



Rep. Denyse Stoneback

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1 AMENDMENT TO HOUSE BILL 1092

2 AMENDMENT NO. _____. Amend House Bill 1092 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by adding Section 2310-705 as follows:

7 (20 ILCS 2310/2310-705 new)

8 Sec. 2310-705. Firearms restraining order awareness.

9 (a) The Department, subject to appropriation or other
10 available funding, shall conduct a program to promote
11 awareness of firearms restraining orders to the general
12 public. The program may include, but is not limited to:

13 (1) dissemination of information, either online or
14 with an in-person pamphlet, of the options people have to
15 seek assistance using a firearms restraining order and the
16 process in which to file one;

1 (2) production of materials that can be given to
2 health care workers that assist in identifying victims of
3 domestic violence who may benefit from awareness of the
4 Firearms Restraining Order Act and how to safely and
5 discreetly determine if a potential abuser possesses a
6 firearm; and

7 (3) specific information on situations in which a
8 firearms restraining order may be appropriate such as with
9 situations of domestic violence, mental health crisis, or
10 anyone who is at risk of injuring themselves or others.

11 (b) Beginning July 1, 2022, the program must include the
12 development and dissemination, through print, digital, and
13 broadcast media, of public service announcements that
14 publicize the options victims of domestic violence have to
15 seek help with special emphasis on the firearms restraining
16 order.

17 Section 10. The Department of State Police Law of the
18 Civil Administrative Code of Illinois is amended by adding
19 Section 2605-51 as follows:

20 (20 ILCS 2605/2605-51 new)

21 Sec. 2605-51. Commission on implementing the Firearms
22 Restraining Order Act.

23 (a) There is created the Commission on Implementing the
24 Firearms Restraining Order Act composed of at least 12 members

1 to advise on the strategies of education and implementation of
2 the Firearms Restraining Order Act. The Commission shall be
3 appointed by the Director of the Illinois State Police or his
4 or her designee and shall include a liaison or representative
5 nominated from the following:

6 (1) the Office of the Attorney General, appointed by
7 the Attorney General;

8 (2) the Director of the Illinois State Police or his
9 or her designee;

10 (3) at least 3 State's Attorneys, nominated by the
11 Director of the Office of the State's Attorneys Appellate
12 Prosecutor;

13 (4) at least 2 municipal police department
14 representatives, nominated by the Illinois Association of
15 Chiefs of Police;

16 (5) an Illinois sheriff, nominated by the Illinois
17 Sheriffs' Association;

18 (6) a nonprofit organization whose mission is to
19 reduce gun violence with experience educating the public
20 about the Firearms Restraining Order Act, nominated by
21 such an organization whose membership is the most numerous
22 in Illinois;

23 (7) the Illinois Law Enforcement Training Standards
24 Board, nominated by the Executive Director of the Board;

25 (8) a representative from a public defender's office,
26 nominated by the State Appellate Defender;

1 (9) a circuit court judge, nominated by the Chief
2 Justice of the Supreme Court;

3 (10) a prosecutor with experience managing or
4 directing a program in another state where the
5 implementation of that state's extreme risk protection
6 order law has achieved high rates of petition filings
7 nominated by the National District Attorneys Association;
8 and

9 (11) an expert from law enforcement who has experience
10 managing or directing a program in another state where the
11 implementation of that state's extreme risk protection
12 order law has achieved high rates of petition filings
13 nominated by the Director of the Illinois State Police.

14 (b) The Commission shall be chaired by the Director of the
15 Illinois State Police or his or her designee. The Commission
16 shall meet, either virtually or in person, to discuss the
17 implementation of the Firearms Restraining Order Act as
18 determined by the Commission while the strategies are being
19 established.

20 (c) The members of the Commission shall serve without
21 compensation and shall serve 3-year terms.

22 (d) An annual report shall be submitted to the General
23 Assembly by the Commission that may include summary
24 information about firearms restraining order use by county,
25 challenges to Firearms Restraining Order Act implementation,
26 and recommendations for increasing and improving

1 implementation.

2 (e) The Commission shall develop a model policy with an
3 overall framework for the timely relinquishment of firearms
4 whenever a firearms restraining order is issued. The model
5 policy shall be finalized within the first 4 months of
6 convening. In formulating the model policy, the Commission
7 shall consult counties in Illinois and other states with
8 extreme risk protection order laws which have achieved a high
9 rate of petition filings. Once approved, the Illinois State
10 Police shall work with their local law enforcement agencies
11 within their county to design a comprehensive strategy for the
12 timely relinquishment of firearms, using the model policy as
13 an overall framework. Each individual agency may make small
14 modifications as needed to the model policy and must approve
15 and adopt a policy that aligns with the model policy. The
16 Illinois State Police shall convene local police chiefs and
17 sheriffs within their county as needed to discuss the
18 relinquishment of firearms.

19 (f) The Commission shall be dissolved 3 years after the
20 effective date of this amendatory Act of the 102nd General
21 Assembly.

22 (g) This Section is repealed 4 years after the effective
23 date of this amendatory Act of the 102nd General Assembly.

24 Section 15. The Illinois Police Training Act is amended by
25 changing Section 7 and by adding Section 7.1 as follows:

1 (50 ILCS 705/7) (from Ch. 85, par. 507)

2 Sec. 7. Rules and standards for schools. The Board shall
3 adopt rules and minimum standards for such schools which shall
4 include, but not be limited to, the following:

5 a. The curriculum for probationary police officers
6 which shall be offered by all certified schools shall
7 include, but not be limited to, courses of procedural
8 justice, arrest and use and control tactics, search and
9 seizure, including temporary questioning, civil rights,
10 human rights, human relations, cultural competency,
11 including implicit bias and racial and ethnic sensitivity,
12 criminal law, law of criminal procedure, constitutional
13 and proper use of law enforcement authority, vehicle and
14 traffic law including uniform and non-discriminatory
15 enforcement of the Illinois Vehicle Code, traffic control
16 and accident investigation, techniques of obtaining
17 physical evidence, court testimonies, statements, reports,
18 firearms training, training in the use of electronic
19 control devices, including the psychological and
20 physiological effects of the use of those devices on
21 humans, first-aid (including cardiopulmonary
22 resuscitation), training in the administration of opioid
23 antagonists as defined in paragraph (1) of subsection (e)
24 of Section 5-23 of the Substance Use Disorder Act,
25 handling of juvenile offenders, recognition of mental

1 conditions and crises, including, but not limited to, the
2 disease of addiction, which require immediate assistance
3 and response and methods to safeguard and provide
4 assistance to a person in need of mental treatment,
5 recognition of abuse, neglect, financial exploitation, and
6 self-neglect of adults with disabilities and older adults,
7 as defined in Section 2 of the Adult Protective Services
8 Act, crimes against the elderly, law of evidence, the
9 hazards of high-speed police vehicle chases with an
10 emphasis on alternatives to the high-speed chase, and
11 physical training. The curriculum shall include specific
12 training in techniques for immediate response to and
13 investigation of cases of domestic violence and of sexual
14 assault of adults and children, including cultural
15 perceptions and common myths of sexual assault and sexual
16 abuse as well as interview techniques that are age
17 sensitive and are trauma informed, victim centered, and
18 victim sensitive. The curriculum shall include training in
19 techniques designed to promote effective communication at
20 the initial contact with crime victims and ways to
21 comprehensively explain to victims and witnesses their
22 rights under the Rights of Crime Victims and Witnesses Act
23 and the Crime Victims Compensation Act. The curriculum
24 shall also include training in effective recognition of
25 and responses to stress, trauma, and post-traumatic stress
26 experienced by police officers that is consistent with

1 Section 25 of the Illinois Mental Health First Aid
2 Training Act in a peer setting, including recognizing
3 signs and symptoms of work-related cumulative stress,
4 issues that may lead to suicide, and solutions for
5 intervention with peer support resources. The curriculum
6 shall include a block of instruction addressing the
7 mandatory reporting requirements under the Abused and
8 Neglected Child Reporting Act. The curriculum shall also
9 include a block of instruction aimed at identifying and
10 interacting with persons with autism and other
11 developmental or physical disabilities, reducing barriers
12 to reporting crimes against persons with autism, and
13 addressing the unique challenges presented by cases
14 involving victims or witnesses with autism and other
15 developmental disabilities. The curriculum shall include
16 training in the detection and investigation of all forms
17 of human trafficking. The curriculum shall also include
18 instruction in trauma-informed responses designed to
19 ensure the physical safety and well-being of a child of an
20 arrested parent or immediate family member; this
21 instruction must include, but is not limited to: (1)
22 understanding the trauma experienced by the child while
23 maintaining the integrity of the arrest and safety of
24 officers, suspects, and other involved individuals; (2)
25 de-escalation tactics that would include the use of force
26 when reasonably necessary; and (3) inquiring whether a

1 child will require supervision and care. The curriculum
2 for permanent police officers shall include, but not be
3 limited to: (1) refresher and in-service training in any
4 of the courses listed above in this subparagraph, (2)
5 advanced courses in any of the subjects listed above in
6 this subparagraph, (3) training for supervisory personnel,
7 and (4) specialized training in subjects and fields to be
8 selected by the board. The training in the use of
9 electronic control devices shall be conducted for
10 probationary police officers, including University police
11 officers. The curriculum shall also include training on
12 the use of a firearms restraining order by providing
13 instruction on the process used to file a firearms
14 restraining order, how to identify situations in which a
15 firearms restraining order is appropriate, and how to
16 promote a firearms restraining order in a domestic
17 violence situation.

18 b. Minimum courses of study, attendance requirements
19 and equipment requirements.

20 c. Minimum requirements for instructors.

21 d. Minimum basic training requirements, which a
22 probationary police officer must satisfactorily complete
23 before being eligible for permanent employment as a local
24 law enforcement officer for a participating local
25 governmental agency. Those requirements shall include
26 training in first aid (including cardiopulmonary

1 resuscitation).

2 e. Minimum basic training requirements, which a
3 probationary county corrections officer must
4 satisfactorily complete before being eligible for
5 permanent employment as a county corrections officer for a
6 participating local governmental agency.

7 f. Minimum basic training requirements which a
8 probationary court security officer must satisfactorily
9 complete before being eligible for permanent employment as
10 a court security officer for a participating local
11 governmental agency. The Board shall establish those
12 training requirements which it considers appropriate for
13 court security officers and shall certify schools to
14 conduct that training.

15 A person hired to serve as a court security officer
16 must obtain from the Board a certificate (i) attesting to
17 his or her successful completion of the training course;
18 (ii) attesting to his or her satisfactory completion of a
19 training program of similar content and number of hours
20 that has been found acceptable by the Board under the
21 provisions of this Act; or (iii) attesting to the Board's
22 determination that the training course is unnecessary
23 because of the person's extensive prior law enforcement
24 experience.

25 Individuals who currently serve as court security
26 officers shall be deemed qualified to continue to serve in

1 that capacity so long as they are certified as provided by
2 this Act within 24 months of June 1, 1997 (the effective
3 date of Public Act 89-685). Failure to be so certified,
4 absent a waiver from the Board, shall cause the officer to
5 forfeit his or her position.

6 All individuals hired as court security officers on or
7 after June 1, 1997 (the effective date of Public Act
8 89-685) shall be certified within 12 months of the date of
9 their hire, unless a waiver has been obtained by the
10 Board, or they shall forfeit their positions.

11 The Sheriff's Merit Commission, if one exists, or the
12 Sheriff's Office if there is no Sheriff's Merit
13 Commission, shall maintain a list of all individuals who
14 have filed applications to become court security officers
15 and who meet the eligibility requirements established
16 under this Act. Either the Sheriff's Merit Commission, or
17 the Sheriff's Office if no Sheriff's Merit Commission
18 exists, shall establish a schedule of reasonable intervals
19 for verification of the applicants' qualifications under
20 this Act and as established by the Board.

21 g. Minimum in-service training requirements, which a
22 police officer must satisfactorily complete every 3 years.
23 Those requirements shall include constitutional and proper
24 use of law enforcement authority, procedural justice,
25 civil rights, human rights, mental health awareness and
26 response, officer wellness, reporting child abuse and

1 neglect, and cultural competency.

2 h. Minimum in-service training requirements, which a
3 police officer must satisfactorily complete at least
4 annually. Those requirements shall include law updates and
5 use of force training which shall include scenario based
6 training, or similar training approved by the Board.

7 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;
8 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.
9 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,
10 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;
11 101-564, eff. 1-1-20; revised 9-10-19.)"; and

12 (50 ILCS 705/7.1 new)

13 Sec. 7.1. Firearms restraining order training.

14 (a) The Illinois Law Enforcement Training Standards Board
15 shall develop and approve a standard curriculum for a training
16 program on the Firearms Restraining Order Act. The Board shall
17 conduct a training program that trains officers on the use of
18 firearms restraining orders, how to identify situations in
19 which a firearms restraining order is appropriate, and how to
20 safely promote the usage of the firearms restraining order in
21 a domestic violence situation. Officers who have successfully
22 completed this program shall be issued a certificate attesting
23 to their attendance.

24 (b) Every law enforcement officer shall complete this
25 training once each year.

1 (c) If adequate training is unavailable, the Illinois Law
2 Enforcement Training Standards Board may approve training to
3 be conducted by a third party.

4 Section 20. The Firearms Restraining Order Act is amended
5 by changing Sections 5, 10, 35, 40, and 45 and by adding
6 Section 85 as follows:

7 (430 ILCS 67/5)

8 Sec. 5. Definitions. As used in this Act:

9 "Family member of the respondent" means a spouse, former
10 spouse, person with whom the respondent has or allegedly has a
11 child in common, parent, child, or step-child of the
12 respondent, any other person related by blood or present
13 marriage to the respondent, or a person who shares a common
14 dwelling with the respondent.

15 "Firearms restraining order" means an order issued by the
16 court, prohibiting and enjoining a named person from having in
17 his or her custody or control, purchasing, possessing, or
18 receiving any firearms or ammunition, or removing firearm
19 parts that could be assembled to make an operable firearm.

20 "Intimate partner" means a spouse, former spouse, a person
21 with whom the respondent has or allegedly has a child in
22 common, or a person with whom the respondent has or has had a
23 dating or engagement relationship.

24 "Petitioner" means:

1 (1) a family member of the respondent as defined in
2 this Act; or

3 (2) a law enforcement officer who files a petition
4 alleging that the respondent poses a danger of causing
5 personal injury to himself, herself, or another by having
6 in his or her custody or control, purchasing, possessing,
7 or receiving a firearm, ammunition, or firearm parts that
8 could be assembled to make an operable firearm or removing
9 firearm parts that could be assembled to make an operable
10 firearm.

11 "Respondent" means the person alleged in the petition to
12 pose a danger of causing personal injury to himself, herself,
13 or another by having in his or her custody or control,
14 purchasing, possessing, or receiving a firearm, ammunition, or
15 firearm parts that could be assembled to make an operable
16 firearm or removing firearm parts that could be assembled to
17 make an operable firearm.

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

19 (430 ILCS 67/10)

20 Sec. 10. Commencement of action; procedure.

21 (a) An action for a firearms restraining order is
22 commenced by filing a verified petition for a firearms
23 restraining order in any circuit court.

24 (b) A petition for a firearms restraining order may be
25 filed in: (1) any county where the respondent resides or (2)

1 any county where an incident occurred that involved the
2 respondent posing an immediate and present danger of causing
3 personal injury to the respondent or another by having in his
4 or her custody or control, or purchasing, possessing, or
5 receiving, a firearm, ammunition, or firearm parts that could
6 be assembled to make an operable firearm.

7 (c) No fee shall be charged by the clerk for filing,
8 amending, vacating, certifying, printing, or photocopying
9 petitions or orders; or for issuing alias summons; or for any
10 related filing service. No fee shall be charged by the sheriff
11 or other law enforcement for service by the sheriff or other
12 law enforcement of a petition, rule, motion, or order in an
13 action commenced under this Section.

14 (d) The court shall provide, through the office of the
15 clerk of the court, simplified forms and clerical assistance
16 to help with the writing and filing of a petition under this
17 Section by any person not represented by counsel. In addition,
18 that assistance may be provided by the State's Attorney.

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

20 (430 ILCS 67/35)

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

22 (a) A petitioner may request an emergency firearms
23 restraining order by filing an affidavit or verified pleading
24 alleging that the respondent poses an immediate and present
25 danger of causing personal injury to himself, herself, or

1 another by having in his or her custody or control,
2 purchasing, possessing, or receiving a firearm, ammunition, or
3 firearm parts that could be assembled to make an operable
4 firearm. The petition shall also describe the type and
5 location of any firearm or firearms, ammunition, or firearm
6 parts that could be assembled to make an operable firearm
7 presently believed by the petitioner to be possessed or
8 controlled by the respondent.

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

25 (c) Every person who files a petition for an emergency
26 firearms restraining order, knowing the information provided

1 to the court at any hearing or in the affidavit or verified
2 pleading to be false, is guilty of perjury under Section 32-2
3 of the Criminal Code of 2012.

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

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

10 (f) If a circuit or associate judge finds probable cause
11 to believe that the respondent poses an immediate and present
12 danger of causing personal injury to himself, herself, or
13 another by having in his or her custody or control,
14 purchasing, possessing, or receiving a firearm, ammunition, or
15 firearm parts that could be assembled to make an operable
16 firearm, the circuit or associate judge shall issue an
17 emergency order.

18 (f-5) If the court issues an emergency firearms
19 restraining order, it shall, upon a finding of probable cause
20 that the respondent possesses firearms, ammunition, or firearm
21 parts that could be assembled to make an operable firearm,
22 issue a search warrant directing a law enforcement agency to
23 seize the respondent's firearms, ammunition, and firearm parts
24 that could be assembled to make an operable firearm. The court
25 may, as part of that warrant, direct the law enforcement
26 agency to search the respondent's residence and other places

1 where the court finds there is probable cause to believe he or
2 she is likely to possess the firearms, ammunition, or firearm
3 parts that could be assembled to make an operable firearm. A
4 return of the search warrant shall be filed by the law
5 enforcement agency within 4 days thereafter, setting forth the
6 time, date, and location that the search warrant was executed
7 and what items, if any, were seized.

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

9 (1) the respondent to refrain from having in his or
10 her custody or control, purchasing, possessing, or
11 receiving additional firearms, ammunition, or firearm
12 parts that could be assembled to make an operable firearm,
13 or removing firearm parts that could be assembled to make
14 an operable firearm for the duration of the order; and

15 (2) the respondent to turn over to the local law
16 enforcement agency any Firearm Owner's Identification Card
17 and concealed carry license in his or her possession. The
18 local law enforcement agency shall immediately mail the
19 card and concealed carry license to the Department of
20 State Police Firearm Services Bureau for safekeeping. The
21 firearm or firearms, ammunition, and firearm parts that
22 could be assembled to make an operable firearm and Firearm
23 Owner's Identification Card and concealed carry license,
24 if unexpired, shall be returned to the respondent after
25 the firearms restraining order is terminated or expired.

26 (h) Except as otherwise provided in subsection (h-5) of

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

19 (h-5) A respondent whose Firearm Owner's Identification
20 Card has been revoked or suspended may petition the court, if
21 the petitioner is present in court or has notice of the
22 respondent's petition, to transfer the respondent's firearm,
23 ammunition, and firearm parts that could be assembled to make
24 an operable firearm to a person who is lawfully able to possess
25 the firearm, ammunition, and firearm parts that could be
26 assembled to make an operable firearm if the person does not

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

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

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

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

6 (2) the firearm, ammunition, and firearm parts that
7 could be assembled to make an operable firearm ~~is~~ not
8 otherwise unlawfully possessed by the owner.

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

22 (i) In accordance with subsection (e) of this Section, the
23 court shall schedule a full hearing as soon as possible, but no
24 longer than 14 days from the issuance of an ex parte firearms
25 restraining order, to determine if a 6-month firearms
26 restraining order shall be issued. The court may extend an ex

1 parte order as needed, but not to exceed 14 days, to effectuate
2 service of the order or if necessary to continue protection.
3 The court may extend the order for a greater length of time by
4 mutual agreement of the parties.

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

6 (430 ILCS 67/40)

7 Sec. 40. Six-month orders.

8 (a) A petitioner may request a 6-month firearms
9 restraining order by filing an affidavit or verified pleading
10 alleging that the respondent poses a significant danger of
11 causing personal injury to himself, herself, or another in the
12 near future by having in his or her custody or control,
13 purchasing, possessing, or receiving a firearm, ammunition,
14 and firearm parts that could be assembled to make an operable
15 firearm. The petition shall also describe the number, types,
16 and locations of any firearms, ammunition, and firearm parts
17 that could be assembled to make an operable firearm presently
18 believed by the petitioner to be possessed or controlled by
19 the respondent.

20 (b) If the respondent is alleged to pose a significant
21 danger of causing personal injury to an intimate partner, or
22 an intimate partner is alleged to have been the target of a
23 threat or act of violence by the respondent, the petitioner
24 shall make a good faith effort to provide notice to any and all
25 intimate partners of the respondent. The notice must include

1 that the petitioner intends to petition the court for a
2 6-month firearms restraining order, and, if the petitioner is
3 a law enforcement officer, referral to relevant domestic
4 violence or stalking advocacy or counseling resources, if
5 appropriate. The petitioner shall attest to having provided
6 the notice in the filed affidavit or verified pleading. If,
7 after making a good faith effort, the petitioner is unable to
8 provide notice to any or all intimate partners, the affidavit
9 or verified pleading should describe what efforts were made.

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

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

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

21 (1) The unlawful and reckless use, display, or
22 brandishing of a firearm, ammunition, and firearm parts
23 that could be assembled to make an operable firearm by the
24 respondent.

25 (2) The history of use, attempted use, or threatened
26 use of physical force by the respondent against another

1 person.

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

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

6 (5) A recent threat of violence or act of violence by
7 the respondent directed toward himself, herself, or
8 another.

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

16 (7) A pattern of violent acts or violent threats,
17 including, but not limited to, threats of violence or acts
18 of violence by the respondent directed toward himself,
19 herself, or another.

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

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

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

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

23 (1) the respondent to refrain from having in his or
24 her custody or control, purchasing, possessing, or
25 receiving additional firearms, ammunition, and firearm
26 parts that could be assembled to make an operable firearm

1 for the duration of the order; and

2 (2) the respondent to turn over to the local law
3 enforcement agency any firearm, ammunition, and firearm
4 parts that could be assembled to make an operable firearm
5 or Firearm Owner's Identification Card and concealed carry
6 license in his or her possession. The local law
7 enforcement agency shall immediately mail the card and
8 concealed carry license to the Department of State Police
9 Firearm Services Bureau for safekeeping. The firearm or
10 firearms, ammunition, and firearm parts that could be
11 assembled to make an operable firearm and Firearm Owner's
12 Identification Card and concealed carry license, if
13 unexpired, shall be returned to the respondent after the
14 firearms restraining order is terminated or expired.

15 (i) Except as otherwise provided in subsection (i-5) of
16 this Section, upon expiration of the period of safekeeping, if
17 the firearms, ammunition, and firearm parts that could be
18 assembled to make an operable firearm or Firearm Owner's
19 Identification Card cannot be returned to the respondent
20 because the respondent cannot be located, fails to respond to
21 requests to retrieve the firearms, ammunition, and firearm
22 parts that could be assembled to make an operable firearm, or
23 is not lawfully eligible to possess a firearm, ammunition, and
24 firearm parts that could be assembled to make an operable
25 firearm, upon petition from the local law enforcement agency,
26 the court may order the local law enforcement agency to

1 destroy the firearms, ammunition, and firearm parts that could
2 be assembled to make an operable firearm, use the firearms,
3 ammunition, and firearm parts that could be assembled to make
4 an operable firearm for training purposes, or use the
5 firearms, ammunition, and firearm parts that could be
6 assembled to make an operable firearm for any other
7 application as deemed appropriate by the local law enforcement
8 agency.

9 (i-5) A respondent whose Firearm Owner's Identification
10 Card has been revoked or suspended may petition the court, if
11 the petitioner is present in court or has notice of the
12 respondent's petition, to transfer the respondent's firearm,
13 ammunition, and firearm parts that could be assembled to make
14 an operable firearm to a person who is lawfully able to possess
15 the firearm, ammunition, and firearm parts that could be
16 assembled to make an operable firearm if the person does not
17 reside at the same address as the respondent. Notice of the
18 petition shall be served upon the person protected by the
19 emergency firearms restraining order. While the order is in
20 effect, the transferee who receives the respondent's firearms,
21 ammunition, and firearm parts that could be assembled to make
22 an operable firearm must swear or affirm by affidavit that he
23 or she shall not transfer the firearm, ammunition, and firearm
24 parts that could be assembled to make an operable firearm to
25 the respondent or to anyone residing in the same residence as
26 the respondent.

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

13 (1) the firearm, ammunition, and firearm parts that
14 could be assembled to make an operable firearm are ~~is~~
15 removed from the respondent's custody, control, or
16 possession and the lawful owner agrees to store the
17 firearm, ammunition, and firearm parts that could be
18 assembled to make an operable firearm in a manner such
19 that the respondent does not have access to or control of
20 the firearm, ammunition, and firearm parts that could be
21 assembled to make an operable firearm; and

22 (2) the firearm, ammunition, and firearm parts that
23 could be assembled to make an operable firearm are ~~is~~ not
24 otherwise unlawfully possessed by the owner.

25 The person petitioning for the return of his or her
26 firearm, ammunition, and firearm parts that could be assembled

1 to make an operable firearm must swear or affirm by affidavit
2 that he or she: (i) is the lawful owner of the firearm,
3 ammunition, and firearm parts that could be assembled to make
4 an operable firearm; (ii) shall not transfer the firearm,
5 ammunition, and firearm parts that could be assembled to make
6 an operable firearm to the respondent; and (iii) will store
7 the firearm, ammunition, and firearm parts that could be
8 assembled to make an operable firearm in a manner that the
9 respondent does not have access to or control of the firearm,
10 ammunition, and firearm parts that could be assembled to make
11 an operable firearm.

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

15 (k) When the court issues a firearms restraining order
16 under this Section, the court shall inform the respondent that
17 he or she is entitled to one hearing during the period of the
18 order to request a termination of the order, under Section 45
19 of this Act, and shall provide the respondent with a form to
20 request a hearing.

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

22 (430 ILCS 67/45)

23 Sec. 45. Termination and renewal.

24 (a) A person subject to a firearms restraining order
25 issued under this Act may submit one written request at any

1 time during the effective period of the order for a hearing to
2 terminate the order.

3 (1) The respondent shall have the burden of proving by
4 a preponderance of the evidence that the respondent does
5 not pose a danger of causing personal injury to himself,
6 herself, or another in the near future by having in his or
7 her custody or control, purchasing, possessing, or
8 receiving a firearm, ammunition, and firearm parts that
9 could be assembled to make an operable firearm.

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

13 (b) A petitioner may request a renewal of a firearms
14 restraining order at any time within the 3 months before the
15 expiration of a firearms restraining order.

16 (1) A court shall, after notice and a hearing, renew a
17 firearms restraining order issued under this part if the
18 petitioner proves, by clear and convincing evidence, that
19 the respondent continues to pose a danger of causing
20 personal injury to himself, herself, or another in the
21 near future by having in his or her custody or control,
22 purchasing, possessing, or receiving a firearm,
23 ammunition, and firearm parts that could be assembled to
24 make an operable firearm.

25 (2) In determining whether to renew a firearms
26 restraining order issued under this Act, the court shall

1 consider evidence of the facts identified in subsection
2 (e) of Section 40 of this Act and any other evidence of an
3 increased risk for violence.

4 (3) At the hearing, the petitioner shall have the
5 burden of proving by clear and convincing evidence that
6 the respondent continues to pose a danger of causing
7 personal injury to himself, herself, or another in the
8 near future by having in his or her custody or control,
9 purchasing, possessing, or receiving a firearm,
10 ammunition, and firearm parts that could be assembled to
11 make an operable firearm.

12 (4) The renewal of a firearms restraining order issued
13 under this Section shall be in effect for 6 months,
14 subject to termination by further order of the court at a
15 hearing held under this Section and further renewal by
16 further order of the court under this Section.

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

18 (430 ILCS 67/85 new)

19 Sec. 85. Report to the General Assembly. The Illinois
20 State Police shall submit a yearly report to the General
21 Assembly or make available on its website the number of
22 petitions entered into the Law Enforcement Agencies Data
23 System."