



Rep. Maura Hirschauer

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LRB103 04267 RLC 61599 a

1 AMENDMENT TO HOUSE BILL 676

2 AMENDMENT NO. _____. Amend House Bill 676 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Section 5-1117 as follows:

6 (55 ILCS 5/5-1117) (from Ch. 34, par. 5-1117)

7 Sec. 5-1117. Discharge of firearms.

8 (a) The county board of any county may, by ordinance,
9 regulate or prohibit within unincorporated areas the discharge
10 of firearms in any residential area where such discharge is
11 likely to subject residents or passersby to the risk of
12 injury. However, such an ordinance shall not limit the right
13 to discharge a firearm for the lawful defense of persons or
14 property, or in the course of making a lawful arrest, when such
15 use of force is justified under Article 7 of the Criminal Code
16 of 2012.

1 (b) For the purposes of this Section, a "residential area"
2 is any area within 1,000 ~~300~~ yards of at least 3 single or
3 multi-family residential structures.

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

5 Section 10. The Illinois Insurance Code is amended by
6 adding Section 392.2 as follows:

7 (215 ILCS 5/392.2 new)

8 Sec. 392.2. Task Force on Firearm Insurance.

9 (a) The Task Force on Firearm Insurance is created for the
10 purpose of reviewing public policy options relating to the
11 insurance of firearms in the State of Illinois.

12 (b) The Department shall provide administrative support
13 for the Task Force to review current and potential future
14 insurance policy offerings for the safe and legal possession
15 of firearms and offer policymaking recommendations related to
16 the use of that insurance. The Task Force shall work
17 cooperatively with the insurance industry, community
18 organizations, advocacy groups, and appropriate State agencies
19 to develop policy options related to insuring the ownership
20 and use of firearms. The Task Force shall be comprised of the
21 following members:

22 (1) One member of the General Assembly, appointed by
23 the Speaker of the House of Representatives.

24 (2) One member of the General Assembly, appointed by

1 the President of the Senate.

2 (3) One member of the General Assembly, appointed by
3 the Minority Leader of the House of Representatives.

4 (4) One member of the General Assembly, appointed by
5 the Minority Leader of the Senate.

6 (5) 2 representatives of the Illinois commercial
7 insurance industry, appointed by the Governor.

8 (6) 2 experts in the incidences, causes, and impacts
9 of firearm-related injuries and deaths, appointed by the
10 Governor.

11 (7) The Director of the Illinois State Police, or the
12 Director of the Illinois State Police's designee.

13 (8) The Director of Insurance, or the Director of
14 Insurance's designee.

15 (9) The Director of Public Health, or the Director of
16 Public Health's designee.

17 (10) 2 representatives of firearm advocacy groups,
18 appointed by the Governor.

19 (11) The Director of Natural Resources, or the
20 Director of Natural Resources' designee.

21 (c) The Task Force shall elect a chairperson from its
22 membership and shall have the authority to determine its
23 meeting schedules, hearing schedules, and agendas.

24 (d) Appointments shall be made within 90 days after the
25 effective date of this amendatory Act of the 103rd General
26 Assembly.

1 (e) Members shall serve without compensation and shall be
2 adults and residents of Illinois.

3 (f) The Task Force shall:

4 (1) review existing available insurance that covers
5 risks arising from the ownership and use of firearms;

6 (2) review potential future insurance policy offerings
7 that would cover risks arising from the ownership and use
8 of firearms;

9 (3) gather and analyze information on the cost and
10 other impacts associated with each policy option put
11 forward; and

12 (4) provide recommendations on the feasibility and
13 cost-effectiveness of requiring firearm owners in this
14 State to possess insurance, including any risks generally
15 to be covered.

16 (g) A report of the findings, recommendations, and other
17 information determined by the Task Force to be relevant shall
18 be made available on the Department's website.

19 (h) The Task Force shall submit the report of findings and
20 recommendations to the Governor and the General Assembly by
21 December 31, 2023.

22 (i) The Task Force on Firearm Insurance is dissolved and
23 this Section is repealed on January 1, 2025.

24 Section 15. The Firearm Owners Identification Card Act is
25 amended by changing Sections 1, 1.1, 2, and 3 as follows:

1 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

2 Sec. 1. It is hereby declared as a matter of legislative
3 determination that in order to promote and protect the health,
4 safety, and welfare of the public, it is necessary and in the
5 public interest to provide a system of identifying persons who
6 are not qualified to acquire or possess firearms, firearm
7 ammunition, prepackaged explosive components, stun guns, and
8 tasers within the State of Illinois by the establishment of a
9 system of Firearm Owner's Identification Cards, thereby
10 establishing a practical and workable system by which law
11 enforcement authorities will be afforded an opportunity to
12 identify those persons who are prohibited by Section 24-3.1 of
13 the Criminal Code of 2012, from acquiring or possessing
14 firearms and firearm ammunition and who are prohibited by this
15 Act from acquiring stun guns and tasers.

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

17 (430 ILCS 65/1.1)

18 Sec. 1.1. For purposes of this Act:

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

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

23 (2) determined by the Illinois State Police to be
24 addicted to narcotics based upon federal law or federal

1 guidelines.

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

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

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

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

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

19 (3.5) is guilty but mentally ill, as provided in
20 Section 5-2-6 of the Unified Code of Corrections;

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

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

25 (6) is a sexually violent person under subsection (f)
26 of Section 5 of the Sexually Violent Persons Commitment

1 Act;

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

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

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

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

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

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

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

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

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

25 (2) demonstrates threatening physical or verbal
26 behavior, such as violent, suicidal, or assaultive

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

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

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

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

12 "Developmental disability" means a severe, chronic
13 disability of an individual that:

14 (1) is attributable to a mental or physical impairment
15 or combination of mental and physical impairments;

16 (2) is manifested before the individual attains age
17 22;

18 (3) is likely to continue indefinitely;

19 (4) results in substantial functional limitations in 3
20 or more of the following areas of major life activity:

21 (A) Self-care.

22 (B) Receptive and expressive language.

23 (C) Learning.

24 (D) Mobility.

25 (E) Self-direction.

26 (F) Capacity for independent living.

1 (G) Economic self-sufficiency; and

2 (5) reflects the individual's need for a combination
3 and sequence of special, interdisciplinary, or generic
4 services, individualized supports, or other forms of
5 assistance that are of lifelong or extended duration and
6 are individually planned and coordinated.

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

10 "Firearm" means any device, by whatever name known, which
11 is designed to expel a projectile or projectiles by the action
12 of an explosion, expansion of gas or escape of gas; excluding,
13 however:

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

18 (1.1) any pneumatic gun, spring gun, paint ball gun,
19 or B-B gun which expels breakable paint balls containing
20 washable marking colors;

21 (2) any device used exclusively for signaling or
22 safety and required or recommended by the United States
23 Coast Guard or the Interstate Commerce Commission;

24 (3) any device used exclusively for the firing of stud
25 cartridges, explosive rivets or similar industrial
26 ammunition; and

1 (4) an antique firearm (other than a machine-gun)
2 which, although designed as a weapon, the Illinois State
3 Police finds by reason of the date of its manufacture,
4 value, design, and other characteristics is primarily a
5 collector's item and is not likely to be used as a weapon.

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

9 (1) any ammunition exclusively designed for use with a
10 device used exclusively for signaling or safety and
11 required or recommended by the United States Coast Guard
12 or the Interstate Commerce Commission; and

13 (2) any ammunition designed exclusively for use with a
14 stud or rivet driver or other similar industrial
15 ammunition.

16 "Gun show" means an event or function:

17 (1) at which the sale and transfer of firearms is the
18 regular and normal course of business and where 50 or more
19 firearms are displayed, offered, or exhibited for sale,
20 transfer, or exchange; or

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

24 "Gun show" includes the entire premises provided for an
25 event or function, including parking areas for the event or
26 function, that is sponsored to facilitate the purchase, sale,

1 transfer, or exchange of firearms as described in this
2 Section. Nothing in this definition shall be construed to
3 exclude a gun show held in conjunction with competitive
4 shooting events at the World Shooting Complex sanctioned by a
5 national governing body in which the sale or transfer of
6 firearms is authorized under subparagraph (5) of paragraph (g)
7 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

8 Unless otherwise expressly stated, "gun show" does not
9 include training or safety classes, competitive shooting
10 events, such as rifle, shotgun, or handgun matches, trap,
11 skeet, or sporting clays shoots, dinners, banquets, raffles,
12 or any other event where the sale or transfer of firearms is
13 not the primary course of business.

14 "Gun show promoter" means a person who organizes or
15 operates a gun show.

16 "Gun show vendor" means a person who exhibits, sells,
17 offers for sale, transfers, or exchanges any firearms at a gun
18 show, regardless of whether the person arranges with a gun
19 show promoter for a fixed location from which to exhibit,
20 sell, offer for sale, transfer, or exchange any firearm.

21 "Intellectual disability" means significantly subaverage
22 general intellectual functioning, existing concurrently with
23 deficits in adaptive behavior and manifested during the
24 developmental period, which is defined as before the age of
25 22, that adversely affects a child's educational performance.

26 "Involuntarily admitted" has the meaning as prescribed in

1 Sections 1-119 and 1-119.1 of the Mental Health and
2 Developmental Disabilities Code.

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

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

17 "Noncitizen" means a person who is not a citizen of the
18 United States, but is a person who is a foreign-born person who
19 lives in the United States, has not been naturalized, and is
20 still a citizen of a foreign country.

21 "Patient" means:

22 (1) a person who is admitted as an inpatient or
23 resident of a public or private mental health facility for
24 mental health treatment under Chapter III of the Mental
25 Health and Developmental Disabilities Code as an informal
26 admission, a voluntary admission, a minor admission, an

1 emergency admission, or an involuntary admission, unless
2 the treatment was solely for an alcohol abuse disorder; or

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

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

10 "Prepackaged explosive components" has the same meaning
11 ascribed to the term in Section 24-4.3 of the Criminal Code of
12 2012.

13 "Protective order" means any orders of protection issued
14 under the Illinois Domestic Violence Act of 1986, stalking no
15 contact orders issued under the Stalking No Contact Order Act,
16 civil no contact orders issued under the Civil No Contact
17 Order Act, and firearms restraining orders issued under the
18 Firearms Restraining Order Act or a substantially similar
19 order issued by the court of another state, tribe, or United
20 States territory or military tribunal.

21 "Qualified examiner" has the meaning provided in Section
22 1-122 of the Mental Health and Developmental Disabilities
23 Code.

24 "Sanctioned competitive shooting event" means a shooting
25 contest officially recognized by a national or state shooting
26 sport association, and includes any sight-in or practice

1 conducted in conjunction with the event.

2 "School administrator" means the person required to report
3 under the School Administrator Reporting of Mental Health
4 Clear and Present Danger Determinations Law.

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

7 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
8 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 102-972, eff.
9 1-1-23; 102-1030, eff. 5-27-22; revised 12-14-22.)

10 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

11 Sec. 2. Firearm Owner's Identification Card required;
12 exceptions.

13 (a) (1) No person may acquire or possess any firearm,
14 prepackaged explosive components, stun gun, or taser within
15 this State without having in his or her possession a Firearm
16 Owner's Identification Card previously issued in his or her
17 name by the Illinois State Police under the provisions of this
18 Act.

19 (2) No person may acquire or possess firearm ammunition
20 within this State without having in his or her possession a
21 Firearm Owner's Identification Card previously issued in his
22 or her name by the Illinois State Police under the provisions
23 of this Act.

24 (b) The provisions of this Section regarding the
25 possession of firearms, firearm ammunition, stun guns, and

1 tasers do not apply to:

2 (1) United States Marshals, while engaged in the
3 operation of their official duties;

4 (2) Members of the Armed Forces of the United States
5 or the National Guard, while engaged in the operation of
6 their official duties;

7 (3) Federal officials required to carry firearms,
8 while engaged in the operation of their official duties;

9 (4) Members of bona fide veterans organizations which
10 receive firearms directly from the armed forces of the
11 United States, while using the firearms for ceremonial
12 purposes with blank ammunition;

13 (5) Nonresident hunters during hunting season, with
14 valid nonresident hunting licenses and while in an area
15 where hunting is permitted; however, at all other times
16 and in all other places these persons must have their
17 firearms unloaded and enclosed in a case;

18 (6) Those hunters exempt from obtaining a hunting
19 license who are required to submit their Firearm Owner's
20 Identification Card when hunting on Department of Natural
21 Resources owned or managed sites;

22 (7) Nonresidents while on a firing or shooting range
23 recognized by the Illinois State Police; however, these
24 persons must at all other times and in all other places
25 have their firearms unloaded and enclosed in a case;

26 (8) Nonresidents while at a firearm showing or display

1 recognized by the Illinois State Police; however, at all
2 other times and in all other places these persons must
3 have their firearms unloaded and enclosed in a case;

4 (9) Nonresidents whose firearms are unloaded and
5 enclosed in a case;

6 (10) Nonresidents who are currently licensed or
7 registered to possess a firearm in their resident state;

8 (11) Unemancipated minors while in the custody and
9 immediate control of their parent or legal guardian or
10 other person in loco parentis to the minor if the parent or
11 legal guardian or other person in loco parentis to the
12 minor has a currently valid Firearm Owner's Identification
13 Card;

14 (12) Color guards of bona fide veterans organizations
15 or members of bona fide American Legion bands while using
16 firearms for ceremonial purposes with blank ammunition;

17 (13) Nonresident hunters whose state of residence does
18 not require them to be licensed or registered to possess a
19 firearm and only during hunting season, with valid hunting
20 licenses, while accompanied by, and using a firearm owned
21 by, a person who possesses a valid Firearm Owner's
22 Identification Card and while in an area within a
23 commercial club licensed under the Wildlife Code where
24 hunting is permitted and controlled, but in no instance
25 upon sites owned or managed by the Department of Natural
26 Resources;

1 (14) Resident hunters who are properly authorized to
2 hunt and, while accompanied by a person who possesses a
3 valid Firearm Owner's Identification Card, hunt in an area
4 within a commercial club licensed under the Wildlife Code
5 where hunting is permitted and controlled; and

6 (15) A person who is otherwise eligible to obtain a
7 Firearm Owner's Identification Card under this Act and is
8 under the direct supervision of a holder of a Firearm
9 Owner's Identification Card who is 21 years of age or
10 older while the person is on a firing or shooting range or
11 is a participant in a firearms safety and training course
12 recognized by a law enforcement agency or a national,
13 statewide shooting sports organization.

14 (c) The provisions of this Section regarding the
15 acquisition and possession of firearms, firearm ammunition,
16 prepackaged explosive components, stun guns, and tasers do not
17 apply to law enforcement officials of this or any other
18 jurisdiction, while engaged in the performance ~~operation~~ of
19 their official duties.

20 (c-5) The provisions of paragraphs (1) and (2) of
21 subsection (a) of this Section regarding the possession of
22 firearms and firearm ammunition do not apply to the holder of a
23 valid concealed carry license issued under the Firearm
24 Concealed Carry Act who is in physical possession of the
25 concealed carry license.

26 (c-10) The provisions of paragraph (1) of subsection (a)

1 of this Section regarding the acquisition and possession of
2 prepackaged explosive components do not apply to:

3 (1) Members of the Armed Services or Reserves Forces
4 of the United States or the Illinois National Guard while
5 in the performance of their official duty.

6 (2) Persons licensed under State and federal law to
7 manufacture, import, or sell prepackaged explosive
8 components, and actually engaged in that business, but
9 only with respect to activities which are within the
10 lawful scope of the business, including the manufacture,
11 transportation, or testing of prepackaged explosive
12 components.

13 (3) Contractors or subcontractors engaged in the
14 manufacture, transport, testing, delivery, transfer or
15 sale, and lawful experimental activities under a contract
16 or subcontract for the development and supply of the
17 product to the United States government or any branch of
18 the Armed Forces of the United States, when those
19 activities are necessary and incident to fulfilling the
20 terms of the contract. The exemption granted under this
21 paragraph (3) shall also apply to any authorized agent of
22 any contractor or subcontractor described in this
23 paragraph (3) who is operating within the scope of his or
24 her employment, when the activities involving the
25 prepackaged explosive components are necessary and
26 incident to fulfilling the terms of the contract.

1 (4) Sales clerks or retail merchants selling or
2 transferring prepackaged explosive components.

3 (d) Any person who becomes a resident of this State, who is
4 not otherwise prohibited from obtaining, possessing, or using
5 a firearm or firearm ammunition, shall not be required to have
6 a Firearm Owner's Identification Card to possess firearms or
7 firearms ammunition until 60 calendar days after he or she
8 obtains an Illinois driver's license or Illinois
9 Identification Card.

10 (Source: P.A. 102-538, eff. 8-20-21; 102-1116, eff. 1-10-23.)

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

12 (Text of Section before amendment by P.A. 102-237)

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

1 (a-5) Any person who is not a federally licensed firearm
2 dealer and who desires to transfer or sell a firearm while that
3 person is on the grounds of a gun show must, before selling or
4 transferring the firearm, request the Illinois State Police to
5 conduct a background check on the prospective recipient of the
6 firearm in accordance with Section 3.1.

7 (a-10) Notwithstanding item (2) of subsection (a) of this
8 Section, any person who is not a federally licensed firearm
9 dealer and who desires to transfer or sell a firearm or
10 firearms to any person who is not a federally licensed firearm
11 dealer shall, before selling or transferring the firearms,
12 contact a federal firearm license dealer under paragraph (1)
13 of subsection (a-15) of this Section to conduct the transfer
14 or the Illinois State Police with the transferee's or
15 purchaser's Firearm Owner's Identification Card number to
16 determine the validity of the transferee's or purchaser's
17 Firearm Owner's Identification Card under State and federal
18 law including the National Instant Criminal Background Check
19 System. This subsection shall not be effective until July 1,
20 2023. Until that date the transferor shall contact the
21 Illinois State Police with the transferee's or purchaser's
22 Firearm Owner's Identification Card number to determine the
23 validity of the card. The Illinois State Police may adopt
24 rules concerning the implementation of this subsection. The
25 Illinois State Police shall provide the seller or transferor
26 an approval number if the purchaser's Firearm Owner's

1 Identification Card is valid. Approvals issued by the Illinois
2 State Police for the purchase of a firearm pursuant to this
3 subsection are valid for 30 days from the date of issue.

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

6 (1) transfers that occur at the place of business of a
7 federally licensed firearm dealer, if the federally
8 licensed firearm dealer conducts a background check on the
9 prospective recipient of the firearm in accordance with
10 Section 3.1 of this Act and follows all other applicable
11 federal, State, and local laws as if he or she were the
12 seller or transferor of the firearm, although the dealer
13 is not required to accept the firearm into his or her
14 inventory. The purchaser or transferee may be required by
15 the federally licensed firearm dealer to pay a fee not to
16 exceed \$25 per firearm, which the dealer may retain as
17 compensation for performing the functions required under
18 this paragraph, plus the applicable fees authorized by
19 Section 3.1;

20 (2) transfers as a bona fide gift to the transferor's
21 husband, wife, son, daughter, stepson, stepdaughter,
22 father, mother, stepfather, stepmother, brother, sister,
23 nephew, niece, uncle, aunt, grandfather, grandmother,
24 grandson, granddaughter, father-in-law, mother-in-law,
25 son-in-law, or daughter-in-law;

26 (3) transfers by persons acting pursuant to operation

1 of law or a court order;

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

4 (5) the delivery of a firearm by its owner to a
5 gunsmith for service or repair, the return of the firearm
6 to its owner by the gunsmith, or the delivery of a firearm
7 by a gunsmith to a federally licensed firearms dealer for
8 service or repair and the return of the firearm to the
9 gunsmith;

10 (6) temporary transfers that occur while in the home
11 of the unlicensed transferee, if the unlicensed transferee
12 is not otherwise prohibited from possessing firearms and
13 the unlicensed transferee reasonably believes that
14 possession of the firearm is necessary to prevent imminent
15 death or great bodily harm to the unlicensed transferee;

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

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

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

25 (a-20) The Illinois State Police shall develop an
26 Internet-based system for individuals to determine the

1 validity of a Firearm Owner's Identification Card prior to the
2 sale or transfer of a firearm. The Illinois State Police shall
3 have the Internet-based system updated and available for use
4 by January 1, 2024. The Illinois State Police shall adopt
5 rules not inconsistent with this Section to implement this
6 system, but no rule shall allow the Illinois State Police to
7 retain records in contravention of State and federal law.

8 (a-25) On or before January 1, 2022, the Illinois State
9 Police shall develop an Internet-based system upon which the
10 serial numbers of firearms that have been reported stolen are
11 available for public access for individuals to ensure any
12 firearms are not reported stolen prior to the sale or transfer
13 of a firearm under this Section. The Illinois State Police
14 shall have the Internet-based system completed and available
15 for use by July 1, 2022. The Illinois State Police shall adopt
16 rules not inconsistent with this Section to implement this
17 system.

18 (b) Any person within this State who transfers or causes
19 to be transferred any firearm, prepackaged explosive
20 components, stun gun, or taser shall keep a record of the ~~such~~
21 transfer for a period of 10 years from the date of transfer.
22 Any person within this State who receives any firearm,
23 prepackaged explosive components, stun gun, or taser pursuant
24 to subsection (a-10) shall provide a record of the transfer
25 within 10 days of the transfer to a federally licensed firearm
26 dealer and shall not be required to maintain a transfer

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

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

22 (b-5) Any resident may purchase ammunition from a person
23 within or outside of Illinois if shipment is by United States
24 mail or by a private express carrier authorized by federal law
25 to ship ammunition. Any resident purchasing ammunition within
26 or outside the State of Illinois must provide the seller with a

1 copy of his or her valid Firearm Owner's Identification Card
2 or valid concealed carry license and either his or her
3 Illinois driver's license or Illinois State Identification
4 Card prior to the shipment of the ammunition. The ammunition
5 may be shipped only to an address on either of those 2
6 documents.

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

10 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;
11 102-1116, eff. 1-10-23.)

12 (Text of Section after amendment by P.A. 102-237)

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

1 (a-5) Any person who is not a federally licensed firearm
2 dealer and who desires to transfer or sell a firearm while that
3 person is on the grounds of a gun show must, before selling or
4 transferring the firearm, request the Illinois State Police to
5 conduct a background check on the prospective recipient of the
6 firearm in accordance with Section 3.1.

7 (a-10) Notwithstanding item (2) of subsection (a) of this
8 Section, any person who is not a federally licensed firearm
9 dealer and who desires to transfer or sell a firearm or
10 firearms to any person who is not a federally licensed firearm
11 dealer shall, before selling or transferring the firearms,
12 contact a federal firearm license dealer under paragraph (1)
13 of subsection (a-15) of this Section to conduct the transfer
14 or the Illinois State Police with the transferee's or
15 purchaser's Firearm Owner's Identification Card number to
16 determine the validity of the transferee's or purchaser's
17 Firearm Owner's Identification Card under State and federal
18 law, including the National Instant Criminal Background Check
19 System. This subsection shall not be effective until July 1,
20 2023. Until that date the transferor shall contact the
21 Illinois State Police with the transferee's or purchaser's
22 Firearm Owner's Identification Card number to determine the
23 validity of the card. The Illinois State Police may adopt
24 rules concerning the implementation of this subsection. The
25 Illinois State Police shall provide the seller or transferor
26 an approval number if the purchaser's Firearm Owner's

1 Identification Card is valid. Approvals issued by the Illinois
2 State Police for the purchase of a firearm pursuant to this
3 subsection are valid for 30 days from the date of issue.

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

6 (1) transfers that occur at the place of business of a
7 federally licensed firearm dealer, if the federally
8 licensed firearm dealer conducts a background check on the
9 prospective recipient of the firearm in accordance with
10 Section 3.1 of this Act and follows all other applicable
11 federal, State, and local laws as if he or she were the
12 seller or transferor of the firearm, although the dealer
13 is not required to accept the firearm into his or her
14 inventory. The purchaser or transferee may be required by
15 the federally licensed firearm dealer to pay a fee not to
16 exceed \$25 per firearm, which the dealer may retain as
17 compensation for performing the functions required under
18 this paragraph, plus the applicable fees authorized by
19 Section 3.1;

20 (2) transfers as a bona fide gift to the transferor's
21 husband, wife, son, daughter, stepson, stepdaughter,
22 father, mother, stepfather, stepmother, brother, sister,
23 nephew, niece, uncle, aunt, grandfather, grandmother,
24 grandson, granddaughter, father-in-law, mother-in-law,
25 son-in-law, or daughter-in-law;

26 (3) transfers by persons acting pursuant to operation

1 of law or a court order;

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

4 (5) the delivery of a firearm by its owner to a
5 gunsmith for service or repair, the return of the firearm
6 to its owner by the gunsmith, or the delivery of a firearm
7 by a gunsmith to a federally licensed firearms dealer for
8 service or repair and the return of the firearm to the
9 gunsmith;

10 (6) temporary transfers that occur while in the home
11 of the unlicensed transferee, if the unlicensed transferee
12 is not otherwise prohibited from possessing firearms and
13 the unlicensed transferee reasonably believes that
14 possession of the firearm is necessary to prevent imminent
15 death or great bodily harm to the unlicensed transferee;

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

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

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

25 (a-20) The Illinois State Police shall develop an
26 Internet-based system for individuals to determine the

1 validity of a Firearm Owner's Identification Card prior to the
2 sale or transfer of a firearm. The Illinois State Police shall
3 have the Internet-based system updated and available for use
4 by January 1, 2024. The Illinois State Police shall adopt
5 rules not inconsistent with this Section to implement this
6 system; but no rule shall allow the Illinois State Police to
7 retain records in contravention of State and federal law.

8 (a-25) On or before January 1, 2022, the Illinois State
9 Police shall develop an Internet-based system upon which the
10 serial numbers of firearms that have been reported stolen are
11 available for public access for individuals to ensure any
12 firearms are not reported stolen prior to the sale or transfer
13 of a firearm under this Section. The Illinois State Police
14 shall have the Internet-based system completed and available
15 for use by July 1, 2022. The Illinois State Police shall adopt
16 rules not inconsistent with this Section to implement this
17 system.

18 (b) Any person within this State who transfers or causes
19 to be transferred any firearm, prepackaged explosive
20 components, stun gun, or taser shall keep a record of such
21 transfer for a period of 10 years from the date of transfer.
22 Any person within this State who receives any firearm,
23 prepackaged explosive components, stun gun, or taser pursuant
24 to subsection (a-10) shall provide a record of the transfer
25 within 10 days of the transfer to a federally licensed firearm
26 dealer and shall not be required to maintain a transfer

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

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

22 (b-5) Any resident may purchase ammunition from a person
23 within or outside of Illinois if shipment is by United States
24 mail or by a private express carrier authorized by federal law
25 to ship ammunition. Any resident purchasing ammunition within
26 or outside the State of Illinois must provide the seller with a

1 copy of his or her valid Firearm Owner's Identification Card
2 or valid concealed carry license and either his or her
3 Illinois driver's license or Illinois State Identification
4 Card prior to the shipment of the ammunition. The ammunition
5 may be shipped only to an address on either of those 2
6 documents.

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

10 (Source: P.A. 102-237, eff. 1-1-24; 102-538, eff. 8-20-21;
11 102-813, eff. 5-13-22; 102-1116, eff. 1-10-23.)

12 Section 20. The Firearms Restraining Order Act is amended
13 by changing Section 5 as follows:

14 (430 ILCS 67/5)

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

16 "Family member of the respondent" means a spouse, former
17 spouse, person with whom the respondent has a minor child in
18 common, parent, child, or step-child of the respondent, any
19 other person related by blood or present marriage to the
20 respondent, or a person who shares a common dwelling with the
21 respondent.

22 "Firearms restraining order" means an order issued by the
23 court, prohibiting and enjoining a named person from having in
24 his or her custody or control, purchasing, possessing, or

1 receiving any firearms or ammunition, or removing firearm
2 parts that could be assembled to make an operable firearm.

3 "Intimate partner" means a spouse, former spouse, a person
4 with whom the respondent has or allegedly has a child in
5 common, or a person with whom the respondent has or has had a
6 dating or engagement relationship.

7 "Petitioner" means:

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

10 (2) a law enforcement officer who files a petition
11 alleging that the respondent poses a danger of causing
12 personal injury to himself, herself, or another by having
13 in his or her custody or control, purchasing, possessing,
14 or receiving a firearm, ammunition, or firearm parts that
15 could be assembled to make an operable firearm or removing
16 firearm parts that could be assembled to make an operable
17 firearm; or

18 (3) intimate partner.

19 "Respondent" means the person alleged in the petition to
20 pose a danger of causing personal injury to himself, herself,
21 or another by having in his or her custody or control,
22 purchasing, possessing, or receiving a firearm, ammunition, or
23 firearm parts that could be assembled to make an operable
24 firearm or removing firearm parts that could be assembled to
25 make an operable firearm.

26 (Source: P.A. 101-81, eff. 7-12-19; 102-345, eff. 6-1-22.)

1 Section 25. The Criminal Code of 2012 is amended by adding
2 Section 24-4.3 as follows:

3 (720 ILCS 5/24-4.3 new)

4 Sec. 24-4.3. Unlawful sale or delivery of prepackaged
5 explosive components.

6 (a) A person commits unlawful sale or delivery of
7 prepackaged explosive components when he or she knowingly does
8 any of the following:

9 (1) Sells or gives prepackaged explosive components to
10 a person who is disqualified under the Firearm Owners
11 Identification Card Act.

12 (A) the person's Firearm Owner's Identification
13 Card is revoked or subject to revocation under Section
14 8 of the Firearm Owners Identification Card Act;

15 (B) the person's Firearm Owner's Identification
16 Card is expired and not otherwise eligible for renewal
17 under the Firearm Owners Identification Card Act; or

18 (C) the person does not possess a currently valid
19 Firearm Owner's Identification Card, and the person is
20 not otherwise eligible under the Firearm Owners
21 Identification Card Act.

22 (2) Sells or transfers prepackaged explosive
23 components to a person who does not display to the seller
24 or transferor of the prepackaged explosive components a

1 currently valid Firearm Owner's Identification Card that
2 has previously been issued in the transferee's name by the
3 Department of State Police under the Firearm Owners
4 Identification Card Act. This paragraph (2) does not apply
5 to the transfer of prepackaged explosive components to a
6 person who is exempt from the requirement of possessing a
7 Firearm Owner's Identification Card under Section 2 of the
8 Firearm Owners Identification Card Act. For the purposes
9 of this Section, a currently valid Firearm Owner's
10 Identification Card means a Firearm Owner's Identification
11 Card that has not expired.

12 (3) Sells or gives prepackaged explosive components
13 while engaged in the business of selling prepackaged
14 explosive components at wholesale or retail without being
15 licensed as a federal firearms dealer under Section 923 of
16 the federal Gun Control Act of 1968 (18 U.S.C. 923). In
17 this paragraph (3), a person "engaged in the business"
18 means a person who devotes time, attention, and labor to
19 engaging in the activity as a regular course of trade or
20 business with the principal objective of livelihood and
21 profit.

22 (b) For the purposes of this Section, "prepackaged
23 explosive components" means a prepackaged product containing 2
24 or more unmixed, commercially manufactured chemical substances
25 that are not independently classified as explosives but which,
26 when mixed or combined, results in an explosive material

1 subject to regulation by the federal Bureau of Alcohol,
2 Tobacco, Firearms, and Explosives under Title 27 CFR Part 555.

3 (c) All sellers or transferors who have complied with the
4 requirements of this Section shall not be liable for damages
5 in any civil action arising from the use or misuse by the
6 transferee of the prepackaged explosive components
7 transferred, except for willful or wanton misconduct on the
8 part of the seller or transferor.

9 (d) Sentence. Any person who is convicted of unlawful sale
10 or delivery of prepackaged explosive components commits a
11 Class 4 felony.

12 Section 30. The Code of Criminal Procedure of 1963 is
13 amended by changing Section 112A-14 as follows:

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

15 Sec. 112A-14. Domestic violence order of protection;
16 remedies.

17 (a) (Blank).

18 (b) The court may order any of the remedies listed in this
19 subsection (b). The remedies listed in this subsection (b)
20 shall be in addition to other civil or criminal remedies
21 available to petitioner.

22 (1) Prohibition of abuse. Prohibit respondent's
23 harassment, interference with personal liberty,
24 intimidation of a dependent, physical abuse, or willful

1 deprivation, as defined in this Article, if such abuse has
2 occurred or otherwise appears likely to occur if not
3 prohibited.

4 (2) Grant of exclusive possession of residence.
5 Prohibit respondent from entering or remaining in any
6 residence, household, or premises of the petitioner,
7 including one owned or leased by respondent, if petitioner
8 has a right to occupancy thereof. The grant of exclusive
9 possession of the residence, household, or premises shall
10 not affect title to real property, nor shall the court be
11 limited by the standard set forth in subsection (c-2) of
12 Section 501 of the Illinois Marriage and Dissolution of
13 Marriage Act.

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

23 (B) Presumption of hardships. If petitioner and
24 respondent each has the right to occupancy of a
25 residence or household, the court shall balance (i)
26 the hardships to respondent and any minor child or

1 dependent adult in respondent's care resulting from
2 entry of this remedy with (ii) the hardships to
3 petitioner and any minor child or dependent adult in
4 petitioner's care resulting from continued exposure to
5 the risk of abuse (should petitioner remain at the
6 residence or household) or from loss of possession of
7 the residence or household (should petitioner leave to
8 avoid the risk of abuse). When determining the balance
9 of hardships, the court shall also take into account
10 the accessibility of the residence or household.
11 Hardships need not be balanced if respondent does not
12 have a right to occupancy.

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

24 (3) Stay away order and additional prohibitions. Order
25 respondent to stay away from petitioner or any other
26 person protected by the domestic violence order of

1 protection, or prohibit respondent from entering or
2 remaining present at petitioner's school, place of
3 employment, or other specified places at times when
4 petitioner is present, or both, if reasonable, given the
5 balance of hardships. Hardships need not be balanced for
6 the court to enter a stay away order or prohibit entry if
7 respondent has no right to enter the premises.

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

20 (B) When the petitioner and the respondent attend
21 the same public, private, or non-public elementary,
22 middle, or high school, the court when issuing a
23 domestic violence order of protection and providing
24 relief shall consider the severity of the act, any
25 continuing physical danger or emotional distress to
26 the petitioner, the educational rights guaranteed to

1 the petitioner and respondent under federal and State
2 law, the availability of a transfer of the respondent
3 to another school, a change of placement or a change of
4 program of the respondent, the expense, difficulty,
5 and educational disruption that would be caused by a
6 transfer of the respondent to another school, and any
7 other relevant facts of the case. The court may order
8 that the respondent not attend the public, private, or
9 non-public elementary, middle, or high school attended
10 by the petitioner, order that the respondent accept a
11 change of placement or change of program, as
12 determined by the school district or private or
13 non-public school, or place restrictions on the
14 respondent's movements within the school attended by
15 the petitioner. The respondent bears the burden of
16 proving by a preponderance of the evidence that a
17 transfer, change of placement, or change of program of
18 the respondent is not available. The respondent also
19 bears the burden of production with respect to the
20 expense, difficulty, and educational disruption that
21 would be caused by a transfer of the respondent to
22 another school. A transfer, change of placement, or
23 change of program is not unavailable to the respondent
24 solely on the ground that the respondent does not
25 agree with the school district's or private or
26 non-public school's transfer, change of placement, or

1 change of program or solely on the ground that the
2 respondent fails or refuses to consent or otherwise
3 does not take an action required to effectuate a
4 transfer, change of placement, or change of program.
5 When a court orders a respondent to stay away from the
6 public, private, or non-public school attended by the
7 petitioner and the respondent requests a transfer to
8 another attendance center within the respondent's
9 school district or private or non-public school, the
10 school district or private or non-public school shall
11 have sole discretion to determine the attendance
12 center to which the respondent is transferred. If the
13 court order results in a transfer of the minor
14 respondent to another attendance center, a change in
15 the respondent's placement, or a change of the
16 respondent's program, the parents, guardian, or legal
17 custodian of the respondent is responsible for
18 transportation and other costs associated with the
19 transfer or change.

20 (C) The court may order the parents, guardian, or
21 legal custodian of a minor respondent to take certain
22 actions or to refrain from taking certain actions to
23 ensure that the respondent complies with the order. If
24 the court orders a transfer of the respondent to
25 another school, the parents, guardian, or legal
26 custodian of the respondent is responsible for

1 transportation and other costs associated with the
2 change of school by the respondent.

3 (4) Counseling. Require or recommend the respondent to
4 undergo counseling for a specified duration with a social
5 worker, psychologist, clinical psychologist,
6 psychiatrist, family service agency, alcohol or substance
7 abuse program, mental health center guidance counselor,
8 agency providing services to elders, program designed for
9 domestic violence abusers, or any other guidance service
10 the court deems appropriate. The court may order the
11 respondent in any intimate partner relationship to report
12 to an Illinois Department of Human Services protocol
13 approved partner abuse intervention program for an
14 assessment and to follow all recommended treatment.

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

25 If the respondent is charged with abuse (as defined in
26 Section 112A-3 of this Code) of a minor child, there shall

1 be a rebuttable presumption that awarding physical care to
2 respondent would not be in the minor child's best
3 interest.

4 (6) Temporary allocation of parental responsibilities
5 and significant decision-making responsibilities. Award
6 temporary significant decision-making responsibility to
7 petitioner in accordance with this Section, the Illinois
8 Marriage and Dissolution of Marriage Act, the Illinois
9 Parentage Act of 2015, and this State's Uniform
10 Child-Custody Jurisdiction and Enforcement Act.

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 temporary
14 significant decision-making responsibility to respondent
15 would not be in the child's best interest.

16 (7) Parenting time. Determine the parenting time, if
17 any, of respondent in any case in which the court awards
18 physical care or temporary significant decision-making
19 responsibility of a minor child to petitioner. The court
20 shall restrict or deny respondent's parenting time with a
21 minor child if the court finds that respondent has done or
22 is likely to do any of the following:

23 (i) abuse or endanger the minor child during
24 parenting time;

25 (ii) use the parenting time as an opportunity to
26 abuse or harass petitioner or petitioner's family or

1 household members;

2 (iii) improperly conceal or detain the minor
3 child; or

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

6 The court shall not be limited by the standards set
7 forth in Section 603.10 of the Illinois Marriage and
8 Dissolution of Marriage Act. If the court grants parenting
9 time, the order shall specify dates and times for the
10 parenting time to take place or other specific parameters
11 or conditions that are appropriate. No order for parenting
12 time shall refer merely to the term "reasonable parenting
13 time". Petitioner may deny respondent access to the minor
14 child if, when respondent arrives for parenting time,
15 respondent is under the influence of drugs or alcohol and
16 constitutes a threat to the safety and well-being of
17 petitioner or petitioner's minor children or is behaving
18 in a violent or abusive manner. If necessary to protect
19 any member of petitioner's family or household from future
20 abuse, respondent shall be prohibited from coming to
21 petitioner's residence to meet the minor child for
22 parenting time, and the petitioner and respondent shall
23 submit to the court their recommendations for reasonable
24 alternative arrangements for parenting time. A person may
25 be approved to supervise parenting time only after filing
26 an affidavit accepting that responsibility and

1 acknowledging accountability to the court.

2 (8) Removal or concealment of minor child. Prohibit
3 respondent from removing a minor child from the State or
4 concealing the child within the State.

5 (9) Order to appear. Order the respondent to appear in
6 court, alone or with a minor child, to prevent abuse,
7 neglect, removal or concealment of the child, to return
8 the child to the custody or care of the petitioner, or to
9 permit any court-ordered interview or examination of the
10 child or the respondent.

11 (10) Possession of personal property. Grant petitioner
12 exclusive possession of personal property and, if
13 respondent has possession or control, direct respondent to
14 promptly make it available to petitioner, if:

15 (i) petitioner, but not respondent, owns the
16 property; or

17 (ii) the petitioner and respondent own the
18 property jointly; sharing it would risk abuse of
19 petitioner by respondent or is impracticable; and the
20 balance of hardships favors temporary possession by
21 petitioner.

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

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

3 No order under this provision shall affect title to
4 property.

5 (11) Protection of property. Forbid the respondent
6 from taking, transferring, encumbering, concealing,
7 damaging, or otherwise disposing of any real or personal
8 property, except as explicitly authorized by the court,
9 if:

10 (i) petitioner, but not respondent, owns the
11 property; or

12 (ii) the petitioner and respondent own the
13 property jointly, and the balance of hardships favors
14 granting this remedy.

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

21 The court may further prohibit respondent from
22 improperly using the financial or other resources of an
23 aged member of the family or household for the profit or
24 advantage of respondent or of any other person.

25 (11.5) Protection of animals. Grant the petitioner the
26 exclusive care, custody, or control of any animal owned,

1 possessed, leased, kept, or held by either the petitioner
2 or the respondent or a minor child residing in the
3 residence or household of either the petitioner or the
4 respondent and order the respondent to stay away from the
5 animal and forbid the respondent from taking,
6 transferring, encumbering, concealing, harming, or
7 otherwise disposing of the animal.

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

25 (13) Order for payment of losses. Order respondent to
26 pay petitioner for losses suffered as a direct result of

1 the abuse. Such losses shall include, but not be limited
2 to, medical expenses, lost earnings or other support,
3 repair or replacement of property damaged or taken,
4 reasonable attorney's fees, court costs, and moving or
5 other travel expenses, including additional reasonable
6 expenses for temporary shelter and restaurant meals.

7 (i) Losses affecting family needs. If a party is
8 entitled to seek maintenance, child support, or
9 property distribution from the other party under the
10 Illinois Marriage and Dissolution of Marriage Act, as
11 now or hereafter amended, the court may order
12 respondent to reimburse petitioner's actual losses, to
13 the extent that such reimbursement would be
14 "appropriate temporary relief", as authorized by
15 subsection (a) (3) of Section 501 of that Act.

16 (ii) Recovery of expenses. In the case of an
17 improper concealment or removal of a minor child, the
18 court may order respondent to pay the reasonable
19 expenses incurred or to be incurred in the search for
20 and recovery of the minor child, including, but not
21 limited to, legal fees, court costs, private
22 investigator fees, and travel costs.

23 (14) Prohibition of entry. Prohibit the respondent
24 from entering or remaining in the residence or household
25 while the respondent is under the influence of alcohol or
26 drugs and constitutes a threat to the safety and

1 well-being of the petitioner or the petitioner's children.

2 (14.5) Prohibition of firearm possession.

3 (A) A person who is subject to an existing
4 domestic violence order of protection issued under
5 this Code may not lawfully possess weapons or a
6 Firearm Owner's Identification Card under Section 8.2
7 of the Firearm Owners Identification Card Act.

8 (B) Any firearms in the possession of the
9 respondent, except as provided in subparagraph (C) of
10 this paragraph (14.5), shall be ordered by the court
11 to be turned over to a local law enforcement agency
12 ~~person with a valid Firearm Owner's Identification~~
13 ~~Card~~ for safekeeping and the respondent shall be
14 prohibited from acquiring or possessing any firearms
15 for the duration of the order of protection. The court
16 shall issue an order that the respondent comply with
17 Section 9.5 of the Firearm Owners Identification Card
18 Act.

19 (B-1) Immediately upon entry of an order of
20 protection prohibiting firearm possession under this
21 Section, the court shall issue a seizure order of any
22 firearm in the possession of the respondent, to be
23 kept by the local law enforcement agency for
24 safekeeping, except as provided in subparagraph (C). A
25 return of the seizure order shall be filed by the law
26 enforcement agency within 48 hours thereafter, setting

1 forth the time, date, and location that the seizure
2 order was executed and what items, if any, were
3 seized. The petitioner's general description of the
4 firearm or firearms and their location shall be
5 sufficient to support issuing a seizure order. The
6 period of safekeeping shall be for the duration of the
7 order of protection.

8 (B-2) Notwithstanding the issuance of a seizure
9 order under subsection (B-1), the respondent shall be
10 ordered to immediately surrender any firearms to the
11 appropriate law enforcement agency and prohibited from
12 transferring firearms to another individual in lieu of
13 surrender to law enforcement.

14 (B-3) The relevant law enforcement agency shall
15 provide a statement of receipt of any firearm seized
16 or surrendered with a description of any firearm
17 seized or surrendered to the respondent and the court.
18 This statement of receipt shall be prima facie
19 evidence of compliance with an order to surrender
20 firearms.

21 (C) If the respondent is a peace officer as
22 defined in Section 2-13 of the Criminal Code of 2012,
23 the court shall order that any firearms used by the
24 respondent in the performance of his or her duties as a
25 peace officer be surrendered to the chief law
26 enforcement executive of the agency in which the

1 respondent is employed, who shall retain the firearms
2 for safekeeping for the duration of the domestic
3 violence order of protection.

4 (D) Upon expiration of the period of safekeeping,
5 if the firearms or Firearm Owner's Identification Card
6 cannot be returned to respondent because respondent
7 cannot be located, fails to respond to requests to
8 retrieve the firearms, or is not lawfully eligible to
9 possess a firearm, upon petition from the local law
10 enforcement agency, the court may order the local law
11 enforcement agency to destroy the firearms, use the
12 firearms for training purposes, or for any other
13 application as deemed appropriate by the local law
14 enforcement agency; or that the firearms be turned
15 over to a third party who is lawfully eligible to
16 possess firearms, and who does not reside with
17 respondent.

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

1 the care of petitioner.

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

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

16 (18) Telephone services.

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

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

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

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

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

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

26 (i) The account holder named in the order has

1 terminated the account.

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

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

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

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

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

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

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

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

15 (c) Relevant factors; findings.

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

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

1 household; and

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

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

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

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

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

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

23 (i) That the court has considered the applicable
24 relevant factors described in paragraphs (1) and (2)
25 of this subsection (c).

26 (ii) Whether the conduct or actions of respondent,

1 unless prohibited, will likely cause irreparable harm
2 or continued abuse.

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

6 (4) (Blank).

7 (5) Never married parties. No rights or
8 responsibilities for a minor child born outside of
9 marriage attach to a putative father until a father and
10 child relationship has been established under the Illinois
11 Parentage Act of 1984, the Illinois Parentage Act of 2015,
12 the Illinois Public Aid Code, Section 12 of the Vital
13 Records Act, the Juvenile Court Act of 1987, the Probate
14 Act of 1975, the Uniform Interstate Family Support Act,
15 the Expedited Child Support Act of 1990, any judicial,
16 administrative, or other act of another state or
17 territory, any other statute of this State, or by any
18 foreign nation establishing the father and child
19 relationship, any other proceeding substantially in
20 conformity with the federal Personal Responsibility and
21 Work Opportunity Reconciliation Act of 1996, or when both
22 parties appeared in open court or at an administrative
23 hearing acknowledging under oath or admitting by
24 affirmation the existence of a father and child
25 relationship. Absent such an adjudication, no putative
26 father shall be granted temporary allocation of parental

1 responsibilities, including parenting time with the minor
2 child, or physical care and possession of the minor child,
3 nor shall an order of payment for support of the minor
4 child be entered.

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

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

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

19 (2) respondent was voluntarily intoxicated;

20 (3) petitioner acted in self-defense or defense of
21 another, provided that, if petitioner utilized force, such
22 force was justifiable under Article 7 of the Criminal Code
23 of 2012;

24 (4) petitioner did not act in self-defense or defense
25 of another;

26 (5) petitioner left the residence or household to

1 avoid further abuse by respondent;

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

4 (7) conduct by any family or household member excused
5 the abuse by respondent, unless that same conduct would
6 have excused such abuse if the parties had not been family
7 or household members.

8 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
9 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

10 Section 35. The Unified Code of Corrections is amended by
11 changing Section 5-6-3.6 as follows:

12 (730 ILCS 5/5-6-3.6)

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

14 Sec. 5-6-3.6. First Time Weapon Offense ~~Offender~~ Program.

15 (a) The General Assembly has sought to promote public
16 safety, reduce recidivism, and conserve valuable resources of
17 the criminal justice system through the creation of diversion
18 programs for non-violent offenders. This amendatory Act of the
19 103rd General Assembly ~~amendatory Act of the 100th General~~
20 ~~Assembly~~ establishes a ~~pilot~~ program for first-time,
21 non-violent offenders charged with certain weapons possession
22 offenses. The General Assembly recognizes some persons,
23 particularly ~~young adults~~ in areas of high crime or poverty,
24 may have experienced trauma that contributes to poor decision

1 making skills, and the creation of a diversionary program
2 poses a greater benefit to the community and the person than
3 incarceration. Under this program, a court, with the consent
4 of the defendant and the State's Attorney, may sentence a
5 defendant charged with an unlawful use of weapons offense
6 under Section 24-1 of the Criminal Code of 2012 or aggravated
7 unlawful use of a weapon offense under Section 24-1.6 of the
8 Criminal Code of 2012, if punishable as a Class 4 felony or
9 lower, to a First Time Weapon Offense ~~Offender~~ Program.

10 (b) A defendant is not eligible for this Program if:

11 (1) the offense was committed during the commission of
12 a violent offense as defined in subsection (h) of this
13 Section;

14 (2) he or she has previously been convicted or placed
15 on probation or conditional discharge for any violent
16 offense under the laws of this State, the laws of any other
17 state, or the laws of the United States;

18 (3) he or she had a prior successful completion of the
19 First Time Weapon Offense ~~Offender~~ Program under this
20 Section;

21 (4) he or she has previously been adjudicated a
22 delinquent minor for the commission of a violent offense;

23 (5) (blank); or ~~he or she is 21 years of age or older;~~
24 ~~or~~

25 (6) he or she has an existing order of protection
26 issued against him or her.

1 (b-5) In considering whether a defendant shall be
2 sentenced to the First Time Weapon Offense ~~Offender~~ Program,
3 the court shall consider the following:

4 (1) the age, immaturity, or limited mental capacity of
5 the defendant;

6 (2) the nature and circumstances of the offense;

7 (3) whether participation in the Program is in the
8 interest of the defendant's rehabilitation, including any
9 employment or involvement in community, educational,
10 training, or vocational programs;

11 (4) whether the defendant suffers from trauma, as
12 supported by documentation or evaluation by a licensed
13 professional; and

14 (5) the potential risk to public safety.

15 (c) For an offense committed on or after January 1, 2018
16 (the effective date of Public Act 100-3) ~~and before January 1,~~
17 ~~2024,~~ whenever an eligible person pleads guilty to an unlawful
18 use of weapons offense under Section 24-1 of the Criminal Code
19 of 2012 or aggravated unlawful use of a weapon offense under
20 Section 24-1.6 of the Criminal Code of 2012, which is
21 punishable as a Class 4 felony or lower, the court, with the
22 consent of the defendant and the State's Attorney, may,
23 without entering a judgment, sentence the defendant to
24 complete the First Time Weapon Offense ~~Offender~~ Program. When
25 a defendant is placed in the Program, the court shall defer
26 further proceedings in the case until the conclusion of the

1 period or until the filing of a petition alleging violation of
2 a term or condition of the Program. Upon violation of a term or
3 condition of the Program, the court may enter a judgment on its
4 original finding of guilt and proceed as otherwise provided by
5 law. Upon fulfillment of the terms and conditions of the
6 Program, the court shall discharge the person and dismiss the
7 proceedings against the person.

8 (d) The Program shall be at least 6 ~~18~~ months and not to
9 exceed 18 ~~24~~ months, as determined by the court at the
10 recommendation of the Program administrator and the State's
11 Attorney. The Program administrator may be appointed by the
12 Chief Judge of each Judicial Circuit.

13 (e) The conditions of the Program shall be that the
14 defendant:

15 (1) not violate any criminal statute of this State or
16 any other jurisdiction;

17 (2) refrain from possessing a firearm or other
18 dangerous weapon;

19 (3) (blank); ~~obtain or attempt to obtain employment;~~

20 (4) (blank); ~~attend educational courses designed to~~
21 ~~prepare the defendant for obtaining a high school diploma~~
22 ~~or to work toward passing high school equivalency testing~~
23 ~~or to work toward completing a vocational training~~
24 ~~program;~~

25 (5) (blank); ~~refrain from having in his or her body~~
26 ~~the presence of any illicit drug prohibited by the~~

1 ~~Methamphetamine Control and Community Protection Act, the~~
2 ~~Cannabis Control Act, or the Illinois Controlled~~
3 ~~Substances Act, unless prescribed by a physician, and~~
4 ~~submit samples of his or her blood or urine or both for~~
5 ~~tests to determine the presence of any illicit drug;~~

6 (6) (blank); ~~perform a minimum of 50 hours of~~
7 ~~community service;~~

8 (7) attend and participate in any Program activities
9 deemed required by the Program administrator, such as
10 ~~including but not limited to:~~ counseling sessions,
11 in-person and over the phone check-ins, and educational
12 classes; and

13 (8) (blank). ~~pay all fines, assessments, fees, and~~
14 ~~costs.~~

15 (f) The Program may, in addition to other conditions,
16 require that the defendant:

17 (1) obtain or attempt to obtain employment ~~wear an~~
18 ~~ankle bracelet with GPS tracking;~~

19 (2) attend educational courses designed to prepare the
20 defendant for obtaining a high school diploma or to work
21 toward passing high school equivalency testing or to work
22 toward completing a vocational training program ~~undergo~~
23 ~~medical or psychiatric treatment, or treatment or~~
24 ~~rehabilitation approved by the Department of Human~~
25 ~~Services; and~~

26 (3) refrain from having in his or her body the

1 presence of any illicit drug prohibited by the
2 Methamphetamine Control and Community Protection Act or
3 the Illinois Controlled Substances Act, unless prescribed
4 by a physician, and submit samples of his or her blood or
5 urine or both for tests to determine the presence of any
6 illicit drug;

7 (4) perform community service; ~~attend or reside in a~~
8 ~~facility established for the instruction or residence of~~
9 ~~defendants on probation.~~

10 (5) pay all fines, assessments, fees, and costs; and

11 (6) comply with other such other reasonable conditions
12 as the court may impose.

13 (g) There may be only one discharge and dismissal under
14 this Section. If a person is convicted of any offense which
15 occurred within 5 years subsequent to a discharge and
16 dismissal under this Section, the discharge and dismissal
17 under this Section shall be admissible in the sentencing
18 proceeding for that conviction as evidence in aggravation.

19 (h) For purposes of this Section, "violent offense" means
20 any offense in which bodily harm was inflicted or force was
21 used against any person or threatened against any person; any
22 offense involving the possession of a firearm or dangerous
23 weapon; any offense involving sexual conduct, sexual
24 penetration, or sexual exploitation; violation of an order of
25 protection, stalking, hate crime, domestic battery, or any
26 offense of domestic violence.

1 (i) (Blank). ~~This Section is repealed on January 1, 2024.~~

2 (Source: P.A. 102-245, eff. 8-3-21; 102-1109, eff. 12-21-22.)

3 Section 40. The Illinois Domestic Violence Act of 1986 is
4 amended by changing Sections 202 and 214 as follows:

5 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

6 Sec. 202. Commencement of action; filing fees; dismissal.

7 (a) How to commence action. Actions for orders of
8 protection are commenced:

9 (1) Independently: By filing a petition for an order
10 of protection in any civil court, unless specific courts
11 are designated by local rule or order.

12 (2) In conjunction with another civil proceeding: By
13 filing a petition for an order of protection under the
14 same case number as another civil proceeding involving the
15 parties, including, but not limited to: (i) any proceeding
16 under the Illinois Marriage and Dissolution of Marriage
17 Act, Illinois Parentage Act of 2015, Nonsupport of Spouse
18 and Children Act, or Revised Uniform Reciprocal
19 Enforcement of Support Act or an action for nonsupport
20 brought under Article X of the Illinois Public Aid Code,
21 provided that a petitioner and the respondent are a party
22 to or the subject of that proceeding; ~~or~~ (ii) a
23 guardianship proceeding under the Probate Act of 1975, or
24 a proceeding for involuntary commitment under the Mental

1 Health and Developmental Disabilities Code, or any
2 proceeding, other than a delinquency petition, under the
3 Juvenile Court Act of 1987, provided that a petitioner or
4 the respondent is a party to or the subject of such
5 proceeding; or (iii) an emergency or plenary proceeding
6 under the Firearms Restraining Order Act provided that a
7 petitioner and the respondent are a party to or the
8 subject of that proceeding.

9 (3) In conjunction with a delinquency petition or a
10 criminal prosecution as provided in Section 112A-20 of the
11 Code of Criminal Procedure of 1963.

12 (a-1) A petition for an order of protection may be filed in
13 person ~~in-person~~ or online.

14 (a-5) When a petition for an emergency order of protection
15 is filed, the petition shall not be publicly available until
16 the petition is served on the respondent.

17 (b) Filing, certification, and service fees. No fee shall
18 be charged by the clerk for filing, amending, vacating,
19 certifying, or photocopying petitions or orders; or for
20 issuing alias summons; or for any related filing service. No
21 fee shall be charged by the sheriff for service by the sheriff
22 of a petition, rule, motion, or order in an action commenced
23 under this Section.

24 (c) Dismissal and consolidation. Withdrawal or dismissal
25 of any petition for an order of protection prior to
26 adjudication where the petitioner is represented by the State

1 shall operate as a dismissal without prejudice. No action for
2 an order of protection shall be dismissed because the
3 respondent is being prosecuted for a crime against the
4 petitioner. An independent action may be consolidated with
5 another civil proceeding, as provided by paragraph (2) of
6 subsection (a) of this Section. For any action commenced under
7 paragraph (2) or (3) of subsection (a) of this Section,
8 dismissal of the conjoined case (or a finding of not guilty)
9 shall not require dismissal of the action for the order of
10 protection; instead, it may be treated as an independent
11 action and, if necessary and appropriate, transferred to a
12 different court or division. Dismissal of any conjoined case
13 shall not affect the validity of any previously issued order
14 of protection, and thereafter subsections (b)(1) and (b)(2) of
15 Section 220 shall be inapplicable to such order.

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

22 (e) As provided in this subsection, the administrative
23 director of the Administrative Office of the Illinois Courts,
24 with the approval of the administrative board of the courts,
25 may adopt rules to establish and implement a pilot program to
26 allow the electronic filing of petitions for temporary orders

1 of protection and the issuance of such orders by audio-visual
2 means to accommodate litigants for whom attendance in court to
3 file for and obtain emergency relief would constitute an undue
4 hardship or would constitute a risk of harm to the litigant.

5 (1) As used in this subsection:

6 (A) "Electronic means" means any method of
7 transmission of information between computers or other
8 machines designed for the purpose of sending or
9 receiving electronic transmission and that allows for
10 the recipient of information to reproduce the
11 information received in a tangible medium of
12 expression.

13 (B) "Independent audio-visual system" means an
14 electronic system for the transmission and receiving
15 of audio and visual signals, including those with the
16 means to preclude the unauthorized reception and
17 decoding of the signals by commercially available
18 television receivers, channel converters, or other
19 available receiving devices.

20 (C) "Electronic appearance" means an appearance in
21 which one or more of the parties are not present in the
22 court, but in which, by means of an independent
23 audio-visual system, all of the participants are
24 simultaneously able to see and hear reproductions of
25 the voices and images of the judge, counsel, parties,
26 witnesses, and any other participants.

1 (2) Any pilot program under this subsection (e) shall
2 be developed by the administrative director or his or her
3 delegate in consultation with at least one local
4 organization providing assistance to domestic violence
5 victims. The program plan shall include, but not be
6 limited to:

7 (A) identification of agencies equipped with or
8 that have access to an independent audio-visual system
9 and electronic means for filing documents; and

10 (B) identification of one or more organizations
11 who are trained and available to assist petitioners in
12 preparing and filing petitions for temporary orders of
13 protection and in their electronic appearances before
14 the court to obtain such orders; and

15 (C) identification of the existing resources
16 available in local family courts for the
17 implementation and oversight of the pilot program; and

18 (D) procedures for filing petitions and documents
19 by electronic means, swearing in the petitioners and
20 witnesses, preparation of a transcript of testimony
21 and evidence presented, and a prompt transmission of
22 any orders issued to the parties; and

23 (E) a timeline for implementation and a plan for
24 informing the public about the availability of the
25 program; and

26 (F) a description of the data to be collected in

1 order to evaluate and make recommendations for
2 improvements to the pilot program.

3 (3) In conjunction with an electronic appearance, any
4 petitioner for an ex parte temporary order of protection
5 may, using the assistance of a trained advocate if
6 necessary, commence the proceedings by filing a petition
7 by electronic means.

8 (A) A petitioner who is seeking an ex parte
9 temporary order of protection using an electronic
10 appearance must file a petition in advance of the
11 appearance and may do so electronically.

12 (B) The petitioner must show that traveling to or
13 appearing in court would constitute an undue hardship
14 or create a risk of harm to the petitioner. In granting
15 or denying any relief sought by the petitioner, the
16 court shall state the names of all participants and
17 whether it is granting or denying an appearance by
18 electronic means and the basis for such a
19 determination. A party is not required to file a
20 petition or other document by electronic means or to
21 testify by means of an electronic appearance.

22 (C) Nothing in this subsection (e) affects or
23 changes any existing laws governing the service of
24 process, including requirements for personal service
25 or the sealing and confidentiality of court records in
26 court proceedings or access to court records by the

1 parties to the proceedings.

2 (4) Appearances.

3 (A) All electronic appearances by a petitioner
4 seeking an ex parte temporary order of protection
5 under this subsection (e) are strictly voluntary and
6 the court shall obtain the consent of the petitioner
7 on the record at the commencement of each appearance.

8 (B) Electronic appearances under this subsection
9 (e) shall be recorded and preserved for transcription.
10 Documentary evidence, if any, referred to by a party
11 or witness or the court may be transmitted and
12 submitted and introduced by electronic means.

13 (Source: P.A. 101-255, eff. 1-1-20; 102-853, eff. 1-1-23;
14 revised 12-13-22.)

15 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

16 Sec. 214. Order of protection; remedies.

17 (a) Issuance of order. If the court finds that petitioner
18 has been abused by a family or household member or that
19 petitioner is a high-risk adult who has been abused,
20 neglected, or exploited, as defined in this Act, an order of
21 protection prohibiting the abuse, neglect, or exploitation
22 shall issue; provided that petitioner must also satisfy the
23 requirements of one of the following Sections, as appropriate:
24 Section 217 on emergency orders, Section 218 on interim
25 orders, or Section 219 on plenary orders. Petitioner shall not

1 be denied an order of protection because petitioner or
2 respondent is a minor. The court, when determining whether or
3 not to issue an order of protection, shall not require
4 physical manifestations of abuse on the person of the victim.
5 Modification and extension of prior orders of protection shall
6 be in accordance with this Act.

7 (b) Remedies and standards. The remedies to be included in
8 an order of protection shall be determined in accordance with
9 this Section and one of the following Sections, as
10 appropriate: Section 217 on emergency orders, Section 218 on
11 interim orders, and Section 219 on plenary orders. The
12 remedies listed in this subsection shall be in addition to
13 other civil or criminal remedies available to petitioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 If a court finds, after a hearing, that respondent has
19 committed abuse (as defined in Section 103) of a minor
20 child, there shall be a rebuttable presumption that
21 awarding physical care to respondent would not be in the
22 minor child's best interest.

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

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

4 If a court finds, after a hearing, that respondent has
5 committed abuse (as defined in Section 103) of a minor
6 child, there shall be a rebuttable presumption that
7 awarding temporary significant decision-making
8 responsibility to respondent would not be in the child's
9 best interest.

10 (7) Parenting time. Determine the parenting time, if
11 any, of respondent in any case in which the court awards
12 physical care or allocates temporary significant
13 decision-making responsibility of a minor child to
14 petitioner. The court shall restrict or deny respondent's
15 parenting time with a minor child if the court finds that
16 respondent has done or is likely to do any of the
17 following: (i) abuse or endanger the minor child during
18 parenting time; (ii) use the parenting time as an
19 opportunity to abuse or harass petitioner or petitioner's
20 family or household members; (iii) improperly conceal or
21 detain the minor child; or (iv) otherwise act in a manner
22 that is not in the best interests of the minor child. The
23 court shall not be limited by the standards set forth in
24 Section 603.10 of the Illinois Marriage and Dissolution of
25 Marriage Act. If the court grants parenting time, the
26 order shall specify dates and times for the parenting time

1 to take place or other specific parameters or conditions
2 that are appropriate. No order for parenting time shall
3 refer merely to the term "reasonable parenting time".

4 Petitioner may deny respondent access to the minor
5 child if, when respondent arrives for parenting time,
6 respondent is under the influence of drugs or alcohol and
7 constitutes a threat to the safety and well-being of
8 petitioner or petitioner's minor children or is behaving
9 in a violent or abusive manner.

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

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

22 (9) Order to appear. Order the respondent to appear in
23 court, alone or with a minor child, to prevent abuse,
24 neglect, removal or concealment of the child, to return
25 the child to the custody or care of the petitioner or to
26 permit any court-ordered interview or examination of the

1 child or the respondent.

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

6 (i) petitioner, but not respondent, owns the
7 property; or

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

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

19 No order under this provision shall affect title to
20 property.

21 (11) Protection of property. Forbid the respondent
22 from taking, transferring, encumbering, concealing,
23 damaging or otherwise disposing of any real or personal
24 property, except as explicitly authorized by the court,
25 if:

26 (i) petitioner, but not respondent, owns the

1 property; or

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

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

10 The court may further prohibit respondent from
11 improperly using the financial or other resources of an
12 aged member of the family or household for the profit or
13 advantage of respondent or of any other person.

14 (11.5) Protection of animals. Grant the petitioner the
15 exclusive care, custody, or control of any animal owned,
16 possessed, leased, kept, or held by either the petitioner
17 or the respondent or a minor child residing in the
18 residence or household of either the petitioner or the
19 respondent and order the respondent to stay away from the
20 animal and forbid the respondent from taking,
21 transferring, encumbering, concealing, harming, or
22 otherwise disposing of the animal.

23 (12) Order for payment of support. Order respondent to
24 pay temporary support for the petitioner or any child in
25 the petitioner's care or over whom the petitioner has been
26 allocated parental responsibility, when the respondent has

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

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

23 (i) Losses affecting family needs. If a party is
24 entitled to seek maintenance, child support or
25 property distribution from the other party under the
26 Illinois Marriage and Dissolution of Marriage Act, as

1 now or hereafter amended, the court may order
2 respondent to reimburse petitioner's actual losses, to
3 the extent that such reimbursement would be
4 "appropriate temporary relief", as authorized by
5 subsection (a) (3) of Section 501 of that Act.

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

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

18 (14.5) Prohibition of firearm possession.

19 (a) Prohibit a respondent against whom an order of
20 protection was issued from possessing any firearms
21 during the duration of the order if the order:

22 (1) was issued after a hearing of which such
23 person received actual notice, and at which such
24 person had an opportunity to participate, except
25 in circumstances where an order is entered in
26 conjunction with an affidavit or the verified

1 petition for an emergency order of protection
2 demonstrating exigent circumstances thereby
3 justifying an entry of an emergency order without
4 prior notice;

5 (2) restrains such person from abusing the
6 petitioner as defined in this Act harassing,
7 ~~stalking, or threatening an intimate partner of~~
8 ~~such person or child of such intimate partner or~~
9 ~~person, or engaging in other conduct that would~~
10 ~~place an intimate partner in reasonable fear of~~
11 ~~bodily injury to the partner or child; and~~

12 (3) (i) includes a finding that such person
13 represents a credible threat to the physical
14 safety of the petitioner ~~such intimate partner~~ or
15 child; or (ii) by its terms explicitly prohibits
16 the use, attempted use, or threatened use of
17 physical force against the petitioner ~~such~~
18 ~~intimate partner~~ or child that would reasonably be
19 expected to cause bodily injury.

20 (a-1) Except as provided in subparagraph (b), any
21 ~~Any~~ Firearm Owner's Identification Card in the
22 possession of the respondent, ~~except as provided in~~
23 ~~subsection (b),~~ shall be ordered by the court to be
24 turned over to the local law enforcement agency and
25 the respondent shall be prohibited from acquiring or
26 possessing any firearms for the duration of the order

1 of protection. The local law enforcement agency shall
2 immediately mail the card to the Illinois State Police
3 Firearm Owner's Identification Card Office for
4 safekeeping.

5 (a-2) Immediately upon entry of the order of
6 protection prohibiting firearm possession under this
7 Section, the ~~The~~ court shall issue a seizure order
8 ~~warrant for seizure~~ of any firearm in the possession
9 of the respondent, to be kept by the local law
10 enforcement agency for safekeeping, except as provided
11 in subparagraph subsection (b). The petitioner's
12 general description of the firearm or firearms and
13 their location shall be sufficient to support issuing
14 a seizure order. The period of safekeeping shall be
15 for the duration of the order of protection. The
16 respondent against whom an order of protection was
17 issued, including an emergency order of protection,
18 shall not possess any firearms for the duration of the
19 order.

20 (a-3) Notwithstanding the issuance of a seizure
21 order under subparagraph (a-2), the respondent shall
22 be ordered to immediately surrender any firearms to
23 the appropriate law enforcement agency and prohibited
24 from transferring firearms to another individual in
25 lieu of surrender to law enforcement.

26 (a-4) The relevant law enforcement agency shall

1 provide a statement of receipt of any firearm seized
2 or surrendered with a description of any firearm
3 seized or surrendered to the respondent and the court.
4 This statement of receipt shall be prima facie
5 evidence of compliance with an order to surrender
6 firearms.

7 (a-5) The firearm or firearms and Firearm Owner's
8 Identification Card, if unexpired, shall at the
9 respondent's request, be returned to the respondent at
10 the end of the order of protection. It is the
11 respondent's responsibility to notify the Illinois
12 State Police Firearm Owner's Identification Card
13 Office of the end of the order of protection.

14 (b) If the respondent is a peace officer as
15 defined in Section 2-13 of the Criminal Code of 2012,
16 the court shall order that any firearms used by the
17 respondent in the performance of his or her duties as a
18 peace officer be surrendered to the chief law
19 enforcement executive of the agency in which the
20 respondent is employed, who shall retain the firearms
21 for safekeeping for the duration of the order of
22 protection.

23 (c) Upon expiration of the period of safekeeping,
24 if the firearms or Firearm Owner's Identification Card
25 cannot be returned to respondent because respondent
26 cannot be located, fails to respond to requests to

1 retrieve the firearms, or is not lawfully eligible to
2 possess a firearm, upon petition from the local law
3 enforcement agency, the court may order the local law
4 enforcement agency to destroy the firearms, use the
5 firearms for training purposes, or for any other
6 application as deemed appropriate by the local law
7 enforcement agency; or that the firearms be turned
8 over to a third party who is lawfully eligible to
9 possess firearms, and who does not reside with
10 respondent.

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

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

26 (17) Order for injunctive relief. Enter injunctive

1 relief necessary or appropriate to prevent further abuse
2 of a family or household member or further abuse, neglect,
3 or exploitation of a high-risk adult with disabilities or
4 to effectuate one of the granted remedies, if supported by
5 the balance of hardships. If the harm to be prevented by
6 the injunction is abuse or any other harm that one of the
7 remedies listed in paragraphs (1) through (16) of this
8 subsection is designed to prevent, no further evidence is
9 necessary that the harm is an irreparable injury.

10 (18) Telephone services.

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

1 provided to the Illinois Commerce Commission. The
2 order shall contain all of the following:

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

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

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

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

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

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

25 (iii) The transfer would cause a geographic or
26 other limitation on network or service provision

1 to the petitioner.

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

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

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

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

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

1 Commission within 30 days of such change.

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

9 (c) Relevant factors; findings.

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

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

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

1 caretaker.

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

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

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

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

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

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

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

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

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

6 When a verified petition for an emergency order of
7 protection in accordance with the requirements of Sections
8 203 and 217 is presented to the court, the court shall
9 examine petitioner on oath or affirmation. An emergency
10 order of protection shall be issued by the court if it
11 appears from the contents of the petition and the
12 examination of petitioner that the averments are
13 sufficient to indicate abuse by respondent and to support
14 the granting of relief under the issuance of the emergency
15 order of protection.

16 (5) Never married parties. No rights or
17 responsibilities for a minor child born outside of
18 marriage attach to a putative father until a father and
19 child relationship has been established under the Illinois
20 Parentage Act of 1984, the Illinois Parentage Act of 2015,
21 the Illinois Public Aid Code, Section 12 of the Vital
22 Records Act, the Juvenile Court Act of 1987, the Probate
23 Act of 1975, the Revised Uniform Reciprocal Enforcement of
24 Support Act, the Uniform Interstate Family Support Act,
25 the Expedited Child Support Act of 1990, any judicial,
26 administrative, or other act of another state or

1 territory, any other Illinois statute, or by any foreign
2 nation establishing the father and child relationship, any
3 other proceeding substantially in conformity with the
4 Personal Responsibility and Work Opportunity
5 Reconciliation Act of 1996 (Pub. L. 104-193), or where
6 both parties appeared in open court or at an
7 administrative hearing acknowledging under oath or
8 admitting by affirmation the existence of a father and
9 child relationship. Absent such an adjudication, finding,
10 or acknowledgment, no putative father shall be granted
11 temporary allocation of parental responsibilities,
12 including parenting time with the minor child, or physical
13 care and possession of the minor child, nor shall an order
14 of payment for support of the minor child be entered.

15 (d) Balance of hardships; findings. If the court finds
16 that the balance of hardships does not support the granting of
17 a remedy governed by paragraph (2), (3), (10), (11), or (16) of
18 subsection (b) of this Section, which may require such
19 balancing, the court's findings shall so indicate and shall
20 include a finding as to whether granting the remedy will
21 result in hardship to respondent that would substantially
22 outweigh the hardship to petitioner from denial of the remedy.
23 The findings shall be an official record or in writing.

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

26 (1) Respondent has cause for any use of force, unless

1 that cause satisfies the standards for justifiable use of
2 force provided by Article 7 of the Criminal Code of 2012;

3 (2) Respondent was voluntarily intoxicated;

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

8 (4) Petitioner did not act in self-defense or defense
9 of another;

10 (5) Petitioner left the residence or household to
11 avoid further abuse, neglect, or exploitation by
12 respondent;

13 (6) Petitioner did not leave the residence or
14 household to avoid further abuse, neglect, or exploitation
15 by respondent;

16 (7) Conduct by any family or household member excused
17 the abuse, neglect, or exploitation by respondent, unless
18 that same conduct would have excused such abuse, neglect,
19 or exploitation if the parties had not been family or
20 household members.

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

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 99. Effective date. This Act takes effect July 1,
5 2023.".