1.1, 3, 3.1, 4, 5, 6, 7, 8.2, 8.3,
16 9.5, 10, 11, and 13.2 and by adding Sections 6.2, 7.5, 8.4,
17 8.5, and 13.4 as follows:

18 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

19 Sec. 1.1. For purposes of this Act:

20 "Addicted to narcotics" means a person who has been:

21 (1) convicted of an offense involving the use or
22 possession of cannabis, a controlled substance, or
23 methamphetamine within the past year; or

24 (2) determined by the Department of State Police to be

1 addicted to narcotics based upon federal law or federal
2 guidelines.

3 "Addicted to narcotics" does not include possession or use
4 of a prescribed controlled substance under the direction and
5 authority of a physician or other person authorized to
6 prescribe the controlled substance when the controlled
7 substance is used in the prescribed manner.

8 "Adjudicated as a person with a mental disability" means
9 the person is the subject of a determination by a court, board,
10 commission or other lawful authority that the person, as a
11 result of marked subnormal intelligence, or mental illness,
12 mental impairment, incompetency, condition, or disease:

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

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

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

20 (3.5) is guilty but mentally ill, as provided in
21 Section 5-2-6 of the Unified Code of Corrections;

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

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

26 (6) is a sexually violent person under subsection (f)

1 of Section 5 of the Sexually Violent Persons Commitment
2 Act;

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

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

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

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

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

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

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

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

21 (1) communicates a serious threat of physical violence
22 against a reasonably identifiable victim or poses a clear
23 and imminent risk of serious physical injury to himself,
24 herself, or another person as determined by a physician,
25 clinical psychologist, or qualified examiner; or

26 (2) demonstrates threatening physical or verbal

1 behavior, such as violent, suicidal, or assaultive
2 threats, actions, or other behavior, as determined by a
3 physician, clinical psychologist, qualified examiner,
4 school administrator, or law enforcement official.

5 "Clinical psychologist" has the meaning provided in
6 Section 1-103 of the Mental Health and Developmental
7 Disabilities Code.

8 "Controlled substance" means a controlled substance or
9 controlled substance analog as defined in the Illinois
10 Controlled Substances Act.

11 "Counterfeit" means to copy or imitate, without legal
12 authority, with intent to deceive.

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

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

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

24 (1.1) any pneumatic gun, spring gun, paint ball gun,
25 or B-B gun which expels breakable paint balls containing
26 washable marking colors;

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

4 (3) any device used exclusively for the firing of stud
5 cartridges, explosive rivets or similar industrial
6 ammunition; and

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

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

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

20 (2) any ammunition designed exclusively for use with a
21 stud or rivet driver or other similar industrial
22 ammunition.

23 "Gun show" means an event or function:

24 (1) at which the sale and transfer of firearms is the
25 regular and normal course of business and where 50 or more
26 firearms are displayed, offered, or exhibited for sale,

1 transfer, or exchange; or

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

5 "Gun show" includes the entire premises provided for an
6 event or function, including parking areas for the event or
7 function, that is sponsored to facilitate the purchase, sale,
8 transfer, or exchange of firearms as described in this
9 Section. Nothing in this definition shall be construed to
10 exclude a gun show held in conjunction with competitive
11 shooting events at the World Shooting Complex sanctioned by a
12 national governing body in which the sale or transfer of
13 firearms is authorized under subparagraph (5) of paragraph (g)
14 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

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

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

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

1 sell, offer for sale, transfer, or exchange any firearm.

2 "Involuntarily admitted" has the meaning as prescribed in
3 Sections 1-119 and 1-119.1 of the Mental Health and
4 Developmental Disabilities Code.

5 "Mental health facility" means any licensed private
6 hospital or hospital affiliate, institution, or facility, or
7 part thereof, and any facility, or part thereof, operated by
8 the State or a political subdivision thereof which provide
9 treatment of persons with mental illness and includes all
10 hospitals, institutions, clinics, evaluation facilities,
11 mental health centers, colleges, universities, long-term care
12 facilities, and nursing homes, or parts thereof, which provide
13 treatment of persons with mental illness whether or not the
14 primary purpose is to provide treatment of persons with mental
15 illness.

16 "National governing body" means a group of persons who
17 adopt rules and formulate policy on behalf of a national
18 firearm sporting organization.

19 "Patient" means:

20 (1) a person who is admitted as an inpatient or
21 resident of a public or private mental health facility for
22 mental health treatment under Chapter III of the Mental
23 Health and Developmental Disabilities Code as an informal
24 admission, a voluntary admission, a minor admission, an
25 emergency admission, or an involuntary admission, unless
26 the treatment was solely for an alcohol abuse disorder; or

1 (2) a person who voluntarily or involuntarily receives
2 mental health treatment as an out-patient or is otherwise
3 provided services by a public or private mental health
4 facility, and who poses a clear and present danger to
5 himself, herself, or to others.

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

- 17 (i) self-care;
18 (ii) receptive and expressive language;
19 (iii) learning;
20 (iv) mobility; or
21 (v) self-direction.

22 "Person with an intellectual disability" means a person
23 with a significantly subaverage general intellectual
24 functioning which exists concurrently with impairment in
25 adaptive behavior and which originates before the age of 18
26 years.

1 "Physician" has the meaning as defined in Section 1-120 of
2 the Mental Health and Developmental Disabilities Code.

3 "Protective order" means any orders of protection issued
4 under the Illinois Domestic Violence Act of 1986, stalking no
5 contact orders issued under the Stalking No Contact Order Act,
6 civil no contact orders issued under the Civil No Contact
7 Order Act, and firearms restraining orders issued under the
8 Firearms Restraining Order Act.

9 "Qualified examiner" has the meaning provided in Section
10 1-122 of the Mental Health and Developmental Disabilities
11 Code.

12 "Sanctioned competitive shooting event" means a shooting
13 contest officially recognized by a national or state shooting
14 sport association, and includes any sight-in or practice
15 conducted in conjunction with the event.

16 "School administrator" means the person required to report
17 under the School Administrator Reporting of Mental Health
18 Clear and Present Danger Determinations Law.

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

21 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
22 99-642, eff. 7-28-16; 100-906, eff. 1-1-19.)

23 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

24 Sec. 3. (a) Except as provided in Section 3a, no person may
25 knowingly transfer, or cause to be transferred, any firearm,

1 firearm ammunition, stun gun, or taser to any person within
2 this State unless the transferee with whom he deals displays
3 either: (1) a currently valid Firearm Owner's Identification
4 Card which has previously been issued in his or her name by the
5 Department of State Police under the provisions of this Act;
6 or (2) a currently valid license to carry a concealed firearm
7 which has previously been issued in his or her name by the
8 Department of State Police under the Firearm Concealed Carry
9 Act. In addition, all firearm, stun gun, and taser transfers
10 by federally licensed firearm dealers are subject to Section
11 3.1.

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

18 (a-10) Notwithstanding item (2) of subsection (a) of this
19 Section, any person who is not a federally licensed firearm
20 dealer and who desires to transfer or sell a firearm or
21 firearms to any person who is not a federally licensed firearm
22 dealer shall, before selling or transferring the firearms,
23 contact a federal firearm license dealer under paragraph (1)
24 of subsection (a-15) of this Section to conduct the transfer
25 or the Illinois ~~Department~~ of State Police with the
26 transferee's or purchaser's Firearm Owner's Identification

1 Card number to determine the validity of the transferee's or
2 purchaser's Firearm Owner's Identification Card under State
3 and federal law including the National Instant Criminal
4 Background Check System. This subsection shall not be
5 effective until January 1, 2024. Until that date the
6 transferor shall contact the Illinois State Police with the
7 transferee's or purchaser's Firearm Owner's Identification
8 Card number to determine the validity of the card 2014. The
9 Department of State Police may adopt rules concerning the
10 implementation of this subsection. The Department of State
11 Police shall provide the seller or transferor an approval
12 number if the purchaser's Firearm Owner's Identification Card
13 is valid. Approvals issued by the Department for the purchase
14 of a firearm pursuant to this subsection are valid for 30 days
15 from the date of issue.

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

18 (1) transfers that occur at the place of business of a
19 federally licensed firearm dealer, if the federally
20 licensed firearm dealer conducts a background check on the
21 prospective recipient of the firearm in accordance with
22 Section 3.1 of this Act and follows all other applicable
23 federal, State, and local laws as if he or she were the
24 seller or transferor of the firearm, although the dealer
25 is not required to accept the firearm into his or her
26 inventory. The purchaser or transferee may be required by

1 the federally licensed firearm dealer to pay a fee not to
2 exceed \$10 per firearm, which the dealer may retain as
3 compensation for performing the functions required under
4 this paragraph, plus the applicable fees authorized by
5 Section 3.1;

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

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

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

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

22 (6) temporary transfers that occur while in the home
23 of the unlicensed transferee, if the unlicensed transferee
24 is not otherwise prohibited from possessing firearms and
25 the unlicensed transferee reasonably believes that
26 possession of the firearm is necessary to prevent imminent

1 death or great bodily harm to the unlicensed transferee;

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

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

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

11 (a-20) The Illinois Department ~~of~~ State Police shall
12 develop an Internet-based system for individuals to determine
13 the validity of a Firearm Owner's Identification Card prior to
14 the sale or transfer of a firearm. The Department shall have
15 the Internet-based system updated ~~completed~~ and available for
16 use by January 1, 2024 ~~July 1, 2015~~. The Illinois State Police
17 ~~Department~~ shall adopt rules not inconsistent with this
18 Section to implement this system; but no rule shall allow the
19 Illinois State Police to retain records in contravention of
20 State and federal law.

21 (a-25) On or before January 1, 2022, the Illinois State
22 Police shall develop an Internet-based system upon which the
23 serial numbers of firearms that have been reported stolen are
24 available for public access for individuals to ensure any
25 firearms are not reported stolen prior to the sale or transfer
26 of a firearm under this Section. The Illinois State Police

1 shall have the Internet-based system completed and available
2 for use by July 1, 2022. The Department shall adopt rules not
3 inconsistent with this Section to implement this system.

4 (b) Any person within this State who transfers or causes
5 to be transferred any firearm, stun gun, or taser shall keep a
6 record of such transfer for a period of 10 years from the date
7 of transfer. Any person within this State who transfers or
8 receives any firearm, stun gun, or taser pursuant to
9 subsection (a-10) shall keep a record of the transfer for a
10 period of 20 years from the date of transfer, unless the
11 transfer is conducted by a federal firearms licensed dealer.

12 Such record shall contain the date of the transfer; the
13 description, serial number or other information identifying
14 the firearm, stun gun, or taser if no serial number is
15 available; and, if the transfer was completed within this
16 State, the transferee's Firearm Owner's Identification Card
17 number and any approval number or documentation provided by
18 the Department of State Police pursuant to subsection (a-10)
19 of this Section; if the transfer was not completed within this
20 State, the record shall contain the name and address of the
21 transferee. On or after January 1, 2006, the record shall
22 contain the date of application for transfer of the firearm.
23 On demand of a peace officer such transferor or transferee
24 shall produce for inspection such record of transfer. If the
25 transfer or sale took place at a gun show, the record shall
26 include the unique identification number. Failure to record

1 the unique identification number or approval number is a petty
2 offense. For transfers of a firearm, stun gun, or taser made on
3 or after the effective date of this amendatory Act of the 100th
4 General Assembly, failure by the private seller or purchaser
5 to maintain ~~the~~ transfer records in accordance with this
6 Section is a Class A misdemeanor for the first offense and a
7 Class 4 felony for a second or subsequent offense occurring
8 within 10 years of the first offense and the second offense was
9 committed after conviction of the first offense. Whenever any
10 person who has not previously been convicted of any violation
11 of subsection (a-5), the court may grant supervision pursuant
12 to and consistent with the limitations of Section 5-6-1 of the
13 Unified Code of Corrections. A transferor or transferee shall
14 not be criminally liable under this Section provided that he
15 or she provides the Department of State Police with the
16 transfer records in accordance with procedures established by
17 the Department. The Department shall establish, by rule, a
18 standard form on its website.

19 (b-5) Any resident may purchase ammunition from a person
20 within or outside of Illinois if shipment is by United States
21 mail or by a private express carrier authorized by federal law
22 to ship ammunition. Any resident purchasing ammunition within
23 or outside the State of Illinois must provide the seller with a
24 copy of his or her valid Firearm Owner's Identification Card
25 or valid concealed carry license and either his or her
26 Illinois driver's license or Illinois State Identification

1 Card prior to the shipment of the ammunition. The ammunition
2 may be shipped only to an address on either of those 2
3 documents.

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

7 (Source: P.A. 99-29, eff. 7-10-15; 100-1178, eff. 1-18-19.)

8 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

9 Sec. 3.1. Firearm Transfer Inquiry Program ~~Dial-up system~~.

10 (a) The Department of State Police shall provide a dial up
11 telephone system or utilize other existing technology which
12 shall be used by any federally licensed firearm dealer, gun
13 show promoter, or gun show vendor who is to transfer a firearm,
14 stun gun, or taser under the provisions of this Act. The
15 Department of State Police may utilize existing technology
16 which allows the caller to be charged a fee not to exceed \$2.
17 Fees collected by the Department of State Police shall be
18 deposited in the State Police Firearm Services Fund and used
19 to provide the service.

20 (b) Upon receiving a request from a federally licensed
21 firearm dealer, gun show promoter, or gun show vendor, the
22 Department of State Police shall immediately approve, or
23 within the time period established by Section 24-3 of the
24 Criminal Code of 2012 regarding the delivery of firearms, stun
25 guns, and tasers notify the inquiring dealer, gun show

1 promoter, or gun show vendor of any objection that would
2 disqualify the transferee from acquiring or possessing a
3 firearm, stun gun, or taser. In conducting the inquiry, the
4 Department of State Police shall initiate and complete an
5 automated search of its criminal history record information
6 files and those of the Federal Bureau of Investigation,
7 including the National Instant Criminal Background Check
8 System, and of the files of the Department of Human Services
9 relating to mental health and developmental disabilities to
10 obtain any felony conviction or patient hospitalization
11 information which would disqualify a person from obtaining or
12 require revocation of a currently valid Firearm Owner's
13 Identification Card.

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

21 (c) If receipt of a firearm would not violate Section 24-3
22 of the Criminal Code of 2012, federal law, or this Act the
23 Department of State Police shall:

24 (1) assign a unique identification number to the
25 transfer; and

26 (2) provide the licensee, gun show promoter, or gun

1 show vendor with the number.

2 (d) Approvals issued by the Department of State Police for
3 the purchase of a firearm are valid for 30 days from the date
4 of issue.

5 (e) (1) The Department of State Police must act as the
6 Illinois Point of Contact for the National Instant Criminal
7 Background Check System.

8 (2) The Department of State Police and the Department of
9 Human Services shall, in accordance with State and federal law
10 regarding confidentiality, enter into a memorandum of
11 understanding with the Federal Bureau of Investigation for the
12 purpose of implementing the National Instant Criminal
13 Background Check System in the State. The Department of State
14 Police shall report the name, date of birth, and physical
15 description of any person prohibited from possessing a firearm
16 pursuant to the Firearm Owners Identification Card Act or 18
17 U.S.C. 922(g) and (n) to the National Instant Criminal
18 Background Check System Index, Denied Persons Files.

19 (3) The Department of State Police shall provide notice of
20 the disqualification of a person under subsection (b) of this
21 Section or the revocation of a person's Firearm Owner's
22 Identification Card under Section 8 or Section 8.2 of this
23 Act, and the reason for the disqualification or revocation, to
24 all law enforcement agencies with jurisdiction to assist with
25 the seizure of the person's Firearm Owner's Identification
26 Card.

1 (f) The Department of State Police shall adopt rules not
2 inconsistent with this Section to implement this system.

3 (Source: P.A. 98-63, eff. 7-9-13; 99-787, eff. 1-1-17.)

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

5 Sec. 4. Application for Firearm Owner's Identification
6 Cards.

7 (a) Each applicant for a Firearm Owner's Identification
8 Card must:

9 (1) Submit an ~~Make~~ application as ~~on blank forms~~
10 ~~prepared and furnished at convenient locations throughout~~
11 ~~the State by the Department of State Police, or by~~
12 ~~electronic means, if and when~~ made available by the
13 Illinois ~~Department of State Police; and~~

14 (2) Submit evidence to the Department of State Police
15 that:

16 (i) This subparagraph (i) applies through the
17 180th day following the effective date of this
18 amendatory Act of the 101st General Assembly. He or
19 she is 21 years of age or over, or if he or she is
20 under 21 years of age that he or she has the written
21 consent of his or her parent or legal guardian to
22 possess and acquire firearms and firearm ammunition
23 and that he or she has never been convicted of a
24 misdemeanor other than a traffic offense or adjudged
25 delinquent, provided, however, that such parent or

1 legal guardian is not an individual prohibited from
2 having a Firearm Owner's Identification Card and files
3 an affidavit with the Department as prescribed by the
4 Department stating that he or she is not an individual
5 prohibited from having a Card;

6 (i-5) This subparagraph (i-5) applies on and after
7 the 181st day following the effective date of this
8 amendatory Act of the 101st General Assembly. He or
9 she is 21 years of age or over, or if he or she is
10 under 21 years of age that he or she has never been
11 convicted of a misdemeanor other than a traffic
12 offense or adjudged delinquent and is an active duty
13 member of the United States Armed Forces or has the
14 written consent of his or her parent or legal guardian
15 to possess and acquire firearms and firearm
16 ammunition, provided, however, that such parent or
17 legal guardian is not an individual prohibited from
18 having a Firearm Owner's Identification Card and files
19 an affidavit with the Department as prescribed by the
20 Department stating that he or she is not an individual
21 prohibited from having a Card or the active duty
22 member of the United States Armed Forces under 21
23 years of age annually submits proof to the Department
24 of State Police, in a manner prescribed by the
25 Department;

26 (ii) He or she has not been convicted of a felony

1 under the laws of this or any other jurisdiction;

2 (iii) He or she is not addicted to narcotics;

3 (iv) He or she has not been a patient in a mental
4 health facility within the past 5 years or, if he or
5 she has been a patient in a mental health facility more
6 than 5 years ago submit the certification required
7 under subsection (u) of Section 8 of this Act;

8 (v) He or she is not a person with an intellectual
9 disability;

10 (vi) He or she is not an alien who is unlawfully
11 present in the United States under the laws of the
12 United States;

13 (vii) He or she is not subject to an existing order
14 of protection prohibiting him or her from possessing a
15 firearm;

16 (viii) He or she has not been convicted within the
17 past 5 years of battery, assault, aggravated assault,
18 violation of an order of protection, or a
19 substantially similar offense in another jurisdiction,
20 in which a firearm was used or possessed;

21 (ix) He or she has not been convicted of domestic
22 battery, aggravated domestic battery, or a
23 substantially similar offense in another jurisdiction
24 committed before, on or after January 1, 2012 (the
25 effective date of Public Act 97-158). If the applicant
26 knowingly and intelligently waives the right to have

1 an offense described in this clause (ix) tried by a
2 jury, and by guilty plea or otherwise, results in a
3 conviction for an offense in which a domestic
4 relationship is not a required element of the offense
5 but in which a determination of the applicability of
6 18 U.S.C. 922(g)(9) is made under Section 112A-11.1 of
7 the Code of Criminal Procedure of 1963, an entry by the
8 court of a judgment of conviction for that offense
9 shall be grounds for denying the issuance of a Firearm
10 Owner's Identification Card under this Section;

11 (x) (Blank);

12 (xi) He or she is not an alien who has been
13 admitted to the United States under a non-immigrant
14 visa (as that term is defined in Section 101(a)(26) of
15 the Immigration and Nationality Act (8 U.S.C.
16 1101(a)(26))), or that he or she is an alien who has
17 been lawfully admitted to the United States under a
18 non-immigrant visa if that alien is:

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

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

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

1 (B) en route to or from another country to
2 which that alien is accredited;

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

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

9 (5) one who has received a waiver from the
10 Attorney General of the United States pursuant to
11 18 U.S.C. 922 (y) (3);

12 (xii) He or she is not a minor subject to a
13 petition filed under Section 5-520 of the Juvenile
14 Court Act of 1987 alleging that the minor is a
15 delinquent minor for the commission of an offense that
16 if committed by an adult would be a felony;

17 (xiii) He or she is not an adult who had been
18 adjudicated a delinquent minor under the Juvenile
19 Court Act of 1987 for the commission of an offense that
20 if committed by an adult would be a felony;

21 (xiv) He or she is a resident of the State of
22 Illinois;

23 (xv) He or she has not been adjudicated as a person
24 with a mental disability;

25 (xvi) He or she has not been involuntarily
26 admitted into a mental health facility; and

1 (xvii) He or she is not a person with a
2 developmental disability; and

3 (3) Upon request by the Department of State Police,
4 sign a release on a form prescribed by the Department of
5 State Police waiving any right to confidentiality and
6 requesting the disclosure to the Department of State
7 Police of limited mental health institution admission
8 information from another state, the District of Columbia,
9 any other territory of the United States, or a foreign
10 nation concerning the applicant for the sole purpose of
11 determining whether the applicant is or was a patient in a
12 mental health institution and disqualified because of that
13 status from receiving a Firearm Owner's Identification
14 Card. No mental health care or treatment records may be
15 requested. The information received shall be destroyed
16 within one year of receipt.

17 (a-5) Each applicant for a Firearm Owner's Identification
18 Card who is over the age of 18 shall furnish to the Department
19 of State Police either his or her Illinois driver's license
20 number or Illinois Identification Card number, except as
21 provided in subsection (a-10).

22 (a-10) Each applicant for a Firearm Owner's Identification
23 Card, who is employed as a law enforcement officer, an armed
24 security officer in Illinois, or by the United States Military
25 permanently assigned in Illinois and who is not an Illinois
26 resident, shall furnish to the Department of State Police his

1 or her driver's license number or state identification card
2 number from his or her state of residence. The Department of
3 State Police may adopt rules to enforce the provisions of this
4 subsection (a-10).

5 (a-15) If an applicant applying for a Firearm Owner's
6 Identification Card moves from the residence address named in
7 the application, he or she shall immediately notify in a form
8 and manner prescribed by the Department of State Police of
9 that change of address.

10 (a-20) Each applicant for a Firearm Owner's Identification
11 Card shall furnish to the Department of State Police his or her
12 photograph. An applicant who is 21 years of age or older
13 seeking a religious exemption to the photograph requirement
14 must furnish with the application an approved copy of United
15 States Department of the Treasury Internal Revenue Service
16 Form 4029. In lieu of a photograph, an applicant regardless of
17 age seeking a religious exemption to the photograph
18 requirement shall submit fingerprints on a form and manner
19 prescribed by the Department with his or her application.

20 (a-25) Beginning January 1, 2023, each applicant for the
21 issuance of a Firearm Owner's Identification Card may include
22 a full set of his or her fingerprints in electronic format to
23 the Illinois State Police, unless the applicant has previously
24 provided a full set of his or her fingerprints to the Illinois
25 State Police under this Act or the Firearm Concealed Carry
26 Act.

1 The fingerprints must be transmitted through a live scan
2 fingerprint vendor licensed by the Department of Financial and
3 Professional Regulation. The fingerprints shall be checked
4 against the fingerprint records now and hereafter filed in the
5 Illinois State Police and Federal Bureau of Investigation
6 criminal history records databases, including all available
7 State and local criminal history record information files.

8 The Illinois State Police shall charge applicants a
9 one-time fee for conducting the criminal history record check,
10 which shall be deposited into the State Police Services Fund
11 and shall not exceed the actual cost of the State and national
12 criminal history record check.

13 (a-26) The Illinois State Police shall research, explore,
14 and report to the General Assembly by January 1, 2022 on the
15 feasibility of permitting voluntarily submitted fingerprints
16 obtained for purposes other than Firearm Owner's
17 Identification Card enforcement that are contained in the
18 Illinois State Police database for purposes of this Act.

19 (b) Each application form shall include the following
20 statement printed in bold type: "Warning: Entering false
21 information on an application for a Firearm Owner's
22 Identification Card is punishable as a Class 2 felony in
23 accordance with subsection (d-5) of Section 14 of the Firearm
24 Owners Identification Card Act."

25 (c) Upon such written consent, pursuant to Section 4,
26 paragraph (a)(2)(i), the parent or legal guardian giving the

1 consent shall be liable for any damages resulting from the
2 applicant's use of firearms or firearm ammunition.

3 (Source: P.A. 101-80, eff. 7-12-19.)

4 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

5 Sec. 5. Application and renewal.

6 (a) The Department of State Police shall either approve or
7 deny all applications within 30 days from the date they are
8 received, except as provided in subsections (b) and (c)
9 ~~subsection (b) of this Section~~, and every applicant found
10 qualified under Section 8 of this Act by the Department shall
11 be entitled to a Firearm Owner's Identification Card upon the
12 payment of a \$10 fee and applicable processing fees. The
13 processing fees shall be limited to charges by the State
14 Treasurer for using the electronic online payment system. Any
15 applicant who is an active duty member of the Armed Forces of
16 the United States, a member of the Illinois National Guard, or
17 a member of the Reserve Forces of the United States is exempt
18 from the application fee. \$5 of each fee derived from the
19 issuance of a Firearm Owner's Identification Card or renewals,
20 thereof, shall be deposited in the State Police Firearm
21 Services Fund and \$5 into the State Police Revocation
22 Enforcement Fund ~~\$6 of each fee derived from the issuance of~~
23 ~~Firearm Owner's Identification Cards, or renewals thereof,~~
24 ~~shall be deposited in the Wildlife and Fish Fund in the State~~
25 ~~Treasury; \$1 of the fee shall be deposited in the State Police~~

1 ~~Services Fund and \$3 of the fee shall be deposited in the State~~
2 ~~Police Firearm Services Fund.~~

3 (b) Renewal applications shall be approved or denied
4 within 60 business days, provided the applicant submitted his
5 or her renewal application prior to the expiration of his or
6 her Firearm Owner's Identification Card. If a renewal
7 application has been submitted prior to the expiration date of
8 the applicant's Firearm Owner's Identification Card, the
9 Firearm Owner's Identification Card shall remain valid while
10 the Department processes the application, unless the person is
11 subject to or becomes subject to revocation under this Act.
12 The cost for a renewal application shall be \$10, and may
13 include applicable processing fees, which shall be limited to
14 charges by the State Treasurer for using the electronic online
15 payment system, which shall be deposited into the State Police
16 Firearm Services Fund.

17 (c) If the Firearm Owner's Identification Card of a
18 licensee under the Firearm Concealed Carry Act expires during
19 the term of the licensee's concealed carry license, the
20 Firearm Owner's Identification Card and the license remain
21 valid and the licensee does not have to renew his or her
22 Firearm Owner's Identification Card during the duration of the
23 concealed carry license. Unless the Illinois State Police has
24 reason to believe the licensee is no longer eligible for the
25 card, the Illinois State Police may automatically renew the
26 licensee's Firearm Owner's Identification Card and send a

1 renewed Firearm Owner's Identification Card to the licensee.

2 (d) The Illinois State Police may adopt rules concerning
3 the use of voluntarily submitted fingerprints, as allowed by
4 State and federal law.

5 (Source: P.A. 100-906, eff. 1-1-19.)

6 (430 ILCS 65/6) (from Ch. 38, par. 83-6)

7 Sec. 6. Contents of Firearm Owner's Identification Card.

8 (a) A Firearm Owner's Identification Card, issued by the
9 Department of State Police at such places as the Director of
10 the Department shall specify, shall contain the applicant's
11 name, residence, date of birth, sex, physical description,
12 recent photograph, except as provided in subsection (c-5), and
13 signature. Each Firearm Owner's Identification Card must have
14 the Firearm Owner's Identification Card number ~~expiration date~~
15 boldly and conspicuously displayed on the face of the card.
16 Each Firearm Owner's Identification Card must have printed on
17 it the following: "CAUTION - This card does not permit bearer
18 to UNLAWFULLY carry or use firearms." Before December 1, 2002,
19 the Department may use a person's digital photograph and
20 signature from his or her Illinois driver's license or
21 Illinois Identification Card, if available. On and after
22 December 1, 2002, the Department shall use a person's digital
23 photograph and signature from his or her Illinois driver's
24 license or Illinois Identification Card, if available. The
25 Department shall decline to use a person's digital photograph

1 or signature if the digital photograph or signature is the
2 result of or associated with fraudulent or erroneous data,
3 unless otherwise provided by law.

4 (b) A person applying for a Firearm Owner's Identification
5 Card shall consent to the Department of State Police using the
6 applicant's digital driver's license or Illinois
7 Identification Card photograph, if available, and signature on
8 the applicant's Firearm Owner's Identification Card. The
9 Secretary of State shall allow the Department of State Police
10 access to the photograph and signature for the purpose of
11 identifying the applicant and issuing to the applicant a
12 Firearm Owner's Identification Card.

13 (c) The Secretary of State shall conduct a study to
14 determine the cost and feasibility of creating a method of
15 adding an identifiable code, background, or other means on the
16 driver's license or Illinois Identification Card to show that
17 an individual is not disqualified from owning or possessing a
18 firearm under State or federal law. The Secretary shall report
19 the findings of this study 12 months after the effective date
20 of this amendatory Act of the 92nd General Assembly.

21 (c-5) If a person qualifies for a photograph exemption, in
22 lieu of a photograph, the Firearm Owner's Identification Card
23 shall contain a copy of the card holder's fingerprints. Each
24 Firearm Owner's Identification Card described in this
25 subsection (c-5) must have printed on it the following: "This
26 card is only valid for firearm purchases through a federally

1 licensed firearms dealer when presented with photographic
2 identification, as prescribed by 18 U.S.C. 922(t)(1)(C)."

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

4 (430 ILCS 65/6.2 new)

5 Sec. 6.2. Electronic Firearm Owner's Identification Cards.
6 Beginning January 1, 2022, the Illinois State Police may
7 develop a system under which the holder of a Firearm Owner's
8 Identification Card may display an electronic version of his
9 or her Firearm Owner's Identification Card on a mobile
10 telephone or other portable electronic device. An electronic
11 version of a Firearm Owner's Identification Card shall contain
12 security features the Illinois State Police determines to be
13 necessary to ensure that the electronic version is accurate
14 and current and shall satisfy other requirements the Illinois
15 State Police determines to be necessary regarding form and
16 content. The display or possession of an electronic version of
17 a valid Firearm Owner's Identification Card in accordance with
18 the requirements of the Illinois State Police satisfies all
19 requirements for the display or possession of a valid Firearm
20 Owner's Identification Card under the laws of this State. The
21 possession or display of an electronic Firearm Owner's
22 Identification Card on a mobile telephone or other portable
23 electronic device does not constitute consent for a law
24 enforcement officer, court, or other officer of the court to
25 access other contents of the mobile telephone or other

1 portable electronic device. The Illinois State Police may
2 adopt rules to implement this Section.

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

4 Sec. 7. Validity of Firearm Owner's Identification Card.

5 (a) Except as provided in Section 8 of this Act or
6 elsewhere in subsection (b) of this Section, a Firearm Owner's
7 Identification Card issued under the provisions of this Act
8 shall be valid for the person to whom it is issued for a period
9 of 10 years from the date of issuance. Unless the person no
10 longer meets the requirements or becomes subject to suspension
11 or revocation under this Act, a card issued under an
12 application made as provided in subsection (a-25) of Section 4
13 shall remain valid if the person meets the requirements of
14 subsection (b-5) of Section 3.1.

15 (b) If a renewal application is submitted to the
16 Department before the expiration date of the applicant's
17 current Firearm Owner's Identification Card, the Firearm
18 Owner's Identification Card shall remain valid ~~for a period of~~
19 ~~60 business days~~, unless the person is subject to or becomes
20 subject to revocation under this Act. Unless the person no
21 longer meets the requirements or becomes subject to suspension
22 or revocation under this Act, a card issued under a renewal
23 application made as provided in subsection (a-25) of Section 4
24 shall remain valid if the person meets the implementation
25 requirements of Section 3.1.

1 (c) Beginning January 1, 2022, if the Firearm Owner's
2 Identification Card of a licensee under the Firearm Concealed
3 Carry Act expires during the term of the licensee's concealed
4 carry license, the Firearm Owner's Identification Card and the
5 license remain valid during the validity of the concealed
6 carry license and the licensee does not have to renew his or
7 her Firearm Owner's Identification Card, if the Firearm
8 Owner's Identification Card has not been otherwise renewed as
9 provided in this Act. Unless the Illinois State Police has
10 reason to believe the licensee is no longer eligible for the
11 card, the Illinois State Police may automatically renew the
12 licensee's Firearm Owner's Identification Card.

13 (Source: P.A. 100-906, eff. 1-1-19.)

14 (430 ILCS 65/7.5 new)

15 Sec. 7.5. Email and text message notifications. A person
16 subject to this Act may notify the Illinois State Police upon
17 application or at any time thereafter that he or she would like
18 to receive correspondence from the Illinois State Police via
19 email or text message and may opt out of first-class mail. Such
20 correspondence may include notification of the status of a
21 person's application, suspension, revocation, appeal, and
22 other notifications concerning his or her Firearm Owner's
23 Identification Card. A person may request email or text
24 message, or both. Any person selecting email or text message
25 alerts must have either or both the person's email or cellular

1 phone number on file with the Illinois State Police.

2 (430 ILCS 65/8.2)

3 Sec. 8.2. Firearm Owner's Identification Card denial,
4 suspension, or revocation. The Illinois Department of State
5 Police shall deny an application or shall suspend or revoke
6 and seize a Firearm Owner's Identification Card previously
7 issued under this Act if the Department finds that the
8 applicant or person to whom such card was issued is or was at
9 the time of issuance subject to a protective order issued
10 under the laws of this or any other jurisdiction ~~an existing~~
11 ~~order of protection or firearms restraining order.~~ When the
12 duration of the protective order is expected to be less than
13 one year, the Illinois State Police may suspend the Firearm
14 Owner's Identification Card under Section 8.3 of the Act and
15 shall reinstate it upon conclusion of the suspension if no
16 other grounds for denial or revocation are found under Section
17 8 of the Act.

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

19 (430 ILCS 65/8.3)

20 Sec. 8.3. Suspension of Firearm Owner's Identification
21 Card. The Department of State Police may suspend ~~, by rule in a~~
22 ~~manner consistent with the Department's rules concerning~~
23 ~~revocation, provide for the suspension of~~ the Firearm Owner's
24 Identification Card of a person whose Firearm Owner's

1 Identification Card is subject to revocation and seizure under
2 this Act for the duration of the disqualification if the
3 disqualification is not a permanent grounds for revocation of
4 a Firearm Owner's Identification Card under this Act. The
5 Illinois State Police may adopt rules necessary to implement
6 this Section.

7 (Source: P.A. 100-607, eff. 1-1-19; 100-906, eff. 1-1-19.)

8 (430 ILCS 65/8.4 new)

9 Sec. 8.4. Cancellation of Firearm Owner's Identification
10 Card. The Illinois State Police may cancel a Firearm Owner's
11 Identification Card if a person is not prohibited by State or
12 federal law from acquiring or possessing a firearm or firearm
13 ammunition and the sole purpose is for an administrative
14 reason. This includes, at the request of the Firearm Owner's
15 Identification Card holder, a person who surrenders his or her
16 Illinois driver's license or Illinois identification card to
17 another jurisdiction, or a person's Firearm Owner's
18 Identification Card is reported as lost, stolen, or destroyed.
19 The Illinois State Police may adopt rules necessary to
20 implement this Section.

21 (430 ILCS 65/8.5 new)

22 Sec. 8.5. Illinois State Police to monitor databases for
23 firearms prohibitors. The Illinois State Police shall
24 continuously monitor relevant State and federal databases, as

1 allowed by State and federal law, for firearms prohibitors and
2 correlate those records with Firearm Owner's Identification
3 Card holders to ensure compliance with this Act and any other
4 State and federal laws. As used in this Section, "firearms
5 prohibitor" means any factor listed in Section 8 or Section
6 8.2 of this Act or Section 24-3 or 24-3.1 of the Criminal Code
7 of 2012 that prohibits a person from transferring or
8 possessing a firearm, firearm ammunition, Firearm Owner's
9 Identification Card, or concealed carry license.

10 (430 ILCS 65/9.5)

11 Sec. 9.5. Revocation of Firearm Owner's Identification
12 Card.

13 (a) A person who receives a revocation notice under
14 Section 9 of this Act shall, within 48 hours of receiving
15 notice of the revocation:

16 (1) surrender his or her Firearm Owner's
17 Identification Card to the local law enforcement agency
18 where the person resides or ~~The local law enforcement~~
19 ~~agency shall provide the person a receipt and transmit the~~
20 ~~Firearm Owner's Identification Card~~ to the Department of
21 State Police; and

22 (2) complete a Firearm Disposition Record on a form
23 prescribed by the Department of State Police and place his
24 or her firearms in the location or with the person
25 reported in the Firearm Disposition Record. The form shall

1 require the person to disclose:

2 (A) the make, model, and serial number of each
3 firearm owned by or under the custody and control of
4 the revoked person;

5 (B) the location where each firearm will be
6 maintained during the prohibited term; ~~and~~

7 (C) if any firearm will be transferred to the
8 custody of another person, the name, address and
9 Firearm Owner's Identification Card number of the
10 transferee; ~~and-~~

11 (D) to whom his or her Firearm Owner's
12 Identification Card was surrendered.

13 Once completed, the person shall retain a copy and
14 provide a copy of the Firearm Disposition Record to the
15 Illinois State Police.

16 (b) Upon confirming through the portal created under
17 Section 2605-304 of the Department of State Police Law of the
18 Civil Administrative Code of Illinois that the Firearm Owner's
19 Identification Card has been revoked by the Illinois State
20 Police, surrendered cards shall be destroyed by the law
21 enforcement agency receiving the cards. If a card has not been
22 revoked, the card shall be returned to the cardholder. ~~The~~
23 ~~local law enforcement agency shall provide a copy of the~~
24 ~~Firearm Disposition Record to the person whose Firearm Owner's~~
25 ~~Identification Card has been revoked and to the Department of~~
26 ~~State Police.~~

1 (b-5) If a court orders the surrender of a Firearms
2 Owner's Identification Card and accepts receipt of the Card,
3 the court shall destroy the Card and direct the person whose
4 Firearm Owner's Identification Card has been surrendered to
5 comply with paragraph (2) of subsection (a).

6 (b-10) If the person whose Firearm Owner's Identification
7 Card has been revoked has either lost or destroyed the Card,
8 the person must still comply with paragraph (2) of subsection
9 (a).

10 (b-15) A notation shall be made in the portal created
11 under Section 2605-304 of the Department of State Police Law
12 of the Civil Administrative Code of Illinois that the revoked
13 Firearm Owner's Identification Card has been destroyed.

14 (c) If the person whose Firearm Owner's Identification
15 Card has been revoked fails to comply with the requirements of
16 this Section, the sheriff or law enforcement agency where the
17 person resides may petition the circuit court to issue a
18 warrant to search for and seize the Firearm Owner's
19 Identification Card and firearms in the possession or under
20 the custody or control of the person whose Firearm Owner's
21 Identification Card has been revoked.

22 (d) A violation of subsection (a) of this Section is a
23 Class A misdemeanor.

24 (e) The observation of a Firearm Owner's Identification
25 Card in the possession of a person whose Firearm Owner's
26 Identification Card has been revoked constitutes a sufficient

1 basis for the arrest of that person for violation of this
2 Section.

3 (f) Within 30 days after the effective date of this
4 amendatory Act of the 98th General Assembly, the Department of
5 State Police shall provide written notice of the requirements
6 of this Section to persons whose Firearm Owner's
7 Identification Cards have been revoked, suspended, or expired
8 and who have failed to surrender their cards to the
9 Department.

10 (g) A person whose Firearm Owner's Identification Card has
11 been revoked and who received notice under subsection (f)
12 shall comply with the requirements of this Section within 48
13 hours of receiving notice.

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

15 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

16 Sec. 10. Appeals ~~Appeal to director~~; hearing; relief from
17 firearm prohibitions.

18 (a) Whenever an application for a Firearm Owner's
19 Identification Card is denied, ~~whenever the Department fails~~
20 ~~to act on an application within 30 days of its receipt,~~ or
21 whenever such a Card is revoked or seized as provided for in
22 Section 8 of this Act, the aggrieved party may (1) file a
23 record challenge with the Director regarding the record upon
24 which the decision to deny or revoke the Firearm Owner's
25 Identification Card was based under subsection (a-5); or (2)

1 appeal to the Director of the Illinois State Police through
2 December 31, 2022, or beginning January 1, 2023, the Firearm
3 Owner's Identification Card Review Board for a hearing seeking
4 relief from ~~upon~~ such denial or ~~or~~ revocation ~~or seizure,~~
5 unless the denial or ~~or~~ revocation, ~~or seizure~~ was based upon a
6 forcible felony, stalking, aggravated stalking, domestic
7 battery, any violation of the Illinois Controlled Substances
8 Act, the Methamphetamine Control and Community Protection Act,
9 or the Cannabis Control Act that is classified as a Class 2 or
10 greater felony, any felony violation of Article 24 of the
11 Criminal Code of 1961 or the Criminal Code of 2012, or any
12 adjudication as a delinquent minor for the commission of an
13 offense that if committed by an adult would be a felony, in
14 which case the aggrieved party may petition the circuit court
15 in writing in the county of his or her residence for a hearing
16 seeking relief from ~~upon~~ such denial or ~~or~~ revocation, ~~or~~
17 ~~seizure.~~

18 (a-5) There is created a Firearm Owner's Identification
19 Card Review Board to consider any appeal under subsection (a)
20 beginning January 1, 2023, other than an appeal directed to
21 the circuit court and except when the applicant is challenging
22 the record upon which the decision to deny or revoke was based
23 as provided in subsection (a-10).

24 (0.05) In furtherance of the policy of this Act that
25 the Board shall exercise its powers and duties in an
26 independent manner, subject to the provisions of this Act

1 but free from the direction, control, or influence of any
2 other agency or department of State government. All
3 expenses and liabilities incurred by the Board in the
4 performance of its responsibilities hereunder shall be
5 paid from funds which shall be appropriated to the Board
6 by the General Assembly for the ordinary and contingent
7 expenses of the Board.

8 (1) The Board shall consist of 7 members appointed by
9 the Governor, with the advice and consent of the Senate,
10 with 3 members residing within the First Judicial District
11 and one member residing within each of the 4 remaining
12 Judicial Districts. No more than 4 members shall be
13 members of the same political party. The Governor shall
14 designate one member as the chairperson. The Board shall
15 consist of:

16 (A) one member with at least 5 years of service as
17 a federal or State judge;

18 (B) one member with at least 5 years of experience
19 serving as an attorney with the United States
20 Department of Justice, or as a State's Attorney or
21 Assistant State's Attorney;

22 (C) one member with at least 5 years of experience
23 serving as a State or federal public defender or
24 assistant public defender;

25 (D) three members with at least 5 years of
26 experience as a federal, State, or local law

1 enforcement agent or as an employee with investigative
2 experience or duties related to criminal justice under
3 the United States Department of Justice, Drug
4 Enforcement Administration, Department of Homeland
5 Security, Federal Bureau of Investigation, or a State
6 or local law enforcement agency; and

7 (E) one member with at least 5 years of experience
8 as a licensed physician or clinical psychologist with
9 expertise in the diagnosis and treatment of mental
10 illness.

11 (2) The terms of the members initially appointed after
12 the effective date of this amendatory Act of the 102nd
13 General Assembly shall be as follows: one of the initial
14 members shall be appointed for a term of one year, 3 shall
15 be appointed for terms of 2 years, and 3 shall be appointed
16 for terms of 4 years. Thereafter, members shall hold
17 office for 4 years, with terms expiring on the second
18 Monday in January immediately following the expiration of
19 their terms and every 4 years thereafter. Members may be
20 reappointed. Vacancies in the office of member shall be
21 filled in the same manner as the original appointment, for
22 the remainder of the unexpired term. The Governor may
23 remove a member for incompetence, neglect of duty,
24 malfeasance, or inability to serve. Members shall receive
25 compensation in an amount equal to the compensation of
26 members of the Executive Ethics Commission and may be

1 reimbursed, from funds appropriated for such a purpose,
2 for reasonable expenses actually incurred in the
3 performance of their Board duties. The Illinois State
4 Police shall designate an employee to serve as Executive
5 Director of the Board and provide logistical and
6 administrative assistance to the Board.

7 (3) The Board shall meet at least quarterly each year
8 and at the call of the chairperson as often as necessary to
9 consider appeals of decisions made with respect to
10 applications for a Firearm Owner's Identification Card
11 under this Act. If necessary to ensure the participation
12 of a member, the Board shall allow a member to participate
13 in a Board meeting by electronic communication. Any member
14 participating electronically shall be deemed present for
15 purposes of establishing a quorum and voting.

16 (4) The Board shall adopt rules for the review of
17 appeals and the conduct of hearings. The Board shall
18 maintain a record of its decisions and all materials
19 considered in making its decisions. All Board decisions
20 and voting records shall be kept confidential and all
21 materials considered by the Board shall be exempt from
22 inspection except upon order of a court.

23 (5) In considering an appeal, the Board shall review
24 the materials received concerning the denial or revocation
25 by the Illinois State Police. By a vote of at least 4
26 members, the Board may request additional information from

1 the Illinois State Police or the applicant or the
2 testimony of the Illinois State Police or the applicant.
3 The Board may require that the applicant submit electronic
4 fingerprints to the Illinois State Police for an updated
5 background check if the Board determines it lacks
6 sufficient information to determine eligibility. The Board
7 may consider information submitted by the Illinois State
8 Police, a law enforcement agency, or the applicant. The
9 Board shall review each denial or revocation and determine
10 by a majority of members whether an applicant should be
11 granted relief under subsection (c).

12 (6) The Board shall by order issue summary decisions.
13 The Board shall issue a decision within 45 days of
14 receiving all completed appeal documents from the Illinois
15 State Police and the applicant. However, the Board need
16 not issue a decision within 45 days if:

17 (A) the Board requests information from the
18 applicant, including, but not limited to, electronic
19 fingerprints to be submitted to the Illinois State
20 Police, in accordance with paragraph (5) of this
21 subsection, in which case the Board shall make a
22 decision within 30 days of receipt of the required
23 information from the applicant;

24 (B) the applicant agrees, in writing, to allow the
25 Board additional time to consider an appeal; or

26 (C) the Board notifies the applicant and the

1 Illinois State Police that the Board needs an
2 additional 30 days to issue a decision. The Board may
3 only issue 2 extensions under this subparagraph (C).
4 The Board's notification to the applicant and the
5 Illinois State Police shall include an explanation for
6 the extension.

7 (7) If the Board determines that the applicant is
8 eligible for relief under subsection (c), the Board shall
9 notify the applicant and the Illinois State Police that
10 relief has been granted and the Illinois State Police
11 shall issue the Card.

12 (8) Meetings of the Board shall not be subject to the
13 Open Meetings Act and records of the Board shall not be
14 subject to the Freedom of Information Act.

15 (9) The Board shall report monthly to the Governor and
16 the General Assembly on the number of appeals received and
17 provide details of the circumstances in which the Board
18 has determined to deny Firearm Owner's Identification
19 Cards under this subsection (a-5). The report shall not
20 contain any identifying information about the applicants.

21 (a-10) Whenever an applicant or cardholder is not seeking
22 relief from a firearms prohibition under subsection (c) but
23 rather does not believe the applicant is appropriately denied
24 or revoked and is challenging the record upon which the
25 decision to deny or revoke the Firearm Owner's Identification
26 Card was based, or whenever the Illinois State Police fails to

1 act on an application within 30 days of its receipt, the
2 applicant shall file such challenge with the Director. The
3 Director shall render a decision within 60 business days of
4 receipt of all information supporting the challenge. The
5 Illinois State Police shall adopt rules for the review of a
6 record challenge.

7 (b) At least 30 days before any hearing in the circuit
8 court, the petitioner shall serve the relevant State's
9 Attorney with a copy of the petition. The State's Attorney may
10 object to the petition and present evidence. At the hearing,
11 the court shall determine whether substantial justice has been
12 done. Should the court determine that substantial justice has
13 not been done, the court shall issue an order directing the
14 Illinois Department of State Police to issue a Card. However,
15 the court shall not issue the order if the petitioner is
16 otherwise prohibited from obtaining, possessing, or using a
17 firearm under federal law.

18 (c) Any person prohibited from possessing a firearm under
19 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
20 acquiring a Firearm Owner's Identification Card under Section
21 8 of this Act may apply to the Firearm Owner's Identification
22 Card Review Board ~~Director of State Police~~ or petition the
23 circuit court in the county where the petitioner resides,
24 whichever is applicable in accordance with subsection (a) of
25 this Section, requesting relief from such prohibition and the
26 Board ~~Director~~ or court may grant such relief if it is

1 established by the applicant to the court's or the Board's
2 ~~Director's~~ satisfaction that:

3 (0.05) when in the circuit court, the State's Attorney
4 has been served with a written copy of the petition at
5 least 30 days before any such hearing in the circuit court
6 and at the hearing the State's Attorney was afforded an
7 opportunity to present evidence and object to the
8 petition;

9 (1) the applicant has not been convicted of a forcible
10 felony under the laws of this State or any other
11 jurisdiction within 20 years of the applicant's
12 application for a Firearm Owner's Identification Card, or
13 at least 20 years have passed since the end of any period
14 of imprisonment imposed in relation to that conviction;

15 (2) the circumstances regarding a criminal conviction,
16 where applicable, the applicant's criminal history and his
17 reputation are such that the applicant will not be likely
18 to act in a manner dangerous to public safety;

19 (3) granting relief would not be contrary to the
20 public interest; and

21 (4) granting relief would not be contrary to federal
22 law.

23 (c-5) (1) An active law enforcement officer employed by a
24 unit of government, who is denied, revoked, or has his or her
25 Firearm Owner's Identification Card seized under subsection
26 (e) of Section 8 of this Act may apply to the Firearm Owner's

1 Identification Card Review Board ~~Director of State Police~~
2 requesting relief if the officer did not act in a manner
3 threatening to the officer, another person, or the public as
4 determined by the treating clinical psychologist or physician,
5 and as a result of his or her work is referred by the employer
6 for or voluntarily seeks mental health evaluation or treatment
7 by a licensed clinical psychologist, psychiatrist, or
8 qualified examiner, and:

9 (A) the officer has not received treatment
10 involuntarily at a mental health facility, regardless of
11 the length of admission; or has not been voluntarily
12 admitted to a mental health facility for more than 30 days
13 and not for more than one incident within the past 5 years;
14 and

15 (B) the officer has not left the mental institution
16 against medical advice.

17 (2) The Firearm Owner's Identification Card Review Board
18 ~~Director of State Police~~ shall grant expedited relief to
19 active law enforcement officers described in paragraph (1) of
20 this subsection (c-5) upon a determination by the Board
21 ~~Director~~ that the officer's possession of a firearm does not
22 present a threat to themselves, others, or public safety. The
23 Board ~~Director~~ shall act on the request for relief within 30
24 business days of receipt of:

25 (A) a notarized statement from the officer in the form
26 prescribed by the Board ~~Director~~ detailing the

1 circumstances that led to the hospitalization;

2 (B) all documentation regarding the admission,
3 evaluation, treatment and discharge from the treating
4 licensed clinical psychologist or psychiatrist of the
5 officer;

6 (C) a psychological fitness for duty evaluation of the
7 person completed after the time of discharge; and

8 (D) written confirmation in the form prescribed by the
9 Board ~~Director~~ from the treating licensed clinical
10 psychologist or psychiatrist that the provisions set forth
11 in paragraph (1) of this subsection (c-5) have been met,
12 the person successfully completed treatment, and their
13 professional opinion regarding the person's ability to
14 possess firearms.

15 (3) Officers eligible for the expedited relief in
16 paragraph (2) of this subsection (c-5) have the burden of
17 proof on eligibility and must provide all information
18 required. The Board ~~Director~~ may not consider granting
19 expedited relief until the proof and information is received.

20 (4) "Clinical psychologist", "psychiatrist", and
21 "qualified examiner" shall have the same meaning as provided
22 in Chapter I of the Mental Health and Developmental
23 Disabilities Code.

24 (c-10) (1) An applicant, who is denied, revoked, or has
25 his or her Firearm Owner's Identification Card seized under
26 subsection (e) of Section 8 of this Act based upon a

1 determination of a developmental disability or an intellectual
2 disability may apply to the Firearm Owner's Identification
3 Card Review Board ~~Director of State Police~~ requesting relief.

4 (2) The Board ~~Director~~ shall act on the request for relief
5 within 60 business days of receipt of written certification,
6 in the form prescribed by the Board ~~Director~~, from a physician
7 or clinical psychologist, or qualified examiner, that the
8 aggrieved party's developmental disability or intellectual
9 disability condition is determined by a physician, clinical
10 psychologist, or qualified to be mild. If a fact-finding
11 conference is scheduled to obtain additional information
12 concerning the circumstances of the denial or revocation, the
13 60 business days the Director has to act shall be tolled until
14 the completion of the fact-finding conference.

15 (3) The Board ~~Director~~ may grant relief if the aggrieved
16 party's developmental disability or intellectual disability is
17 mild as determined by a physician, clinical psychologist, or
18 qualified examiner and it is established by the applicant to
19 the Board's ~~Director's~~ satisfaction that:

20 (A) granting relief would not be contrary to the
21 public interest; and

22 (B) granting relief would not be contrary to federal
23 law.

24 (4) The Board ~~Director~~ may not grant relief if the
25 condition is determined by a physician, clinical psychologist,
26 or qualified examiner to be moderate, severe, or profound.

1 (5) The changes made to this Section by Public Act 99-29
2 ~~this amendatory Act of the 99th General Assembly~~ apply to
3 requests for relief pending on or before July 10, 2015 (the
4 effective date of Public Act 99-29) ~~this amendatory Act~~,
5 except that the 60-day period for the Director to act on
6 requests pending before the effective date shall begin on July
7 10, 2015 (the effective date of Public Act 99-29) ~~this~~
8 ~~amendatory Act~~. All appeals as provided in subsection (a-5),
9 pending on January 1, 2023, shall be considered by the Board.

10 (d) When a minor is adjudicated delinquent for an offense
11 which if committed by an adult would be a felony, the court
12 shall notify the Illinois ~~Department of~~ State Police.

13 (e) The court shall review the denial of an application or
14 the revocation of a Firearm Owner's Identification Card of a
15 person who has been adjudicated delinquent for an offense that
16 if committed by an adult would be a felony if an application
17 for relief has been filed at least 10 years after the
18 adjudication of delinquency and the court determines that the
19 applicant should be granted relief from disability to obtain a
20 Firearm Owner's Identification Card. If the court grants
21 relief, the court shall notify the Illinois ~~Department of~~
22 State Police that the disability has been removed and that the
23 applicant is eligible to obtain a Firearm Owner's
24 Identification Card.

25 (f) Any person who is subject to the disabilities of 18
26 U.S.C. 922(d) (4) and 922(g) (4) of the federal Gun Control Act

1 of 1968 because of an adjudication or commitment that occurred
2 under the laws of this State or who was determined to be
3 subject to the provisions of subsections (e), (f), or (g) of
4 Section 8 of this Act may apply to the Illinois ~~Department of~~
5 State Police requesting relief from that prohibition. The
6 Board ~~Director~~ shall grant the relief if it is established by a
7 preponderance of the evidence that the person will not be
8 likely to act in a manner dangerous to public safety and that
9 granting relief would not be contrary to the public interest.
10 In making this determination, the Board ~~Director~~ shall receive
11 evidence concerning (i) the circumstances regarding the
12 firearms disabilities from which relief is sought; (ii) the
13 petitioner's mental health and criminal history records, if
14 any; (iii) the petitioner's reputation, developed at a minimum
15 through character witness statements, testimony, or other
16 character evidence; and (iv) changes in the petitioner's
17 condition or circumstances since the disqualifying events
18 relevant to the relief sought. If relief is granted under this
19 subsection or by order of a court under this Section, the
20 Director shall as soon as practicable but in no case later than
21 15 business days, update, correct, modify, or remove the
22 person's record in any database that the Illinois ~~Department~~
23 ~~of~~ State Police makes available to the National Instant
24 Criminal Background Check System and notify the United States
25 Attorney General that the basis for the record being made
26 available no longer applies. The Illinois ~~Department of~~ State

1 Police shall adopt rules for the administration of this
2 Section.

3 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-78,
4 eff. 7-20-15.)

5 (430 ILCS 65/11) (from Ch. 38, par. 83-11)

6 Sec. 11. Judicial review of final administrative
7 decisions.

8 (a) All final administrative decisions of the Firearm
9 Owner's Identification Card Review Board ~~Department~~ under this
10 Act, except final administrative decisions of the Firearm
11 Owner's Identification Card Review Board ~~Director of State~~
12 ~~Police~~ to deny a person's application for relief under
13 subsection (f) of Section 10 of this Act, shall be subject to
14 judicial review under the provisions of the Administrative
15 Review Law, and all amendments and modifications thereof, and
16 the rules adopted pursuant thereto. The term "administrative
17 decision" is defined as in Section 3-101 of the Code of Civil
18 Procedure.

19 (b) Any final administrative decision by the Firearm
20 Owner's Identification Card Review Board ~~Director of State~~
21 ~~Police~~ to deny a person's application for relief under
22 subsection (f) of Section 10 of this Act is subject to de novo
23 judicial review by the circuit court, and any party may offer
24 evidence that is otherwise proper and admissible without
25 regard to whether that evidence is part of the administrative

1 record.

2 (c) The Firearm Owner's Identification Card Review Board
3 ~~Director of State Police~~ shall submit a report to the General
4 Assembly on March 1 of each year, beginning March 1, 1991,
5 listing all final decisions by a court of this State
6 upholding, reversing, or reversing in part any administrative
7 decision made by the Department of State Police.

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

9 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

10 Sec. 13.2. Renewal; name, photograph, or address change;
11 replacement card. The Department of State Police shall, 180 ~~60~~
12 days prior to the expiration of a Firearm Owner's
13 Identification Card, forward by first class mail or by other
14 means provided in Section 7.5 to each person whose card is to
15 expire a notification of the expiration of the card and
16 instructions for renewal. It is the obligation of the holder
17 of a Firearm Owner's Identification Card to notify the
18 Department of State Police of any address change since the
19 issuance of the Firearm Owner's Identification Card. The
20 Illinois State Police may update the applicant and card
21 holders address based upon records in the Secretary of State
22 Driver's License or Illinois identification card records of
23 applicants who do not have driver's licenses. ~~Whenever any~~
24 ~~person moves from the residence address named on his or her~~
25 ~~card, the person shall within 21 calendar days thereafter~~

1 ~~notify in a form and manner prescribed by the Department of his~~
2 ~~or her old and new residence addresses and the card number held~~
3 ~~by him or her.~~ Any person whose legal name has changed from the
4 name on the card that he or she has been previously issued must
5 apply for a corrected card within 30 calendar days after the
6 change. The cost for an updated or a corrected card shall be
7 \$5. The cost for replacement of a card which has been lost,
8 destroyed, or stolen shall be \$5 if the loss, destruction, or
9 theft of the card is reported to the Department of State
10 Police. The fees collected under this Section shall be
11 deposited into the State Police Firearm Services Fund.

12 (Source: P.A. 100-906, eff. 1-1-19.)

13 (430 ILCS 65/13.4 new)

14 Sec. 13.4. Illinois State Police; rule making authority.
15 The Illinois State Police shall by rule adopt the following
16 procedures:

17 (1) When a person who possesses a valid Firearm Owner's
18 Identification Card applies for and is approved for a
19 concealed carry license, the valid Firearm Owner's
20 Identification Card is renewed for 10 years from the time of
21 approval instead of 10 years from the date of the original
22 card.

23 (2) If a person is eligible for both a Firearm Owner's
24 Identification Card and a concealed carry license, the
25 Illinois State Police shall by rule create one card that may be

1 used as both a Firearm Owner's Identification Card and a
2 concealed carry license. A combined Firearm Owner's
3 Identification Card and concealed carry license shall be
4 considered a valid card for the purposes of this Act. If a
5 person who possesses a combined Firearm Owner's Identification
6 Card and a concealed carry license becomes subject to
7 suspension or revocation under the Firearm Concealed Carry
8 Act, but is otherwise eligible for a valid Firearm Owner's
9 Identification Card, the Illinois State Police shall ensure
10 the person's Firearm Owner's Identification Card status is not
11 interrupted. The Illinois State Police shall adopt rules to
12 implement this Section.

13 Section 25. The Firearm Concealed Carry Act is amended by
14 changing Sections 10, 20, 30, 50, 55, and 70 and by adding
15 Sections 10.5, 10.6, and 66 as follows:

16 (430 ILCS 66/10)

17 Sec. 10. Issuance of licenses to carry a concealed
18 firearm.

19 (a) The Department shall issue a license to carry a
20 concealed firearm under this Act to an applicant who:

21 (1) meets the qualifications of Section 25 of this
22 Act;

23 (2) has provided the application and documentation
24 required in Section 30 of this Act;

1 (3) has submitted the requisite fees; and

2 (4) does not pose a danger to himself, herself, or
3 others, or a threat to public safety as determined by the
4 Concealed Carry Licensing Review Board in accordance with
5 Section 20.

6 (b) The Department shall issue a renewal, corrected, or
7 duplicate license as provided in this Act.

8 (c) A license shall be valid throughout the State for a
9 period of 5 years from the date of issuance. A license shall
10 permit the licensee to:

11 (1) carry a loaded or unloaded concealed firearm,
12 fully concealed or partially concealed, on or about his or
13 her person; and

14 (2) keep or carry a loaded or unloaded concealed
15 firearm on or about his or her person within a vehicle.

16 (d) The Department shall make applications for a license
17 available no later than 180 days after the effective date of
18 this Act. The Department shall establish rules for the
19 availability and submission of applications in accordance with
20 this Act.

21 (e) An application for a license submitted to the
22 Department that contains all the information and materials
23 required by this Act, including the requisite fee, shall be
24 deemed completed. Except as otherwise provided in this Act, no
25 later than 90 days after receipt of a completed application,
26 the Department shall issue or deny the applicant a license.

1 The Illinois State Police shall notify the applicant for a
2 concealed carry license, electronically, to confirm if all the
3 required information and materials have been received. If an
4 applicant for a concealed carry license submits his or her
5 application electronically, the Illinois State Police shall
6 notify the applicant electronically if his or her application
7 is missing information or materials.

8 (f) The Department shall deny the applicant a license if
9 the applicant fails to meet the requirements under this Act or
10 the Department receives a determination from the Board that
11 the applicant is ineligible for a license. The Department must
12 notify the applicant stating the grounds for the denial. The
13 notice of denial must inform the applicant of his or her right
14 to an appeal through administrative and judicial review.

15 (g) A licensee shall possess a license at all times the
16 licensee carries a concealed firearm except:

17 (1) when the licensee is carrying or possessing a
18 concealed firearm on his or her land or in his or her
19 abode, legal dwelling, or fixed place of business, or on
20 the land or in the legal dwelling of another person as an
21 invitee with that person's permission;

22 (2) when the person is authorized to carry a firearm
23 under Section 24-2 of the Criminal Code of 2012, except
24 subsection (a-5) of that Section; or

25 (3) when the handgun is broken down in a
26 non-functioning state, is not immediately accessible, or

1 is unloaded and enclosed in a case.

2 (h) If an officer of a law enforcement agency initiates an
3 investigative stop, including but not limited to a traffic
4 stop, of a licensee or a non-resident carrying a concealed
5 firearm under subsection (e) of Section 40 of this Act, upon
6 the request of the officer the licensee or non-resident shall
7 disclose to the officer that he or she is in possession of a
8 concealed firearm under this Act, or present the license upon
9 the request of the officer if he or she is a licensee or
10 present upon the request of the officer evidence under
11 paragraph (2) of subsection (e) of Section 40 of this Act that
12 he or she is a non-resident qualified to carry under that
13 subsection. The disclosure requirement under this subsection
14 (h) is satisfied if the licensee presents his or her license to
15 the officer or the non-resident presents to the officer
16 evidence under paragraph (2) of subsection (e) of Section 40
17 of this Act that he or she is qualified to carry under that
18 subsection. Upon the request of the officer, the licensee or
19 non-resident shall also identify the location of the concealed
20 firearm and permit the officer to safely secure the firearm
21 for the duration of the investigative stop. During a traffic
22 stop, any passenger within the vehicle who is a licensee or a
23 non-resident carrying under subsection (e) of Section 40 of
24 this Act must comply with the requirements of this subsection
25 (h).

26 (h-1) If a licensee carrying a firearm or a non-resident

1 carrying a firearm in a vehicle under subsection (e) of
2 Section 40 of this Act is contacted by a law enforcement
3 officer or emergency services personnel, the law enforcement
4 officer or emergency services personnel may secure the firearm
5 or direct that it be secured during the duration of the contact
6 if the law enforcement officer or emergency services personnel
7 determines that it is necessary for the safety of any person
8 present, including the law enforcement officer or emergency
9 services personnel. The licensee or nonresident shall submit
10 to the order to secure the firearm. When the law enforcement
11 officer or emergency services personnel have determined that
12 the licensee or non-resident is not a threat to the safety of
13 any person present, including the law enforcement officer or
14 emergency services personnel, and if the licensee or
15 non-resident is physically and mentally capable of possessing
16 the firearm, the law enforcement officer or emergency services
17 personnel shall return the firearm to the licensee or
18 non-resident before releasing him or her from the scene and
19 breaking contact. If the licensee or non-resident is
20 transported for treatment to another location, the firearm
21 shall be turned over to any peace officer. The peace officer
22 shall provide a receipt which includes the make, model,
23 caliber, and serial number of the firearm.

24 (i) The Department shall maintain a database of license
25 applicants and licensees. The database shall be available to
26 all federal, State, and local law enforcement agencies,

1 State's Attorneys, the Attorney General, and authorized court
2 personnel. Within 180 days after the effective date of this
3 Act, the database shall be searchable and provide all
4 information included in the application, including the
5 applicant's previous addresses within the 10 years prior to
6 the license application and any information related to
7 violations of this Act. No law enforcement agency, State's
8 Attorney, Attorney General, or member or staff of the
9 judiciary shall provide any information to a requester who is
10 not entitled to it by law.

11 (j) No later than 10 days after receipt of a completed
12 application, the Department shall enter the relevant
13 information about the applicant into the database under
14 subsection (i) of this Section which is accessible by law
15 enforcement agencies.

16 (k) The Illinois State Police shall continuously monitor
17 relevant State and federal databases for firearms prohibitors
18 and correlate those records with concealed carry license
19 holders to ensure compliance with this Act, or State and
20 federal law. The Illinois State Police may adopt rules to
21 implement this subsection.

22 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-29,
23 eff. 7-10-15.)

24 (430 ILCS 66/10.5 new)

25 Sec. 10.5. Electronic concealed carry licenses. The

1 Illinois State Police may develop a system under which the
2 holder of a concealed carry license may display an electronic
3 version of his or her license on a mobile telephone or other
4 portable electronic device. An electronic version of a
5 concealed carry license shall contain security features the
6 Illinois State Police determines to be necessary to ensure
7 that the electronic version is accurate and current and shall
8 satisfy other requirements the Illinois State Police
9 determines to be necessary regarding form and content. The
10 display or possession of an electronic version of a valid
11 concealed carry license in accordance with the requirements of
12 the Illinois State Police satisfies all requirements for the
13 display or possession of a valid concealed carry license under
14 the laws of this State. The possession or display of an
15 electronic concealed carry license on a mobile telephone or
16 other portable electronic device does not constitute consent
17 for a law enforcement officer, court, or other officer of the
18 court to access other contents of the mobile telephone or
19 other portable electronic device. The Illinois State Police
20 may adopt rules to implement this Section.

21 (430 ILCS 66/10.6 new)

22 Sec. 10.6. Email and text messages notifications. A person
23 subject to this Act may notify the Department upon application
24 or at any time thereafter that he or she would like to receive
25 correspondence from the Illinois State Police via email or

1 text message and may opt out of first-class mail. Such
2 correspondence may include notification of the status of a
3 person's application, suspension, revocation, appeal, and
4 other notifications concerning his or her concealed carry
5 license. A person may request email or text message, or both.
6 Any person selecting email or text message alerts must have
7 either or both the person's email or cellular phone number on
8 file with the Illinois State Police.

9 (430 ILCS 66/20)

10 Sec. 20. Concealed Carry Licensing Review Board.

11 (a) There is hereby created within the Department of State
12 Police a Concealed Carry Licensing Review Board to consider
13 any objection to an applicant's eligibility to obtain a
14 license under this Act submitted by a law enforcement agency
15 or the Department under Section 15 of this Act. The Board shall
16 consist of 7 commissioners to be appointed by the Governor,
17 with the advice and consent of the Senate, with 3
18 commissioners residing within the First Judicial District and
19 one commissioner residing within each of the 4 remaining
20 Judicial Districts. No more than 4 commissioners shall be
21 members of the same political party. The Governor shall
22 designate one commissioner as the Chairperson. The Board shall
23 consist of:

24 (1) one commissioner with at least 5 years of service
25 as a federal judge;

1 (2) 2 commissioners with at least 5 years of
2 experience serving as an attorney with the United States
3 Department of Justice;

4 (3) 3 commissioners with at least 5 years of
5 experience as a federal agent or employee with
6 investigative experience or duties related to criminal
7 justice under the United States Department of Justice,
8 Drug Enforcement Administration, Department of Homeland
9 Security, or Federal Bureau of Investigation; and

10 (4) one member with at least 5 years of experience as a
11 licensed physician or clinical psychologist with expertise
12 in the diagnosis and treatment of mental illness.

13 (b) The initial terms of the commissioners shall end on
14 January 12, 2015. Notwithstanding any provision in this
15 Section to the contrary, the term of office of each
16 commissioner of the Concealed Carry Licensing Review Board is
17 abolished on the effective date of this amendatory Act of the
18 102nd General Assembly. The terms of the commissioners
19 appointed on or after the effective date of this amendatory
20 Act of the 102nd General Assembly shall be as follows: one of
21 the initial members shall be appointed for a term of one year,
22 3 shall be appointed for terms of 2 years, and 3 shall be
23 appointed for terms of 4 years. Thereafter, the commissioners
24 shall hold office for 4 years, with terms expiring on the
25 second Monday in January of the fourth year. Commissioners may
26 be reappointed. Vacancies in the office of commissioner shall

1 be filled in the same manner as the original appointment, for
2 the remainder of the unexpired term. The Governor may remove a
3 commissioner for incompetence, neglect of duty, malfeasance,
4 or inability to serve. Commissioners shall receive
5 compensation in an amount equal to the compensation of members
6 of the Executive Ethics Commission and may be reimbursed for
7 reasonable expenses actually incurred in the performance of
8 their Board duties, from funds appropriated for that purpose.

9 (c) The Board shall meet at the call of the chairperson as
10 often as necessary to consider objections to applications for
11 a license under this Act. If necessary to ensure the
12 participation of a commissioner, the Board shall allow a
13 commissioner to participate in a Board meeting by electronic
14 communication. Any commissioner participating electronically
15 shall be deemed present for purposes of establishing a quorum
16 and voting.

17 (d) The Board shall adopt rules for the review of
18 objections and the conduct of hearings. The Board shall
19 maintain a record of its decisions and all materials
20 considered in making its decisions. All Board decisions and
21 voting records shall be kept confidential and all materials
22 considered by the Board shall be exempt from inspection except
23 upon order of a court.

24 (e) In considering an objection of a law enforcement
25 agency or the Department, the Board shall review the materials
26 received with the objection from the law enforcement agency or

1 the Department. By a vote of at least 4 commissioners, the
2 Board may request additional information from the law
3 enforcement agency, Department, or the applicant, or the
4 testimony of the law enforcement agency, Department, or the
5 applicant. The Board may require that the applicant submit
6 electronic fingerprints to the Department for an updated
7 background check where the Board determines it lacks
8 sufficient information to determine eligibility. The Board may
9 only consider information submitted by the Department, a law
10 enforcement agency, or the applicant. The Board shall review
11 each objection and determine by a majority of commissioners
12 whether an applicant is eligible for a license.

13 (f) The Board shall issue a decision within 30 days of
14 receipt of the objection from the Department. However, the
15 Board need not issue a decision within 30 days if:

16 (1) the Board requests information from the applicant,
17 including but not limited to electronic fingerprints to be
18 submitted to the Department, in accordance with subsection
19 (e) of this Section, in which case the Board shall make a
20 decision within 30 days of receipt of the required
21 information from the applicant;

22 (2) the applicant agrees, in writing, to allow the
23 Board additional time to consider an objection; or

24 (3) the Board notifies the applicant and the
25 Department that the Board needs an additional 30 days to
26 issue a decision.

1 (g) If the Board determines by a preponderance of the
2 evidence that the applicant poses a danger to himself or
3 herself or others, or is a threat to public safety, then the
4 Board shall affirm the objection of the law enforcement agency
5 or the Department and shall notify the Department that the
6 applicant is ineligible for a license. If the Board does not
7 determine by a preponderance of the evidence that the
8 applicant poses a danger to himself or herself or others, or is
9 a threat to public safety, then the Board shall notify the
10 Department that the applicant is eligible for a license.

11 (h) Meetings of the Board shall not be subject to the Open
12 Meetings Act and records of the Board shall not be subject to
13 the Freedom of Information Act.

14 (i) The Board shall report monthly to the Governor and the
15 General Assembly on the number of objections received and
16 provide details of the circumstances in which the Board has
17 determined to deny licensure based on law enforcement or
18 Department objections under Section 15 of this Act. The report
19 shall not contain any identifying information about the
20 applicants.

21 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

22 (430 ILCS 66/30)

23 Sec. 30. Contents of license application.

24 (a) The license application shall be in writing, under
25 penalty of perjury, on a standard form adopted by the

1 Department and shall be accompanied by the documentation
2 required in this Section and the applicable fee. Each
3 application form shall include the following statement printed
4 in bold type: "Warning: Entering false information on this
5 form is punishable as perjury under Section 32-2 of the
6 Criminal Code of 2012."

7 (b) The application shall contain the following:

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

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

16 (3) a waiver of the applicant's privacy and
17 confidentiality rights and privileges under all federal
18 and state laws, including those limiting access to
19 juvenile court, criminal justice, psychological, or
20 psychiatric records or records relating to any
21 institutionalization of the applicant, and an affirmative
22 request that a person having custody of any of these
23 records provide it or information concerning it to the
24 Department. The waiver only applies to records sought in
25 connection with determining whether the applicant
26 qualifies for a license to carry a concealed firearm under

1 this Act, or whether the applicant remains in compliance
2 with the Firearm Owners Identification Card Act;

3 (4) an affirmation that the applicant possesses a
4 currently valid Firearm Owner's Identification Card and
5 card number if possessed or notice the applicant is
6 applying for a Firearm Owner's Identification Card in
7 conjunction with the license application;

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

10 (A) a felony;

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

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

19 (6) whether the applicant has failed a drug test for a
20 drug for which the applicant did not have a prescription,
21 within the previous year, and if so, the provider of the
22 test, the specific substance involved, and the date of the
23 test;

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

1 (8) unless submitted under subsection (a-25) of
2 Section 4 of the Firearm Owners Identification Card Act, a
3 full set of fingerprints submitted to the Department in
4 electronic format, provided the Department may accept an
5 application submitted without a set of fingerprints in
6 which case the Department shall be granted 30 days in
7 addition to the 90 days provided under subsection (e) of
8 Section 10 of this Act to issue or deny a license;

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

12 (10) a photocopy of any certificates or other evidence
13 of compliance with the training requirements under this
14 Act.

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

16 (430 ILCS 66/50)

17 Sec. 50. License renewal.

18 (a) This subsection (a) applies through the 180th day
19 following the effective date of this amendatory Act of the
20 101st General Assembly. The Illinois State Police shall, 180
21 days prior to the expiration of a concealed carry license
22 notify each person whose license is to expire a notification
23 of the expiration of the license and instructions for renewal.
24 Applications for renewal of a license shall be made to the
25 Department. A license shall be renewed for a period of 5 years

1 upon receipt of a completed renewal application, completion of
2 3 hours of training required under Section 75 of this Act,
3 payment of the applicable renewal fee, and completion of an
4 investigation under Section 35 of this Act. The renewal
5 application shall contain the information required in Section
6 30 of this Act, except that the applicant need not resubmit a
7 full set of fingerprints.

8 (b) This subsection (b) applies on and after the 181st day
9 following the effective date of this amendatory Act of the
10 101st General Assembly. Applications for renewal of a license
11 shall be made to the Department. A license shall be renewed for
12 a period of 5 years from the date of expiration on the
13 applicant's current license upon the receipt of a completed
14 renewal application, completion of 3 hours of training
15 required under Section 75 of this Act, payment of the
16 applicable renewal fee, and completion of an investigation
17 under Section 35 of this Act. The renewal application shall
18 contain the information required in Section 30 of this Act,
19 except that the applicant need not resubmit a full set of
20 fingerprints.

21 (Source: P.A. 101-80, eff. 7-12-19.)

22 (430 ILCS 66/55)

23 Sec. 55. Change of address or name; lost, destroyed, or
24 stolen licenses.

25 (a) A licensee shall notify the Department within 30 days

1 of moving or changing residence or any change of name. The
2 licensee shall submit the requisite fee and the Department may
3 require a notarized statement that the licensee has changed
4 his or her residence or his or her name, including the prior
5 and current address or name and the date the applicant moved or
6 changed his or her name.

7 (b) A licensee shall notify the Department within 10 days
8 of discovering that a license has been lost, destroyed, or
9 stolen. A lost, destroyed, or stolen license is invalid. To
10 request a replacement license, the licensee shall submit:

11 (1) a written or electronic acknowledgment ~~notarized~~
12 ~~statement~~ that the licensee no longer possesses the
13 license, and that it was lost, destroyed, or stolen;

14 (2) if applicable, a copy of a police report stating
15 that the license was stolen; and

16 (3) the requisite fee.

17 (c) A violation of this Section is a petty offense with a
18 fine of \$150 which shall be deposited into the Mental Health
19 Reporting Fund.

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

21 (430 ILCS 66/66 new)

22 Sec. 66. Illinois State Police to monitor databases for
23 firearms prohibitors. The Illinois State Police shall
24 continuously monitor relevant State and federal databases for
25 firearms prohibitors and correlate those records with

1 concealed carry license holders to ensure compliance with this
2 Act and any other State and federal laws. As used in this
3 Section, "firearms prohibitor" means any factor listed in
4 Section 8 or Section 8.2 of the Firearm Owners Identification
5 Card Act or Section 24-3 or 24-3.1 of the Criminal Code of 2012
6 that prohibits a person from transferring or possessing a
7 firearm, firearm ammunition, Firearm Owner's Identification
8 Card, or concealed carry license.

9 (430 ILCS 66/70)

10 Sec. 70. Violations.

11 (a) A license issued or renewed under this Act shall be
12 revoked if, at any time, the licensee is found to be ineligible
13 for a license under this Act or the licensee no longer meets
14 the eligibility requirements of the Firearm Owners
15 Identification Card Act.

16 (b) A license shall be suspended if an order of
17 protection, including an emergency order of protection,
18 plenary order of protection, or interim order of protection
19 under Article 112A of the Code of Criminal Procedure of 1963 or
20 under the Illinois Domestic Violence Act of 1986, or if a
21 firearms restraining order, including an emergency firearms
22 restraining order, under the Firearms Restraining Order Act,
23 is issued against a licensee for the duration of the order, or
24 if the Department is made aware of a similar order issued
25 against the licensee in any other jurisdiction. If an order of

1 protection is issued against a licensee, the licensee shall
2 surrender the license, as applicable, to the court at the time
3 the order is entered or to the law enforcement agency or entity
4 serving process at the time the licensee is served the order.
5 The court, law enforcement agency, or entity responsible for
6 serving the order of protection shall notify the Department
7 within 7 days and transmit the license to the Department.

8 (c) A license is invalid upon expiration of the license,
9 unless the licensee has submitted an application to renew the
10 license, and the applicant is otherwise eligible to possess a
11 license under this Act.

12 (d) A licensee shall not carry a concealed firearm while
13 under the influence of alcohol, other drug or drugs,
14 intoxicating compound or combination of compounds, or any
15 combination thereof, under the standards set forth in
16 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

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

22 (e) Except as otherwise provided, a licensee in violation
23 of this Act shall be guilty of a Class B misdemeanor. A second
24 or subsequent violation is a Class A misdemeanor. The
25 Department may suspend a license for up to 6 months for a
26 second violation and shall permanently revoke a license for 3

1 or more violations of Section 65 of this Act. Any person
2 convicted of a violation under this Section shall pay a \$150
3 fee to be deposited into the Mental Health Reporting Fund,
4 plus any applicable court costs or fees.

5 (f) A licensee convicted or found guilty of a violation of
6 this Act who has a valid license and is otherwise eligible to
7 carry a concealed firearm shall only be subject to the
8 penalties under this Section and shall not be subject to the
9 penalties under Section 21-6, paragraph (4), (8), or (10) of
10 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)
11 of paragraph (3) of subsection (a) of Section 24-1.6 of the
12 Criminal Code of 2012. Except as otherwise provided in this
13 subsection, nothing in this subsection prohibits the licensee
14 from being subjected to penalties for violations other than
15 those specified in this Act.

16 (g) A licensee whose license is revoked, suspended, or
17 denied shall, within 48 hours of receiving notice of the
18 revocation, suspension, or denial, surrender his or her
19 concealed carry license to the local law enforcement agency
20 where the person resides. The local law enforcement agency
21 shall provide the licensee a receipt and transmit the
22 concealed carry license to the Department of State Police. If
23 the licensee whose concealed carry license has been revoked,
24 suspended, or denied fails to comply with the requirements of
25 this subsection, the law enforcement agency where the person
26 resides may petition the circuit court to issue a warrant to

1 search for and seize the concealed carry license in the
2 possession and under the custody or control of the licensee
3 whose concealed carry license has been revoked, suspended, or
4 denied. The observation of a concealed carry license in the
5 possession of a person whose license has been revoked,
6 suspended, or denied constitutes a sufficient basis for the
7 arrest of that person for violation of this subsection. A
8 violation of this subsection is a Class A misdemeanor.

9 (h) Except as otherwise provided in subsection (h-5), a
10 license issued or renewed under this Act shall be revoked if,
11 at any time, the licensee is found ineligible for a Firearm
12 Owner's Identification Card, or the licensee no longer
13 possesses a valid Firearm Owner's Identification Card. If the
14 Firearm Owner's Identification Card is expired or suspended
15 rather than denied or revoked, the license may be suspended
16 for a period of up to one year to allow the licensee to
17 reinstate his or her Firearm Owner's Identification Card. The
18 Illinois State Police shall adopt rules to enforce this
19 subsection. A licensee whose license is revoked under this
20 subsection (h) shall surrender his or her concealed carry
21 license as provided for in subsection (g) of this Section.

22 This subsection shall not apply to a person who has filed
23 an application with the State Police for renewal of a Firearm
24 Owner's Identification Card and who is not otherwise
25 ineligible to obtain a Firearm Owner's Identification Card.

26 (h-5) If the Firearm Owner's Identification Card of a

1 licensee under this Act expires during the term of the license
2 issued under this Act, the license and the Firearm Owner's
3 Identification Card remain valid, and the Illinois State
4 Police may automatically renew the licensee's Firearm Owner's
5 Identification Card as provided in subsection (c) of Section 5
6 of the Firearm Owners Identification Card Act.

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 Section 26. The Firearms Restraining Order Act is amended
17 by changing Sections 35 and 40 as follows:

18 (430 ILCS 67/35)

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

20 (a) A petitioner may request an emergency firearms
21 restraining order by filing an affidavit or verified pleading
22 alleging that the respondent poses an immediate and present
23 danger of causing personal injury to himself, herself, or
24 another by having in his or her custody or control,

1 purchasing, possessing, or receiving a firearm. The petition
2 shall also describe the type and location of any firearm or
3 firearms presently believed by the petitioner to be possessed
4 or controlled by the respondent.

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

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

26 (d) An emergency firearms restraining order shall be

1 issued on an ex parte basis, that is, without notice to the
2 respondent.

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

6 (f) If a circuit or associate judge finds probable cause
7 to believe 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,
10 purchasing, possessing, or receiving a firearm, the circuit or
11 associate judge shall issue an emergency order.

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

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

21 (1) the respondent to refrain from having in his or
22 her custody or control, purchasing, possessing, or
23 receiving additional firearms for the duration of the
24 order under Section 8.2 of the Firearm Owners
25 Identification Card Act; and

26 (2) the respondent to comply with Section 9.5 of the

1 ~~Firearm Owners Identification Card Act~~ ~~turn over to the~~
2 ~~local law enforcement agency any Firearm Owner's~~
3 ~~Identification Card~~ and subsection (g) of Section 70 of
4 the Firearm Concealed Carry Act ~~concealed carry license in~~
5 ~~his or her possession. The local law enforcement agency~~
6 ~~shall immediately mail the card and concealed carry~~
7 ~~license to the Department of State Police Firearm Services~~
8 ~~Bureau for safekeeping. The firearm or firearms and~~
9 ~~Firearm Owner's Identification Card and concealed carry~~
10 ~~license, if unexpired, shall be returned to the respondent~~
11 ~~after the firearms restraining order is terminated or~~
12 ~~expired.~~

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

25 (h-5) On or before January 1, 2022, a ~~A~~ respondent whose
26 Firearm Owner's Identification Card has been revoked or

1 suspended may petition the court, if the petitioner is present
2 in court or has notice of the respondent's petition, to
3 transfer the respondent's firearm to a person who is lawfully
4 able to possess the firearm if the person does not reside at
5 the same address as the respondent. Notice of the petition
6 shall be served upon the person protected by the emergency
7 firearms restraining order. While the order is in effect, the
8 transferee who receives the respondent's firearms must swear
9 or affirm by affidavit that he or she shall not transfer the
10 firearm to the respondent or to anyone residing in the same
11 residence as the respondent.

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

19 (1) the firearm is removed from the respondent's
20 custody, control, or possession and the lawful owner
21 agrees to store the firearm in a manner such that the
22 respondent does not have access to or control of the
23 firearm; and

24 (2) the firearm is not otherwise unlawfully possessed
25 by the owner.

26 The person petitioning for the return of his or her

1 firearm must swear or affirm by affidavit that he or she: (i)
2 is the lawful owner of the firearm; (ii) shall not transfer the
3 firearm to the respondent; and (iii) will store the firearm in
4 a manner that the respondent does not have access to or control
5 of the firearm.

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

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

16 (430 ILCS 67/40)

17 Sec. 40. Six-month orders.

18 (a) A petitioner may request a 6-month firearms
19 restraining order by filing an affidavit or verified pleading
20 alleging that the respondent poses a significant danger of
21 causing personal injury to himself, herself, or another in the
22 near future by having in his or her custody or control,
23 purchasing, possessing, or receiving a firearm. The petition
24 shall also describe the number, types, and locations of any
25 firearms presently believed by the petitioner to be possessed

1 or controlled by the respondent.

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

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

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

25 (e) In determining whether to issue a firearms restraining
26 order under this Section, the court shall consider evidence

1 including, but not limited to, the following:

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

4 (2) The history of use, attempted use, or threatened
5 use of physical force by the respondent against another
6 person.

7 (3) Any prior arrest of the respondent for a felony
8 offense.

9 (4) Evidence of the abuse of controlled substances or
10 alcohol by the respondent.

11 (5) A recent threat of violence or act of violence by
12 the respondent directed toward himself, herself, or
13 another.

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

21 (7) A pattern of violent acts or violent threats,
22 including, but not limited to, threats of violence or acts
23 of violence by the respondent directed toward himself,
24 herself, or another.

25 (f) At the hearing, the petitioner shall have the burden
26 of proving, by clear and convincing evidence, that the

1 respondent poses a significant danger of personal injury to
2 himself, herself, or another by having in his or her custody or
3 control, purchasing, possessing, or receiving a firearm.

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

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

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

18 (1) the respondent to refrain from having in his or
19 her custody or control, purchasing, possessing, or
20 receiving additional firearms for the duration of the
21 order under Section 8.2 of the Firearm Owners
22 Identification Card Act; and

23 (2) the respondent to comply with Section 9.5 of the
24 Firearm Owners Identification Card Act and subsection (g)
25 of Section 70 of the Firearm Concealed Carry Act ~~turn over~~
26 ~~to the local law enforcement agency any firearm or Firearm~~

1 ~~Owner's Identification Card and concealed carry license in~~
2 ~~his or her possession. The local law enforcement agency~~
3 ~~shall immediately mail the card and concealed carry~~
4 ~~license to the Department of State Police Firearm Services~~
5 ~~Bureau for safekeeping. The firearm or firearms and~~
6 ~~Firearm Owner's Identification Card and concealed carry~~
7 ~~license, if unexpired, shall be returned to the respondent~~
8 ~~after the firearms restraining order is terminated or~~
9 ~~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
15 firearms, or is not lawfully eligible to possess a firearm,
16 upon petition from the local law enforcement agency, the court
17 may order the local law enforcement agency to destroy the
18 firearms, use the firearms for training purposes, or use the
19 firearms for any other application as deemed appropriate by
20 the local law enforcement agency.

21 (i-5) A respondent whose Firearm Owner's Identification
22 Card has been revoked or suspended may petition the court, if
23 the petitioner is present in court or has notice of the
24 respondent's petition, to transfer the respondent's firearm to
25 a person who is lawfully able to possess the firearm if the
26 person does not reside at the same address as the respondent.

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

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

14 (1) the firearm is removed from the respondent's
15 custody, control, or possession and the lawful owner
16 agrees to store the firearm in a manner such that the
17 respondent does not have access to or control of the
18 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
22 firearm must swear or affirm by affidavit that he or she: (i)
23 is the 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 27. The Wildlife Code is amended by changing
12 Sections 2.11, 2.26, 2.33, and 2.34 as follows:

13 (520 ILCS 5/2.11) (from Ch. 61, par. 2.11)

14 Sec. 2.11. Before any person may lawfully hunt wild
15 turkey, he shall first obtain a "Wild Turkey Hunting Permit"
16 in accordance with the prescribed regulations set forth in an
17 administrative rule of the Department. The fee for a Resident
18 Wild Turkey Hunting Permit shall not exceed \$15.

19 Upon submitting suitable evidence of legal residence in
20 any other state, non-residents shall be charged a fee not to
21 exceed \$125 for wild turkey hunting permits.

22 The Department may by administrative rule allocate and
23 issue non-resident Wild Turkey Permits and establish fees for
24 such permits.

1 It shall be unlawful to take wild turkey except by use of a
2 bow and arrow or a shotgun of not larger than 10 nor smaller
3 than 20 gauge with shot size not larger than No. 4, and no
4 person while attempting to so take wild turkey may have in his
5 possession any other gun unless in accordance with the Firearm
6 Concealed Carry Act.

7 It shall be unlawful to take, or attempt to take wild
8 turkey except during the time from 1/2 hour before sunrise to
9 1/2 hour after sunset or during such lesser period of time as
10 may be specified by administrative rule, during those days for
11 which an open season is established.

12 It shall be unlawful for any person to take, or attempt to
13 take, wild turkey by use of dogs, horses, automobiles,
14 aircraft or other vehicles, or conveyances, or by the use or
15 aid of bait or baiting of any kind. For the purposes of this
16 Section, "bait" means any material, whether liquid or solid,
17 including food, salt, minerals, and other products, except
18 pure water, that can be ingested, placed, or scattered in such
19 a manner as to attract or lure wild turkeys. "Baiting" means
20 the placement or scattering of bait to attract wild turkeys.
21 An area is considered as baited during the presence of and for
22 10 consecutive days following the removal of the bait.

23 It is unlawful for any person to take in Illinois or have
24 in his possession more than one wild turkey per valid permit.

25 For the purposes of calculating acreage under this
26 Section, the Department shall, after determining the total

1 acreage of the applicable tract or tracts of land, round
2 remaining fractional portions of an acre greater than or equal
3 to half of an acre up to the next whole acre.

4 For the purposes of taking wild turkey, nothing in this
5 Section shall be construed to prevent the manipulation,
6 including mowing or cutting, of standing crops as a normal
7 agricultural or soil stabilization practice, food plots, or
8 normal agricultural practices, including planting, harvesting,
9 and maintenance such as cultivating. Such manipulation for the
10 purpose of taking wild turkey may be further modified by
11 administrative rule.

12 (Source: P.A. 98-180, eff. 8-5-13; 99-869, eff. 1-1-17.)

13 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

14 Sec. 2.26. Deer hunting permits. Any person attempting to
15 take deer shall first obtain a "Deer Hunting Permit" issued by
16 the Department in accordance with its administrative rules.
17 Those rules must provide for the issuance of the following
18 types of resident deer archery permits: (i) a combination
19 permit, consisting of one either-sex permit and one
20 antlerless-only permit, (ii) a single antlerless-only permit,
21 and (iii) a single either-sex permit. The fee for a Deer
22 Hunting Permit to take deer with either bow and arrow or gun
23 shall not exceed \$25.00 for residents of the State. The
24 Department may by administrative rule provide for non-resident
25 deer hunting permits for which the fee will not exceed \$300 in

1 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as
2 provided below for non-resident landowners and non-resident
3 archery hunters. The Department may by administrative rule
4 provide for a non-resident archery deer permit consisting of
5 not more than 2 harvest tags at a total cost not to exceed \$325
6 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. The
7 fees for a youth resident and non-resident archery deer permit
8 shall be the same.

9 The Department shall create a pilot program during the
10 special 3-day, youth-only deer hunting season to allow for
11 youth deer hunting permits that are valid statewide, excluding
12 those counties or portions of counties closed to firearm deer
13 hunting. The Department shall adopt rules to implement the
14 pilot program. Nothing in this paragraph shall be construed to
15 prohibit the Department from issuing Special Hunt Area Permits
16 for the youth-only deer hunting season or establishing,
17 through administrative rule, additional requirements
18 pertaining to the youth-only deer hunting season on
19 Department-owned or Department-managed sites, including
20 site-specific quotas or drawings. The provisions of this
21 paragraph are inoperative on and after January 1, 2023.

22 The standards and specifications for use of guns and bow
23 and arrow for deer hunting shall be established by
24 administrative rule.

25 No person may have in his or her possession any firearm not
26 authorized by administrative rule for a specific hunting

1 season when taking deer unless in accordance with the Firearm
2 Concealed Carry Act.

3 Persons having a firearm deer hunting permit shall be
4 permitted to take deer only during the period from 1/2 hour
5 before sunrise to 1/2 hour after sunset, and only during those
6 days for which an open season is established for the taking of
7 deer by use of shotgun, handgun, or muzzle loading rifle.

8 Persons having an archery deer hunting permit shall be
9 permitted to take deer only during the period from 1/2 hour
10 before sunrise to 1/2 hour after sunset, and only during those
11 days for which an open season is established for the taking of
12 deer by use of bow and arrow.

13 It shall be unlawful for any person to take deer by use of
14 dogs, horses, automobiles, aircraft or other vehicles, or by
15 the use or aid of bait or baiting of any kind. For the purposes
16 of this Section, "bait" means any material, whether liquid or
17 solid, including food, salt, minerals, and other products,
18 except pure water, that can be ingested, placed, or scattered
19 in such a manner as to attract or lure white-tailed deer.
20 "Baiting" means the placement or scattering of bait to attract
21 deer. An area is considered as baited during the presence of
22 and for 10 consecutive days following the removal of bait.
23 Nothing in this Section shall prohibit the use of a dog to
24 track wounded deer. Any person using a dog for tracking
25 wounded deer must maintain physical control of the dog at all
26 times by means of a maximum 50 foot lead attached to the dog's

1 collar or harness. Tracking wounded deer is permissible at
2 night, but at no time outside of legal deer hunting hours or
3 seasons shall any person handling or accompanying a dog being
4 used for tracking wounded deer be in possession of any firearm
5 or archery device. Persons tracking wounded deer with a dog
6 during the firearm deer seasons shall wear blaze orange or
7 solid blaze pink color as required. Dog handlers tracking
8 wounded deer with a dog are exempt from hunting license and
9 deer permit requirements so long as they are accompanied by
10 the licensed deer hunter who wounded the deer.

11 It shall be unlawful to possess or transport any wild deer
12 which has been injured or killed in any manner upon a public
13 highway or public right-of-way of this State unless exempted
14 by administrative rule.

15 Persons hunting deer must have gun unloaded and no bow and
16 arrow device shall be carried with the arrow in the nocked
17 position during hours when deer hunting is unlawful.

18 It shall be unlawful for any person, having taken the
19 legal limit of deer by gun, to further participate with gun in
20 any deer hunting party.

21 It shall be unlawful for any person, having taken the
22 legal limit of deer by bow and arrow, to further participate
23 with bow and arrow in any deer hunting party.

24 The Department may prohibit upland game hunting during the
25 gun deer season by administrative rule.

26 The Department shall not limit the number of non-resident,

1 either-sex archery deer hunting permits to less than 20,000.

2 Any person who violates any of the provisions of this
3 Section, including administrative rules, shall be guilty of a
4 Class B misdemeanor.

5 For the purposes of calculating acreage under this
6 Section, the Department shall, after determining the total
7 acreage of the applicable tract or tracts of land, round
8 remaining fractional portions of an acre greater than or equal
9 to half of an acre up to the next whole acre.

10 For the purposes of taking white-tailed deer, nothing in
11 this Section shall be construed to prevent the manipulation,
12 including mowing or cutting, of standing crops as a normal
13 agricultural or soil stabilization practice, food plots, or
14 normal agricultural practices, including planting, harvesting,
15 and maintenance such as cultivating or the use of products
16 designed for scent only and not capable of ingestion, solid or
17 liquid, placed or scattered, in such a manner as to attract or
18 lure deer. Such manipulation for the purpose of taking
19 white-tailed deer may be further modified by administrative
20 rule.

21 (Source: P.A. 100-691, eff. 1-1-19; 100-949, eff. 1-1-19;
22 101-81, eff. 7-12-19; 101-444, eff. 6-1-20.)

23 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

24 Sec. 2.33. Prohibitions.

25 (a) It is unlawful to carry or possess any gun in any State

1 refuge unless otherwise permitted by administrative rule.

2 (b) It is unlawful to use or possess any snare or
3 snare-like device, deadfall, net, or pit trap to take any
4 species, except that snares not powered by springs or other
5 mechanical devices may be used to trap fur-bearing mammals, in
6 water sets only, if at least one-half of the snare noose is
7 located underwater at all times.

8 (c) It is unlawful for any person at any time to take a
9 wild mammal protected by this Act from its den by means of any
10 mechanical device, spade, or digging device or to use smoke or
11 other gases to dislodge or remove such mammal except as
12 provided in Section 2.37.

13 (d) It is unlawful to use a ferret or any other small
14 mammal which is used in the same or similar manner for which
15 ferrets are used for the purpose of frightening or driving any
16 mammals from their dens or hiding places.

17 (e) (Blank).

18 (f) It is unlawful to use spears, gigs, hooks or any like
19 device to take any species protected by this Act.

20 (g) It is unlawful to use poisons, chemicals or explosives
21 for the purpose of taking any species protected by this Act.

22 (h) It is unlawful to hunt adjacent to or near any peat,
23 grass, brush or other inflammable substance when it is
24 burning.

25 (i) It is unlawful to take, pursue or intentionally harass
26 or disturb in any manner any wild birds or mammals by use or

1 aid of any vehicle or conveyance, except as permitted by the
2 Code of Federal Regulations for the taking of waterfowl. It is
3 also unlawful to use the lights of any vehicle or conveyance or
4 any light from or any light connected to the vehicle or
5 conveyance in any area where wildlife may be found except in
6 accordance with Section 2.37 of this Act; however, nothing in
7 this Section shall prohibit the normal use of headlamps for
8 the purpose of driving upon a roadway. Striped skunk, opossum,
9 red fox, gray fox, raccoon, bobcat, and coyote may be taken
10 during the open season by use of a small light which is worn on
11 the body or hand-held by a person on foot and not in any
12 vehicle.

13 (j) It is unlawful to use any shotgun larger than 10 gauge
14 while taking or attempting to take any of the species
15 protected by this Act.

16 (k) It is unlawful to use or possess in the field any
17 shotgun shell loaded with a shot size larger than lead BB or
18 steel T (.20 diameter) when taking or attempting to take any
19 species of wild game mammals (excluding white-tailed deer),
20 wild game birds, migratory waterfowl or migratory game birds
21 protected by this Act, except white-tailed deer as provided
22 for in Section 2.26 and other species as provided for by
23 subsection (l) or administrative rule.

24 (l) It is unlawful to take any species of wild game, except
25 white-tailed deer and fur-bearing mammals, with a shotgun
26 loaded with slugs unless otherwise provided for by

1 administrative rule.

2 (m) It is unlawful to use any shotgun capable of holding
3 more than 3 shells in the magazine or chamber combined, except
4 on game breeding and hunting preserve areas licensed under
5 Section 3.27 and except as permitted by the Code of Federal
6 Regulations for the taking of waterfowl. If the shotgun is
7 capable of holding more than 3 shells, it shall, while being
8 used on an area other than a game breeding and shooting
9 preserve area licensed pursuant to Section 3.27, be fitted
10 with a one piece plug that is irremovable without dismantling
11 the shotgun or otherwise altered to render it incapable of
12 holding more than 3 shells in the magazine and chamber,
13 combined.

14 (n) It is unlawful for any person, except persons who
15 possess a permit to hunt from a vehicle as provided in this
16 Section and persons otherwise permitted by law, to have or
17 carry any gun in or on any vehicle, conveyance or aircraft,
18 unless such gun is unloaded and enclosed in a case, except that
19 at field trials authorized by Section 2.34 of this Act,
20 unloaded guns or guns loaded with blank cartridges only, may
21 be carried on horseback while not contained in a case, or to
22 have or carry any bow or arrow device in or on any vehicle
23 unless such bow or arrow device is unstrung or enclosed in a
24 case, or otherwise made inoperable unless in accordance with
25 the Firearm Concealed Carry Act.

26 (o) (Blank).

1 (p) It is unlawful to take game birds, migratory game
2 birds or migratory waterfowl with a rifle, pistol, revolver or
3 airgun.

4 (q) It is unlawful to fire a rifle, pistol, revolver or
5 airgun on, over or into any waters of this State, including
6 frozen waters.

7 (r) It is unlawful to discharge any gun or bow and arrow
8 device along, upon, across, or from any public right-of-way or
9 highway in this State.

10 (s) It is unlawful to use a silencer or other device to
11 muffle or mute the sound of the explosion or report resulting
12 from the firing of any gun.

13 (t) It is unlawful for any person to take or attempt to
14 take any species of wildlife or parts thereof, intentionally
15 or wantonly allow a dog to hunt, within or upon the land of
16 another, or upon waters flowing over or standing on the land of
17 another, or to knowingly shoot a gun or bow and arrow device at
18 any wildlife physically on or flying over the property of
19 another without first obtaining permission from the owner or
20 the owner's designee. For the purposes of this Section, the
21 owner's designee means anyone who the owner designates in a
22 written authorization and the authorization must contain (i)
23 the legal or common description of property for such authority
24 is given, (ii) the extent that the owner's designee is
25 authorized to make decisions regarding who is allowed to take
26 or attempt to take any species of wildlife or parts thereof,

1 and (iii) the owner's notarized signature. Before enforcing
2 this Section the law enforcement officer must have received
3 notice from the owner or the owner's designee of a violation of
4 this Section. Statements made to the law enforcement officer
5 regarding this notice shall not be rendered inadmissible by
6 the hearsay rule when offered for the purpose of showing the
7 required notice.

8 (u) It is unlawful for any person to discharge any firearm
9 for the purpose of taking any of the species protected by this
10 Act, or hunt with gun or dog, or intentionally or wantonly
11 allow a dog to hunt, within 300 yards of an inhabited dwelling
12 without first obtaining permission from the owner or tenant,
13 except that while trapping, hunting with bow and arrow,
14 hunting with dog and shotgun using shot shells only, or
15 hunting with shotgun using shot shells only, or providing
16 outfitting services under a waterfowl outfitter permit, or on
17 licensed game breeding and hunting preserve areas, as defined
18 in Section 3.27, on federally owned and managed lands and on
19 Department owned, managed, leased, or controlled lands, a 100
20 yard restriction shall apply.

21 (v) It is unlawful for any person to remove fur-bearing
22 mammals from, or to move or disturb in any manner, the traps
23 owned by another person without written authorization of the
24 owner to do so.

25 (w) It is unlawful for any owner of a dog to knowingly or
26 wantonly allow his or her dog to pursue, harass or kill deer,

1 except that nothing in this Section shall prohibit the
2 tracking of wounded deer with a dog in accordance with the
3 provisions of Section 2.26 of this Code.

4 (x) It is unlawful for any person to wantonly or
5 carelessly injure or destroy, in any manner whatsoever, any
6 real or personal property on the land of another while engaged
7 in hunting or trapping thereon.

8 (y) It is unlawful to hunt wild game protected by this Act
9 between one half hour after sunset and one half hour before
10 sunrise, except that hunting hours between one half hour after
11 sunset and one half hour before sunrise may be established by
12 administrative rule for fur-bearing mammals.

13 (z) It is unlawful to take any game bird (excluding wild
14 turkeys and crippled pheasants not capable of normal flight
15 and otherwise irretrievable) protected by this Act when not
16 flying. Nothing in this Section shall prohibit a person from
17 carrying an uncased, unloaded shotgun in a boat, while in
18 pursuit of a crippled migratory waterfowl that is incapable of
19 normal flight, for the purpose of attempting to reduce the
20 migratory waterfowl to possession, provided that the attempt
21 is made immediately upon downing the migratory waterfowl and
22 is done within 400 yards of the blind from which the migratory
23 waterfowl was downed. This exception shall apply only to
24 migratory game birds that are not capable of normal flight.
25 Migratory waterfowl that are crippled may be taken only with a
26 shotgun as regulated by subsection (j) of this Section using

1 shotgun shells as regulated in subsection (k) of this Section.

2 (aa) It is unlawful to use or possess any device that may
3 be used for tree climbing or cutting, while hunting
4 fur-bearing mammals, excluding coyotes.

5 (bb) It is unlawful for any person, except licensed game
6 breeders, pursuant to Section 2.29 to import, carry into, or
7 possess alive in this State any species of wildlife taken
8 outside of this State, without obtaining permission to do so
9 from the Director.

10 (cc) It is unlawful for any person to have in his or her
11 possession any freshly killed species protected by this Act
12 during the season closed for taking.

13 (dd) It is unlawful to take any species protected by this
14 Act and retain it alive except as provided by administrative
15 rule.

16 (ee) It is unlawful to possess any rifle while in the field
17 during gun deer season except as provided in Section 2.26 and
18 administrative rules.

19 (ff) It is unlawful for any person to take any species
20 protected by this Act, except migratory waterfowl, during the
21 gun deer hunting season in those counties open to gun deer
22 hunting, unless he or she wears, when in the field, a cap and
23 upper outer garment of a solid blaze orange color or solid
24 blaze pink color, with such articles of clothing displaying a
25 minimum of 400 square inches of blaze orange or solid blaze
26 pink color material.

1 (gg) It is unlawful during the upland game season for any
2 person to take upland game with a firearm unless he or she
3 wears, while in the field, a cap of solid blaze orange color or
4 solid blaze pink color. For purposes of this Act, upland game
5 is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked
6 Pheasant, Eastern Cottontail and Swamp Rabbit.

7 (hh) It shall be unlawful to kill or cripple any species
8 protected by this Act for which there is a bag limit without
9 making a reasonable effort to retrieve such species and
10 include such in the bag limit. It shall be unlawful for any
11 person having control over harvested game mammals, game birds,
12 or migratory game birds for which there is a bag limit to
13 wantonly waste or destroy the usable meat of the game, except
14 this shall not apply to wildlife taken under Sections 2.37 or
15 3.22 of this Code. For purposes of this subsection, "usable
16 meat" means the breast meat of a game bird or migratory game
17 bird and the hind ham and front shoulders of a game mammal. It
18 shall be unlawful for any person to place, leave, dump, or
19 abandon a wildlife carcass or parts of it along or upon a
20 public right-of-way or highway or on public or private
21 property, including a waterway or stream, without the
22 permission of the owner or tenant. It shall not be unlawful to
23 discard game meat that is determined to be unfit for human
24 consumption.

25 (ii) This Section shall apply only to those species
26 protected by this Act taken within the State. Any species or

1 any parts thereof, legally taken in and transported from other
2 states or countries, may be possessed within the State, except
3 as provided in this Section and Sections 2.35, 2.36 and 3.21.

4 (jj) (Blank).

5 (kk) Nothing contained in this Section shall prohibit the
6 Director from issuing permits to paraplegics or to other
7 persons with disabilities who meet the requirements set forth
8 in administrative rule to shoot or hunt from a vehicle as
9 provided by that rule, provided that such is otherwise in
10 accord with this Act.

11 (ll) Nothing contained in this Act shall prohibit the
12 taking of aquatic life protected by the Fish and Aquatic Life
13 Code or birds and mammals protected by this Act, except deer
14 and fur-bearing mammals, from a boat not camouflaged or
15 disguised to alter its identity or to further provide a place
16 of concealment and not propelled by sail or mechanical power.
17 However, only shotguns not larger than 10 gauge nor smaller
18 than .410 bore loaded with not more than 3 shells of a shot
19 size no larger than lead BB or steel T (.20 diameter) may be
20 used to take species protected by this Act.

21 (mm) Nothing contained in this Act shall prohibit the use
22 of a shotgun, not larger than 10 gauge nor smaller than a 20
23 gauge, with a rifled barrel.

24 (nn) It shall be unlawful to possess any species of
25 wildlife or wildlife parts taken unlawfully in Illinois, any
26 other state, or any other country, whether or not the wildlife

1 or wildlife parts is indigenous to Illinois. For the purposes
2 of this subsection, the statute of limitations for unlawful
3 possession of wildlife or wildlife parts shall not cease until
4 2 years after the possession has permanently ended.

5 (Source: P.A. 99-33, eff. 1-1-16; 99-143, eff. 7-27-15;
6 99-642, eff. 7-28-16; 100-489, eff. 9-8-17; 100-949, eff.
7 1-1-19.)

8 (520 ILCS 5/2.34) (from Ch. 61, par. 2.34)

9 Sec. 2.34. Dog Trials.

10 (a) Dogs of any breed may be trained the year round in
11 accordance with the provisions of this Act.

12 (b) During the periods of time when it is unlawful to take
13 species protected by this Act, the only firearms which shall
14 be used in the training of dogs from sunrise to sunset shall be
15 pistols with blank cartridges. No other gun or ammunition may
16 be in immediate possession during this time. No person or
17 persons in, along with, or accompanying the dog training
18 party, shall be in possession of any firearm or live
19 ammunition, except pistols capable of firing only blank
20 cartridges during the hours from sunset to sunrise. All
21 organized field trials or training grounds approved by the
22 Department shall be exempt from this provision unless in
23 accordance with the Firearm Concealed Carry Act.

24 (c) No field trial shall be held without a permit from the
25 Department.

1 The following Department areas shall be designated as
2 horseback field trial sites; Lee County Conservation Area, Des
3 Plaines Conservation Area, Moraine View State Park, Middle
4 Fork Fish and Wildlife Area, Hamilton County Conservation
5 Area, and Wayne Fitzgerald State Park. The Department shall
6 provide and maintain quality wildlife habitat on these sites.

7 Field trials shall be scheduled only from September 1
8 through April 30 in the Northern Zone and September 1 through
9 April 15 in the Southern Zone. The Department maintains the
10 authority to schedule and administer field trials. The
11 boundary between the Northern Zone and the Southern Zone shall
12 be U.S. Route 36. However, (i) if the opening date of the field
13 trial season falls on Sunday, the season will begin on
14 Saturday of that weekend; and (ii) if the closing date of the
15 field trial season falls on Saturday, the season will conclude
16 on Sunday of that weekend; and (iii) if during the final days
17 of the field trial season a field trial organization begins a
18 field trial which is subsequently interrupted due to inclement
19 weather, the field trial organization may complete the trial,
20 subject to the Department's approval, even though the field
21 trial season has ended. The field trial organization must
22 complete the trial on the first possible day or days. Field
23 trials for the retrieving breeds are exempt from these field
24 trials season provisions and shall have no closed season.

25 The fee for field trials shall be established by the
26 Department by rule.

1 (d) The Department is authorized to designate dog training
2 areas and to grant permits for all field trials including
3 those field trials where game birds reared under Section 3.23
4 are released and taken in accordance with the rules and
5 regulations set forth by the Department. Applications for
6 permits for such trials and training areas shall be
7 accompanied by detailed information as to the date and the
8 location of the grounds where such trial area or training
9 grounds is located. Applicants for field trial or dog training
10 permits must have the consent of the landowner prior to
11 applying for such permit. Fees and other regulations will be
12 set by administrative rule.

13 (e) All permits for designated dog training areas shall
14 expire March 31st of each year.

15 (f) Permit holders for designated dog training areas must
16 possess a wild game breeder's permit or a game breeding and
17 hunting preserve area permit and may utilize live bird recall
18 devices on such areas.

19 (g) Nothing shall prevent an individual from using a dog
20 in the taking of squirrel during the open season.

21 (h) All hand reared game released and shot at field trials
22 shall be properly identified with tags as provided for by this
23 Act and such birds shall be banded before they are removed from
24 the field trial area.

25 (Source: P.A. 86-920; 87-1051.)

1 Section 30. The Criminal Code of 2012 is amended by
2 changing Sections 24-3 and 24-8 as follows:

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

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

5 (A) A person commits the offense of unlawful sale or
6 delivery of firearms when he or she knowingly does any of the
7 following:

8 (a) Sells or gives any firearm of a size which may be
9 concealed upon the person to any person under 18 years of
10 age.

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

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

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

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

21 "Mental institution" means any hospital,
22 institution, clinic, evaluation facility, mental
23 health center, or part thereof, which is used
24 primarily for the care or treatment of persons with
25 mental illness.

1 "Patient in a mental institution" means the person
2 was admitted, either voluntarily or involuntarily, to
3 a mental institution for mental health treatment,
4 unless the treatment was voluntary and solely for an
5 alcohol abuse disorder and no other secondary
6 substance abuse disorder or mental illness.

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

9 (g) Delivers any firearm, incidental to a sale,
10 without withholding delivery of the firearm for at least
11 72 hours after application for its purchase has been made,
12 or delivers a stun gun or taser, incidental to a sale,
13 without withholding delivery of the stun gun or taser for
14 at least 24 hours after application for its purchase has
15 been made. However, this paragraph (g) does not apply to:

16 (1) the sale of a firearm to a law enforcement officer if
17 the seller of the firearm knows that the person to whom he
18 or she is selling the firearm is a law enforcement officer
19 or the sale of a firearm to a person who desires to
20 purchase a firearm for use in promoting the public
21 interest incident to his or her employment as a bank
22 guard, armed truck guard, or other similar employment; (2)
23 a mail order sale of a firearm from a federally licensed
24 firearms dealer to a nonresident of Illinois under which
25 the firearm is mailed to a federally licensed firearms
26 dealer outside the boundaries of Illinois; (3) (blank);

1 (4) the sale of a firearm to a dealer licensed as a federal
2 firearms dealer under Section 923 of the federal Gun
3 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
4 sale of any rifle, shotgun, or other long gun to a resident
5 registered competitor or attendee or non-resident
6 registered competitor or attendee by any dealer licensed
7 as a federal firearms dealer under Section 923 of the
8 federal Gun Control Act of 1968 at competitive shooting
9 events held at the World Shooting Complex sanctioned by a
10 national governing body. For purposes of transfers or
11 sales under subparagraph (5) of this paragraph (g), the
12 Department of Natural Resources shall give notice to the
13 Department of State Police at least 30 calendar days prior
14 to any competitive shooting events at the World Shooting
15 Complex sanctioned by a national governing body. The
16 notification shall be made on a form prescribed by the
17 Department of State Police. The sanctioning body shall
18 provide a list of all registered competitors and attendees
19 at least 24 hours before the events to the Department of
20 State Police. Any changes to the list of registered
21 competitors and attendees shall be forwarded to the
22 Department of State Police as soon as practicable. The
23 Department of State Police must destroy the list of
24 registered competitors and attendees no later than 30 days
25 after the date of the event. Nothing in this paragraph (g)
26 relieves a federally licensed firearm dealer from the

1 requirements of conducting a NICS background check through
2 the Illinois Point of Contact under 18 U.S.C. 922(t). For
3 purposes of this paragraph (g), "application" means when
4 the buyer and seller reach an agreement to purchase a
5 firearm. For purposes of this paragraph (g), "national
6 governing body" means a group of persons who adopt rules
7 and formulate policy on behalf of a national firearm
8 sporting organization.

9 (h) While holding any license as a dealer, importer,
10 manufacturer or pawnbroker under the federal Gun Control
11 Act of 1968, manufactures, sells or delivers to any
12 unlicensed person a handgun having a barrel, slide, frame
13 or receiver which is a die casting of zinc alloy or any
14 other nonhomogeneous metal which will melt or deform at a
15 temperature of less than 800 degrees Fahrenheit. For
16 purposes of this paragraph, (1) "firearm" is defined as in
17 the Firearm Owners Identification Card Act; and (2)
18 "handgun" is defined as a firearm designed to be held and
19 fired by the use of a single hand, and includes a
20 combination of parts from which such a firearm can be
21 assembled.

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

25 (j) Sells or gives a firearm while engaged in the
26 business of selling firearms at wholesale or retail

1 without being licensed as a federal firearms dealer under
2 Section 923 of the federal Gun Control Act of 1968 (18
3 U.S.C. 923). In this paragraph (j):

4 A person "engaged in the business" means a person who
5 devotes time, attention, and labor to engaging in the
6 activity as a regular course of trade or business with the
7 principal objective of livelihood and profit, but does not
8 include a person who makes occasional repairs of firearms
9 or who occasionally fits special barrels, stocks, or
10 trigger mechanisms to firearms.

11 "With the principal objective of livelihood and
12 profit" means that the intent underlying the sale or
13 disposition of firearms is predominantly one of obtaining
14 livelihood and pecuniary gain, as opposed to other
15 intents, such as improving or liquidating a personal
16 firearms collection; however, proof of profit shall not be
17 required as to a person who engages in the regular and
18 repetitive purchase and disposition of firearms for
19 criminal purposes or terrorism.

20 (k) Sells or transfers ownership of a firearm to a
21 person who does not display to the seller or transferor of
22 the firearm either: (1) a currently valid Firearm Owner's
23 Identification Card that has previously been issued in the
24 transferee's name by the Department of State Police under
25 the provisions of the Firearm Owners Identification Card
26 Act; or (2) a currently valid license to carry a concealed

1 firearm that has previously been issued in the
2 transferee's name by the Department of State Police under
3 the Firearm Concealed Carry Act. This paragraph (k) does
4 not apply to the transfer of a firearm to a person who is
5 exempt from the requirement of possessing a Firearm
6 Owner's Identification Card under Section 2 of the Firearm
7 Owners Identification Card Act. For the purposes of this
8 Section, a currently valid Firearm Owner's Identification
9 Card or license to carry a concealed firearm means receipt
10 of ~~(i) a Firearm Owner's Identification Card that has not~~
11 ~~expired or (ii)~~ an approval number issued in accordance
12 with subsection (a-10) of subsection 3 or Section 3.1 of
13 the Firearm Owners Identification Card Act ~~shall be proof~~
14 ~~that the Firearm Owner's Identification Card was valid.~~

15 (1) In addition to the other requirements of this
16 paragraph (k), all persons who are not federally
17 licensed firearms dealers must also have complied with
18 subsection (a-10) of Section 3 of the Firearm Owners
19 Identification Card Act by determining the validity of
20 a purchaser's Firearm Owner's Identification Card.

21 (2) All sellers or transferors who have complied
22 with the requirements of subparagraph (1) of this
23 paragraph (k) shall not be liable for damages in any
24 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
5 a firearm with knowledge that its serial number has been
6 removed or altered has knowledge that the firearm is
7 stolen 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
13 of Public Act 78-355 subject to confiscation or seizure under
14 the provisions of that Public Act. Nothing in Public Act
15 78-355 shall be construed to prohibit the gift or trade of any
16 firearm if that firearm was legally held or acquired within 6
17 months 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

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

26 (5) Any person convicted of unlawful sale or delivery

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

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

20 (7) Any person convicted of unlawful sale or delivery
21 of firearms in violation of paragraph (k) of subsection
22 (A) commits a Class 4 felony, except that a violation of
23 subparagraph (1) of paragraph (k) of subsection (A) shall
24 not be punishable as a crime or petty offense. A third or
25 subsequent conviction for a violation of paragraph (k) of
26 subsection (A) is a Class 1 felony.

1 (8) A person 18 years of age or older convicted of
2 unlawful sale or delivery of firearms in violation of
3 paragraph (a) or (i) of subsection (A), when the firearm
4 that was sold or given to another person under 18 years of
5 age was used in the commission of or attempt to commit a
6 forcible felony, shall be fined or imprisoned, or both,
7 not to exceed the maximum provided for the most serious
8 forcible felony so committed or attempted by the person
9 under 18 years of age who was sold or given the firearm.

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

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

1 person convicted of unlawful sale or delivery of firearms
2 in violation of paragraph (1) of subsection (A) commits a
3 Class X felony for which he or she shall be sentenced to a
4 term of imprisonment of not less than 6 years and not more
5 than 40 years if the delivery is of not less than 11 and
6 not more than 20 firearms at the same time or within a 3
7 year period. Any person convicted of unlawful sale or
8 delivery of firearms in violation of paragraph (1) of
9 subsection (A) commits a Class X felony for which he or she
10 shall be sentenced to a term of imprisonment of not less
11 than 6 years and not more than 50 years if the delivery is
12 of not less than 21 and not more than 30 firearms at the
13 same time or within a 4 year period. Any person convicted
14 of unlawful sale or delivery of firearms in violation of
15 paragraph (1) of subsection (A) commits a Class X felony
16 for which he or she shall be sentenced to a term of
17 imprisonment of not less than 6 years and not more than 60
18 years if the delivery is of 31 or more firearms at the same
19 time or within a 5 year period.

20 (D) For purposes of this Section:

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

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

1 (E) A prosecution for a violation of paragraph (k) of
2 subsection (A) of this Section may be commenced within 6 years
3 after the commission of the offense. A prosecution for a
4 violation of this Section other than paragraph (g) of
5 subsection (A) of this Section may be commenced within 5 years
6 after the commission of the offense defined in the particular
7 paragraph.

8 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;
9 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

10 (720 ILCS 5/24-8)

11 Sec. 24-8. Firearm evidence tracing.

12 (a) Upon recovering a firearm from the possession of
13 anyone who is not permitted by federal or State law to possess
14 a firearm, a ~~local~~ law enforcement agency shall use the best
15 available information, including a firearms trace when
16 necessary, to determine how and from whom the person gained
17 possession of the firearm. Upon recovering a firearm that was
18 used in the commission of any offense classified as a felony or
19 upon recovering a firearm that appears to have been lost,
20 mislaid, stolen, or otherwise unclaimed, a ~~local~~ law
21 enforcement agency shall use the best available information,
22 including a firearms trace ~~when necessary~~, to determine prior
23 ownership of the firearm.

24 (b) Law ~~Local law~~ enforcement shall, when appropriate, use
25 the National Tracing Center of the Federal Bureau of Alcohol,

1 Tobacco and Firearms and the National Crime Information Center
2 of the Federal Bureau of Investigation in complying with
3 subsection (a) of this Section.

4 (c) Law ~~Local~~ law enforcement agencies shall use the
5 Illinois Department of State Police Law Enforcement Agencies
6 Data System (LEADS) Gun File to enter all stolen, seized, or
7 recovered firearms as prescribed by LEADS regulations and
8 policies.

9 (d) Whenever a law enforcement agency recovers a fired
10 cartridge case at a crime scene or has reason to believe that
11 the recovered fired cartridge case is related to or associated
12 with the commission of a crime, the law enforcement agency
13 shall submit the evidence to the National Integrated
14 Ballistics Information Network (NIBIN) or an Illinois State
15 Police laboratory for NIBIN processing. Whenever a law
16 enforcement agency seizes or recovers a semiautomatic firearm
17 that is deemed suitable to be entered into the NIBIN that was:
18 (i) unlawfully possessed, (ii) used for any unlawful purpose,
19 (iii) recovered from the scene of a crime, (iv) is reasonably
20 believed to have been used or associated with the commission
21 of a crime, or (v) is acquired by the law enforcement agency as
22 an abandoned or discarded firearm, the law enforcement agency
23 shall submit the evidence to the NIBIN or an Illinois State
24 Police laboratory for NIBIN processing. When practicable, all
25 NIBIN-suitable evidence and NIBIN-suitable test fires from
26 recovered firearms shall be entered into the NIBIN within 2

1 business days of submission to Illinois State Police
2 laboratories that have NIBIN access or another NIBIN site.
3 Exceptions to this may occur if the evidence in question
4 requires analysis by other forensic disciplines. The Illinois
5 State Police laboratory, submitting agency, and relevant court
6 representatives shall determine whether the request for
7 additional analysis outweighs the 2 business-day requirement.
8 Illinois State Police laboratories that do not have NIBIN
9 access shall submit NIBIN-suitable evidence and test fires to
10 an Illinois State Police laboratory with NIBIN access. Upon
11 receipt at the laboratory with NIBIN access, when practicable,
12 the evidence and test fires shall be entered into the NIBIN
13 within 2 business days. Exceptions to this 2 business-day
14 requirement may occur if the evidence in question requires
15 analysis by other forensic disciplines. The Illinois State
16 Police laboratory, submitting agency, and relevant court
17 representatives shall determine whether the request for
18 additional analysis outweighs the 2 business-day requirement.
19 Nothing in this Section shall be interpreted to conflict with
20 standards and policies for NIBIN sites as promulgated by the
21 federal Bureau of Alcohol, Tobacco, Firearms and Explosives or
22 successor agencies.

23 (Source: P.A. 91-364, eff. 1-1-00; 92-300, eff. 1-1-02.)

24 Section 35. The Code of Criminal Procedure of 1963 is
25 amended by changing Section 112A-14 as follows:

1 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

2 Sec. 112A-14. Domestic violence order of protection;
3 remedies.

4 (a) (Blank).

5 (b) The court may order any of the remedies listed in this
6 subsection (b). The remedies listed in this subsection (b)
7 shall be in addition to other civil or criminal remedies
8 available to petitioner.

9 (1) Prohibition of abuse. Prohibit respondent's
10 harassment, interference with personal liberty,
11 intimidation of a dependent, physical abuse, or willful
12 deprivation, as defined in this Article, if such abuse has
13 occurred or otherwise appears likely to occur if not
14 prohibited.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 If the respondent is charged with abuse (as defined in
24 Section 112A-3 of this Code) of a minor child, there shall
25 be a rebuttable presumption that awarding temporary
26 significant decision-making responsibility to respondent

1 would not be in the child's best interest.

2 (7) Parenting time. Determine the parenting time, if
3 any, of respondent in any case in which the court awards
4 physical care or temporary significant decision-making
5 responsibility of a minor child to petitioner. The court
6 shall restrict or deny respondent's parenting time with a
7 minor child if the court finds that respondent has done or
8 is likely to do any of the following:

9 (i) abuse or endanger the minor child during
10 parenting time;

11 (ii) use the parenting time as an opportunity to
12 abuse or harass petitioner or petitioner's family or
13 household members;

14 (iii) improperly conceal or detain the minor
15 child; or

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

18 The court shall not be limited by the standards set
19 forth in Section 603.10 of the Illinois Marriage and
20 Dissolution of Marriage Act. If the court grants parenting
21 time, the order shall specify dates and times for the
22 parenting time to take place or other specific parameters
23 or conditions that are appropriate. No order for parenting
24 time shall refer merely to the term "reasonable parenting
25 time". Petitioner may deny respondent access to the minor
26 child if, when respondent arrives for parenting time,

1 respondent is under the influence of drugs or alcohol and
2 constitutes a threat to the safety and well-being of
3 petitioner or petitioner's minor children or is behaving
4 in a violent or abusive manner. If necessary to protect
5 any member of petitioner's family or household from future
6 abuse, respondent shall be prohibited from coming to
7 petitioner's residence to meet the minor child for
8 parenting time, and the petitioner and respondent shall
9 submit to the court their recommendations for reasonable
10 alternative arrangements for parenting time. A person may
11 be approved to supervise parenting time only after filing
12 an affidavit accepting that responsibility and
13 acknowledging accountability to the court.

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

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

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

1 (i) petitioner, but not respondent, owns the
2 property; or

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

8 If petitioner's sole claim to ownership of the
9 property is that it is marital property, the court may
10 award 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,
21 if:

22 (i) petitioner, but not respondent, owns the
23 property; or

24 (ii) the petitioner and respondent own the
25 property jointly, and the balance of hardships favors
26 granting this remedy.

1 If petitioner's sole claim to ownership of the
2 property is that it is marital property, the court may
3 grant petitioner relief under subparagraph (ii) of this
4 paragraph only if a proper proceeding has been filed under
5 the Illinois Marriage and Dissolution of Marriage Act, as
6 now or hereafter amended.

7 The court may further prohibit respondent from
8 improperly using the financial or other resources of an
9 aged member of the family or household for the profit or
10 advantage of respondent or of any other person.

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

20 (12) Order for payment of support. Order respondent to
21 pay temporary support for the petitioner or any child in
22 the petitioner's care or over whom the petitioner has been
23 allocated parental responsibility, when the respondent has
24 a legal obligation to support that person, in accordance
25 with the Illinois Marriage and Dissolution of Marriage
26 Act, which shall govern, among other matters, the amount

1 of support, payment through the clerk and withholding of
2 income to secure payment. An order for child support may
3 be granted to a petitioner with lawful physical care of a
4 child, or an order or agreement for physical care of a
5 child, prior to entry of an order allocating significant
6 decision-making responsibility. Such a support order shall
7 expire upon entry of a valid order allocating parental
8 responsibility differently and vacating petitioner's
9 significant decision-making responsibility unless
10 otherwise provided in the order.

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

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

1 subsection (a) (3) of Section 501 of that Act.

2 (ii) Recovery of expenses. In the case of an
3 improper concealment or removal of a minor child, the
4 court may order respondent to pay the reasonable
5 expenses incurred or to be incurred in the search for
6 and recovery of the minor child, including, but not
7 limited to, legal fees, court costs, private
8 investigator fees, and travel costs.

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

14 (14.5) Prohibition of firearm possession.

15 (A) A person who is subject to an existing
16 domestic violence order of protection issued under
17 this Code may not lawfully possess weapons or a
18 Firearm Owner's Identification Card under Section 8.2
19 of the Firearm Owners Identification Card Act.

20 (B) Any firearms in the possession of the
21 respondent, except as provided in subparagraph (C) of
22 this paragraph (14.5), shall be ordered by the court
23 to be turned over to a person with a valid Firearm
24 Owner's Identification Card for safekeeping. The court
25 shall issue an order that the respondent comply with
26 Section 9.5 of the Firearm Owners Identification Card

1 ~~Act. the respondent's Firearm Owner's Identification~~
2 ~~Card be turned over to the local law enforcement~~
3 ~~agency, which in turn shall immediately mail the card~~
4 ~~to the Department of State Police Firearm Owner's~~
5 ~~Identification Card Office for safekeeping. The period~~
6 ~~of safekeeping shall be for the duration of the~~
7 ~~domestic violence order of protection. The firearm or~~
8 ~~firearms and Firearm Owner's Identification Card, if~~
9 ~~unexpired, shall at the respondent's request be~~
10 ~~returned to the respondent at expiration of the~~
11 ~~domestic violence order of protection.~~

12 (C) If the respondent is a peace officer as
13 defined in Section 2-13 of the Criminal Code of 2012,
14 the court shall order that any firearms used by the
15 respondent in the performance of his or her duties as a
16 peace officer be surrendered to the chief law
17 enforcement executive of the agency in which the
18 respondent is employed, who shall retain the firearms
19 for safekeeping for the duration of the domestic
20 violence order of protection.

21 (D) Upon expiration of the period of safekeeping,
22 if the firearms or Firearm Owner's Identification Card
23 cannot be returned to respondent because respondent
24 cannot be located, fails to respond to requests to
25 retrieve the firearms, or is not lawfully eligible to
26 possess a firearm, upon petition from the local law

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

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

19 (16) Order for payment of shelter services. Order
20 respondent to reimburse a shelter providing temporary
21 housing and counseling services to the petitioner for the
22 cost of the services, as certified by the shelter and
23 deemed reasonable by the court.

24 (17) Order for injunctive relief. Enter injunctive
25 relief necessary or appropriate to prevent further abuse
26 of a family or household member or to effectuate one of the

1 granted remedies, if supported by the balance of
2 hardships. If the harm to be prevented by the injunction
3 is abuse or any other harm that one of the remedies listed
4 in paragraphs (1) through (16) of this subsection is
5 designed to prevent, no further evidence is necessary to
6 establish that the harm is an irreparable injury.

7 (18) Telephone services.

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

26 (i) The name and billing telephone number of

1 the account holder including the name of the
2 wireless telephone service provider that serves
3 the account.

4 (ii) Each telephone number that will be
5 transferred.

6 (iii) A statement that the provider transfers
7 to the petitioner all financial responsibility for
8 and right to the use of any telephone number
9 transferred under this paragraph.

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

17 (i) The account holder named in the order has
18 terminated the account.

19 (ii) A difference in network technology would
20 prevent or impair the functionality of a device on
21 a network if the transfer occurs.

22 (iii) The transfer would cause a geographic or
23 other limitation on network or service provision
24 to the petitioner.

25 (iv) Another technological or operational
26 issue would prevent or impair the use of the

1 telephone number if the transfer occurs.

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

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

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

18 (F) All wireless service providers that provide
19 services to residential customers shall provide to the
20 Illinois Commerce Commission the name and address of
21 an agent for service of orders entered under this
22 paragraph (18). Any change in status of the registered
23 agent must be reported to the Illinois Commerce
24 Commission within 30 days of such change.

25 (G) The Illinois Commerce Commission shall
26 maintain the list of registered agents for service for

1 each wireless telephone service provider on the
2 Commission's website. The Commission may consult with
3 wireless telephone service providers and the Circuit
4 Court Clerks on the manner in which this information
5 is provided and displayed.

6 (c) Relevant factors; findings.

7 (1) In determining whether to grant a specific remedy,
8 other than payment of support, the court shall consider
9 relevant factors, including, but not limited to, the
10 following:

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

19 (ii) the danger that any minor child will be
20 abused or neglected or improperly relocated from the
21 jurisdiction, improperly concealed within the State,
22 or improperly separated from the child's primary
23 caretaker.

24 (2) In comparing relative hardships resulting to the
25 parties from loss of possession of the family home, the
26 court shall consider relevant factors, including, but not

1 limited to, the following:

2 (i) availability, accessibility, cost, safety,
3 adequacy, location, and other characteristics of
4 alternate housing for each party and any minor child
5 or dependent adult in the party's care;

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

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

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

14 (i) That the court has considered the applicable
15 relevant factors described in paragraphs (1) and (2)
16 of this subsection (c).

17 (ii) Whether the conduct or actions of respondent,
18 unless prohibited, will likely cause irreparable harm
19 or continued abuse.

20 (iii) Whether it is necessary to grant the
21 requested relief in order to protect petitioner or
22 other alleged abused persons.

23 (4) (Blank).

24 (5) Never married parties. No rights or
25 responsibilities for a minor child born outside of
26 marriage attach to a putative father until a father and

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

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

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

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

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

10 (2) respondent was voluntarily intoxicated;

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

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

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

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

21 (7) conduct by any family or household member excused
22 the abuse by respondent, unless that same conduct would
23 have excused such abuse if the parties had not been family
24 or household members.

25 (Source: P.A. 100-199, eff. 1-1-18; 100-388, eff. 1-1-18;
26 100-597, eff. 6-29-18; 100-863, eff. 8-14-18; 100-923, eff.

1 1-1-19; 101-81, eff. 7-12-19.)

2 Section 40. The Unified Code of Corrections is amended by
3 changing Section 5-4-3a as follows:

4 (730 ILCS 5/5-4-3a)

5 Sec. 5-4-3a. DNA testing backlog accountability.

6 (a) On or before August 1 of each year, the Department of
7 State Police shall report to the Governor and both houses of
8 the General Assembly the following information:

9 (1) the extent of the backlog of cases awaiting
10 testing or awaiting DNA analysis by that Department,
11 including but not limited to those tests conducted under
12 Section 5-4-3, as of June 30 of the previous fiscal year,
13 with the backlog being defined as all cases awaiting
14 forensic testing whether in the physical custody of the
15 State Police or in the physical custody of local law
16 enforcement, provided that the State Police have written
17 notice of any evidence in the physical custody of local
18 law enforcement prior to June 1 of that year; and

19 (2) what measures have been and are being taken to
20 reduce that backlog and the estimated costs or
21 expenditures in doing so.

22 (b) The information reported under this Section shall be
23 made available to the public, at the time it is reported, on
24 the official web site of the Department of State Police.

1 (c) Beginning January 1, 2016, the Department of State
2 Police shall quarterly report on the status of the processing
3 of forensic biology and DNA evidence submitted to the
4 Department of State Police Laboratory for analysis. The report
5 shall be submitted to the Governor and the General Assembly,
6 and shall be posted on the Department of State Police website.
7 The report shall include the following for each State Police
8 Laboratory location and any laboratory to which the Department
9 of State Police has outsourced evidence for testing:

10 (1) For forensic biology submissions, report both
11 total case and sexual assault or abuse case (as defined by
12 the Sexual Assault Evidence Submission Act) figures for:

13 (A) The number of cases received in the preceding
14 quarter.

15 (B) The number of cases completed in the preceding
16 quarter.

17 (C) The number of cases waiting analysis.

18 (D) The number of cases sent for outsourcing.

19 (E) The number of cases waiting analysis that were
20 received within the past 30 days.

21 (F) The number of cases waiting analysis that were
22 received 31 to 90 days prior.

23 (G) The number of cases waiting analysis that were
24 received 91 to 180 days prior.

25 (H) The number of cases waiting analysis that were
26 received 181 to 365 days prior.

1 (I) The number of cases waiting analysis that were
2 received more than 365 days prior.

3 (J) The number of cases forwarded for DNA
4 analyses.

5 (2) For DNA submissions, report both total case and
6 sexual assault or abuse case (as defined by the Sexual
7 Assault Evidence Submission Act) figures for:

8 (A) The number of cases received in the preceding
9 quarter.

10 (B) The number of cases completed in the preceding
11 quarter.

12 (C) The number of cases waiting analysis.

13 (D) The number of cases sent for outsourcing.

14 (E) The number of cases waiting analysis that were
15 received within the past 30 days.

16 (F) The number of cases waiting analysis that were
17 received 31 to 90 days prior.

18 (G) The number of cases waiting analysis that were
19 received 91 to 180 days prior.

20 (H) The number of cases waiting analysis that were
21 received 181 to 365 days prior.

22 (I) The number of cases waiting analysis that were
23 received more than 365 days prior.

24 (3) For all other categories of testing (e.g., drug
25 chemistry, firearms/toolmark, footwear/tire track, latent
26 prints, toxicology, and trace chemistry analysis):

1 (A) The number of cases received in the preceding
2 quarter.

3 (B) The number of cases completed in the preceding
4 quarter.

5 (C) The number of cases waiting analysis.

6 (D) The number of cases entered in the National
7 Integrated Ballistic Information Network (NIBIN).

8 (E) The number of investigative leads developed
9 from National Integrated Ballistic Information Network
10 (NIBIN) analysis.

11 (4) For the Combined DNA Index System (CODIS), report
12 both total case and sexual assault or abuse case (as
13 defined by the Sexual Assault Evidence Submission Act)
14 figures for subparagraphs (D), (E), and (F) of this
15 paragraph (4):

16 (A) The number of new offender samples received in
17 the preceding quarter.

18 (B) The number of offender samples uploaded to
19 CODIS in the preceding quarter.

20 (C) The number of offender samples awaiting
21 analysis.

22 (D) The number of unknown DNA case profiles
23 uploaded to CODIS in the preceding quarter.

24 (E) The number of CODIS hits in the preceding
25 quarter.

26 (F) The number of forensic evidence submissions

1 submitted to confirm a previously reported CODIS hit.

2 (5) For each category of testing, report the number of
3 trained forensic scientists and the number of forensic
4 scientists in training.

5 As used in this subsection (c), "completed" means
6 completion of both the analysis of the evidence and the
7 provision of the results to the submitting law enforcement
8 agency.

9 (d) The provisions of this subsection (d), other than this
10 sentence, are inoperative on and after January 1, 2019 or 2
11 years after the effective date of this amendatory Act of the
12 99th General Assembly, whichever is later. In consultation
13 with and subject to the approval of the Chief Procurement
14 Officer, the Department of State Police may obtain contracts
15 for services, commodities, and equipment to assist in the
16 timely completion of forensic biology, DNA, drug chemistry,
17 firearms/toolmark, footwear/tire track, latent prints,
18 toxicology, microscopy, trace chemistry, and Combined DNA
19 Index System (CODIS) analysis. Contracts to support the
20 delivery of timely forensic science services are not subject
21 to the provisions of the Illinois Procurement Code, except for
22 Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of
23 that Code, provided that the Chief Procurement Officer may, in
24 writing with justification, waive any certification required
25 under Article 50 of the Illinois Procurement Code. For any
26 contracts for services which are currently provided by members

1 of a collective bargaining agreement, the applicable terms of
2 the collective bargaining agreement concerning subcontracting
3 shall be followed.

4 (Source: P.A. 99-352, eff. 1-1-16; 99-801, eff. 1-1-17.)

5 Section 90. Illinois State Police; adoption of rules. The
6 Illinois State Police shall adopt rules to implement this Act.

7 Section 95. No acceleration or delay. Where this Act makes
8 changes in a statute that is represented in this Act by text
9 that is not yet or no longer in effect (for example, a Section
10 represented by multiple versions), the use of that text does
11 not accelerate or delay the taking effect of (i) the changes
12 made by this Act or (ii) provisions derived from any other
13 Public Act.

14 Section 99. Effective date. This Act takes effect on
15 January 1, 2022, except that the amendatory changes to Section
16 3 of the Firearm Owners Identification Card Act take effect
17 January 1, 2024."