

HB1270



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1270

Introduced 1/31/2023, by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

See Index

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

LRB103 04864 RLC 49874 b

A BILL FOR

1 AN ACT concerning firearms.

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

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

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

7 Sec. 2. Open meetings.

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

11 (b) Construction of exceptions. The exceptions contained
12 in subsection (c) are in derogation of the requirement that
13 public bodies meet in the open, and therefore, the exceptions
14 are to be strictly construed, extending only to subjects
15 clearly within their scope. The exceptions authorize but do
16 not require the holding of a closed meeting to discuss a
17 subject included within an enumerated exception.

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

20 (1) The appointment, employment, compensation,
21 discipline, performance, or dismissal of specific
22 employees, specific individuals who serve as independent
23 contractors in a park, recreational, or educational

1 setting, or specific volunteers of the public body or
2 legal counsel for the public body, including hearing
3 testimony on a complaint lodged against an employee, a
4 specific individual who serves as an independent
5 contractor in a park, recreational, or educational
6 setting, or a volunteer of the public body or against
7 legal counsel for the public body to determine its
8 validity. However, a meeting to consider an increase in
9 compensation to a specific employee of a public body that
10 is subject to the Local Government Wage Increase
11 Transparency Act may not be closed and shall be open to the
12 public and posted and held in accordance with this Act.

13 (2) Collective negotiating matters between the public
14 body and its employees or their representatives, or
15 deliberations concerning salary schedules for one or more
16 classes of employees.

17 (3) The selection of a person to fill a public office,
18 as defined in this Act, including a vacancy in a public
19 office, when the public body is given power to appoint
20 under law or ordinance, or the discipline, performance or
21 removal of the occupant of a public office, when the
22 public body is given power to remove the occupant under
23 law or ordinance.

24 (4) Evidence or testimony presented in open hearing,
25 or in closed hearing where specifically authorized by law,
26 to a quasi-adjudicative body, as defined in this Act,

1 provided that the body prepares and makes available for
2 public inspection a written decision setting forth its
3 determinative reasoning.

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

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

10 (7) The sale or purchase of securities, investments,
11 or investment contracts. This exception shall not apply to
12 the investment of assets or income of funds deposited into
13 the Illinois Prepaid Tuition Trust Fund.

14 (8) Security procedures, school building safety and
15 security, and the use of personnel and equipment to
16 respond to an actual, a threatened, or a reasonably
17 potential danger to the safety of employees, students,
18 staff, the public, or public property.

19 (9) Student disciplinary cases.

20 (10) The placement of individual students in special
21 education programs and other matters relating to
22 individual students.

23 (11) Litigation, when an action against, affecting or
24 on behalf of the particular public body has been filed and
25 is pending before a court or administrative tribunal, or
26 when the public body finds that an action is probable or

1 imminent, in which case the basis for the finding shall be
2 recorded and entered into the minutes of the closed
3 meeting.

4 (12) The establishment of reserves or settlement of
5 claims as provided in the Local Governmental and
6 Governmental Employees Tort Immunity Act, if otherwise the
7 disposition of a claim or potential claim might be
8 prejudiced, or the review or discussion of claims, loss or
9 risk management information, records, data, advice or
10 communications from or with respect to any insurer of the
11 public body or any intergovernmental risk management
12 association or self insurance pool of which the public
13 body is a member.

14 (13) Conciliation of complaints of discrimination in
15 the sale or rental of housing, when closed meetings are
16 authorized by the law or ordinance prescribing fair
17 housing practices and creating a commission or
18 administrative agency for their enforcement.

19 (14) Informant sources, the hiring or assignment of
20 undercover personnel or equipment, or ongoing, prior or
21 future criminal investigations, when discussed by a public
22 body with criminal investigatory responsibilities.

23 (15) Professional ethics or performance when
24 considered by an advisory body appointed to advise a
25 licensing or regulatory agency on matters germane to the
26 advisory body's field of competence.

1 (16) Self evaluation, practices and procedures or
2 professional ethics, when meeting with a representative of
3 a statewide association of which the public body is a
4 member.

5 (17) The recruitment, credentialing, discipline or
6 formal peer review of physicians or other health care
7 professionals, or for the discussion of matters protected
8 under the federal Patient Safety and Quality Improvement
9 Act of 2005, and the regulations promulgated thereunder,
10 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
11 Health Insurance Portability and Accountability Act of
12 1996, and the regulations promulgated thereunder,
13 including 45 C.F.R. Parts 160, 162, and 164, by a
14 hospital, or other institution providing medical care,
15 that is operated by the public body.

16 (18) Deliberations for decisions of the Prisoner
17 Review Board.

18 (19) Review or discussion of applications received
19 under the Experimental Organ Transplantation Procedures
20 Act.

21 (20) The classification and discussion of matters
22 classified as confidential or continued confidential by
23 the State Government Suggestion Award Board.

24 (21) Discussion of minutes of meetings lawfully closed
25 under this Act, whether for purposes of approval by the
26 body of the minutes or semi-annual review of the minutes

1 as mandated by Section 2.06.

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

4 (23) The operation by a municipality of a municipal
5 utility or the operation of a municipal power agency or
6 municipal natural gas agency when the discussion involves
7 (i) contracts relating to the purchase, sale, or delivery
8 of electricity or natural gas or (ii) the results or
9 conclusions of load forecast studies.

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

14 (25) Meetings of an independent team of experts under
15 Brian's Law.

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

19 (27) (Blank).

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

24 (29) Meetings between internal or external auditors
25 and governmental audit committees, finance committees, and
26 their equivalents, when the discussion involves internal

1 control weaknesses, identification of potential fraud risk
2 areas, known or suspected frauds, and fraud interviews
3 conducted in accordance with generally accepted auditing
4 standards of the United States of America.

5 (30) Those meetings or portions of meetings of a
6 fatality review team or the Illinois Fatality Review Team
7 Advisory Council during which a review of the death of an
8 eligible adult in which abuse or neglect is suspected,
9 alleged, or substantiated is conducted pursuant to Section
10 15 of the Adult Protective Services Act.

11 (31) Meetings and deliberations for decisions of the
12 Concealed Carry Licensing Review Board under the Firearm
13 Concealed Carry Act.

14 (32) Meetings between the Regional Transportation
15 Authority Board and its Service Boards when the discussion
16 involves review by the Regional Transportation Authority
17 Board of employment contracts under Section 28d of the
18 Metropolitan Transit Authority Act and Sections 3A.18 and
19 3B.26 of the Regional Transportation Authority Act.

20 (33) Those meetings or portions of meetings of the
21 advisory committee and peer review subcommittee created
22 under Section 320 of the Illinois Controlled Substances
23 Act during which specific controlled substance prescriber,
24 dispenser, or patient information is discussed.

25 (34) Meetings of the Tax Increment Financing Reform
26 Task Force under Section 2505-800 of the Department of

1 Revenue Law of the Civil Administrative Code of Illinois.

2 (35) Meetings of the group established to discuss
3 Medicaid capitation rates under Section 5-30.8 of the
4 Illinois Public Aid Code.

5 (36) Those deliberations or portions of deliberations
6 for decisions of the Illinois Gaming Board in which there
7 is discussed any of the following: (i) personal,
8 commercial, financial, or other information obtained from
9 any source that is privileged, proprietary, confidential,
10 or a trade secret; or (ii) information specifically
11 exempted from the disclosure by federal or State law.

12 (37) Deliberations for decisions of the Illinois Law
13 Enforcement Training Standards Board, the Certification
14 Review Panel, and the Illinois State Police Merit Board
15 regarding certification and decertification.

16 (38) Meetings of the Ad Hoc Statewide Domestic
17 Violence Fatality Review Committee of the Illinois
18 Criminal Justice Information Authority Board that occur in
19 closed executive session under subsection (d) of Section
20 35 of the Domestic Violence Fatality Review Act.

21 (39) Meetings of the regional review teams under
22 subsection (a) of Section 75 of the Domestic Violence
23 Fatality Review Act.

24 (40) Meetings of the Firearm Owner's Identification
25 Card Review Board under Section 10 of the Firearm Owners
26 Identification Card Act before the effective date of this

1 amendatory Act of the 103rd General Assembly.

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

3 "Employee" means a person employed by a public body whose
4 relationship with the public body constitutes an
5 employer-employee relationship under the usual common law
6 rules, and who is not an independent contractor.

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

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

21 (e) Final action. No final action may be taken at a closed
22 meeting. Final action shall be preceded by a public recital of
23 the nature of the matter being considered and other
24 information that will inform the public of the business being
25 conducted.

26 (Source: P.A. 101-31, eff. 6-28-19; 101-459, eff. 8-23-19;

1 101-652, eff. 1-1-22; 102-237, eff. 1-1-22; 102-520, eff.
2 8-20-21; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

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

5 (5 ILCS 140/7.5)

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

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

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

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

21 (d) Information and records held by the Department of
22 Public Health and its authorized representatives relating
23 to known or suspected cases of sexually transmissible
24 disease or any information the disclosure of which is

1 restricted under the Illinois Sexually Transmissible
2 Disease Control Act.

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

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

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

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

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

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

24 (k) Law enforcement officer identification information
25 or driver identification information compiled by a law
26 enforcement agency or the Department of Transportation

1 under Section 11-212 of the Illinois Vehicle Code.

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

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

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

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

20 (p) Security portions of system safety program plans,
21 investigation reports, surveys, schedules, lists, data, or
22 information compiled, collected, or prepared by or for the
23 Department of Transportation under Sections 2705-300 and
24 2705-616 of the Department of Transportation Law of the
25 Civil Administrative Code of Illinois, the Regional
26 Transportation Authority under Section 2.11 of the

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

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

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

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

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

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

1 (v) Names and information of people who have applied
2 for or received Firearm Owner's Identification Cards under
3 the Firearm Owners Identification Card Act before the
4 effective date of this amendatory Act of the 103rd General
5 Assembly or applied for or received a concealed carry
6 license under the Firearm Concealed Carry Act, unless
7 otherwise authorized by the Firearm Concealed Carry Act;
8 and databases under the Firearm Concealed Carry Act,
9 records of the Concealed Carry Licensing Review Board
10 under the Firearm Concealed Carry Act, and law enforcement
11 agency objections under the Firearm Concealed Carry Act.

12 (v-5) Records of the Firearm Owner's Identification
13 Card Review Board that are exempted from disclosure under
14 Section 10 of the Firearm Owners Identification Card Act
15 before the effective date of this amendatory Act of the
16 103rd General Assembly.

17 (w) Personally identifiable information which is
18 exempted from disclosure under subsection (g) of Section
19 19.1 of the Toll Highway Act.

20 (x) Information which is exempted from disclosure
21 under Section 5-1014.3 of the Counties Code or Section
22 8-11-21 of the Illinois Municipal Code.

23 (y) Confidential information under the Adult
24 Protective Services Act and its predecessor enabling
25 statute, the Elder Abuse and Neglect Act, including
26 information about the identity and administrative finding

1 against any caregiver of a verified and substantiated
2 decision of abuse, neglect, or financial exploitation of
3 an eligible adult maintained in the Registry established
4 under Section 7.5 of the Adult Protective Services Act.

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

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

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

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

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

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

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

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

26 (hh) Records that are exempt from disclosure under

1 Section 1A-16.7 of the Election Code.

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

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

10 (kk) Information prohibited from disclosure under the
11 Seizure and Forfeiture Reporting Act.

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

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

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

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

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

1 (qq) Information and records held by the Department of
2 Public Health and its authorized representatives collected
3 under the Reproductive Health Act.

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

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

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

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

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

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

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

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

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

26 (aaa) Information prohibited from being disclosed

1 under Section 1-167 of the Illinois Pension Code.

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

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

8 (ddd) Information prohibited from being disclosed
9 under Section 35 of the Address Confidentiality for
10 Victims of Domestic Violence, Sexual Assault, Human
11 Trafficking, or Stalking Act.

12 (eee) Information prohibited from being disclosed
13 under subsection (b) of Section 75 of the Domestic
14 Violence Fatality Review Act.

15 (fff) Images from cameras under the Expressway Camera
16 Act. This subsection (fff) is inoperative on and after
17 July 1, 2023.

18 (ggg) ~~(fff)~~ Information prohibited from disclosure
19 under paragraph (3) of subsection (a) of Section 14 of the
20 Nurse Agency Licensing Act.

21 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;
22 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
23 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
24 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
25 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
26 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,

1 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
2 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.
3 7-1-22; 102-1042, eff. 6-3-22; revised 8-1-22.)

4 Section 5.5. The Illinois TRUST Act is amended by changing
5 Section 15 as follows:

6 (5 ILCS 805/15)

7 Sec. 15. Prohibition on enforcing federal civil
8 immigration laws.

9 (a) A law enforcement agency or law enforcement official
10 shall not detain or continue to detain any individual solely
11 on the basis of any immigration detainer or civil immigration
12 warrant or otherwise comply with an immigration detainer or
13 civil immigration warrant.

14 (b) A law enforcement agency or law enforcement official
15 shall not stop, arrest, search, detain, or continue to detain
16 a person solely based on an individual's citizenship or
17 immigration status.

18 (c) (Blank).

19 (d) A law enforcement agency or law enforcement official
20 acting in good faith in compliance with this Section who
21 releases a person subject to an immigration detainer or civil
22 immigration warrant shall have immunity from any civil or
23 criminal liability that might otherwise occur as a result of
24 making the release, with the exception of willful or wanton

1 misconduct.

2 (e) A law enforcement agency or law enforcement official
3 may not inquire about or investigate the citizenship or
4 immigration status or place of birth of any individual in the
5 agency or official's custody or who has otherwise been stopped
6 or detained by the agency or official. Nothing in this
7 subsection shall be construed to limit the ability of a law
8 enforcement agency or law enforcement official, pursuant to
9 State or federal law, to notify a person in the law enforcement
10 agency's custody about that person's right to communicate with
11 consular officers from that person's country of nationality,
12 or facilitate such communication, in accordance with the
13 Vienna Convention on Consular Relations or other bilateral
14 agreements. Nothing in this subsection shall be construed to
15 limit the ability of a law enforcement agency or law
16 enforcement official to request evidence of citizenship or
17 immigration status pursuant to ~~the Firearm Owners~~
18 ~~Identification Card Act,~~ the Firearm Concealed Carry Act,
19 Article 24 of the Criminal Code of 2012, or 18 United States
20 Code Sections 921 through 931.

21 (f) Unless otherwise limited by federal law, a law
22 enforcement agency or law enforcement official may not deny
23 services, benefits, privileges, or opportunities to an
24 individual in custody or under probation status, including,
25 but not limited to, eligibility for or placement in a lower
26 custody classification, educational, rehabilitative, or

1 diversionary programs, on the basis of the individual's
2 citizenship or immigration status, the issuance of an
3 immigration detainer or civil immigration warrant against the
4 individual, or the individual being in immigration removal
5 proceedings.

6 (g) (1) No law enforcement agency, law enforcement
7 official, or any unit of State or local government may enter
8 into or renew any contract, intergovernmental service
9 agreement, or any other agreement to house or detain
10 individuals for federal civil immigration violations.

11 (2) Any law enforcement agency, law enforcement official,
12 or unit of State or local government with an existing
13 contract, intergovernmental agreement, or other agreement,
14 whether in whole or in part, that is utilized to house or
15 detain individuals for civil immigration violations shall
16 exercise the termination provision in the agreement as applied
17 to housing or detaining individuals for civil immigration
18 violations no later than January 1, 2022.

19 (h) Unless presented with a federal criminal warrant, or
20 otherwise required by federal law, a law enforcement agency or
21 official may not:

22 (1) participate, support, or assist in any capacity
23 with an immigration agent's enforcement operations,
24 including any collateral assistance such as coordinating
25 an arrest in a courthouse or other public facility,
26 providing use of any equipment, transporting any

1 individuals, or establishing a security or traffic
2 perimeter surrounding such operations, or any other
3 on-site support;

4 (2) give any immigration agent access, including by
5 telephone, to any individual who is in that agency's
6 custody;

7 (3) transfer any person into an immigration agent's
8 custody;

9 (4) permit immigration agents use of agency facilities
10 or equipment, including any agency electronic databases
11 not available to the public, for investigative interviews
12 or other investigative or immigration enforcement purpose;

13 (5) enter into or maintain any agreement regarding
14 direct access to any electronic database or other
15 data-sharing platform maintained by any law enforcement
16 agency, or otherwise provide such direct access to the
17 U.S. Immigration and Customs Enforcement, United States
18 Customs and Border Protection or any other federal entity
19 enforcing civil immigration violations;

20 (6) provide information in response to any immigration
21 agent's inquiry or request for information regarding any
22 individual in the agency's custody; or

23 (7) provide to any immigration agent information not
24 otherwise available to the public relating to an
25 individual's release or contact information, or otherwise
26 facilitate for an immigration agent to apprehend or

1 question an individual for immigration enforcement.

2 (i) Nothing in this Section shall preclude a law
3 enforcement official from otherwise executing that official's
4 duties in investigating violations of criminal law and
5 cooperating in such investigations with federal and other law
6 enforcement agencies (including criminal investigations
7 conducted by federal Homeland Security Investigations (HSI))
8 in order to ensure public safety.

9 (Source: P.A. 102-234, eff. 8-2-21; revised 9-14-22.)

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

12 (5 ILCS 830/10-5)

13 Sec. 10-5. Gun trafficking information.

14 (a) The Illinois State Police shall use all reasonable
15 efforts in making publicly available, on a regular and ongoing
16 basis, key information related to firearms used in the
17 commission of crimes in this State, including, but not limited
18 to: reports on crimes committed with firearms, locations where
19 the crimes occurred, the number of persons killed or injured
20 in the commission of the crimes, the state where the firearms
21 used originated, the Federal Firearms Licensee that sold the
22 firearm, the type of firearms used, annual statistical
23 information concerning ~~Firearm Owner's Identification Card and~~
24 concealed carry license applications, revocations, ~~and~~

1 ~~compliance with Section 9.5 of the Firearm Owners~~
2 ~~Identification Card Act,~~ firearm restraining order
3 dispositions, and firearm dealer license certification
4 inspections. The Illinois State Police shall make the
5 information available on its website, which may be presented
6 in a dashboard format, in addition to electronically filing a
7 report with the Governor and the General Assembly. The report
8 to the General Assembly shall be filed with the Clerk of the
9 House of Representatives and the Secretary of the Senate in
10 electronic form only, in the manner that the Clerk and the
11 Secretary shall direct.

12 (b) The Illinois State Police shall study, on a regular
13 and ongoing basis, and compile reports on the number of NICS
14 ~~Firearm Owner's Identification Card~~ checks to determine
15 firearms trafficking or straw purchase patterns. The Illinois
16 State Police shall, to the extent not inconsistent with law,
17 share such reports and underlying data with academic centers,
18 foundations, and law enforcement agencies studying firearms
19 trafficking, provided that personally identifying information
20 is protected. ~~For purposes of this subsection (b), a Firearm~~
21 ~~Owner's Identification Card number is not personally~~
22 ~~identifying information, provided that no other personal~~
23 ~~information of the card holder is attached to the record. The~~
24 ~~Illinois State Police may create and attach an alternate~~
25 ~~unique identifying number to each Firearm Owner's~~
26 ~~Identification Card number, instead of releasing the Firearm~~

1 ~~Owner's Identification Card number itself.~~

2 (c) Each department, office, division, and agency of this
3 State shall, to the extent not inconsistent with law,
4 cooperate fully with the Illinois State Police and furnish the
5 Illinois State Police with all relevant information and
6 assistance on a timely basis as is necessary to accomplish the
7 purpose of this Act. The Illinois Criminal Justice Information
8 Authority shall submit the information required in subsection
9 (a) of this Section to the Illinois State Police, and any other
10 information as the Illinois State Police may request, to
11 assist the Illinois State Police in carrying out its duties
12 under this Act.

13 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
14 102-813, eff. 5-13-22.)

15 Section 6.5. The First Responders Suicide Prevention Act
16 is amended by changing Section 40 as follows:

17 (5 ILCS 840/40)

18 Sec. 40. Task Force recommendations.

19 (a) Task Force members shall recommend that agencies and
20 organizations guarantee access to mental health and wellness
21 services, including, but not limited to, peer support programs
22 and providing ongoing education related to the ever-evolving
23 concept of mental health wellness. These recommendations could
24 be accomplished by:

1 (1) Revising agencies' and organizations' employee
2 assistance programs (EAPs).

3 (2) Urging health care providers to replace outdated
4 healthcare plans and include more progressive options
5 catering to the needs and disproportionate risks
6 shouldered by our first responders.

7 (3) Allocating funding or resources for public service
8 announcements (PSA) and messaging campaigns aimed at
9 raising awareness of available assistance options.

10 (4) Encouraging agencies and organizations to attach
11 lists of all available resources to training manuals and
12 continuing education requirements.

13 (b) Task Force members shall recommend agencies and
14 organizations sponsor or facilitate first responders with
15 specialized training in the areas of psychological fitness,
16 depressive disorders, early detection, and mitigation best
17 practices. Such trainings could be accomplished by:

18 (1) Assigning, appointing, or designating one member
19 of an agency or organization to attend specialized
20 training(s) sponsored by an accredited agency,
21 association, or organization recognized in their fields of
22 study.

23 (2) Seeking sponsorships or conducting fund-raisers,
24 to host annual or semiannual on-site visits from qualified
25 clinicians or physicians to provide early detection
26 training techniques, or to provide regular access to

1 mental health professionals.

2 (3) Requiring a minimum number of hours of disorders
3 and wellness training be incorporated into reoccurring,
4 annual or biannual training standards, examinations, and
5 curriculums, taking into close consideration respective
6 agency or organization size, frequency, and number of all
7 current federal and state mandatory examinations and
8 trainings expected respectively.

9 (4) Not underestimating the crucial importance of a
10 balanced diet, sleep, mindfulness-based stress reduction
11 techniques, moderate and vigorous intensity activities,
12 and recreational hobbies, which have been scientifically
13 proven to play a major role in brain health and mental
14 wellness.

15 (c) Task Force members shall recommend that administrators
16 and leadership personnel solicit training services from
17 evidence-based, data driven organizations. Organizations with
18 personnel trained on the analytical review and interpretation
19 of specific fields related to the nature of first responders'
20 exploits, such as PTSD, substance abuse, chronic state of
21 duress. Task Force members shall further recommend funding for
22 expansion and messaging campaigns of preliminary
23 self-diagnosing technologies like the one described above.
24 These objectives could be met by:

25 (1) Contacting an accredited agency, association, or
26 organization recognized in the field or fields of specific

1 study. Unbeknownst to the majority, many of the agencies
2 and organizations listed above receive grants and
3 allocations to assist communities with the very issues
4 being discussed in this Section.

5 (2) Normalizing help-seeking behaviors for both first
6 responders and their families through regular messaging
7 and peer support outreach, beginning with academy
8 curricula and continuing education throughout individuals'
9 careers.

10 (3) Funding and implementing PSA campaigns that
11 provide clear and concise calls to action about mental
12 health and wellness, resiliency, help-seeking, treatment,
13 and recovery.

14 (4) Promoting and raising awareness of not-for-profit
15 ~~non-for-profit~~ organizations currently available to assist
16 individuals in search of care and treatment. Organizations
17 have intuitive user-friendly sites, most of which have
18 mobile applications, so first responders can access at a
19 moment's notice. However, because of limited funds, these
20 organizations have a challenging time of getting the word
21 out there about their existence.

22 (5) Expanding Family and Medical Leave Act protections
23 for individuals voluntarily seeking preventative
24 treatment.

25 (6) Promoting and ensuring complete patient
26 confidentiality protections.

1 (d) Task Force members shall recommend that agencies and
2 organizations incorporate the following training components
3 into already existing modules and educational curriculums.
4 Doing so could be done by:

5 (1) Bolstering academy and school curricula by
6 requiring depressive disorder training catered to PTSD,
7 substance abuse, and early detection techniques training,
8 taking into close consideration respective agency or
9 organization size, and the frequency and number of all
10 current federal and state mandatory examinations and
11 trainings expected respectively.

12 (2) Continuing to allocate or match federal and state
13 funds to maintain Mobile ~~Mobil~~ Training Units (MTUs).

14 (3) Incorporating a state certificate for peer support
15 training into already exiting statewide curriculums and
16 mandatory examinations, annual State Fire Marshal
17 examinations, and physical fitness examinations. The
18 subject matter of the certificate should have an emphasis
19 on mental health and wellness, as well as familiarization
20 with topics ranging from clinical social work, clinical
21 psychology, clinical behaviorist, and clinical psychiatry.

22 (4) Incorporating and performing statewide mental
23 health check-ins during the same times as already mandated
24 trainings. These checks are not to be compared or used as
25 measures of fitness for duty evaluations or structured
26 psychological examinations.

1 (5) Recommending comprehensive and evidence-based
2 training on the importance of preventative measures on the
3 topics of sleep, nutrition, mindfulness, and physical
4 movement.

5 (6) (Blank). ~~Law enforcement agencies should provide~~
6 ~~training on the Firearm Owner's Identification Card Act,~~
7 ~~including seeking relief from the Illinois State Police~~
8 ~~under Section 10 of the Firearm Owners Identification Card~~
9 ~~Act and a FOID card being a continued condition of~~
10 ~~employment under Section 7.2 of the Uniform Peace~~
11 ~~Officers' Disciplinary Act.~~

12 (Source: P.A. 102-352, eff. 6-1-22; revised 8-8-22.)

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

16 (20 ILCS 805/805-538)

17 Sec. 805-538. Retiring officer; purchase of service
18 firearm and police badge. The Director of Natural Resources
19 shall establish a program to allow a Conservation Police
20 Officer who is honorably retiring in good standing to purchase
21 either one or both of the following: (1) any Department of
22 Natural Resources police badge previously issued to that
23 officer; or (2) ~~if the officer has a currently valid Firearm~~
24 ~~Owner's Identification Card,~~ the service firearm issued or

1 previously issued to the officer by the Department of Natural
2 Resources. The cost of the firearm shall be the replacement
3 value of the firearm and not the firearm's fair market value.
4 (Source: P.A. 100-931, eff. 8-17-18.)

5 Section 8. The Department of Revenue Law of the Civil
6 Administrative Code of Illinois is amended by changing Section
7 2505-306 as follows:

8 (20 ILCS 2505/2505-306)

9 Sec. 2505-306. Retiring investigators; purchase of service
10 firearm and badge. The Director shall establish a program to
11 allow a Department investigator who is honorably retiring in
12 good standing to purchase either one or both of the following:
13 (1) any badge previously issued to the investigator by the
14 Department; or (2) ~~if the investigator has a currently valid~~
15 ~~Firearm Owner's Identification Card,~~ the service firearm
16 issued or previously issued to the investigator by the
17 Department. The cost of the firearm shall be the replacement
18 value of the firearm and not the firearm's fair market value.
19 (Source: P.A. 102-719, eff. 5-6-22.)

20 Section 10. The Department of State Police Law of the
21 Civil Administrative Code of Illinois is amended by changing
22 Sections 2605-10, 2605-45, 2605-200, 2605-595, and 2605-605 as
23 follows:

1 (20 ILCS 2605/2605-10) (was 20 ILCS 2605/55a in part)

2 Sec. 2605-10. Powers and duties, generally.

3 (a) The Illinois State Police shall exercise the rights,
4 powers, and duties that have been vested in the Illinois State
5 Police by the following:

6 The Illinois State Police Act.

7 The Illinois State Police Radio Act.

8 The Criminal Identification Act.

9 The Illinois Vehicle Code.

10 ~~The Firearm Owners Identification Card Act.~~

11 The Firearm Concealed Carry Act.

12 The Gun Dealer Licensing Act.

13 The Intergovernmental Missing Child Recovery Act of 1984.

14 The Intergovernmental Drug Laws Enforcement Act.

15 The Narcotic Control Division Abolition Act.

16 (b) The Illinois State Police shall have the powers and
17 duties set forth in the following Sections.

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

19 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

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

22 (1) Operate and maintain the Law Enforcement Agencies
23 Data System (LEADS), a statewide, computerized
24 telecommunications system designed to provide services,

1 information, and capabilities to the law enforcement and
2 criminal justice community in the State of Illinois. The
3 Director is responsible for establishing policy,
4 procedures, and regulations consistent with State and
5 federal rules, policies, and law by which LEADS operates.
6 The Director shall designate a statewide LEADS
7 Administrator for management of the system. The Director
8 may appoint a LEADS Advisory Policy Board to reflect the
9 needs and desires of the law enforcement and criminal
10 justice community and to make recommendations concerning
11 policies and procedures.

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

14 (3) Serve as the State's point of contact for the
15 Federal Bureau of Investigation's Uniform Crime Reporting
16 Program and National Incident-Based Reporting System.

17 (4) Operate an electronic data processing and computer
18 center for the storage and retrieval of data pertaining to
19 criminal activity.

20 (5) Exercise the rights, powers, and duties vested in
21 the Illinois State Police by the Cannabis Regulation and
22 Tax Act and the Compassionate Use of Medical Cannabis
23 Program Act.

24 (6) (Blank).

25 (6.5) (Blank). ~~Exercise the rights, powers, and duties~~
26 ~~vested in the Illinois State Police by the Firearm Owners~~

1 ~~Identification Card Act, the Firearm Concealed Carry Act,~~
2 ~~and the Firearm Dealer License Certification Act.~~

3 (7) Exercise other duties that may be assigned by the
4 Director to fulfill the responsibilities and achieve the
5 purposes of the Illinois State Police.

6 (8) Exercise the rights, powers, and duties vested by
7 law in the Illinois State Police by the Criminal
8 Identification Act.

9 (9) Exercise the powers and perform the duties that
10 have been vested in the Illinois State Police by the Sex
11 Offender Registration Act and the Sex Offender Community
12 Notification Law and adopt reasonable rules necessitated
13 thereby.

14 (Source: P.A. 101-378, eff. 1-1-20; 102-538, eff. 8-20-21.)

15 (20 ILCS 2605/2605-200) (was 20 ILCS 2605/55a in part)
16 Sec. 2605-200. Investigations of crime; enforcement of
17 laws; records; crime laboratories; personnel.

18 (a) To do the following:

19 (1) Investigate the origins, activities, personnel,
20 and incidents of crime and the ways and means to redress
21 the victims of crimes; study the impact, if any, of
22 legislation relative to the effusion of crime and growing
23 crime rates; and enforce the criminal laws of this State
24 related thereto.

25 (2) Enforce all laws regulating the production, sale,

1 prescribing, manufacturing, administering, transporting,
2 having in possession, dispensing, delivering,
3 distributing, or use of controlled substances and
4 cannabis.

5 (3) Employ skilled experts, scientists, technicians,
6 investigators, or otherwise specially qualified persons to
7 aid in preventing or detecting crime, apprehending
8 criminals, or preparing and presenting evidence of
9 violations of the criminal laws of the State.

10 (4) Cooperate with the police of cities, villages, and
11 incorporated towns and with the police officers of any
12 county in enforcing the laws of the State and in making
13 arrests and recovering property.

14 (5) Apprehend and deliver up any person charged in
15 this State or any other state of the United States with
16 treason or a felony or other crime who has fled from
17 justice and is found in this State.

18 (6) Conduct other investigations as provided by law.

19 (7) Be a central repository and custodian of criminal
20 statistics for the State.

21 (8) Be a central repository for criminal history
22 record information.

23 (9) Procure and file for record information that is
24 necessary and helpful to plan programs of crime
25 prevention, law enforcement, and criminal justice.

26 (10) Procure and file for record copies of

1 fingerprints that may be required by law.

2 (11) Establish general and field crime laboratories.

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

8 (13) Employ laboratory technicians and other specially
9 qualified persons to aid in the identification of criminal
10 activity and the identification, collection, and recovery
11 of cyber forensics, including but not limited to digital
12 evidence, and may employ polygraph operators.

13 (14) Undertake other identification, information,
14 laboratory, statistical, or registration activities that
15 may be required by law.

16 (b) Persons exercising the powers set forth in subsection
17 (a) within the Illinois State Police are conservators of the
18 peace and as such have all the powers possessed by policemen in
19 cities and sheriffs, except that they may exercise those
20 powers anywhere in the State in cooperation with and after
21 contact with the local law enforcement officials. Those
22 persons may use false or fictitious names in the performance
23 of their duties under this Section, upon approval of the
24 Director, and shall not be subject to prosecution under the
25 criminal laws for that use.

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

1 (20 ILCS 2605/2605-595)

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

3 (a) There is created in the State treasury a special fund
4 known as the State Police Firearm Services Fund. The Fund
5 shall receive revenue under the Firearm Concealed Carry Act
6 and ~~7~~ the Firearm Dealer License Certification Act, ~~and~~
7 ~~Section 5 of the Firearm Owners Identification Card Act.~~ The
8 Fund may also receive revenue from grants, pass-through
9 grants, donations, appropriations, and any other legal source.

10 (a-5) Notwithstanding any other provision of law to the
11 contrary, and in addition to any other transfers that may be
12 provided by law, on the effective date of this amendatory Act
13 of the 102nd General Assembly, or as soon thereafter as
14 practical, the State Comptroller shall direct and the State
15 Treasurer shall transfer the remaining balance from the
16 Firearm Dealer License Certification Fund into the State
17 Police Firearm Services Fund. Upon completion of the transfer,
18 the Firearm Dealer License Certification Fund is dissolved,
19 and any future deposits due to that Fund and any outstanding
20 obligations or liabilities of that Fund shall pass to the
21 State Police Firearm Services Fund.

22 (b) The Illinois State Police may use moneys in the Fund to
23 finance any of its lawful purposes, mandates, functions, and
24 duties under ~~the Firearm Owners Identification Card Act,~~ the
25 Firearm Dealer License Certification Act, ~~7~~ and the Firearm

1 Concealed Carry Act, including the cost of sending notices of
2 expiration of ~~Firearm Owner's Identification Cards,~~ concealed
3 carry licenses, the prompt and efficient processing of
4 applications under the ~~Firearm Owners Identification Card Act~~
5 ~~and the~~ Firearm Concealed Carry Act, the improved efficiency
6 and reporting of the LEADS and federal NICS law enforcement
7 data systems, and support for investigations required under
8 these Acts and law. Any surplus funds beyond what is needed to
9 comply with the aforementioned purposes shall be used by the
10 Illinois State Police to improve the Law Enforcement Agencies
11 Data System (LEADS) and criminal history background check
12 system.

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

16 (Source: P.A. 102-505, eff. 8-20-21; 102-538, eff. 8-20-21.)

17 (20 ILCS 2605/2605-605)

18 Sec. 2605-605. Violent Crime Intelligence Task Force. The
19 Director of the Illinois State Police shall establish a
20 statewide multi-jurisdictional Violent Crime Intelligence Task
21 Force led by the Illinois State Police dedicated to combating
22 gun violence, gun-trafficking, and other violent crime with
23 the primary mission of preservation of life and reducing the
24 occurrence and the fear of crime. The objectives of the Task
25 Force shall include, but not be limited to, reducing and

1 preventing illegal possession and use of firearms,
2 firearm-related homicides, and other violent crimes, and
3 solving firearm-related crimes.

4 (1) The Task Force may develop and acquire information,
5 training, tools, and resources necessary to implement a
6 data-driven approach to policing, with an emphasis on
7 intelligence development.

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

23 (3) The Task Force may recognize and utilize best
24 practices of community policing and may develop potential
25 partnerships with faith-based and community organizations to
26 achieve its goals.

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

4 (5) The Task Force may assist in violence suppression
5 strategies including, but not limited to, details in
6 identified locations that have shown to be the most prone to
7 gun violence and violent crime, focused deterrence against
8 violent gangs and groups considered responsible for the
9 violence in communities, and other intelligence driven methods
10 deemed necessary to interrupt cycles of violence or prevent
11 retaliation.

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

23 (7) (Blank). ~~The Task Force shall conduct enforcement~~
24 ~~operations against persons whose Firearm Owner's~~
25 ~~Identification Cards have been revoked or suspended and~~
26 ~~persons who fail to comply with the requirements of Section~~

1 ~~9.5 of the Firearm Owners Identification Card Act,~~
2 ~~prioritizing individuals presenting a clear and present danger~~
3 ~~to themselves or to others under paragraph (2) of subsection~~
4 ~~(d) of Section 8.1 of the Firearm Owners Identification Card~~
5 ~~Act.~~

6 (8) The Task Force shall collaborate with local law
7 enforcement agencies to enforce provisions of ~~the Firearm~~
8 ~~Owners Identification Card Act,~~ the Firearm Concealed Carry
9 Act, the Firearm Dealer License Certification Act, and Article
10 24 of the Criminal Code of 2012.

11 (9) To implement this Section, the Director of the
12 Illinois State Police may establish intergovernmental
13 agreements with law enforcement agencies in accordance with
14 the Intergovernmental Cooperation Act.

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

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

21 (20 ILCS 2605/2605-304 rep.)

22 (20 ILCS 2605/2605-610 rep.)

23 Section 11. The Illinois State Police Law of the Civil
24 Administrative Code of Illinois is amended by repealing
25 Sections 2605-304 and 2605-610.

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

3 (20 ILCS 2610/17b)

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

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

16 Section 20. The Criminal Identification Act is amended by
17 changing Section 2.2 as follows:

18 (20 ILCS 2630/2.2)

19 Sec. 2.2. Notification to the Illinois State Police. Upon
20 judgment of conviction of a violation of Section 12-1, 12-2,
21 12-3, 12-3.2, 12-3.4, or 12-3.5 of the Criminal Code of 1961 or
22 the Criminal Code of 2012 when the defendant has been

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

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

18 Section 20.5. The Peace Officer Fire Investigation Act is
19 amended by changing Section 1 as follows:

20 (20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)

21 (Text of Section before amendment by P.A. 102-982)

22 Sec. 1. Peace officer status.

23 (a) Any person who is a sworn member of any organized and
24 paid fire department of a political subdivision of this State

1 and is authorized to investigate fires or explosions for such
2 political subdivision and to determine the cause, origin and
3 circumstances of fires or explosions that are suspected to be
4 arson or arson-related crimes, may be classified as a peace
5 officer by the political subdivision or agency employing such
6 person. A person so classified shall possess the same powers
7 of arrest, search and seizure and the securing and service of
8 warrants as sheriffs of counties, and police officers within
9 the jurisdiction of their political subdivision. While in the
10 actual investigation and matters incident thereto, such person
11 may carry weapons as may be necessary, but only if that person
12 has satisfactorily completed (1) a training program offered or
13 approved by the Illinois Law Enforcement Training Standards
14 Board which substantially conforms to standards promulgated
15 pursuant to the Illinois Police Training Act and the Peace
16 Officer and Probation Officer Firearm Training Act; and (2) a
17 course in fire and arson investigation approved by the Office
18 of the State Fire Marshal pursuant to the Illinois Fire
19 Protection Training Act. Such training need not include
20 exposure to vehicle and traffic law, traffic control and
21 accident investigation, or first aid, but shall include
22 training in the law relating to the rights of persons
23 suspected of involvement in criminal activities.

24 Any person granted the powers enumerated in this
25 subsection (a) may exercise such powers only during the actual
26 investigation of the cause, origin and circumstances of such

1 fires or explosions that are suspected to be arson or
2 arson-related crimes.

3 (b) Persons employed by the Office of the State Fire
4 Marshal to conduct arson investigations shall be designated
5 State Fire Marshal Arson Investigator Special Agents and shall
6 be peace officers with all of the powers of peace officers in
7 cities and sheriffs in counties, except that they may exercise
8 those powers throughout the State. These Special Agents may
9 exercise these powers only when engaging in official duties
10 during the actual investigation of the cause, origin, and
11 circumstances of such fires or explosions that are suspected
12 to be arson or arson-related crimes and may carry weapons at
13 all times, but only if they have satisfactorily completed (1)
14 a training course approved by the Illinois Law Enforcement
15 Training Standards Board that substantially conforms to the
16 standards promulgated pursuant to the Peace Officer and
17 Probation Officer Firearm Training Act and (2) a course in
18 fire and arson investigation approved by the Office of the
19 State Fire Marshal pursuant to the Illinois Fire Protection
20 Training Act. Such training need not include exposure to
21 vehicle and traffic law, traffic control and accident
22 investigation, or first aid, but shall include training in the
23 law relating to the rights of persons suspected of involvement
24 in criminal activities.

25 For purposes of this subsection (b), a "State Fire Marshal
26 Arson Investigator Special Agent" does not include any fire

1 investigator, fireman, police officer, or other employee of
2 the federal government; any fire investigator, fireman, police
3 officer, or other employee of any unit of local government; or
4 any fire investigator, fireman, police officer, or other
5 employee of the State of Illinois other than an employee of the
6 Office of the State Fire Marshal assigned to investigate
7 arson.

8 The State Fire Marshal must authorize to each employee of
9 the Office of the State Fire Marshal who is exercising the
10 powers of a peace officer a distinct badge that, on its face,
11 (i) clearly states that the badge is authorized by the Office
12 of the State Fire Marshal and (ii) contains a unique
13 identifying number. No other badge shall be authorized by the
14 Office of the State Fire Marshal, except that a badge,
15 different from the badge issued to peace officers, may be
16 authorized by the Office of the State Fire Marshal for the use
17 of fire prevention inspectors employed by that Office. Nothing
18 in this subsection prohibits the State Fire Marshal from
19 issuing shields or other distinctive identification to
20 employees not exercising the powers of a peace officer if the
21 State Fire Marshal determines that a shield or distinctive
22 identification is needed by the employee to carry out his or
23 her responsibilities.

24 (c) The Office of the State Fire Marshal shall establish a
25 policy to allow a State Fire Marshal Arson Investigator
26 Special Agent who is honorably retiring or separating in good

1 standing to purchase either one or both of the following: (i)
2 any badge previously issued to that State Fire Marshal Arson
3 Investigator Special Agent; or (ii) ~~if the State Fire Marshal~~
4 ~~Arson Investigator Special Agent has a currently valid Firearm~~
5 ~~Owner's Identification Card,~~ the service firearm issued or
6 previously issued to the State Fire Marshal Arson Investigator
7 Special Agent by the Office of the State Fire Marshal. The cost
8 of the firearm purchased shall be the replacement value of the
9 firearm and not the firearm's fair market value. All funds
10 received by the agency under this program shall be deposited
11 into the Fire Prevention Fund.

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

13 (Text of Section after amendment by P.A. 102-982)

14 Sec. 1. Peace officer status.

15 (a) Any person who is a sworn member of any organized and
16 paid fire department of a political subdivision of this State
17 and is authorized to investigate fires or explosions for such
18 political subdivision and to determine the cause, origin and
19 circumstances of fires or explosions that are suspected to be
20 arson or arson-related crimes, may be classified as a peace
21 officer by the political subdivision or agency employing such
22 person. A person so classified shall possess the same powers
23 of arrest, search and seizure and the securing and service of
24 warrants as sheriffs of counties, and police officers within
25 the jurisdiction of their political subdivision. While in the

1 actual investigation and matters incident thereto, such person
2 may carry weapons as may be necessary, but only if that person
3 has satisfactorily completed (1) a training program offered or
4 approved by the Illinois Law Enforcement Training Standards
5 Board which substantially conforms to standards promulgated
6 pursuant to the Illinois Police Training Act and the Peace
7 Officer and Probation Officer Firearm Training Act; and (2) a
8 course in fire and arson investigation approved by the Office
9 of the State Fire Marshal pursuant to the Illinois Fire
10 Protection Training Act. Such training need not include
11 exposure to vehicle and traffic law, traffic control and crash
12 investigation, or first aid, but shall include training in the
13 law relating to the rights of persons suspected of involvement
14 in criminal activities.

15 Any person granted the powers enumerated in this
16 subsection (a) may exercise such powers only during the actual
17 investigation of the cause, origin and circumstances of such
18 fires or explosions that are suspected to be arson or
19 arson-related crimes.

20 (b) Persons employed by the Office of the State Fire
21 Marshal to conduct arson investigations shall be designated
22 State Fire Marshal Arson Investigator Special Agents and shall
23 be peace officers with all of the powers of peace officers in
24 cities and sheriffs in counties, except that they may exercise
25 those powers throughout the State. These Special Agents may
26 exercise these powers only when engaging in official duties

1 during the actual investigation of the cause, origin, and
2 circumstances of such fires or explosions that are suspected
3 to be arson or arson-related crimes and may carry weapons at
4 all times, but only if they have satisfactorily completed (1)
5 a training course approved by the Illinois Law Enforcement
6 Training Standards Board that substantially conforms to the
7 standards promulgated pursuant to the Peace Officer and
8 Probation Officer Firearm Training Act and (2) a course in
9 fire and arson investigation approved by the Office of the
10 State Fire Marshal pursuant to the Illinois Fire Protection
11 Training Act. Such training need not include exposure to
12 vehicle and traffic law, traffic control and crash
13 investigation, or first aid, but shall include training in the
14 law relating to the rights of persons suspected of involvement
15 in criminal activities.

16 For purposes of this subsection (b), a "State Fire Marshal
17 Arson Investigator Special Agent" does not include any fire
18 investigator, fireman, police officer, or other employee of
19 the federal government; any fire investigator, fireman, police
20 officer, or other employee of any unit of local government; or
21 any fire investigator, fireman, police officer, or other
22 employee of the State of Illinois other than an employee of the
23 Office of the State Fire Marshal assigned to investigate
24 arson.

25 The State Fire Marshal must authorize to each employee of
26 the Office of the State Fire Marshal who is exercising the

1 powers of a peace officer a distinct badge that, on its face,
2 (i) clearly states that the badge is authorized by the Office
3 of the State Fire Marshal and (ii) contains a unique
4 identifying number. No other badge shall be authorized by the
5 Office of the State Fire Marshal, except that a badge,
6 different from the badge issued to peace officers, may be
7 authorized by the Office of the State Fire Marshal for the use
8 of fire prevention inspectors employed by that Office. Nothing
9 in this subsection prohibits the State Fire Marshal from
10 issuing shields or other distinctive identification to
11 employees not exercising the powers of a peace officer if the
12 State Fire Marshal determines that a shield or distinctive
13 identification is needed by the employee to carry out his or
14 her responsibilities.

15 (c) The Office of the State Fire Marshal shall establish a
16 policy to allow a State Fire Marshal Arson Investigator
17 Special Agent who is honorably retiring or separating in good
18 standing to purchase either one or both of the following: (i)
19 any badge previously issued to that State Fire Marshal Arson
20 Investigator Special Agent; or (ii) ~~if the State Fire Marshal~~
21 ~~Arson Investigator Special Agent has a currently valid Firearm~~
22 ~~Owner's Identification Card,~~ the service firearm issued or
23 previously issued to the State Fire Marshal Arson Investigator
24 Special Agent by the Office of the State Fire Marshal. The cost
25 of the firearm purchased shall be the replacement value of the
26 firearm and not the firearm's fair market value. All funds

1 received by the agency under this program shall be deposited
2 into the Fire Prevention Fund.

3 (Source: P.A. 102-982, eff. 7-1-23.)

4 Section 21. The Illinois Criminal Justice Information Act
5 is amended by changing Section 7.9 as follows:

6 (20 ILCS 3930/7.9)

7 (Section scheduled to be repealed on July 1, 2027)

8 Sec. 7.9. Firearm Prohibitors and Records Improvement Task
9 Force.

10 (a) As used in this Section, "firearms prohibitor" means
11 any factor listed in ~~Section 4 of the Firearm Owners~~
12 ~~Identification Card Act~~ or Section 24-3 or 24-3.1 of the
13 Criminal Code of 2012 that prohibits a person from
14 transferring or possessing a firearm, firearm ammunition,
15 ~~Firearm Owner's Identification Card,~~ or concealed carry
16 license.

17 (b) The Firearm Prohibitors and Records Improvement Task
18 Force is created to identify and research all available
19 grants, resources, and revenue that may be applied for and
20 used by all entities responsible for reporting federal and
21 State firearm prohibitors to the Illinois State Police and the
22 National Instant Criminal Background Check System. Under
23 Section 24-3 or 24-3.1 of the Criminal Code of 2012 ~~the Firearm~~
24 ~~Owners Identification Card Act,~~ these reporting entities

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

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

18 (2) the Director of the Illinois State Police, or his
19 or her designee;

20 (3) the Secretary of Human Services, or his or her
21 designee;

22 (4) the Director of Corrections, or his or her
23 designee;

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

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

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

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

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

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

9 (11) a representative of an association representing
10 hospitals appointed by the Speaker of the House of
11 Representatives;

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

14 (13) a representative of an association representing
15 municipalities appointed by the Speaker of the House of
16 Representatives.

17 (c) The Illinois Criminal Justice Information Authority
18 shall provide administrative and other support to the Task
19 Force. The Illinois State Police Division of Justice Services
20 shall also provide support to the Illinois Criminal Justice
21 Information Authority and the Task Force.

22 (d) The Task Force may meet in person or virtually and
23 shall issue a written report of its findings and
24 recommendations to General Assembly on or before July 1, 2022.
25 The Task Force shall issue an annual report, which shall
26 include information on the state of FOID data, including a

1 review of previous activity by the Task Force to close
2 previously identified gaps; identifying known (or new) gaps; a
3 proposal of policy and practice recommendations to close those
4 gaps; and a preview of expected activities of the Task Force
5 for the coming year.

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

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

10 (Source: P.A. 102-237, eff. 1-1-22.)

11 Section 25. The State Finance Act is amended by changing
12 Sections 6z-99 and 6z-127 as follows:

13 (30 ILCS 105/6z-99)

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

15 (a) There is created in the State treasury a special fund
16 known as the Mental Health Reporting Fund. The Fund shall
17 receive revenue under the Firearm Concealed Carry Act. The
18 Fund may also receive revenue from grants, pass-through
19 grants, donations, appropriations, and any other legal source.

20 (b) The Illinois State Police and Department of Human
21 Services shall coordinate to use moneys in the Fund to finance
22 their respective duties of collecting and reporting data on
23 mental health records and ensuring that mental health firearm
24 possession prohibitors are enforced as set forth under the

1 Firearm Concealed Carry Act ~~and the Firearm Owners~~
2 ~~Identification Card Act~~. Any surplus in the Fund beyond what
3 is necessary to ensure compliance with mental health reporting
4 under these Acts shall be used by the Department of Human
5 Services for mental health treatment programs as follows: (1)
6 50% shall be used to fund community-based mental health
7 programs aimed at reducing gun violence, community integration
8 and education, or mental health awareness and prevention,
9 including administrative costs; and (2) 50% shall be used to
10 award grants that use and promote the National School Mental
11 Health Curriculum model for school-based mental health
12 support, integration, and services.

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

16 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
17 102-813, eff. 5-13-22.)

18 (30 ILCS 105/6z-127)

19 Sec. 6z-127. State Police Revocation Enforcement Fund.

20 (a) The State Police Revocation Enforcement Fund is
21 established as a special fund in the State treasury. This Fund
22 is established to receive moneys from appropriations by the
23 General Assembly ~~from the Firearm Owners Identification Card~~
24 ~~Act~~ to enforce ~~that Act~~, the Firearm Concealed Carry Act,
25 Article 24 of the Criminal Code of 2012, and other firearm

1 offenses. The Fund may also receive revenue from grants,
2 donations, appropriations, and any other legal source.

3 (b) The Illinois State Police may use moneys from the Fund
4 to establish task forces and, if necessary, include other law
5 enforcement agencies, under intergovernmental contracts
6 written and executed in conformity with the Intergovernmental
7 Cooperation Act.

8 (c) The Illinois State Police may use moneys in the Fund to
9 hire and train State Police officers and for the prevention of
10 violent crime.

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

13 (e) (Blank). ~~Law enforcement agencies that participate in~~
14 ~~Firearm Owner's Identification Card revocation enforcement in~~
15 ~~the Violent Crime Intelligence Task Force may apply for grants~~
16 ~~from the Illinois State Police.~~

17 (Source: P.A. 102-237, eff. 1-1-22; 102-813, eff. 5-13-22.)

18 Section 26. The Intergovernmental Drug Laws Enforcement
19 Act is amended by changing Section 3 as follows:

20 (30 ILCS 715/3) (from Ch. 56 1/2, par. 1703)

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

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

5 (2) Establish a MEG Policy Board composed of an
6 elected official, or his designee, and the chief law
7 enforcement officer, or his designee, from each
8 participating unit of local government to oversee the
9 operations of the MEG and make such reports to the
10 Illinois State Police as the Illinois State Police may
11 require.

12 (3) Designate a single appropriate elected official of
13 a participating unit of local government to act as the
14 financial officer of the MEG for all participating units
15 of local government and to receive funds for the operation
16 of the MEG.

17 (4) Limit its operations to enforcement of drug laws;
18 enforcement of Sections 10-9, 24-1, 24-1.1, 24-1.2,
19 24-1.2-5, 24-1.5, 24-1.7, 24-1.8, 24-2.1, 24-2.2, 24-3,
20 24-3.1, 24-3.2, 24-3.3, 24-3.4, 24-3.5, 24-3.7, 24-3.8,
21 24-3.9, 24-3A, 24-3B, 24-4, and 24-5 of the Criminal Code
22 of 2012; ~~Sections 2, 3, 6.1, and 14 of the Firearm Owners~~
23 ~~Identification Card Act;~~ and the investigation of
24 streetgang related offenses.

25 (5) Cooperate with the Illinois State Police in order
26 to assure compliance with this Act and to enable the

1 Illinois State Police to fulfill its duties under this
2 Act, and supply the Illinois State Police with all
3 information the Illinois State Police deems necessary
4 therefor.

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

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

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

12 (50 ILCS 710/1) (from Ch. 85, par. 515)

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

14 (a) "Peace officer" means (i) any person who by virtue of
15 his office or public employment is vested by law with a primary
16 duty to maintain public order or to make arrests for offenses,
17 whether that duty extends to all offenses or is limited to
18 specific offenses, and who is employed in such capacity by any
19 county or municipality or (ii) any retired law enforcement
20 officers qualified under federal law to carry a concealed
21 weapon.

22 (a-5) "Probation officer" means a county probation officer
23 authorized by the Chief Judge of the Circuit Court to carry a
24 firearm as part of his or her duties under Section 12 of the

1 Probation and Probation Officers Act and Section 24-2 of the
2 Criminal Code of 2012.

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

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

10 (50 ILCS 725/7.2 rep.)

11 Section 31. The Uniform Peace Officers' Disciplinary Act
12 is amended by repealing Section 7.2.

13 Section 32. The Counties Code is amended by changing
14 Section 3-6042 as follows:

15 (55 ILCS 5/3-6042)

16 Sec. 3-6042. Retiring employee; purchase of service
17 firearm and badge. Each Sheriff shall establish a program to
18 allow an employee of the Sheriff's Department who is honorably
19 retiring in good standing to purchase either one or both of the
20 following: (1) any badge previously issued to the employee by
21 the Sheriff's Department; or (2) ~~if the employee has a~~
22 ~~currently valid Firearm Owner's Identification Card,~~ the
23 service firearm issued or previously issued to the employee by

1 the Sheriff's Department. The badge must be permanently and
2 conspicuously marked in such a manner that the individual who
3 possesses the badge is not mistaken for an actively serving
4 law enforcement officer. The cost of the firearm shall be the
5 replacement value of the firearm and not the firearm's fair
6 market value.

7 (Source: P.A. 102-719, eff. 5-6-22.)

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

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

11 (Text of Section before amendment by P.A. 102-466)

12 Sec. 10-22.6. Suspension or expulsion of pupils; school
13 searches.

14 (a) To expel pupils guilty of gross disobedience or
15 misconduct, including gross disobedience or misconduct
16 perpetuated by electronic means, pursuant to subsection (b-20)
17 of this Section, and no action shall lie against them for such
18 expulsion. Expulsion shall take place only after the parents
19 have been requested to appear at a meeting of the board, or
20 with a hearing officer appointed by it, to discuss their
21 child's behavior. Such request shall be made by registered or
22 certified mail and shall state the time, place and purpose of
23 the meeting. The board, or a hearing officer appointed by it,
24 at such meeting shall state the reasons for dismissal and the

1 date on which the expulsion is to become effective. If a
2 hearing officer is appointed by the board, he shall report to
3 the board a written summary of the evidence heard at the
4 meeting and the board may take such action thereon as it finds
5 appropriate. If the board acts to expel a pupil, the written
6 expulsion decision shall detail the specific reasons why
7 removing the pupil from the learning environment is in the
8 best interest of the school. The expulsion decision shall also
9 include a rationale as to the specific duration of the
10 expulsion. An expelled pupil may be immediately transferred to
11 an alternative program in the manner provided in Article 13A
12 or 13B of this Code. A pupil must not be denied transfer
13 because of the expulsion, except in cases in which such
14 transfer is deemed to cause a threat to the safety of students
15 or staff in the alternative program.

16 (b) To suspend or by policy to authorize the
17 superintendent of the district or the principal, assistant
18 principal, or dean of students of any school to suspend pupils
19 guilty of gross disobedience or misconduct, or to suspend
20 pupils guilty of gross disobedience or misconduct on the
21 school bus from riding the school bus, pursuant to subsections
22 (b-15) and (b-20) of this Section, and no action shall lie
23 against them for such suspension. The board may by policy
24 authorize the superintendent of the district or the principal,
25 assistant principal, or dean of students of any school to
26 suspend pupils guilty of such acts for a period not to exceed

1 10 school days. If a pupil is suspended due to gross
2 disobedience or misconduct on a school bus, the board may
3 suspend the pupil in excess of 10 school days for safety
4 reasons.

5 Any suspension shall be reported immediately to the
6 parents or guardian of a pupil along with a full statement of
7 the reasons for such suspension and a notice of their right to
8 a review. The school board must be given a summary of the
9 notice, including the reason for the suspension and the
10 suspension length. Upon request of the parents or guardian,
11 the school board or a hearing officer appointed by it shall
12 review such action of the superintendent or principal,
13 assistant principal, or dean of students. At such review, the
14 parents or guardian of the pupil may appear and discuss the
15 suspension with the board or its hearing officer. If a hearing
16 officer is appointed by the board, he shall report to the board
17 a written summary of the evidence heard at the meeting. After
18 its hearing or upon receipt of the written report of its
19 hearing officer, the board may take such action as it finds
20 appropriate. If a student is suspended pursuant to this
21 subsection (b), the board shall, in the written suspension
22 decision, detail the specific act of gross disobedience or
23 misconduct resulting in the decision to suspend. The
24 suspension decision shall also include a rationale as to the
25 specific duration of the suspension. A pupil who is suspended
26 in excess of 20 school days may be immediately transferred to

1 an alternative program in the manner provided in Article 13A
2 or 13B of this Code. A pupil must not be denied transfer
3 because of the suspension, except in cases in which such
4 transfer is deemed to cause a threat to the safety of students
5 or staff in the alternative program.

6 (b-5) Among the many possible disciplinary interventions
7 and consequences available to school officials, school
8 exclusions, such as out-of-school suspensions and expulsions,
9 are the most serious. School officials shall limit the number
10 and duration of expulsions and suspensions to the greatest
11 extent practicable, and it is recommended that they use them
12 only for legitimate educational purposes. To ensure that
13 students are not excluded from school unnecessarily, it is
14 recommended that school officials consider forms of
15 non-exclusionary discipline prior to using out-of-school
16 suspensions or expulsions.

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

21 (b-15) Out-of-school suspensions of 3 days or less may be
22 used only if the student's continuing presence in school would
23 pose a threat to school safety or a disruption to other
24 students' learning opportunities. For purposes of this
25 subsection (b-15), "threat to school safety or a disruption to
26 other students' learning opportunities" shall be determined on

1 a case-by-case basis by the school board or its designee.
2 School officials shall make all reasonable efforts to resolve
3 such threats, address such disruptions, and minimize the
4 length of suspensions to the greatest extent practicable.

5 (b-20) Unless otherwise required by this Code,
6 out-of-school suspensions of longer than 3 days, expulsions,
7 and disciplinary removals to alternative schools may be used
8 only if other appropriate and available behavioral and
9 disciplinary interventions have been exhausted and the
10 student's continuing presence in school would either (i) pose
11 a threat to the safety of other students, staff, or members of
12 the school community or (ii) substantially disrupt, impede, or
13 interfere with the operation of the school. For purposes of
14 this subsection (b-20), "threat to the safety of other
15 students, staff, or members of the school community" and
16 "substantially disrupt, impede, or interfere with the
17 operation of the school" shall be determined on a case-by-case
18 basis by school officials. For purposes of this subsection
19 (b-20), the determination of whether "appropriate and
20 available behavioral and disciplinary interventions have been
21 exhausted" shall be made by school officials. School officials
22 shall make all reasonable efforts to resolve such threats,
23 address such disruptions, and minimize the length of student
24 exclusions to the greatest extent practicable. Within the
25 suspension decision described in subsection (b) of this
26 Section or the expulsion decision described in subsection (a)

1 of this Section, it shall be documented whether other
2 interventions were attempted or whether it was determined that
3 there were no other appropriate and available interventions.

4 (b-25) Students who are suspended out-of-school for longer
5 than 4 school days shall be provided appropriate and available
6 support services during the period of their suspension. For
7 purposes of this subsection (b-25), "appropriate and available
8 support services" shall be determined by school authorities.
9 Within the suspension decision described in subsection (b) of
10 this Section, it shall be documented whether such services are
11 to be provided or whether it was determined that there are no
12 such appropriate and available services.

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

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

18 (b-30) A school district shall create a policy by which
19 suspended pupils, including those pupils suspended from the
20 school bus who do not have alternate transportation to school,
21 shall have the opportunity to make up work for equivalent
22 academic credit. It shall be the responsibility of a pupil's
23 parent or guardian to notify school officials that a pupil
24 suspended from the school bus does not have alternate
25 transportation to school.

26 (c) A school board must invite a representative from a

1 local mental health agency to consult with the board at the
2 meeting whenever there is evidence that mental illness may be
3 the cause of a student's expulsion or suspension.

4 (c-5) School districts shall make reasonable efforts to
5 provide ongoing professional development to teachers,
6 administrators, school board members, school resource
7 officers, and staff on the adverse consequences of school
8 exclusion and justice-system involvement, effective classroom
9 management strategies, culturally responsive discipline, the
10 appropriate and available supportive services for the
11 promotion of student attendance and engagement, and
12 developmentally appropriate disciplinary methods that promote
13 positive and healthy school climates.

14 (d) The board may expel a student for a definite period of
15 time not to exceed 2 calendar years, as determined on a
16 case-by-case basis. A student who is determined to have
17 brought one of the following objects to school, any
18 school-sponsored activity or event, or any activity or event
19 that bears a reasonable relationship to school shall be
20 expelled for a period of not less than one year:

21 (1) A firearm. For the purposes of this Section,
22 "firearm" means any gun, rifle, shotgun, weapon as defined
23 by Section 921 of Title 18 of the United States Code,
24 firearm as defined in Section 2-7.5 ~~1.1 of the Firearm~~
25 ~~Owners Identification Card Act, or firearm as defined in~~
26 ~~Section 24-1~~ of the Criminal Code of 2012. The expulsion

1 period under this subdivision (1) may be modified by the
2 superintendent, and the superintendent's determination may
3 be modified by the board on a case-by-case basis.

4 (2) A knife, brass knuckles or other knuckle weapon
5 regardless of its composition, a billy club, or any other
6 object if used or attempted to be used to cause bodily
7 harm, including "look alike" of any firearm as defined in
8 subdivision (1) of this subsection (d). The expulsion
9 requirement under this subdivision (2) may be modified by
10 the superintendent, and the superintendent's determination
11 may be modified by the board on a case-by-case basis.

12 Expulsion or suspension shall be construed in a manner
13 consistent with the federal Individuals with Disabilities
14 Education Act. A student who is subject to suspension or
15 expulsion as provided in this Section may be eligible for a
16 transfer to an alternative school program in accordance with
17 Article 13A of the School Code.

18 (d-5) The board may suspend or by regulation authorize the
19 superintendent of the district or the principal, assistant
20 principal, or dean of students of any school to suspend a
21 student for a period not to exceed 10 school days or may expel
22 a student for a definite period of time not to exceed 2
23 calendar years, as determined on a case-by-case basis, if (i)
24 that student has been determined to have made an explicit
25 threat on an Internet website against a school employee, a
26 student, or any school-related personnel, (ii) the Internet

1 website through which the threat was made is a site that was
2 accessible within the school at the time the threat was made or
3 was available to third parties who worked or studied within
4 the school grounds at the time the threat was made, and (iii)
5 the threat could be reasonably interpreted as threatening to
6 the safety and security of the threatened individual because
7 of his or her duties or employment status or status as a
8 student inside the school.

9 (e) To maintain order and security in the schools, school
10 authorities may inspect and search places and areas such as
11 lockers, desks, parking lots, and other school property and
12 equipment owned or controlled by the school, as well as
13 personal effects left in those places and areas by students,
14 without notice to or the consent of the student, and without a
15 search warrant. As a matter of public policy, the General
16 Assembly finds that students have no reasonable expectation of
17 privacy in these places and areas or in their personal effects
18 left in these places and areas. School authorities may request
19 the assistance of law enforcement officials for the purpose of
20 conducting inspections and searches of lockers, desks, parking
21 lots, and other school property and equipment owned or
22 controlled by the school for illegal drugs, weapons, or other
23 illegal or dangerous substances or materials, including
24 searches conducted through the use of specially trained dogs.
25 If a search conducted in accordance with this Section produces
26 evidence that the student has violated or is violating either

1 the law, local ordinance, or the school's policies or rules,
2 such evidence may be seized by school authorities, and
3 disciplinary action may be taken. School authorities may also
4 turn over such evidence to law enforcement authorities.

5 (f) Suspension or expulsion may include suspension or
6 expulsion from school and all school activities and a
7 prohibition from being present on school grounds.

8 (g) A school district may adopt a policy providing that if
9 a student is suspended or expelled for any reason from any
10 public or private school in this or any other state, the
11 student must complete the entire term of the suspension or
12 expulsion in an alternative school program under Article 13A
13 of this Code or an alternative learning opportunities program
14 under Article 13B of this Code before being admitted into the
15 school district if there is no threat to the safety of students
16 or staff in the alternative program.

17 (h) School officials shall not advise or encourage
18 students to drop out voluntarily due to behavioral or academic
19 difficulties.

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

24 (j) Subsections (a) through (i) of this Section shall
25 apply to elementary and secondary schools, charter schools,
26 special charter districts, and school districts organized

1 under Article 34 of this Code.

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

6 (l) Beginning with the 2018-2019 school year, an in-school
7 suspension program provided by a school district for any
8 students in kindergarten through grade 12 may focus on
9 promoting non-violent conflict resolution and positive
10 interaction with other students and school personnel. A school
11 district may employ a school social worker or a licensed
12 mental health professional to oversee an in-school suspension
13 program in kindergarten through grade 12.

14 (Source: P.A. 101-81, eff. 7-12-19; 102-539, eff. 8-20-21;
15 102-813, eff. 5-13-22.)

16 (Text of Section after amendment by P.A. 102-466)

17 Sec. 10-22.6. Suspension or expulsion of pupils; school
18 searches.

19 (a) To expel pupils guilty of gross disobedience or
20 misconduct, including gross disobedience or misconduct
21 perpetuated by electronic means, pursuant to subsection (b-20)
22 of this Section, and no action shall lie against them for such
23 expulsion. Expulsion shall take place only after the parents
24 or guardians have been requested to appear at a meeting of the
25 board, or with a hearing officer appointed by it, to discuss

1 their child's behavior. Such request shall be made by
2 registered or certified mail and shall state the time, place
3 and purpose of the meeting. The board, or a hearing officer
4 appointed by it, at such meeting shall state the reasons for
5 dismissal and the date on which the expulsion is to become
6 effective. If a hearing officer is appointed by the board, he
7 shall report to the board a written summary of the evidence
8 heard at the meeting and the board may take such action thereon
9 as it finds appropriate. If the board acts to expel a pupil,
10 the written expulsion decision shall detail the specific
11 reasons why removing the pupil from the learning environment
12 is in the best interest of the school. The expulsion decision
13 shall also include a rationale as to the specific duration of
14 the expulsion. An expelled pupil may be immediately
15 transferred to an alternative program in the manner provided
16 in Article 13A or 13B of this Code. A pupil must not be denied
17 transfer because of the expulsion, except in cases in which
18 such transfer is deemed to cause a threat to the safety of
19 students or staff in the alternative program.

20 (b) To suspend or by policy to authorize the
21 superintendent of the district or the principal, assistant
22 principal, or dean of students of any school to suspend pupils
23 guilty of gross disobedience or misconduct, or to suspend
24 pupils guilty of gross disobedience or misconduct on the
25 school bus from riding the school bus, pursuant to subsections
26 (b-15) and (b-20) of this Section, and no action shall lie

1 against them for such suspension. The board may by policy
2 authorize the superintendent of the district or the principal,
3 assistant principal, or dean of students of any school to
4 suspend pupils guilty of such acts for a period not to exceed
5 10 school days. If a pupil is suspended due to gross
6 disobedience or misconduct on a school bus, the board may
7 suspend the pupil in excess of 10 school days for safety
8 reasons.

9 Any suspension shall be reported immediately to the
10 parents or guardians of a pupil along with a full statement of
11 the reasons for such suspension and a notice of their right to
12 a review. The school board must be given a summary of the
13 notice, including the reason for the suspension and the
14 suspension length. Upon request of the parents or guardians,
15 the school board or a hearing officer appointed by it shall
16 review such action of the superintendent or principal,
17 assistant principal, or dean of students. At such review, the
18 parents or guardians of the pupil may appear and discuss the
19 suspension with the board or its hearing officer. If a hearing
20 officer is appointed by the board, he shall report to the board
21 a written summary of the evidence heard at the meeting. After
22 its hearing or upon receipt of the written report of its
23 hearing officer, the board may take such action as it finds
24 appropriate. If a student is suspended pursuant to this
25 subsection (b), the board shall, in the written suspension
26 decision, detail the specific act of gross disobedience or

1 misconduct resulting in the decision to suspend. The
2 suspension decision shall also include a rationale as to the
3 specific duration of the suspension. A pupil who is suspended
4 in excess of 20 school days may be immediately transferred to
5 an alternative program in the manner provided in Article 13A
6 or 13B of this Code. A pupil must not be denied transfer
7 because of the suspension, except in cases in which such
8 transfer is deemed to cause a threat to the safety of students
9 or staff in the alternative program.

10 (b-5) Among the many possible disciplinary interventions
11 and consequences available to school officials, school
12 exclusions, such as out-of-school suspensions and expulsions,
13 are the most serious. School officials shall limit the number
14 and duration of expulsions and suspensions to the greatest
15 extent practicable, and it is recommended that they use them
16 only for legitimate educational purposes. To ensure that
17 students are not excluded from school unnecessarily, it is
18 recommended that school officials consider forms of
19 non-exclusionary discipline prior to using out-of-school
20 suspensions or expulsions.

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

25 (b-15) Out-of-school suspensions of 3 days or less may be
26 used only if the student's continuing presence in school would

1 pose a threat to school safety or a disruption to other
2 students' learning opportunities. For purposes of this
3 subsection (b-15), "threat to school safety or a disruption to
4 other students' learning opportunities" shall be determined on
5 a case-by-case basis by the school board or its designee.
6 School officials shall make all reasonable efforts to resolve
7 such threats, address such disruptions, and minimize the
8 length of suspensions to the greatest extent practicable.

9 (b-20) Unless otherwise required by this Code,
10 out-of-school suspensions of longer than 3 days, expulsions,
11 and disciplinary removals to alternative schools may be used
12 only if other appropriate and available behavioral and
13 disciplinary interventions have been exhausted and the
14 student's continuing presence in school would either (i) pose
15 a threat to the safety of other students, staff, or members of
16 the school community or (ii) substantially disrupt, impede, or
17 interfere with the operation of the school. For purposes of
18 this subsection (b-20), "threat to the safety of other
19 students, staff, or members of the school community" and
20 "substantially disrupt, impede, or interfere with the
21 operation of the school" shall be determined on a case-by-case
22 basis by school officials. For purposes of this subsection
23 (b-20), the determination of whether "appropriate and
24 available behavioral and disciplinary interventions have been
25 exhausted" shall be made by school officials. School officials
26 shall make all reasonable efforts to resolve such threats,

1 address such disruptions, and minimize the length of student
2 exclusions to the greatest extent practicable. Within the
3 suspension decision described in subsection (b) of this
4 Section or the expulsion decision described in subsection (a)
5 of this Section, it shall be documented whether other
6 interventions were attempted or whether it was determined that
7 there were no other appropriate and available interventions.

8 (b-25) Students who are suspended out-of-school for longer
9 than 4 school days shall be provided appropriate and available
10 support services during the period of their suspension. For
11 purposes of this subsection (b-25), "appropriate and available
12 support services" shall be determined by school authorities.
13 Within the suspension decision described in subsection (b) of
14 this Section, it shall be documented whether such services are
15 to be provided or whether it was determined that there are no
16 such appropriate and available services.

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

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

22 (b-30) A school district shall create a policy by which
23 suspended pupils, including those pupils suspended from the
24 school bus who do not have alternate transportation to school,
25 shall have the opportunity to make up work for equivalent
26 academic credit. It shall be the responsibility of a pupil's

1 parents or guardians to notify school officials that a pupil
2 suspended from the school bus does not have alternate
3 transportation to school.

4 (b-35) In all suspension review hearings conducted under
5 subsection (b) or expulsion hearings conducted under
6 subsection (a), a student may disclose any factor to be
7 considered in mitigation, including his or her status as a
8 parent, expectant parent, or victim of domestic or sexual
9 violence, as defined in Article 26A. A representative of the
10 parent's or guardian's choice, or of the student's choice if
11 emancipated, must be permitted to represent the student
12 throughout the proceedings and to address the school board or
13 its appointed hearing officer. With the approval of the
14 student's parent or guardian, or of the student if
15 emancipated, a support person must be permitted to accompany
16 the student to any disciplinary hearings or proceedings. The
17 representative or support person must comply with any rules of
18 the school district's hearing process. If the representative
19 or support person violates the rules or engages in behavior or
20 advocacy that harasses, abuses, or intimidates either party, a
21 witness, or anyone else in attendance at the hearing, the
22 representative or support person may be prohibited from
23 further participation in the hearing or proceeding. A
24 suspension or expulsion proceeding under this subsection
25 (b-35) must be conducted independently from any ongoing
26 criminal investigation or proceeding, and an absence of

1 pending or possible criminal charges, criminal investigations,
2 or proceedings may not be a factor in school disciplinary
3 decisions.

4 (b-40) During a suspension review hearing conducted under
5 subsection (b) or an expulsion hearing conducted under
6 subsection (a) that involves allegations of sexual violence by
7 the student who is subject to discipline, neither the student
8 nor his or her representative shall directly question nor have
9 direct contact with the alleged victim. The student who is
10 subject to discipline or his or her representative may, at the
11 discretion and direction of the school board or its appointed
12 hearing officer, suggest questions to be posed by the school
13 board or its appointed hearing officer to the alleged victim.

14 (c) A school board must invite a representative from a
15 local mental health agency to consult with the board at the
16 meeting whenever there is evidence that mental illness may be
17 the cause of a student's expulsion or suspension.

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

1 positive and healthy school climates.

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

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

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

26 Expulsion or suspension shall be construed in a manner

1 consistent with the federal Individuals with Disabilities
2 Education Act. A student who is subject to suspension or
3 expulsion as provided in this Section may be eligible for a
4 transfer to an alternative school program in accordance with
5 Article 13A of the School Code.

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

23 (e) To maintain order and security in the schools, school
24 authorities may inspect and search places and areas such as
25 lockers, desks, parking lots, and other school property and
26 equipment owned or controlled by the school, as well as

1 personal effects left in those places and areas by students,
2 without notice to or the consent of the student, and without a
3 search warrant. As a matter of public policy, the General
4 Assembly finds that students have no reasonable expectation of
5 privacy in these places and areas or in their personal effects
6 left in these places and areas. School authorities may request
7 the assistance of law enforcement officials for the purpose of
8 conducting inspections and searches of lockers, desks, parking
9 lots, and other school property and equipment owned or
10 controlled by the school for illegal drugs, weapons, or other
11 illegal or dangerous substances or materials, including
12 searches conducted through the use of specially trained dogs.
13 If a search conducted in accordance with this Section produces
14 evidence that the student has violated or is violating either
15 the law, local ordinance, or the school's policies or rules,
16 such evidence may be seized by school authorities, and
17 disciplinary action may be taken. School authorities may also
18 turn over such evidence to law enforcement authorities.

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

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

1 of this Code or an alternative learning opportunities program
2 under Article 13B of this Code before being admitted into the
3 school district if there is no threat to the safety of students
4 or staff in the alternative program. A school district that
5 adopts a policy under this subsection (g) must include a
6 provision allowing for consideration of any mitigating
7 factors, including, but not limited to, a student's status as
8 a parent, expectant parent, or victim of domestic or sexual
9 violence, as defined in Article 26A.

10 (h) School officials shall not advise or encourage
11 students to drop out voluntarily due to behavioral or academic
12 difficulties.

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

17 (j) Subsections (a) through (i) of this Section shall
18 apply to elementary and secondary schools, charter schools,
19 special charter districts, and school districts organized
20 under Article 34 of this Code.

21 (k) The expulsion of children enrolled in programs funded
22 under Section 1C-2 of this Code is subject to the requirements
23 under paragraph (7) of subsection (a) of Section 2-3.71 of
24 this Code.

25 (l) Beginning with the 2018-2019 school year, an in-school
26 suspension program provided by a school district for any

1 students in kindergarten through grade 12 may focus on
2 promoting non-violent conflict resolution and positive
3 interaction with other students and school personnel. A school
4 district may employ a school social worker or a licensed
5 mental health professional to oversee an in-school suspension
6 program in kindergarten through grade 12.

7 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;
8 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

9 (105 ILCS 5/10-27.1A)

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

11 (a) All school officials, including teachers, school
12 counselors, and support staff, shall immediately notify the
13 office of the principal in the event that they observe any
14 person in possession of a firearm on school grounds; provided
15 that taking such immediate action to notify the office of the
16 principal would not immediately endanger the health, safety,
17 or welfare of students who are under the direct supervision of
18 the school official or the school official. If the health,
19 safety, or welfare of students under the direct supervision of
20 the school official or of the school official is immediately
21 endangered, the school official shall notify the office of the
22 principal as soon as the students under his or her supervision
23 and he or she are no longer under immediate danger. A report is
24 not required by this Section when the school official knows
25 that the person in possession of the firearm is a law

1 enforcement official engaged in the conduct of his or her
2 official duties. Any school official acting in good faith who
3 makes such a report under this Section shall have immunity
4 from any civil or criminal liability that might otherwise be
5 incurred as a result of making the report. The identity of the
6 school official making such report shall not be disclosed
7 except as expressly and specifically authorized by law.
8 Knowingly and willfully failing to comply with this Section is
9 a petty offense. A second or subsequent offense is a Class C
10 misdemeanor.

11 (b) Upon receiving a report from any school official
12 pursuant to this Section, or from any other person, the
13 principal or his or her designee shall immediately notify a
14 local law enforcement agency. If the person found to be in
15 possession of a firearm on school grounds is a student, the
16 principal or his or her designee shall also immediately notify
17 that student's parent or guardian. Any principal or his or her
18 designee acting in good faith who makes such reports under
19 this Section shall have immunity from any civil or criminal
20 liability that might otherwise be incurred or imposed as a
21 result of making the reports. Knowingly and willfully failing
22 to comply with this Section is a petty offense. A second or
23 subsequent offense is a Class C misdemeanor. If the person
24 found to be in possession of the firearm on school grounds is a
25 minor, the law enforcement agency shall detain that minor
26 until such time as the agency makes a determination pursuant

1 to clause (a) of subsection (1) of Section 5-401 of the
2 Juvenile Court Act of 1987, as to whether the agency
3 reasonably believes that the minor is delinquent. If the law
4 enforcement agency determines that probable cause exists to
5 believe that the minor committed a violation of item (4) of
6 subsection (a) of Section 24-1 of the Criminal Code of 2012
7 while on school grounds, the agency shall detain the minor for
8 processing pursuant to Section 5-407 of the Juvenile Court Act
9 of 1987.

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

21 The State Board of Education shall receive an annual
22 statistical compilation and related data associated with
23 incidents involving firearms in schools from the Illinois
24 State Police. The State Board of Education shall compile this
25 information by school district and make it available to the
26 public.

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

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

7 As used in this Section, the term "school grounds"
8 includes the real property comprising any school, any
9 conveyance owned, leased, or contracted by a school to
10 transport students to or from school or a school-related
11 activity, or any public way within 1,000 feet of the real
12 property comprising any school.

13 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
14 102-813, eff. 5-13-22.)

15 (105 ILCS 5/34-8.05)

16 Sec. 34-8.05. Reporting firearms in schools. On or after
17 January 1, 1997, upon receipt of any written, electronic, or
18 verbal report from any school personnel regarding a verified
19 incident involving a firearm in a school or on school owned or
20 leased property, including any conveyance owned, leased, or
21 used by the school for the transport of students or school
22 personnel, the general superintendent or his or her designee
23 shall report all such firearm-related incidents occurring in a
24 school or on school property to the local law enforcement
25 authorities no later than 24 hours after the occurrence of the

1 incident and to the Illinois State Police in a form, manner,
2 and frequency as prescribed by the Illinois State Police.

3 The State Board of Education shall receive an annual
4 statistical compilation and related data associated with
5 incidents involving firearms in schools from the Illinois
6 State Police. As used in this Section, the term "firearm"
7 shall have the meaning ascribed to it in Section 2-7.5 of the
8 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~
9 ~~Card Act.~~

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

11 Section 40. The Illinois Explosives Act is amended by
12 changing Section 2005 as follows:

13 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

14 Sec. 2005. Qualifications for licensure.

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

16 (1) is under 21 years of age;

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

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

21 (4) is a fugitive from justice;

22 (5) is an unlawful user of or addicted to any
23 controlled substance as defined in Section 102 of the
24 federal Controlled Substances Act (21 U.S.C. Sec. 802 et

1 seq.);

2 (6) has been adjudicated a person with a mental
3 disability as defined in Section 6-103.1 of the Mental
4 Health and Developmental Disabilities Code 1.1 of the
5 Firearm Owners Identification Card Act; or

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

8 (b) A person who has been granted a "relief from
9 disabilities" regarding criminal convictions and indictments,
10 pursuant to the federal Safe Explosives Act (18 U.S.C. Sec.
11 845) may receive a license provided all other qualifications
12 under this Act are met.

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

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

17 (225 ILCS 447/35-30)

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

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

1 (a) No person shall be issued a permanent employee
2 registration card who:

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

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

6 (3) Has been determined by the Department to be unfit
7 by reason of conviction of an offense in this or another
8 state, including registration as a sex offender, but not
9 including a traffic offense. Persons convicted of felonies
10 involving bodily harm, weapons, violence, or theft within
11 the previous 10 years shall be presumed to be unfit for
12 registration. The Department shall adopt rules for making
13 those determinations that shall afford the applicant due
14 process of law.

15 (4) Has had a license or permanent employee
16 registration card denied, suspended, or revoked under this
17 Act (i) within one year before the date the person's
18 application for permanent employee registration card is
19 received by the Department; and (ii) that refusal, denial,
20 suspension, or revocation was based on any provision of
21 this Act other than Section 40-50, item (6) or (8) of
22 subsection (a) of Section 15-10, subsection (b) of Section
23 15-10, item (6) or (8) of subsection (a) of Section 20-10,
24 subsection (b) of Section 20-10, item (6) or (8) of
25 subsection (a) of Section 25-10, subsection (b) of Section
26 25-10, item (7) of subsection (a) of Section 30-10,

1 subsection (b) of Section 30-10, or Section 10-40.

2 (5) Has been declared incompetent by any court of
3 competent jurisdiction by reason of mental disease or
4 defect and has not been restored.

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

7 (b) No person may be employed by a private detective
8 agency, private security contractor agency, private alarm
9 contractor agency, fingerprint vendor agency, or locksmith
10 agency under this Section until he or she has executed and
11 furnished to the employer, on forms furnished by the
12 Department, a verified statement to be known as "Employee's
13 Statement" setting forth:

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

16 (2) The business or occupation engaged in for the 5
17 years immediately before the date of the execution of the
18 statement, the place where the business or occupation was
19 engaged in, and the names of employers, if any.

20 (3) That the person has not had a license or employee
21 registration denied, revoked, or suspended under this Act
22 (i) within one year before the date the person's
23 application for permanent employee registration card is
24 received by the Department; and (ii) that refusal, denial,
25 suspension, or revocation was based on any provision of
26 this Act other than Section 40-50, item (6) or (8) of

1 subsection (a) of Section 15-10, subsection (b) of Section
2 15-10, item (6) or (8) of subsection (a) of Section 20-10,
3 subsection (b) of Section 20-10, item (6) or (8) of
4 subsection (a) of Section 25-10, subsection (b) of Section
5 25-10, item (7) of subsection (a) of Section 30-10,
6 subsection (b) of Section 30-10, or Section 10-40.

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

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

10 (6) Any dishonorable discharge from the armed services
11 of the United States.

12 (7) Any other information as may be required by any
13 rule of the Department to show the good character,
14 competency, and integrity of the person executing the
15 statement.

16 (c) Each applicant for a permanent employee registration
17 card shall have his or her fingerprints submitted to the
18 Illinois State Police in an electronic format that complies
19 with the form and manner for requesting and furnishing
20 criminal history record information as prescribed by the
21 Illinois State Police. These fingerprints shall be checked
22 against the Illinois State Police and Federal Bureau of
23 Investigation criminal history record databases now and
24 hereafter filed. The Illinois State Police shall charge
25 applicants a fee for conducting the criminal history records
26 check, which shall be deposited in the State Police Services

1 Fund and shall not exceed the actual cost of the records check.
2 The Illinois State Police shall furnish, pursuant to positive
3 identification, records of Illinois convictions to the
4 Department. The Department may require applicants to pay a
5 separate fingerprinting fee, either to the Department or
6 directly to the vendor. The Department, in its discretion, may
7 allow an applicant who does not have reasonable access to a
8 designated vendor to provide his or her fingerprints in an
9 alternative manner. The Department, in its discretion, may
10 also use other procedures in performing or obtaining criminal
11 background checks of applicants. Instead of submitting his or
12 her fingerprints, an individual may submit proof that is
13 satisfactory to the Department that an equivalent security
14 clearance has been conducted. Also, an individual who has
15 retired as a peace officer within 12 months of application may
16 submit verification, on forms provided by the Department and
17 signed by his or her employer, of his or her previous full-time
18 employment as a peace officer.

19 (d) The Department shall issue a permanent employee
20 registration card, in a form the Department prescribes, to all
21 qualified applicants. The holder of a permanent employee
22 registration card shall carry the card at all times while
23 actually engaged in the performance of the duties of his or her
24 employment. Expiration and requirements for renewal of
25 permanent employee registration cards shall be established by
26 rule of the Department. Possession of a permanent employee

1 registration card does not in any way imply that the holder of
2 the card is employed by an agency unless the permanent
3 employee registration card is accompanied by the employee
4 identification card required by subsection (f) of this
5 Section.

6 (e) Each employer shall maintain a record of each employee
7 that is accessible to the duly authorized representatives of
8 the Department. The record shall contain the following
9 information:

10 (1) A photograph taken within 10 days of the date that
11 the employee begins employment with the employer. The
12 photograph shall be replaced with a current photograph
13 every 3 calendar years.

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

16 (3) All correspondence or documents relating to the
17 character and integrity of the employee received by the
18 employer from any official source or law enforcement
19 agency.

20 (4) In the case of former employees, the employee
21 identification card of that person issued under subsection
22 (f) of this Section. Each employee record shall duly note
23 if the employee is employed in an armed capacity. Armed
24 employee files shall contain ~~a copy of an active firearm~~
25 ~~owner's identification card and~~ a copy of an active
26 firearm control card. Each employer shall maintain a

1 record for each armed employee of each instance in which
2 the employee's weapon was discharged during the course of
3 his or her professional duties or activities. The record
4 shall be maintained on forms provided by the Department, a
5 copy of which must be filed with the Department within 15
6 days of an instance. The record shall include the date and
7 time of the occurrence, the circumstances involved in the
8 occurrence, and any other information as the Department
9 may require. Failure to provide this information to the
10 Department or failure to maintain the record as a part of
11 each armed employee's permanent file is grounds for
12 disciplinary action. The Department, upon receipt of a
13 report, shall have the authority to make any investigation
14 it considers appropriate into any occurrence in which an
15 employee's weapon was discharged and to take disciplinary
16 action as may be appropriate.

17 (5) A copy of the employee's permanent employee
18 registration card or a copy of the Department's "License
19 Lookup" Webpage showing that the employee has been issued
20 a valid permanent employee registration card by the
21 Department.

22 The Department may, by rule, prescribe further record
23 requirements.

24 (f) Every employer shall furnish an employee
25 identification card to each of his or her employees. This
26 employee identification card shall contain a recent photograph

1 of the employee, the employee's name, the name and agency
2 license number of the employer, the employee's personal
3 description, the signature of the employer, the signature of
4 that employee, the date of issuance, and an employee
5 identification card number.

6 (g) No employer may issue an employee identification card
7 to any person who is not employed by the employer in accordance
8 with this Section or falsely state or represent that a person
9 is or has been in his or her employ. It is unlawful for an
10 applicant for registered employment to file with the
11 Department the fingerprints of a person other than himself or
12 herself.

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

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

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

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

25 (1) The agency completes in its entirety and submits
26 to the Department an application for a permanent employee

1 registration card, including the required fingerprint
2 receipt and fees.

3 (2) The agency has verification from the Department
4 that the applicant has no record of any criminal
5 conviction pursuant to the criminal history check
6 conducted by the Illinois State Police. The agency shall
7 maintain the verification of the results of the Illinois
8 State Police criminal history check as part of the
9 employee record as required under subsection (e) of this
10 Section.

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

14 (4) The agency maintains a separate roster of the
15 names of all employees whose applications are currently
16 pending with the Department and submits the roster to the
17 Department on a monthly basis. Rosters are to be
18 maintained by the agency for a period of at least 24
19 months.

20 An agency may employ only a permanent employee applicant
21 for which it either submitted a permanent employee application
22 and all required forms and fees or it confirms with the
23 Department that a permanent employee application and all
24 required forms and fees have been submitted by another agency,
25 licensee or the permanent employee and all other requirements
26 of this Section are met.

1 The Department shall have the authority to revoke, without
2 a hearing, the temporary authority of an individual to work
3 upon receipt of Federal Bureau of Investigation fingerprint
4 data or a report of another official authority indicating a
5 criminal conviction. If the Department has not received a
6 temporary employee's Federal Bureau of Investigation
7 fingerprint data within 120 days of the date the Department
8 received the Illinois State Police fingerprint data, the
9 Department may, at its discretion, revoke the employee's
10 temporary authority to work with 15 days written notice to the
11 individual and the employing agency.

12 An agency may not employ a person in a temporary capacity
13 if it knows or reasonably should have known that the person has
14 been convicted of a crime under the laws of this State, has
15 been convicted in another state of any crime that is a crime
16 under the laws of this State, has been convicted of any crime
17 in a federal court, or has been posted as an unapproved
18 applicant by the Department. Notice by the Department to the
19 agency, via certified mail, personal delivery, electronic
20 mail, or posting on the Department's Internet site accessible
21 to the agency that the person has been convicted of a crime
22 shall be deemed constructive knowledge of the conviction on
23 the part of the agency. The Department may adopt rules to
24 implement this subsection (k).

25 (1) No person may be employed under this Section in any
26 capacity if:

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

5 (2) the person wears any portion of his or her
6 official uniform, emblem of authority, or equipment while
7 so employed.

8 (m) If information is discovered affecting the
9 registration of a person whose fingerprints were submitted
10 under this Section, the Department shall so notify the agency
11 that submitted the fingerprints on behalf of that person.

12 (n) Peace officers shall be exempt from the requirements
13 of this Section relating to permanent employee registration
14 cards. The agency shall remain responsible for any peace
15 officer employed under this exemption, regardless of whether
16 the peace officer is compensated as an employee or as an
17 independent contractor and as further defined by rule.

18 (o) Persons who have no access to confidential or security
19 information, who do not go to a client's or prospective
20 client's residence or place of business, and who otherwise do
21 not provide traditional security services are exempt from
22 employee registration. Examples of exempt employees include,
23 but are not limited to, employees working in the capacity of
24 ushers, directors, ticket takers, cashiers, drivers, and
25 reception personnel. Confidential or security information is
26 that which pertains to employee files, scheduling, client

1 contracts, or technical security and alarm data.

2 (p) An applicant who is 21 years of age or older seeking a
3 religious exemption to the photograph requirement of this
4 Section shall furnish with the application an approved copy of
5 United States Department of the Treasury Internal Revenue
6 Service Form 4029. Regardless of age, an applicant seeking a
7 religious exemption to this photograph requirement shall
8 submit fingerprints in a form and manner prescribed by the
9 Department with his or her application in lieu of a
10 photograph.

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

12 (225 ILCS 447/35-35)

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

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

15 (a) No person shall perform duties that include the use,
16 carrying, or possession of a firearm in the performance of
17 those duties without complying with the provisions of this
18 Section and having been issued a valid firearm control card by
19 the Department.

20 (b) No employer shall employ any person to perform the
21 duties for which licensure or employee registration is
22 required and allow that person to carry a firearm unless that
23 person has complied with all the firearm training requirements
24 of this Section and has been issued a firearm control card.
25 This Act permits only the following to carry firearms while

1 actually engaged in the performance of their duties or while
2 commuting directly to or from their places of employment:
3 persons licensed as private detectives and their registered
4 employees; persons licensed as private security contractors
5 and their registered employees; persons licensed as private
6 alarm contractors and their registered employees; and
7 employees of a registered armed proprietary security force.

8 (c) Possession of a valid firearm control card allows a
9 licensee or employee to carry a firearm not otherwise
10 prohibited by law while the licensee or employee is engaged in
11 the performance of his or her duties or while the licensee or
12 employee is commuting directly to or from the licensee's or
13 employee's place or places of employment.

14 (d) The Department shall issue a firearm control card to a
15 person who has passed an approved firearm training course, who
16 is currently licensed or employed by an agency licensed by
17 this Act and has met all the requirements of this Act, and who
18 is not prohibited under State or federal law from possessing a
19 firearm ~~possesses a valid firearm owner identification card.~~
20 Application for the firearm control card shall be made by the
21 employer to the Department on forms provided by the
22 Department. The Department shall forward the card to the
23 employer who shall be responsible for its issuance to the
24 licensee or employee. The firearm control card shall be issued
25 by the Department and shall identify the person holding it and
26 the name of the course where the licensee or employee received

1 firearm instruction and shall specify the type of weapon or
2 weapons the person is authorized by the Department to carry
3 and for which the person has been trained.

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

6 (f) The Department may, in addition to any other
7 disciplinary action permitted by this Act, refuse to issue,
8 suspend, or revoke a firearm control card if the applicant or
9 holder has been convicted of any felony or crime involving the
10 illegal use, carrying, or possession of a deadly weapon or for
11 a violation of this Act or rules adopted ~~promulgated~~ under
12 this Act. The Department shall refuse to issue or shall revoke
13 a firearm control card if the applicant or holder is
14 prohibited under State or federal law from possessing a
15 firearm ~~fails to possess a valid firearm owners identification~~
16 ~~card without hearing~~. The Secretary shall summarily suspend a
17 firearm control card if the Secretary finds that its continued
18 use would constitute an imminent danger to the public. A
19 hearing shall be held before the Board within 30 days if the
20 Secretary summarily suspends a firearm control card.

21 (g) Notwithstanding any other provision of this Act to the
22 contrary, all requirements relating to firearms control cards
23 do not apply to a peace officer. If an individual ceases to be
24 employed as a peace officer and continues to perform services
25 in an armed capacity under this Act that are licensed
26 activities, then the individual is required to obtain a

1 permanent employee registration card pursuant to Section 35-30
2 of this Act ~~and must possess a valid Firearm Owner's~~
3 ~~Identification Card~~, but is not required to obtain a firearm
4 control card if the individual is otherwise in continuing
5 compliance with the federal Law Enforcement Officers Safety
6 Act of 2004. If an individual elects to carry a firearm
7 pursuant to the federal Law Enforcement Officers Safety Act of
8 2004, then the agency employing the officer is required to
9 submit a notice of that election to the Department along with a
10 fee specified by rule.

11 (h) The Department may issue a temporary firearm control
12 card pending issuance of a new firearm control card upon an
13 agency's acquiring of an established armed account. An agency
14 that has acquired armed employees as a result of acquiring an
15 established armed account may, on forms supplied by the
16 Department, request the issuance of a temporary firearm
17 control card for each acquired employee who held a valid
18 firearm control card under his or her employment with the
19 newly acquired established armed account immediately preceding
20 the acquiring of the account and who continues to meet all of
21 the qualifications for issuance of a firearm control card set
22 forth in this Act and any rules adopted under this Act. The
23 Department shall, by rule, set the fee for issuance of a
24 temporary firearm control card.

25 (i) The Department shall not issue a firearm control card
26 to a licensed fingerprint vendor or a licensed locksmith or

1 employees of a licensed fingerprint vendor agency or a
2 licensed locksmith agency.

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

4 Section 46. The Illinois Gambling Act is amended by
5 changing Section 5.4 as follows:

6 (230 ILCS 10/5.4)

7 Sec. 5.4. Retiring investigators; purchase of service
8 firearm and badge. The Board shall establish a program to
9 allow an investigator appointed under paragraph (20.6) of
10 subsection (c) of Section 4 who is honorably retiring in good
11 standing to purchase either one or both of the following: (1)
12 any badge previously issued to the investigator by the Board;
13 or (2) ~~if the investigator has a currently valid Firearm~~
14 ~~Owner's Identification Card,~~ the service firearm issued or
15 previously issued to the investigator by the Board. The badge
16 must be permanently and conspicuously marked in such a manner
17 that the individual who possesses the badge is not mistaken
18 for an actively serving law enforcement officer. The cost of
19 the firearm shall be the replacement value of the firearm and
20 not the firearm's fair market value.

21 (Source: P.A. 102-719, eff. 5-6-22.)

22 Section 50. The Mental Health and Developmental
23 Disabilities Code is amended by changing Sections 1-106,

1 6-103.1, 6-103.2, and 6-103.3 as follows:

2 (405 ILCS 5/1-106) (from Ch. 91 1/2, par. 1-106)

3 Sec. 1-106. "Developmental disability" means a severe,
4 chronic disability, other than mental illness, found to be
5 closely related to an intellectual disability because this
6 condition results in impairment of general intellectual
7 functioning or adaptive behavior similar to that of persons
8 with ID, and requires services similar to those required for a
9 person with an intellectual disability. In addition, a
10 developmental disability: (1) is manifested before the
11 individual reaches 22 years of age; (2) is likely to continue
12 indefinitely; (3) results in substantial functional
13 limitations in three or more of the following areas of major
14 life activity: self-care, receptive and expressive language,
15 learning, mobility, self-direction, capacity for independent
16 living, or economic self-sufficiency; and (4) reflects the
17 individual's need for a combination and sequence of special
18 interdisciplinary or generic services, individualized
19 supports, or other forms of assistance that are of lifelong or
20 extended duration and are individually planned and
21 coordinated. ~~This definition does not supersede the~~
22 ~~"developmental disability" definition in Section 1.1 of the~~
23 ~~Firearm Owners Identification Card Act which is required to be~~
24 ~~applied under that Act for the purpose of mandatory reporting.~~
25 (Source: P.A. 102-972, eff. 1-1-23.)

1 (405 ILCS 5/6-103.1)

2 Sec. 6-103.1. Adjudication as a person with a mental
3 disability. When a person has been adjudicated as a person
4 with a mental disability as defined in this Section ~~Section~~
5 ~~1.1 of the Firearm Owners Identification Card Act~~, including,
6 but not limited to, an adjudication as a person with a
7 disability as defined in Section 11a-2 of the Probate Act of
8 1975, the court shall direct the circuit court clerk to notify
9 the Illinois State Police, ~~Firearm Owner's Identification~~
10 ~~(FOID) Office~~, in a form and manner prescribed by the Illinois
11 State Police, and shall forward a copy of the court order to
12 the Department no later than 7 days after the entry of the
13 order. Upon receipt of the order, the Illinois State Police
14 shall provide notification to the National Instant Criminal
15 Background Check System. In this Section, "has been
16 adjudicated as a person with a mental disability" means the
17 person is the subject of a determination by a court, board,
18 commission, or other lawful authority that the person, as a
19 result of marked subnormal intelligence, or mental illness,
20 mental impairment, incompetency, condition, or disease:

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

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

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

3 (3.5) is guilty but mentally ill, as provided in
4 Section 5-2-6 of the Unified Code of Corrections;

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

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

9 (6) is a sexually violent person under subsection (f)
10 of Section 5 of the Sexually Violent Persons Commitment
11 Act;

12 (7) is a sexually dangerous person under the Sexually
13 Dangerous Persons Act;

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

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

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

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

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

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

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

4 (405 ILCS 5/6-103.2)

5 Sec. 6-103.2. Developmental disability; notice. If a
6 person 14 years old or older is determined to be a person with
7 a developmental disability by a physician, clinical
8 psychologist, or qualified examiner, the physician, clinical
9 psychologist, or qualified examiner shall notify the
10 Department of Human Services within 7 days of making the
11 determination that the person has a developmental disability.
12 The Department of Human Services shall immediately update its
13 records and information relating to mental health and
14 developmental disabilities, and if appropriate, shall notify
15 the Illinois State Police in a form and manner prescribed by
16 the Illinois State Police. Information disclosed under this
17 Section shall remain privileged and confidential, and shall
18 not be redisclosed, except as required under clause (e) (2) of
19 Section 24-4.5 of the Criminal Code of 2012 ~~subsection (e) of~~
20 ~~Section 3.1 of the Firearm Owners Identification Card Act~~, nor
21 used for any other purpose. The method of providing this
22 information shall guarantee that the information is not
23 released beyond that which is necessary for the purpose of
24 this Section and shall be provided by rule by the Department of
25 Human Services. The identity of the person reporting under

1 this Section shall not be disclosed to the subject of the
2 report.

3 The physician, clinical psychologist, or qualified
4 examiner making the determination and his or her employer may
5 not be held criminally, civilly, or professionally liable for
6 making or not making the notification required under this
7 Section, except for willful or wanton misconduct.

8 In this Section, "person with a developmental disability"
9 has the meaning ascribed to it in Section 12 of the Mental
10 Health and Developmental Disabilities Confidentiality Act.

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

- 22 (i) self-care;
23 (ii) receptive and expressive language;
24 (iii) learning;
25 (iv) mobility; or
26 (v) self-direction.

1 "Determined to be a person with a developmental disability
2 by a physician, clinical psychologist, or qualified examiner"
3 means in the professional opinion of the physician, clinical
4 psychologist, or qualified examiner, a person is diagnosed,
5 assessed, or evaluated as having a developmental disability.
6 (Source: P.A. 102-538, eff. 8-20-21.)

7 (405 ILCS 5/6-103.3)

8 Sec. 6-103.3. Clear and present danger; notice. If a
9 person is determined to pose a clear and present danger to
10 himself, herself, or to others by a physician, clinical
11 psychologist, or qualified examiner, whether employed by the
12 State, by any public or private mental health facility or part
13 thereof, or by a law enforcement official or a school
14 administrator, then the physician, clinical psychologist,
15 qualified examiner shall notify the Department of Human
16 Services and a law enforcement official or school
17 administrator shall notify the Illinois State Police, within
18 24 hours of making the determination that the person poses a
19 clear and present danger. The Department of Human Services
20 shall immediately update its records and information relating
21 to mental health and developmental disabilities, and if
22 appropriate, shall notify the Illinois State Police in a form
23 and manner prescribed by the Illinois State Police.
24 Information disclosed under this Section shall remain
25 privileged and confidential, and shall not be redisclosed,

1 except as required under clause (e)(2) of Section 24-4.5 of
2 the Criminal Code of 2012 ~~subsection (c) of Section 3.1 of the~~
3 ~~Firearm Owners Identification Card Act~~, nor used for any other
4 purpose. The method of providing this information shall
5 guarantee that the information is not released beyond that
6 which is necessary for the purpose of this Section and shall be
7 provided by rule by the Department of Human Services. The
8 identity of the person reporting under this Section shall not
9 be disclosed to the subject of the report. The physician,
10 clinical psychologist, qualified examiner, law enforcement
11 official, or school administrator making the determination and
12 his or her employer shall not be held criminally, civilly, or
13 professionally liable for making or not making the
14 notification required under this Section, except for willful
15 or wanton misconduct. This Section does not apply to a law
16 enforcement official, if making the notification under this
17 Section will interfere with an ongoing or pending criminal
18 investigation.

19 For the purposes of this Section:

20 "Clear and present danger" means a person who: ~~has the~~
21 ~~meaning ascribed to it in Section 1.1 of the Firearm~~
22 ~~Owners Identification Card Act.~~

23 (1) communicates a serious threat of physical
24 violence against a reasonably identifiable victim or
25 poses a clear and imminent risk of serious physical
26 injury to himself, herself, or another person as

1 determined by a physician, clinical psychologist, or
2 qualified examiner; or

3 (2) demonstrates threatening physical or verbal
4 behavior, such as violent, suicidal, or assaultive
5 threats, actions, or other behavior, as determined by
6 a physician, clinical psychologist, qualified
7 examiner, school administrator, or law enforcement
8 official.

9 "Physician", "clinical psychologist", and "qualified
10 examiner" have the meanings ascribed to them in the Mental
11 Health and Developmental Disabilities Code.

12 "Determined to pose a clear and present danger to
13 himself, herself, or to others by a physician, clinical
14 psychologist, or qualified examiner" means in the
15 professional opinion of the physician, clinical
16 psychologist, or qualified examiner, a person poses a
17 clear and present danger.

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

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

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

24 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

2 "Child care facility" means any structure used by a child
3 care provider licensed by the Department of Children and
4 Family Services or public or private school structure
5 frequented by children 6 years of age or younger.

6 "Childhood Lead Risk Questionnaire" means the
7 questionnaire developed by the Department for use by
8 physicians and other health care providers to determine risk
9 factors for children 6 years of age or younger residing in
10 areas designated as low risk for lead exposure.

11 "Delegate agency" means a unit of local government or
12 health department approved by the Department to carry out the
13 provisions of this Act.

14 "Department" means the Department of Public Health.

15 "Director" means the Director of Public Health.

16 "Dwelling unit" means an individual unit within a
17 residential building used as living quarters for one
18 household.

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

21 "Exposed surface" means any interior or exterior surface
22 of a regulated facility.

23 "High risk area" means an area in the State determined by
24 the Department to be high risk for lead exposure for children 6
25 years of age or younger. The Department may consider, but is
26 not limited to, the following factors to determine a high risk

1 area: age and condition (using Department of Housing and Urban
2 Development definitions of "slum" and "blighted") of housing,
3 proximity to highway traffic or heavy local traffic or both,
4 percentage of housing determined as rental or vacant,
5 proximity to industry using lead, established incidence of
6 elevated blood lead levels in children, percentage of
7 population living below 200% of federal poverty guidelines,
8 and number of children residing in the area who are 6 years of
9 age or younger.

10 "Lead abatement" means any approved work practices that
11 will permanently eliminate lead exposure or remove the
12 lead-bearing substances in a regulated facility. The
13 Department shall establish by rule which work practices are
14 approved or prohibited for lead abatement.

15 "Lead abatement contractor" means any person or entity
16 licensed by the Department to perform lead abatement and
17 mitigation.

18 "Lead abatement supervisor" means any person employed by a
19 lead abatement contractor and licensed by the Department to
20 perform lead abatement and lead mitigation and to supervise
21 lead workers who perform lead abatement and lead mitigation.

22 "Lead abatement worker" means any person employed by a
23 lead abatement contractor and licensed by the Department to
24 perform lead abatement and mitigation.

25 "Lead activities" means the conduct of any lead services,
26 including, lead inspection, lead risk assessment, lead

1 mitigation, or lead abatement work or supervision in a
2 regulated facility.

3 "Lead-bearing substance" means any item containing or
4 coated with lead such that the lead content is more than
5 six-hundredths of one percent (0.06%) lead by total weight; or
6 any dust on surfaces or in furniture or other nonpermanent
7 elements of the regulated facility; or any paint or other
8 surface coating material containing more than five-tenths of
9 one percent (0.5%) lead by total weight (calculated as lead
10 metal) in the total non-volatile content of liquid paint; or
11 lead-bearing substances containing greater than one milligram
12 per square centimeter or any lower standard for lead content
13 in residential paint as may be established by federal law or
14 rule; or more than 1 milligram per square centimeter in the
15 dried film of paint or previously applied substance; or item
16 or dust on item containing lead in excess of the amount
17 specified in the rules authorized by this Act or a lower
18 standard for lead content as may be established by federal law
19 or rule. "Lead-bearing substance" does not include firearm
20 ammunition or components as defined by Section 2-7.1 of the
21 Criminal Code of 2012 ~~the Firearm Owners Identification Card~~
22 ~~Act.~~

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

25 "Lead hazard screen" means a lead risk assessment that
26 involves limited dust and paint sampling for lead-bearing

1 substances and lead hazards. This service is used as a
2 screening tool designed to determine if further lead
3 investigative services are required for the regulated
4 facility.

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

7 "Lead inspector" means an individual who has been trained
8 by a Department-approved training program and is licensed by
9 the Department to conduct lead inspections; to sample for the
10 presence of lead in paint, dust, soil, and water; and to
11 conduct compliance investigations.

12 "Lead mitigation" means the remediation, in a manner
13 described in Section 9, of a lead hazard so that the
14 lead-bearing substance does not pose an immediate health
15 hazard to humans.

16 "Lead poisoning" means having an elevated blood lead
17 level.

18 "Lead risk assessment" means an on-site investigation to
19 determine the existence, nature, severity, and location of
20 lead hazards. "Lead risk assessment" includes any lead
21 sampling and visual assessment associated with conducting a
22 lead risk assessment and lead hazard screen and all lead
23 sampling associated with compliance investigations.

24 "Lead risk assessor" means an individual who has been
25 trained by a Department-approved training program and is
26 licensed by the Department to conduct lead risk assessments,

1 lead inspections, and lead hazard screens; to sample for the
2 presence of lead in paint, dust, soil, water, and sources for
3 lead-bearing substances; and to conduct compliance
4 investigations.

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

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

12 "Owner" means any person, who alone, jointly, or severally
13 with others:

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

16 (b) Has charge, care, or control of the regulated
17 facility as owner or agent of the owner, or as executor,
18 administrator, trustee, or guardian of the estate of the
19 owner.

20 "Person" means any individual, partnership, firm, company,
21 limited liability company, corporation, association, joint
22 stock company, trust, estate, political subdivision, State
23 agency, or any other legal entity, or their legal
24 representative, agent, or assign.

25 "Regulated facility" means a residential building or child
26 care facility.

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

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

6 (430 ILCS 65/Act rep.)

7 Section 60. The Firearm Owners Identification Card Act is
8 repealed.

9 Section 65. The Firearm Concealed Carry Act is amended by
10 changing Sections 25, 30, 40, 66, 70, 80, and 105 as follows:

11 (430 ILCS 66/25)

12 Sec. 25. Qualifications for a license.

13 The Illinois State Police shall issue a license to an
14 applicant completing an application in accordance with Section
15 30 of this Act if the person:

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

17 (2) ~~has a currently valid Firearm Owner's~~
18 ~~Identification Card and at the time of application meets~~
19 ~~the requirements for the issuance of a Firearm Owner's~~
20 ~~Identification Card and is not prohibited under State the~~
21 ~~Firearm Owners Identification Card Act~~ or federal law from
22 possessing or receiving a firearm;

23 (3) has not been convicted or found guilty in this

1 State or in any other state of:

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

6 (B) 2 or more violations related to driving while
7 under the influence of alcohol, other drug or drugs,
8 intoxicating compound or compounds, or any combination
9 thereof, within the 5 years preceding the date of the
10 license application;

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

15 (5) has not been in residential or court-ordered
16 treatment for alcoholism, alcohol detoxification, or drug
17 treatment within the 5 years immediately preceding the
18 date of the license application; and

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

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

22 (430 ILCS 66/30)

23 Sec. 30. Contents of license application.

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

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

7 (b) The application shall contain the following:

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

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

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

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

4 (4) an affirmation that the applicant is not
5 prohibited under State or federal law from possessing or
6 receiving a firearm ~~possesses a currently valid Firearm~~
7 ~~Owner's Identification Card and card number if possessed~~
8 ~~or notice the applicant is applying for a Firearm Owner's~~
9 ~~Identification Card in conjunction with the license~~
10 ~~application;~~

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

13 (A) a felony;

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

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

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

1 (7) written consent for the Illinois State Police to
2 review and use the applicant's Illinois digital driver's
3 license or Illinois identification card photograph and
4 signature;

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

14 (9) a head and shoulder color photograph in a size
15 specified by the Illinois State Police taken within the 30
16 days preceding the date of the license application; and

17 (10) a photocopy of any certificates or other evidence
18 of compliance with the training requirements under this
19 Act.

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

22 (430 ILCS 66/40)

23 Sec. 40. Non-resident license applications.

24 (a) For the purposes of this Section, "non-resident" means
25 a person who has not resided within this State for more than 30

1 days and resides in another state or territory.

2 (b) The Illinois State Police shall by rule allow for
3 non-resident license applications from any state or territory
4 of the United States with laws related to firearm ownership,
5 possession, and carrying, that are substantially similar to
6 the requirements to obtain a license under this Act.

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

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

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

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

21 (B) if applicable, has a license or permit to
22 carry a firearm or concealed firearm issued by his or
23 her state or territory of residence and attach a copy
24 of the license or permit to the application;

25 (C) understands Illinois laws pertaining to the
26 possession and transport of firearms; and

1 (D) acknowledges that the applicant is subject to
2 the jurisdiction of the Illinois State Police and
3 Illinois courts for any violation of this Act;

4 (3) a photocopy of any certificates or other evidence
5 of compliance with the training requirements under Section
6 75 of this Act; and

7 (4) a head and shoulder color photograph in a size
8 specified by the Illinois State Police taken within the 30
9 days preceding the date of the application.

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

23 (e) Nothing in this Act shall prohibit a non-resident from
24 transporting a concealed firearm within his or her vehicle in
25 Illinois, if the concealed firearm remains within his or her
26 vehicle and the non-resident:

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

3 (2) is eligible to carry a firearm in public under the
4 laws of his or her state or territory of residence, as
5 evidenced by the possession of a concealed carry license
6 or permit issued by his or her state of residence, if
7 applicable; and

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

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

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

14 (430 ILCS 66/66)

15 Sec. 66. Illinois State Police to monitor databases for
16 firearms prohibitors. The Illinois State Police shall
17 continuously monitor relevant State and federal databases for
18 firearms prohibitors and correlate those records with
19 concealed carry license holders to ensure compliance with this
20 Act and any other State and federal laws. As used in this
21 Section, "firearms prohibitor" means any factor listed in
22 ~~Section 8 or Section 8.2 of the Firearm Owners Identification~~
23 ~~Card Act or~~ Section 24-3 or 24-3.1 of the Criminal Code of 2012
24 that prohibits a person from transferring or possessing a
25 firearm, firearm ammunition, ~~Firearm Owner's Identification~~

1 ~~Card,~~ or concealed carry license.

2 (Source: P.A. 102-237, eff. 1-1-22.)

3 (430 ILCS 66/70)

4 Sec. 70. Violations.

5 (a) A license issued or renewed under this Act shall be
6 revoked if, at any time, the licensee is found to be ineligible
7 for a license under this Act or the licensee is prohibited from
8 possessing a firearm under State or federal law no longer
9 ~~meets the eligibility requirements of the Firearm Owners~~
10 ~~Identification Card Act.~~

11 (b) A license shall be suspended if an order of
12 protection, including an emergency order of protection,
13 plenary order of protection, or interim order of protection
14 under Article 112A of the Code of Criminal Procedure of 1963 or
15 under the Illinois Domestic Violence Act of 1986, or if a
16 firearms restraining order, including an emergency firearms
17 restraining order, under the Firearms Restraining Order Act,
18 is issued against a licensee for the duration of the order, or
19 if the Illinois State Police is made aware of a similar order
20 issued against the licensee in any other jurisdiction. If an
21 order of protection is issued against a licensee, the licensee
22 shall surrender the license, as applicable, to the court at
23 the time the order is entered or to the law enforcement agency
24 or entity serving process at the time the licensee is served
25 the order. The court, law enforcement agency, or entity

1 responsible for serving the order of protection shall notify
2 the Illinois State Police within 7 days and transmit the
3 license to the Illinois State Police.

4 (c) A license is invalid upon expiration of the license,
5 unless the licensee has submitted an application to renew the
6 license, and the applicant is otherwise eligible to possess a
7 license under this Act.

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

13 A licensee in violation of this subsection (d) shall be
14 guilty of a Class A misdemeanor for a first or second violation
15 and a Class 4 felony for a third violation. The Illinois State
16 Police may suspend a license for up to 6 months for a second
17 violation and shall permanently revoke a license for a third
18 violation.

19 (e) Except as otherwise provided, a licensee in violation
20 of this Act shall be guilty of a Class B misdemeanor. A second
21 or subsequent violation is a Class A misdemeanor. The Illinois
22 State Police may suspend a license for up to 6 months for a
23 second violation and shall permanently revoke a license for 3
24 or more violations of Section 65 of this Act. Any person
25 convicted of a violation under this Section shall pay a \$150
26 fee to be deposited into the Mental Health Reporting Fund,

1 plus any applicable court costs or fees.

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

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

1 denied. The observation of a concealed carry license in the
2 possession of a person whose license has been revoked,
3 suspended, or denied constitutes a sufficient basis for the
4 arrest of that person for violation of this subsection. A
5 violation of this subsection is a Class A misdemeanor.

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

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

23 (h-5) (Blank). ~~If the Firearm Owner's Identification Card~~
24 ~~of a licensee under this Act expires during the term of the~~
25 ~~license issued under this Act, the license and the Firearm~~
26 ~~Owner's Identification Card remain valid, and the Illinois~~

1 ~~State Police may automatically renew the licensee's Firearm~~
2 ~~Owner's Identification Card as provided in subsection (c) of~~
3 ~~Section 5 of the Firearm Owners Identification Card Act.~~

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

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

14 (430 ILCS 66/80)

15 Sec. 80. Certified firearms instructors.

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

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

1 offense with a fine of at least \$1,000 per violation.

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

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

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

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

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

15 (1) possess a high school diploma or State of Illinois
16 High School Diploma; and

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

19 (A) certification from a law enforcement agency;

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

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

25 (D) certification from an entity approved by the
26 Illinois State Police that offers firearm instructor

1 education and training in the use and safety of
2 firearms.

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

9 (Source: P.A. 102-538, eff. 8-20-21; 102-1100, eff. 1-1-23.)

10 (430 ILCS 66/105)

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

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

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

3 (430 ILCS 67/35)

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

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

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

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

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

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

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

20 (f) If a circuit or associate judge finds probable cause
21 to believe that the respondent poses an immediate and present
22 danger of causing personal injury to himself, herself, or
23 another by having in his or her custody or control,
24 purchasing, possessing, or receiving a firearm, ammunition, or
25 firearm parts that could be assembled to make an operable
26 firearm, the circuit or associate judge shall issue an

1 emergency order.

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

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

19 (1) the respondent to refrain from having in his or
20 her custody or control, purchasing, possessing, or
21 receiving additional firearms, ammunition, or firearm
22 parts that could be assembled to make an operable firearm,
23 or removing firearm parts that could be assembled to make
24 an operable firearm for the duration of the order ~~under~~
25 ~~Section 8.2 of the Firearm Owners Identification Card Act;~~
26 and

1 (2) the respondent to comply with Section 9.5 of ~~the~~
2 ~~Firearm Owners Identification Card Act~~ and subsection (g)
3 of Section 70 of the Firearm Concealed Carry Act.

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

23 (h-5) On or before January 1, 2022, a respondent whose
24 firearms have been turned over to a local law enforcement
25 agency ~~Firearm Owner's Identification Card has been revoked or~~
26 ~~suspended~~ may petition the court, if the petitioner is present

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

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

1 firearm parts that could be assembled to make an operable
2 firearm shall be returned to him or her, provided that:

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

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

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

1 an operable firearm.

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

11 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
12 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.
13 5-13-22.)

14 (430 ILCS 67/40)

15 Sec. 40. Six-month orders.

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

1 believed by the petitioner to be possessed or controlled by
2 the respondent.

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

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

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

26 (e) In determining whether to issue a firearms restraining

1 order under this Section, the court shall consider evidence
2 including, but not limited to, the following:

3 (1) The unlawful and reckless use, display, or
4 brandishing of a firearm, ammunition, and firearm parts
5 that could be assembled to make an operable firearm by the
6 respondent.

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

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

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

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

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

24 (7) A pattern of violent acts or violent threats,
25 including, but not limited to, threats of violence or acts
26 of violence by the respondent directed toward himself,

1 herself, or another.

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

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

14 (g-5) If the court issues a 6-month firearms restraining
15 order, it shall, upon a finding of probable cause that the
16 respondent possesses firearms, ammunition, and firearm parts
17 that could be assembled to make an operable firearm, issue a
18 search warrant directing a law enforcement agency to seize the
19 respondent's firearms, ammunition, and firearm parts that
20 could be assembled to make an operable firearm. The court may,
21 as part of that warrant, direct the law enforcement agency to
22 search the respondent's residence and other places where the
23 court finds there is probable cause to believe he or she is
24 likely to possess the firearms, ammunition, and firearm parts
25 that could be assembled to make an operable firearm. A return
26 of the search warrant shall be filed by the law enforcement

1 agency within 4 days thereafter, setting forth the time, date,
2 and location that the search warrant was executed and what
3 items, if any, were seized.

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

5 (1) the respondent to refrain from having in his or
6 her custody or control, purchasing, possessing, or
7 receiving additional firearms, ammunition, and firearm
8 parts that could be assembled to make an operable firearm
9 for the duration of the order ~~under Section 8.2 of the~~
10 ~~Firearm Owners Identification Card Act~~; and

11 (2) the respondent to comply with ~~Section 9.5 of the~~
12 ~~Firearm Owners Identification Card Act~~ and subsection (g)
13 of Section 70 of the Firearm Concealed Carry Act.

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

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

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

26 (i-6) If a person other than the respondent claims title

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

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

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

24 The person petitioning for the return of his or her
25 firearm, ammunition, and firearm parts that could be assembled
26 to make an operable firearm must swear or affirm by affidavit

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

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

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

20 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
21 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.
22 5-13-22.)

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

1 (430 ILCS 68/5-20)

2 Sec. 5-20. Additional licensee requirements.

3 (a) A certified licensee shall make a photo copy of a
4 buyer's or transferee's valid photo identification card
5 whenever a firearm sale transaction takes place. The photo
6 copy shall be attached to the documentation detailing the
7 record of sale.

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

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

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

17 (B) sell or transfer your firearm to someone else
18 without receiving approval for the transfer from the
19 Illinois State Police, or

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

22 This sign shall be created by the Illinois State Police and
23 made available for printing or downloading from the Illinois
24 State Police's website.

25 (c) No retail location established after the effective

1 date of this Act shall be located within 500 feet of any
2 school, pre-school, or day care facility in existence at its
3 location before the retail location is established as measured
4 from the nearest corner of the building holding the retail
5 location to the corner of the school, pre-school, or day care
6 facility building nearest the retail location at the time the
7 retail location seeks licensure.

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

9 (430 ILCS 68/5-25)

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

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

17 (2) temporary transfers of firearms solely for use
18 while in the presence of the transferor or transfers for
19 the purposes of firearm safety training by a firearms
20 safety training instructor;

21 (3) transfers of firearms among immediate family or
22 household members, as "immediate family or household
23 member" is defined in Section 3-2.7-10 of the Unified Code
24 of Corrections, provided that both the transferor and
25 transferee are not prohibited from possessing a firearm

1 ~~under federal or State law have a currently valid Firearm~~
2 ~~Owner's Identification Card; however, this paragraph (3)~~
3 ~~does not limit the familial gift exemption under paragraph~~
4 ~~(2) of subsection (a-15) of Section 3 of the Firearm~~
5 ~~Owners Identification Card Act;~~

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

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

14 (6) transfers of firearms that have been rendered
15 permanently inoperable to a nonprofit historical society,
16 museum, or institutional collection;

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

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

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

26 (10) transfers by a person or entity licensed as an

1 auctioneer under the Auction License Act;

2 (10.5) transfers of firearms to a resident registered
3 competitor or attendee or non-resident registered
4 competitor or attendee by a licensed federal firearms
5 dealer under Section 923 of the federal Gun Control Act of
6 1968 at a competitive shooting event held at the World
7 Shooting and Recreational Complex that is sanctioned by a
8 national governing body; or

9 (11) transfers between a pawnshop and a customer which
10 amount to a bailment. For purposes of this paragraph (11),
11 "bailment" means the act of placing property in the
12 custody and control of another, by agreement in which the
13 holder is responsible for the safekeeping and return of
14 the property.

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

16 (430 ILCS 68/5-40)

17 Sec. 5-40. Qualifications for operation.

18 (a) Each certified licensee shall submit with each
19 application for certification or renewal an affidavit to the
20 Illinois State Police stating that each owner, employee, or
21 other agent of the certified licensee who sells or conducts
22 transfers of firearms for the certified licensee is at least
23 21 years of age, ~~has a currently valid Firearm Owner's~~
24 ~~Identification Card~~ and, for a renewal, has completed the
25 training required under Section 5-30. The affidavit must also

1 contain the name ~~and Firearm Owner's Identification Card~~
2 ~~number~~ of each owner, employee, or other agent who sells or
3 conducts transfers of firearms for the certified licensee. If
4 an owner, employee, or other agent of the certified licensee
5 is not otherwise a resident of this State, the certified
6 licensee shall submit an affidavit stating that the owner,
7 employee, or other agent has undergone a background check and
8 is not prohibited from owning or possessing firearms.

9 (b) In addition to the affidavit required under subsection
10 (a), within 30 days of a new owner, employee, or other agent
11 beginning selling or conducting transfers of firearms for the
12 certified licensee, the certified licensee shall submit an
13 affidavit to the Illinois State Police stating the date that
14 the new owner, employee, or other agent began selling or
15 conducting transfers of firearms for the certified licensee,
16 and providing the information required in subsection (a) for
17 that new owner, employee, or other agent.

18 (c) If a certified licensee has a license, certificate, or
19 permit to sell, lease, transfer, purchase, or possess firearms
20 issued by the federal government or the government of any
21 state revoked or suspended for good cause within the preceding
22 4 years, the Illinois State Police may consider revoking or
23 suspending the certified licenses in this State. In making a
24 determination of whether or not to revoke or suspend a
25 certified license in this State, the Illinois State Police
26 shall consider the number of retail locations the certified

1 licensee or any related person or entity operates in this
2 State or in other states under the same or different business
3 names, and the severity of the infraction in the state in which
4 a license was revoked or suspended.

5 (d) Applications and affidavits required under this
6 Section are not subject to disclosure by the Illinois State
7 Police under the Freedom of Information Act.

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

9 (430 ILCS 68/5-85)

10 Sec. 5-85. Disciplinary sanctions.

11 (a) For violations of this Act not penalized under Section
12 5-15, the Illinois State Police may refuse to renew or
13 restore, or may reprimand, place on probation, suspend,
14 revoke, or take other disciplinary or non-disciplinary action
15 against any licensee, and may impose a fine commensurate with
16 the severity of the violation not to exceed \$10,000 for each
17 violation for any of the following, consistent with the
18 Protection of Lawful Commerce in Arms Act, 15 U.S.C. 7901
19 through 7903:

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

22 (2) A pattern of practice or other behavior which
23 demonstrates incapacity or incompetency to practice under
24 this Act.

25 (3) Aiding or assisting another person in violating

1 any provision of this Act or rules adopted under this Act.

2 (4) Failing, within 60 days, to provide information in
3 response to a written request made by the Illinois State
4 Police.

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

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

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

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

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

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

24 (9) Violation of any disciplinary order imposed on a
25 licensee by the Illinois State Police.

26 (10) A finding by the Illinois State Police that the

1 licensee, after having his or her certified license placed
2 on probationary status, has violated the terms of
3 probation.

4 (11) A fraudulent or material misstatement in the
5 completion of an affirmative obligation or inquiry by law
6 enforcement.

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

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

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

13 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

14 Sec. 3.2. Hunting license; application; instruction.
15 Before the Department or any county, city, village, township,
16 incorporated town clerk or his duly designated agent or any
17 other person authorized or designated by the Department to
18 issue hunting licenses shall issue a hunting license to any
19 person, the person shall file his application with the
20 Department or other party authorized to issue licenses on a
21 form provided by the Department and further give definite
22 proof of identity and place of legal residence. Each clerk
23 designating agents to issue licenses and stamps shall furnish
24 the Department, within 10 days following the appointment, the

1 names and mailing addresses of the agents. Each clerk or his
2 duly designated agent shall be authorized to sell licenses and
3 stamps only within the territorial area for which he was
4 elected or appointed. No duly designated agent is authorized
5 to furnish licenses or stamps for issuance by any other
6 business establishment. Each application shall be executed and
7 sworn to and shall set forth the name and description of the
8 applicant and place of residence.

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

21 The Department of Natural Resources shall authorize
22 personnel of the Department or certified volunteer instructors
23 to conduct courses, of not less than 10 hours in length, in
24 firearms and hunter safety, which may include training in bow
25 and arrow safety, at regularly specified intervals throughout
26 the State. Persons successfully completing the course shall

1 receive a certificate of competency. The Department of Natural
2 Resources may further cooperate with any reputable association
3 or organization in establishing courses if the organization
4 has as one of its objectives the promotion of safety in the
5 handling of firearms or bow and arrow.

6 The Department of Natural Resources shall designate any
7 person found by it to be competent to give instruction in the
8 handling of firearms, hunter safety, and bow and arrow. The
9 persons so appointed shall give the course of instruction and
10 upon the successful completion shall issue to the person
11 instructed a certificate of competency in the safe handling of
12 firearms, hunter safety, and bow and arrow. No charge shall be
13 made for any course of instruction except for materials or
14 ammunition consumed. The Department of Natural Resources shall
15 furnish information on the requirements of hunter safety
16 education programs to be distributed free of charge to
17 applicants for hunting licenses by the persons appointed and
18 authorized to issue licenses. ~~Funds for the conducting of
19 firearms and hunter safety courses shall be taken from the fee
20 charged for the Firearm Owners Identification Card.~~

21 The fee for a hunting license to hunt all species for a
22 resident of Illinois is \$12. For residents age 65 or older,
23 and, commencing with the 2012 license year, resident veterans
24 of the United States Armed Forces after returning from service
25 abroad or mobilization by the President of the United States
26 as an active duty member of the United States Armed Forces, the

1 Illinois National Guard, or the Reserves of the United States
2 Armed Forces, the fee is one-half of the fee charged for a
3 hunting license to hunt all species for a resident of
4 Illinois. Veterans must provide to the Department acceptable
5 verification of their service. The Department shall establish
6 by administrative rule the procedure by which such
7 verification of service shall be made to the Department for
8 the purpose of issuing resident veterans hunting licenses at a
9 reduced fee. The fee for a hunting license to hunt all species
10 shall be \$1 for residents over 75 years of age. Nonresidents
11 shall be charged \$57 for a hunting license.

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

15 A special nonresident hunting license authorizing a
16 nonresident to take game birds by hunting on a game breeding
17 and hunting preserve area only, established under Section
18 3.27, shall be issued upon proper application being made and
19 payment of a fee equal to that for a resident hunting license.
20 The expiration date of this license shall be on the same date
21 each year that game breeding and hunting preserve area
22 licenses expire.

23 Each applicant for a State Migratory Waterfowl Stamp,
24 regardless of his residence or other condition, shall pay a
25 fee of \$15 and shall receive a stamp. The fee for a State
26 Migratory Waterfowl Stamp shall be waived for residents over

1 75 years of age. Except as provided under Section 20-45 of the
2 Fish and Aquatic Life Code, the stamp shall be signed by the
3 person or affixed to his license or permit in a space
4 designated by the Department for that purpose.

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

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

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

18 The Department shall furnish the holders of hunting
19 licenses and stamps with an insignia as evidence of possession
20 of license, or license and stamp, as the Department may
21 consider advisable. The insignia shall be exhibited and used
22 as the Department may order.

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

25 Every person holding any license, permit, or stamp issued
26 under the provisions of this Act shall have it in his

1 possession for immediate presentation for inspection to the
2 officers and authorized employees of the Department, any
3 sheriff, deputy sheriff, or any other peace officer making a
4 demand for it. This provision shall not apply to Department
5 owned or managed sites where it is required that all hunters
6 deposit their license or permit, ~~or Firearm Owner's~~
7 ~~Identification Card~~ at the check station upon entering the
8 hunting areas.

9 For the purposes of this Section, "acceptable
10 verification" means official documentation from the Department
11 of Defense or the appropriate Major Command showing
12 mobilization dates or service abroad dates, including: (i) a
13 DD-214, (ii) a letter from the Illinois Department of Military
14 Affairs for members of the Illinois National Guard, (iii) a
15 letter from the Regional Reserve Command for members of the
16 Armed Forces Reserve, (iv) a letter from the Major Command
17 covering Illinois for active duty members, (v) personnel
18 records for mobilized State employees, and (vi) any other
19 documentation that the Department, by administrative rule,
20 deems acceptable to establish dates of mobilization or service
21 abroad.

22 For the purposes of this Section, the term "service
23 abroad" means active duty service outside of the 50 United
24 States and the District of Columbia, and includes all active
25 duty service in territories and possessions of the United
26 States.

1 (Source: P.A. 101-81, eff. 7-12-19; 102-780, eff. 5-13-22.)

2 (520 ILCS 5/3.2a) (from Ch. 61, par. 3.2a)

3 Sec. 3.2a. Every person holding any license, permit or
4 stamp issued under the provisions hereof shall have it in his
5 possession for immediate presentation for inspection to the
6 officers and authorized employees of the Department, any
7 sheriff, deputy sheriff or any other peace officer making a
8 demand for it. This provision shall not apply to Department
9 owned or managed sites where it is required that all hunters
10 deposit their license or ~~7~~ permit ~~or Firearm Owner's~~
11 ~~Identification Card~~ at the check station upon entering the
12 hunting areas.

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

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

16 (625 ILCS 5/2-116) (from Ch. 95 1/2, par. 2-116)

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

18 (a) The Secretary of State and the officers, inspectors,
19 and investigators appointed by him shall cooperate with the
20 Illinois State Police and the sheriffs and police in enforcing
21 the laws regulating the operation of vehicles and the use of
22 the highways.

23 (b) The Secretary of State may provide training and

1 education for members of his office in traffic regulation, the
2 promotion of traffic safety and the enforcement of laws vested
3 in the Secretary of State for administration and enforcement
4 regulating the operation of vehicles and the use of the
5 highways.

6 (c) The Secretary of State may provide distinctive
7 uniforms and badges for officers, inspectors and investigators
8 employed in the administration of laws relating to the
9 operation of vehicles and the use of the highways and vesting
10 the administration and enforcement of such laws in the
11 Secretary of State.

12 (c-5) The Director of the Secretary of State Department of
13 Police shall establish a program to allow a Secretary of State
14 Police officer, inspector, or investigator who is honorably
15 retiring in good standing to purchase either one or both of the
16 following: (1) any Secretary of State Department of Police
17 badge previously issued to that officer, inspector, or
18 investigator; or (2) ~~if the officer, inspector, or~~
19 ~~investigator has a currently valid Firearm Owner's~~
20 ~~Identification Card,~~ the service firearm issued or previously
21 issued to the officer, inspector, or investigator by the
22 Secretary of State Department of Police. The cost of the
23 firearm shall be the replacement value of the firearm and not
24 the firearm's fair market value.

25 (d) The Secretary of State Department of Police is
26 authorized to:

1 (1) investigate the origins, activities, persons, and
2 incidents of crime and the ways and means, if any, to
3 redress the victims of crimes, and study the impact, if
4 any, of legislation relative to the criminal laws of this
5 State related thereto and conduct any other investigations
6 as may be provided by law;

7 (2) employ skilled experts, technicians,
8 investigators, special agents, or otherwise specially
9 qualified persons to aid in preventing or detecting crime,
10 apprehending criminals, or preparing and presenting
11 evidence of violations of the criminal laws of the State;

12 (3) cooperate with the police of cities, villages, and
13 incorporated towns, and with the police officers of any
14 county, in enforcing the laws of the State and in making
15 arrests;

16 (4) provide, as may be required by law, assistance to
17 local law enforcement agencies through training,
18 management, and consultant services for local law
19 enforcement agencies, pertaining to law enforcement
20 activities;

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

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

1 Persons within the Secretary of State Department of Police
2 who exercise these powers are conservators of the peace and
3 have all the powers possessed by policemen in municipalities
4 and sheriffs, and may exercise these powers anywhere in the
5 State in cooperation with local law enforcement officials.
6 These persons may use false or fictitious names in the
7 performance of their duties under this Section, upon approval
8 of the Director of Police-Secretary of State, and shall not be
9 subject to prosecution under the criminal laws for that use.

10 (e) The Secretary of State Department of Police may
11 charge, collect, and receive fees or moneys equivalent to the
12 cost of providing its personnel, equipment, and services to
13 governmental agencies when explicitly requested by a
14 governmental agency and according to an intergovernmental
15 agreement or memorandums of understanding as provided by this
16 Section, including but not limited to fees or moneys
17 equivalent to the cost of providing training to other
18 governmental agencies on terms and conditions that in the
19 judgment of the Director of Police-Secretary of State are in
20 the best interest of the Secretary of State. All fees received
21 by the Secretary of State Police Department under this Act
22 shall be deposited in a special fund in the State Treasury to
23 be known as the Secretary of State Police Services Fund. The
24 money deposited in the Secretary of State Police Services Fund
25 shall be appropriated to the Secretary of State Department of
26 Police as provided for in subsection (g).

1 (f) The Secretary of State Department of Police may apply
2 for grants or contracts and receive, expend, allocate, or
3 disburse moneys made available by public or private entities,
4 including, but not limited to, contracts, bequests, grants, or
5 receiving equipment from corporations, foundations, or public
6 or private institutions of higher learning.

7 (g) The Secretary of State Police Services Fund is hereby
8 created as a special fund in the State Treasury. All moneys
9 received under this Section by the Secretary of State
10 Department of Police shall be deposited into the Secretary of
11 State Police Services Fund to be appropriated to the Secretary
12 of State Department of Police for purposes as indicated by the
13 grantor or contractor or, in the case of moneys bequeathed or
14 granted for no specific purpose, for any purpose as deemed
15 appropriate by the Director of Police-Secretary of State in
16 administering the responsibilities of the Secretary of State
17 Department of Police.

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

19 Section 80. The Criminal Code of 2012 is amended by
20 changing Sections 2-7.1, 2-7.5, 12-3.05, 16-0.1, 17-30, 24-1,
21 24-1.1, 24-1.6, 24-1.8, 24-2, 24-3, 24-3.1, 24-3.2, 24-3.4,
22 24-3.5, 24-3B, 24-4.1, 24-5.1, and 24-9 and adding Section
23 24-4.5 as follows:

24 (720 ILCS 5/2-7.1)

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

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

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

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

15 (720 ILCS 5/2-7.5)

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

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

25 (1.1) any pneumatic gun, spring gun, paint ball gun, or

1 B-B gun which expels breakable paint balls containing washable
2 marking colors;

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

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

9 (4) an antique firearm (other than a machine-gun) which,
10 although designed as a weapon, the Illinois State Police finds
11 by reason of the date of its manufacture, value, design, and
12 other characteristics is primarily a collector's item and is
13 not likely to be used as a weapon ~~has the meaning ascribed to~~
14 ~~it in Section 1.1 of the Firearm Owners Identification Card~~
15 ~~Act.~~

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

17 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

18 Sec. 12-3.05. Aggravated battery.

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

23 (1) Causes great bodily harm or permanent disability
24 or disfigurement.

25 (2) Causes severe and permanent disability, great

1 bodily harm, or disfigurement by means of a caustic or
2 flammable substance, a poisonous gas, a deadly biological
3 or chemical contaminant or agent, a radioactive substance,
4 or a bomb or explosive compound.

5 (3) Causes great bodily harm or permanent disability
6 or disfigurement to an individual whom the person knows to
7 be a peace officer, community policing volunteer, fireman,
8 private security officer, correctional institution
9 employee, or Department of Human Services employee
10 supervising or controlling sexually dangerous persons or
11 sexually violent persons:

12 (i) performing his or her official duties;

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

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

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

20 (5) Strangles another individual.

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

26 (1) causes great bodily harm or permanent disability

1 or disfigurement to any child under the age of 13 years, or
2 to any person with a severe or profound intellectual
3 disability; or

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

7 (c) Offense based on location of conduct. A person commits
8 aggravated battery when, in committing a battery, other than
9 by the discharge of a firearm, he or she is or the person
10 battered is on or about a public way, public property, a public
11 place of accommodation or amusement, a sports venue, or a
12 domestic violence shelter, or in a church, synagogue, mosque,
13 or other building, structure, or place used for religious
14 worship.

15 (d) Offense based on status of victim. A person commits
16 aggravated battery when, in committing a battery, other than
17 by discharge of a firearm, he or she knows the individual
18 battered to be any of the following:

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

20 (2) A person who is pregnant or has a physical
21 disability.

22 (3) A teacher or school employee upon school grounds
23 or grounds adjacent to a school or in any part of a
24 building used for school purposes.

25 (4) A peace officer, community policing volunteer,
26 fireman, private security officer, correctional

1 institution employee, or Department of Human Services
2 employee supervising or controlling sexually dangerous
3 persons or sexually violent persons:

4 (i) performing his or her official duties;

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

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

9 (5) A judge, emergency management worker, emergency
10 medical services personnel, or utility worker:

11 (i) performing his or her official duties;

12 (ii) battered to prevent performance of his or her
13 official duties; or

14 (iii) battered in retaliation for performing his
15 or her official duties.

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

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

21 (8) A taxi driver on duty.

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

26 (10) A person authorized to serve process under

1 Section 2-202 of the Code of Civil Procedure or a special
2 process server appointed by the circuit court while that
3 individual is in the performance of his or her duties as a
4 process server.

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

7 (12) A merchant: (i) while performing his or her
8 duties, including, but not limited to, relaying directions
9 for healthcare or safety from his or her supervisor or
10 employer or relaying health or safety guidelines,
11 recommendations, regulations, or rules from a federal,
12 State, or local public health agency; and (ii) during a
13 disaster declared by the Governor, or a state of emergency
14 declared by the mayor of the municipality in which the
15 merchant is located, due to a public health emergency and
16 for a period of 6 months after such declaration.

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

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

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

1 officer, fireman, private security officer, correctional
2 institution employee, or emergency management worker:

3 (i) performing his or her official duties;

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

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

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

12 (i) performing his or her official duties;

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

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

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

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

25 (6) Discharges a machine gun or a firearm equipped
26 with a silencer, and causes any injury to a person he or

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

5 (i) performing his or her official duties;

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

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

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

13 (i) performing his or her official duties;

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

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

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

24 (f) Offense based on use of a weapon or device. A person
25 commits aggravated battery when, in committing a battery, he
26 or she does any of the following:

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

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

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

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

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

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

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

1 person any food containing any substance or object
2 intended to cause physical injury if eaten.

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

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

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

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

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

24 Aggravated battery as defined in subdivision (a)(1) is a
25 Class 2 felony when the person causes great bodily harm or
26 permanent disability to an individual whom the person knows to

1 be a member of a congregation engaged in prayer or other
2 religious activities at a church, synagogue, mosque, or other
3 building, structure, or place used for religious worship.

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

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

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

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

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

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

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

25 Aggravated battery as defined in subdivision (e)(2),
26 (e)(3), or (e)(4) is a Class X felony for which a person shall

1 be sentenced to a term of imprisonment of a minimum of 15 years
2 and a maximum of 60 years.

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

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

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

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

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

21 (i) Definitions. In this Section:

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

25 "Domestic violence" has the meaning ascribed to it in
26 Section 103 of the Illinois Domestic Violence Act of 1986.

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

8 "Firearm" has the meaning provided under Section 2-7.5 ~~1-1~~
9 ~~of the Firearm Owners Identification Card Act~~, and does not
10 include an air rifle as defined by Section 24.8-0.1 of this
11 Code.

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

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

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

20 (Source: P.A. 101-223, eff. 1-1-20; 101-651, eff. 8-7-20.)

21 (720 ILCS 5/16-0.1)

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

25 "Access" means to use, instruct, communicate with, store

1 data in, retrieve or intercept data from, or otherwise utilize
2 any services of a computer.

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

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

26 "Communication service" means any service lawfully

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

16 "Communication service provider" means: (1) any person or
17 entity providing any communication service, whether directly
18 or indirectly, as a reseller, including, but not limited to, a
19 cellular, paging or other wireless communications company or
20 other person or entity which, for a fee, supplies the
21 facility, cell site, mobile telephone switching office or
22 other equipment or communication service; (2) any person or
23 entity owning or operating any cable television, fiber optic,
24 satellite, telephone, wireless, microwave, radio, data
25 transmission or Internet-based distribution network, system or
26 facility; and (3) any person or entity providing any

1 communication service directly or indirectly by or through any
2 such distribution system, network or facility.

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

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

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

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

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

- 22 (1) An electronic funds transfer card.
- 23 (2) A credit card.
- 24 (3) A debit card.
- 25 (4) A point-of-sale card.
- 26 (5) Any instrument, device, card, plate, code, account

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

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

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

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

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

1 in a single transaction or in separate transactions over a
2 period of one year.

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

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

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

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

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

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

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

26 "Master sound recording" means the original physical

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

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

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

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

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

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

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

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

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

- 25 (1) A person's name.
26 (2) A person's address.

1 (3) A person's date of birth.

2 (4) A person's telephone number.

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

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

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

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

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

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

19 (11) Personal identification numbers.

20 (12) Electronic identification numbers.

21 (13) Digital signals.

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

1 specific individual.

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

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

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

26 "Publish" means to communicate or disseminate information

1 to any one or more persons, either orally, in person, or by
2 telephone, radio or television or in writing of any kind,
3 including, without limitation, a letter or memorandum,
4 circular or handbill, newspaper or magazine article or book.

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

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

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

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

24 "Scanning device" means a scanner, reader, or any other
25 electronic device that is used to access, read, scan, obtain,
26 memorize, or store, temporarily or permanently, information

1 encoded on the magnetic strip or stripe of a payment card.

2 "Shopping cart" means those push carts of the type or
3 types which are commonly provided by grocery stores, drug
4 stores or other retail mercantile establishments for the use
5 of the public in transporting commodities in stores and
6 markets and, incidentally, from the stores to a place outside
7 the store.

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

14 "Stored value card" means any card, gift card, instrument,
15 or device issued with or without fee for the use of the
16 cardholder to obtain money, goods, services, or anything else
17 of value. Stored value cards include, but are not limited to,
18 cards issued for use as a stored value card or gift card, and
19 an account identification number or symbol used to identify a
20 stored value card. "Stored value card" does not include a
21 prepaid card usable at multiple, unaffiliated merchants or at
22 automated teller machines, or both. "Stored value card" shall
23 only apply to Section 16-25.1 of this Act.

24 "Theft detection device remover" means any tool or device
25 specifically designed and intended to be used to remove any
26 theft detection device from any merchandise.

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

4 "Unidentified sound or audio visual recording" means a
5 sound or audio visual recording without the actual name and
6 full and correct street address of the manufacturer, and the
7 name of the actual performers or groups prominently and
8 legibly printed on the outside cover or jacket and on the label
9 of such sound or audio visual recording.

10 "Unlawful access device" means any type of instrument,
11 device, machine, equipment, technology, or software which is
12 primarily possessed, used, designed, assembled, manufactured,
13 sold, distributed or offered, promoted or advertised for the
14 purpose of defeating or circumventing any technology, device
15 or software, or any component or part thereof, used by the
16 provider, owner or licensee of any communication service or of
17 any data, audio or video programs or transmissions to protect
18 any such communication, audio or video services, programs or
19 transmissions from unauthorized access, acquisition, receipt,
20 decryption, disclosure, communication, transmission or
21 re-transmission.

22 "Unlawful communication device" means any electronic
23 serial number, mobile identification number, personal
24 identification number or any communication or wireless device
25 that is capable of acquiring or facilitating the acquisition
26 of a communication service without the express consent or

1 express authorization of the communication service provider,
2 or that has been altered, modified, programmed or
3 reprogrammed, alone or in conjunction with another
4 communication or wireless device or other equipment, to so
5 acquire or facilitate the unauthorized acquisition of a
6 communication service. "Unlawful communication device" also
7 means:

8 (1) any phone altered to obtain service without the
9 express consent or express authorization of the
10 communication service provider, tumbler phone, counterfeit
11 or clone phone, tumbler microchip, counterfeit or clone
12 microchip, scanning receiver of wireless communication
13 service or other instrument capable of disguising its
14 identity or location or of gaining unauthorized access to
15 a communications or wireless system operated by a
16 communication service provider; and

17 (2) any communication or wireless device which is
18 capable of, or has been altered, designed, modified,
19 programmed or reprogrammed, alone or in conjunction with
20 another communication or wireless device or devices, so as
21 to be capable of, facilitating the disruption,
22 acquisition, receipt, transmission or decryption of a
23 communication service without the express consent or
24 express authorization of the communication service
25 provider, including, but not limited to, any device,
26 technology, product, service, equipment, computer software

1 or component or part thereof, primarily distributed, sold,
2 designed, assembled, manufactured, modified, programmed,
3 reprogrammed or used for the purpose of providing the
4 unauthorized receipt of, transmission of, disruption of,
5 decryption of, access to or acquisition of any
6 communication service provided by any communication
7 service provider.

8 "Vehicle" means a motor vehicle, motorcycle, or farm
9 implement that is self-propelled and that uses motor fuel for
10 propulsion.

11 "Wireless device" includes any type of instrument, device,
12 machine, or equipment that is capable of transmitting or
13 receiving telephonic, electronic or radio communications, or
14 any part of such instrument, device, machine, or equipment, or
15 any computer circuit, computer chip, electronic mechanism, or
16 other component that is capable of facilitating the
17 transmission or reception of telephonic, electronic, or radio
18 communications.

19 (Source: P.A. 102-757, eff. 5-13-22.)

20 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

21 Sec. 17-30. Defaced, altered, or removed manufacturer or
22 owner identification number.

23 (a) Unlawful sale of household appliances. A person
24 commits unlawful sale of household appliances when he or she
25 knowingly, with the intent to defraud or deceive another,

1 keeps for sale, within any commercial context, any household
2 appliance with a missing, defaced, obliterated, or otherwise
3 altered manufacturer's identification number.

4 (b) Construction equipment identification defacement. A
5 person commits construction equipment identification
6 defacement when he or she knowingly changes, alters, removes,
7 mutilates, or obliterates a permanently affixed serial number,
8 product identification number, part number, component
9 identification number, owner-applied identification, or other
10 mark of identification attached to or stamped, inscribed,
11 molded, or etched into a machine or other equipment, whether
12 stationary or mobile or self-propelled, or a part of such
13 machine or equipment, used in the construction, maintenance,
14 or demolition of buildings, structures, bridges, tunnels,
15 sewers, utility pipes or lines, ditches or open cuts, roads,
16 highways, dams, airports, or waterways or in material handling
17 for such projects.

18 The trier of fact may infer that the defendant has
19 knowingly changed, altered, removed, or obliterated the serial
20 number, product identification number, part number, component
21 identification number, owner-applied identification number, or
22 other mark of identification, if the defendant was in
23 possession of any machine or other equipment or a part of such
24 machine or equipment used in the construction, maintenance, or
25 demolition of buildings, structures, bridges, tunnels, sewers,
26 utility pipes or lines, ditches or open cuts, roads, highways,

1 dams, airports, or waterways or in material handling for such
2 projects upon which any such serial number, product
3 identification number, part number, component identification
4 number, owner-applied identification number, or other mark of
5 identification has been changed, altered, removed, or
6 obliterated.

7 (c) Defacement of manufacturer's serial number or
8 identification mark. A person commits defacement of a
9 manufacturer's serial number or identification mark when he or
10 she knowingly removes, alters, defaces, covers, or destroys
11 the manufacturer's serial number or any other manufacturer's
12 number or distinguishing identification mark upon any machine
13 or other article of merchandise, other than a motor vehicle as
14 defined in Section 1-146 of the Illinois Vehicle Code or a
15 firearm ~~as defined in the Firearm Owners Identification Card~~
16 ~~Act~~, with the intent of concealing or destroying the identity
17 of such machine or other article of merchandise.

18 (d) Sentence.

19 (1) A violation of subsection (a) of this Section is a
20 Class 4 felony if the value of the appliance or appliances
21 exceeds \$1,000 and a Class B misdemeanor if the value of
22 the appliance or appliances is \$1,000 or less.

23 (2) A violation of subsection (b) of this Section is a
24 Class A misdemeanor.

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

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

3 (f) Definitions. In this Section:

4 "Commercial context" means a continuing business
5 enterprise conducted for profit by any person whose primary
6 business is the wholesale or retail marketing of household
7 appliances, or a significant portion of whose business or
8 inventory consists of household appliances kept or sold on a
9 wholesale or retail basis.

10 "Household appliance" means any gas or electric device or
11 machine marketed for use as home entertainment or for
12 facilitating or expediting household tasks or chores. The term
13 shall include but not necessarily be limited to refrigerators,
14 freezers, ranges, radios, television sets, vacuum cleaners,
15 toasters, dishwashers, and other similar household items.

16 "Manufacturer's identification number" means any serial
17 number or other similar numerical or alphabetical designation
18 imprinted upon or attached to or placed, stamped, or otherwise
19 imprinted upon or attached to a household appliance or item by
20 the manufacturer for purposes of identifying a particular
21 appliance or item individually or by lot number.

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

23 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

25 (a) A person commits the offense of unlawful use of

1 weapons when he knowingly:

2 (1) Sells, manufactures, purchases, possesses or
3 carries any bludgeon, black-jack, slung-shot, sand-club,
4 sand-bag, metal knuckles or other knuckle weapon
5 regardless of its composition, throwing star, or any
6 knife, commonly referred to as a switchblade knife, which
7 has a blade that opens automatically by hand pressure
8 applied to a button, spring or other device in the handle
9 of the knife, or a ballistic knife, which is a device that
10 propels a knifelike blade as a projectile by means of a
11 coil spring, elastic material or compressed gas; or

12 (2) Carries or possesses with intent to use the same
13 unlawfully against another, a dagger, dirk, billy,
14 dangerous knife, razor, stiletto, broken bottle or other
15 piece of glass, stun gun or taser or any other dangerous or
16 deadly weapon or instrument of like character; or

17 (2.5) Carries or possesses with intent to use the same
18 unlawfully against another, any firearm in a church,
19 synagogue, mosque, or other building, structure, or place
20 used for religious worship; or

21 (3) Carries on or about his person or in any vehicle, a
22 tear gas gun projector or bomb or any object containing
23 noxious liquid gas or substance, other than an object
24 containing a non-lethal noxious liquid gas or substance
25 designed solely for personal defense carried by a person
26 18 years of age or older; or

1 (4) Carries or possesses in any vehicle or concealed
2 on or about his person except when on his land or in his
3 own abode, legal dwelling, or fixed place of business, or
4 on the land or in the legal dwelling of another person as
5 an invitee with that person's permission, any pistol,
6 revolver, stun gun or taser or other firearm, except that
7 this subsection (a) (4) does not apply to or affect
8 transportation of weapons that meet one of the following
9 conditions:

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

11 (ii) are not immediately accessible; or

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

17 (iv) are carried or possessed in accordance with
18 the Firearm Concealed Carry Act by a person who has
19 been issued a currently valid license under the
20 Firearm Concealed Carry Act; or

21 (5) Sets a spring gun; or

22 (6) Possesses any device or attachment of any kind
23 designed, used or intended for use in silencing the report
24 of any firearm; or

25 (7) Sells, manufactures, purchases, possesses or
26 carries:

1 (i) a machine gun, which shall be defined for the
2 purposes of this subsection as any weapon, which
3 shoots, is designed to shoot, or can be readily
4 restored to shoot, automatically more than one shot
5 without manually reloading by a single function of the
6 trigger, including the frame or receiver of any such
7 weapon, or sells, manufactures, purchases, possesses,
8 or carries any combination of parts designed or
9 intended for use in converting any weapon into a
10 machine gun, or any combination or parts from which a
11 machine gun can be assembled if such parts are in the
12 possession or under the control of a person;

13 (ii) any rifle having one or more barrels less
14 than 16 inches in length or a shotgun having one or
15 more barrels less than 18 inches in length or any
16 weapon made from a rifle or shotgun, whether by
17 alteration, modification, or otherwise, if such a
18 weapon as modified has an overall length of less than
19 26 inches; or

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

25 (8) Carries or possesses any firearm, stun gun or
26 taser or other deadly weapon in any place which is

1 licensed to sell intoxicating beverages, or at any public
2 gathering held pursuant to a license issued by any
3 governmental body or any public gathering at which an
4 admission is charged, excluding a place where a showing,
5 demonstration or lecture involving the exhibition of
6 unloaded firearms is conducted.

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

11 (9) Carries or possesses in a vehicle or on or about
12 his or her person any pistol, revolver, stun gun or taser
13 or firearm or ballistic knife, when he or she is hooded,
14 robed or masked in such manner as to conceal his or her
15 identity; or

16 (10) Carries or possesses on or about his or her
17 person, upon any public street, alley, or other public
18 lands within the corporate limits of a city, village, or
19 incorporated town, except when an invitee thereon or
20 therein, for the purpose of the display of such weapon or
21 the lawful commerce in weapons, or except when on his land
22 or in his or her own abode, legal dwelling, or fixed place
23 of business, or on the land or in the legal dwelling of
24 another person as an invitee with that person's
25 permission, any pistol, revolver, stun gun, or taser or
26 other firearm, except that this subsection (a) (10) does

1 not apply to or affect transportation of weapons that meet
2 one of the following conditions:

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

4 (ii) are not immediately accessible; or

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

10 (iv) are carried or possessed in accordance with
11 the Firearm Concealed Carry Act by a person who has
12 been issued a currently valid license under the
13 Firearm Concealed Carry Act.

14 A "stun gun or taser", as used in this paragraph (a)
15 means (i) any device which is powered by electrical
16 charging units, such as, batteries, and which fires one or
17 several barbs attached to a length of wire and which, upon
18 hitting a human, can send out a current capable of
19 disrupting the person's nervous system in such a manner as
20 to render him incapable of normal functioning or (ii) any
21 device which is powered by electrical charging units, such
22 as batteries, and which, upon contact with a human or
23 clothing worn by a human, can send out current capable of
24 disrupting the person's nervous system in such a manner as
25 to render him incapable of normal functioning; or

26 (11) Sells, manufactures, or purchases any explosive

1 bullet. For purposes of this paragraph (a) "explosive
2 bullet" means the projectile portion of an ammunition
3 cartridge which contains or carries an explosive charge
4 which will explode upon contact with the flesh of a human
5 or an animal. "Cartridge" means a tubular metal case
6 having a projectile affixed at the front thereof and a cap
7 or primer at the rear end thereof, with the propellant
8 contained in such tube between the projectile and the cap;
9 or

10 (12) (Blank); or

11 (13) Carries or possesses on or about his or her
12 person while in a building occupied by a unit of
13 government, a billy club, other weapon of like character,
14 or other instrument of like character intended for use as
15 a weapon. For the purposes of this Section, "billy club"
16 means a short stick or club commonly carried by police
17 officers which is either telescopic or constructed of a
18 solid piece of wood or other man-made material.

19 (b) Sentence. A person convicted of a violation of
20 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
21 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
22 Class A misdemeanor. A person convicted of a violation of
23 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony;
24 a person convicted of a violation of subsection 24-1(a)(6) or
25 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
26 convicted of a violation of subsection 24-1(a)(7)(i) commits a

1 Class 2 felony and shall be sentenced to a term of imprisonment
2 of not less than 3 years and not more than 7 years, unless the
3 weapon is possessed in the passenger compartment of a motor
4 vehicle as defined in Section 1-146 of the Illinois Vehicle
5 Code, or on the person, while the weapon is loaded, in which
6 case it shall be a Class X felony. A person convicted of a
7 second or subsequent violation of subsection 24-1(a)(4),
8 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
9 felony. A person convicted of a violation of subsection
10 24-1(a)(2.5) commits a Class 2 felony. The possession of each
11 weapon in violation of this Section constitutes a single and
12 separate violation.

13 (c) Violations in specific places.

14 (1) A person who violates subsection 24-1(a)(6) or
15 24-1(a)(7) in any school, regardless of the time of day or
16 the time of year, in residential property owned, operated
17 or managed by a public housing agency or leased by a public
18 housing agency as part of a scattered site or mixed-income
19 development, in a public park, in a courthouse, on the
20 real property comprising any school, regardless of the
21 time of day or the time of year, on residential property
22 owned, operated or managed by a public housing agency or
23 leased by a public housing agency as part of a scattered
24 site or mixed-income development, on the real property
25 comprising any public park, on the real property
26 comprising any courthouse, in any conveyance owned, leased

1 or contracted by a school to transport students to or from
2 school or a school related activity, in any conveyance
3 owned, leased, or contracted by a public transportation
4 agency, or on any public way within 1,000 feet of the real
5 property comprising any school, public park, courthouse,
6 public transportation facility, or residential property
7 owned, operated, or managed by a public housing agency or
8 leased by a public housing agency as part of a scattered
9 site or mixed-income development commits a Class 2 felony
10 and shall be sentenced to a term of imprisonment of not
11 less than 3 years and not more than 7 years.

12 (1.5) A person who violates subsection 24-1(a)(4),
13 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
14 the time of day or the time of year, in residential
15 property owned, operated, or managed by a public housing
16 agency or leased by a public housing agency as part of a
17 scattered site or mixed-income development, in a public
18 park, in a courthouse, on the real property comprising any
19 school, regardless of the time of day or the time of year,
20 on residential property owned, operated, or managed by a
21 public housing agency or leased by a public housing agency
22 as part of a scattered site or mixed-income development,
23 on the real property comprising any public park, on the
24 real property comprising any courthouse, in any conveyance
25 owned, leased, or contracted by a school to transport
26 students to or from school or a school related activity,

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

9 (2) A person who violates subsection 24-1(a)(1),
10 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
11 time of day or the time of year, in residential property
12 owned, operated or managed by a public housing agency or
13 leased by a public housing agency as part of a scattered
14 site or mixed-income development, in a public park, in a
15 courthouse, on the real property comprising any school,
16 regardless of the time of day or the time of year, on
17 residential property owned, operated or managed by a
18 public housing agency or leased by a public housing agency
19 as part of a scattered site or mixed-income development,
20 on the real property comprising any public park, on the
21 real property comprising any courthouse, in any conveyance
22 owned, leased or contracted by a school to transport
23 students to or from school or a school related activity,
24 in any conveyance owned, leased, or contracted by a public
25 transportation agency, or on any public way within 1,000
26 feet of the real property comprising any school, public

1 park, courthouse, public transportation facility, or
2 residential property owned, operated, or managed by a
3 public housing agency or leased by a public housing agency
4 as part of a scattered site or mixed-income development
5 commits a Class 4 felony. "Courthouse" means any building
6 that is used by the Circuit, Appellate, or Supreme Court
7 of this State for the conduct of official business.

8 (3) Paragraphs (1), (1.5), and (2) of this subsection
9 (c) shall not apply to law enforcement officers or
10 security officers of such school, college, or university
11 or to students carrying or possessing firearms for use in
12 training courses, parades, hunting, target shooting on
13 school ranges, or otherwise with the consent of school
14 authorities and which firearms are transported unloaded
15 enclosed in a suitable case, box, or transportation
16 package.

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

20 (5) For the purposes of this subsection (c), "public
21 transportation agency" means a public or private agency
22 that provides for the transportation or conveyance of
23 persons by means available to the general public, except
24 for transportation by automobiles not used for conveyance
25 of the general public as passengers; and "public
26 transportation facility" means a terminal or other place

1 where one may obtain public transportation.

2 (d) The presence in an automobile other than a public
3 omnibus of any weapon, instrument or substance referred to in
4 subsection (a) (7) is prima facie evidence that it is in the
5 possession of, and is being carried by, all persons occupying
6 such automobile at the time such weapon, instrument or
7 substance is found, except under the following circumstances:
8 (i) if such weapon, instrument or instrumentality is found
9 upon the person of one of the occupants therein; or (ii) if
10 such weapon, instrument or substance is found in an automobile
11 operated for hire by a duly licensed driver in the due, lawful
12 and proper pursuit of his or her trade, then such presumption
13 shall not apply to the driver.

14 (e) Exemptions.

15 (1) Crossbows, Common or Compound bows and Underwater
16 Spearguns are exempted from the definition of ballistic
17 knife as defined in paragraph (1) of subsection (a) of
18 this Section.

19 (2) The provision of paragraph (1) of subsection (a)
20 of this Section prohibiting the sale, manufacture,
21 purchase, possession, or carrying of any knife, commonly
22 referred to as a switchblade knife, which has a blade that
23 opens automatically by hand pressure applied to a button,
24 spring or other device in the handle of the knife, does not
25 apply to a person eligible under State and federal law to
26 possess a firearm ~~who possesses a currently valid Firearm~~

1 ~~Owner's Identification Card previously issued in his or~~
2 ~~her name by the Illinois State Police~~ or to a person or an
3 entity engaged in the business of selling or manufacturing
4 switchblade knives.

5 (Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21.)

6 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

7 Sec. 24-1.1. Unlawful use or possession of weapons by
8 felons or persons in the custody of the Department of
9 Corrections facilities.

10 (a) It is unlawful for a person to knowingly possess on or
11 about his person or on his land or in his own abode or fixed
12 place of business any weapon prohibited under Section 24-1 of
13 this Act or any firearm or any firearm ammunition if the person
14 has been convicted of a felony under the laws of this State or
15 any other jurisdiction. This Section shall not apply if the
16 person has been granted relief under this subsection ~~by the~~
17 ~~Director of the Illinois State Police under Section 10 of the~~
18 ~~Firearm Owners Identification Card Act.~~ A person prohibited
19 from possessing a firearm under this subsection (a) may
20 petition the Director of the Illinois State Police for a
21 hearing and relief from the prohibition, unless the
22 prohibition was based upon a forcible felony, stalking,
23 aggravated stalking, domestic battery, any violation of the
24 Illinois Controlled Substances Act, the Methamphetamine
25 Control and Community Protection Act, or the Cannabis Control

1 Act that is classified as a Class 2 or greater felony, any
2 felony violation of Article 24 of the Criminal Code of 1961 or
3 the Criminal Code of 2012, or any adjudication as a delinquent
4 minor for the commission of an offense that if committed by an
5 adult would be a felony, in which case the person may petition
6 the circuit court in writing in the county of his or her
7 residence for a hearing and relief from the prohibition. The
8 Director or court may grant the relief if it is established by
9 the petitioner to the court's or Director's satisfaction that:

10 (1) when in the circuit court, the State's Attorney
11 has been served with a written copy of the petition at
12 least 30 days before any hearing in the circuit court and
13 at the hearing the State's Attorney was afforded an
14 opportunity to present evidence and object to the
15 petition;

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

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

1 (4) granting relief would not be contrary to the
2 public interest; and

3 (5) granting relief would not be contrary to federal
4 law.

5 (b) It is unlawful for any person confined in a penal
6 institution, which is a facility of the Illinois Department of
7 Corrections, to possess any weapon prohibited under Section
8 24-1 of this Code or any firearm or firearm ammunition,
9 regardless of the intent with which he possesses it.

10 (c) It shall be an affirmative defense to a violation of
11 subsection (b), that such possession was specifically
12 authorized by rule, regulation, or directive of the Illinois
13 Department of Corrections or order issued pursuant thereto.

14 (d) The defense of necessity is not available to a person
15 who is charged with a violation of subsection (b) of this
16 Section.

17 (e) Sentence. Violation of this Section by a person not
18 confined in a penal institution shall be a Class 3 felony for
19 which the person shall be sentenced to no less than 2 years and
20 no more than 10 years. A second or subsequent violation of this
21 Section shall be a Class 2 felony for which the person shall be
22 sentenced to a term of imprisonment of not less than 3 years
23 and not more than 14 years, except as provided for in Section
24 5-4.5-110 of the Unified Code of Corrections. Violation of
25 this Section by a person not confined in a penal institution
26 who has been convicted of a forcible felony, a felony

1 violation of Article 24 of this Code ~~or of the Firearm Owners~~
2 ~~Identification Card Act~~, stalking or aggravated stalking, or a
3 Class 2 or greater felony under the Illinois Controlled
4 Substances Act, the Cannabis Control Act, or the
5 Methamphetamine Control and Community Protection Act is a
6 Class 2 felony for which the person shall be sentenced to not
7 less than 3 years and not more than 14 years, except as
8 provided for in Section 5-4.5-110 of the Unified Code of
9 Corrections. Violation of this Section by a person who is on
10 parole or mandatory supervised release is a Class 2 felony for
11 which the person shall be sentenced to not less than 3 years
12 and not more than 14 years, except as provided for in Section
13 5-4.5-110 of the Unified Code of Corrections. Violation of
14 this Section by a person not confined in a penal institution is
15 a Class X felony when the firearm possessed is a machine gun.
16 Any person who violates this Section while confined in a penal
17 institution, which is a facility of the Illinois Department of
18 Corrections, is guilty of a Class 1 felony, if he possesses any
19 weapon prohibited under Section 24-1 of this Code regardless
20 of the intent with which he possesses it, a Class X felony if
21 he possesses any firearm, firearm ammunition or explosive, and
22 a Class X felony for which the offender shall be sentenced to
23 not less than 12 years and not more than 50 years when the
24 firearm possessed is a machine gun. A violation of this
25 Section while wearing or in possession of body armor as
26 defined in Section 33F-1 is a Class X felony punishable by a

1 term of imprisonment of not less than 10 years and not more
2 than 40 years. The possession of each firearm or firearm
3 ammunition in violation of this Section constitutes a single
4 and separate violation.

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

6 (720 ILCS 5/24-1.6)

7 Sec. 24-1.6. Aggravated unlawful use of a weapon.

8 (a) A person commits the offense of aggravated unlawful
9 use of a weapon when he or she knowingly:

10 (1) Carries on or about his or her person or in any
11 vehicle or concealed on or about his or her person except
12 when on his or her land or in his or her abode, legal
13 dwelling, or fixed place of business, or on the land or in
14 the legal dwelling of another person as an invitee with
15 that person's permission, any pistol, revolver, stun gun
16 or taser or other firearm; or

17 (2) Carries or possesses on or about his or her
18 person, upon any public street, alley, or other public
19 lands within the corporate limits of a city, village or
20 incorporated town, except when an invitee thereon or
21 therein, for the purpose of the display of such weapon or
22 the lawful commerce in weapons, or except when on his or
23 her own land or in his or her own abode, legal dwelling, or
24 fixed place of business, or on the land or in the legal
25 dwelling of another person as an invitee with that

1 person's permission, any pistol, revolver, stun gun or
2 taser or other firearm; and

3 (3) One of the following factors is present:

4 (A) the firearm, other than a pistol, revolver, or
5 handgun, possessed was uncased, loaded, and
6 immediately accessible at the time of the offense; or

7 (A-5) the pistol, revolver, or handgun possessed
8 was uncased, loaded, and immediately accessible at the
9 time of the offense and the person possessing the
10 pistol, revolver, or handgun has not been issued a
11 currently valid license under the Firearm Concealed
12 Carry Act; or

13 (B) the firearm, other than a pistol, revolver, or
14 handgun, possessed was uncased, unloaded, and the
15 ammunition for the weapon was immediately accessible
16 at the time of the offense; or

17 (B-5) the pistol, revolver, or handgun possessed
18 was uncased, unloaded, and the ammunition for the
19 weapon was immediately accessible at the time of the
20 offense and the person possessing the pistol,
21 revolver, or handgun has not been issued a currently
22 valid license under the Firearm Concealed Carry Act;
23 or

24 (C) (blank); or ~~the person possessing the firearm~~
25 ~~has not been issued a currently valid Firearm Owner's~~
26 ~~Identification Card; or~~

1 (D) the person possessing the weapon was
2 previously adjudicated a delinquent minor under the
3 Juvenile Court Act of 1987 for an act that if committed
4 by an adult would be a felony; or

5 (E) the person possessing the weapon was engaged
6 in a misdemeanor violation of the Cannabis Control
7 Act, in a misdemeanor violation of the Illinois
8 Controlled Substances Act, or in a misdemeanor
9 violation of the Methamphetamine Control and Community
10 Protection Act; or

11 (F) (blank); or

12 (G) the person possessing the weapon had an order
13 of protection issued against him or her within the
14 previous 2 years; or

15 (H) the person possessing the weapon was engaged
16 in the commission or attempted commission of a
17 misdemeanor involving the use or threat of violence
18 against the person or property of another; or

19 (I) the person possessing the weapon was under 21
20 years of age and in possession of a handgun, unless the
21 person under 21 is engaged in lawful activities under
22 the Wildlife Code or described in subsection
23 24-2(b)(1), (b)(3), or 24-2(f).

24 (a-5) "Handgun" as used in this Section has the meaning
25 given to it in Section 5 of the Firearm Concealed Carry Act.

26 (b) "Stun gun or taser" as used in this Section has the

1 same definition given to it in Section 24-1 of this Code.

2 (c) This Section does not apply to or affect the
3 transportation or possession of weapons that:

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

5 (ii) are not immediately accessible; or

6 (iii) are unloaded and enclosed in a case, firearm
7 carrying box, shipping box, or other container by a person
8 eligible under State and federal law to possess a firearm
9 ~~who has been issued a currently valid Firearm Owner's~~
10 ~~Identification Card.~~

11 (d) Sentence.

12 (1) Aggravated unlawful use of a weapon is a Class 4
13 felony; a second or subsequent offense is a Class 2 felony
14 for which the person shall be sentenced to a term of
15 imprisonment of not less than 3 years and not more than 7
16 years, except as provided for in Section 5-4.5-110 of the
17 Unified Code of Corrections.

18 (2) (Blank). ~~Except as otherwise provided in~~
19 ~~paragraphs (3) and (4) of this subsection (d), a first~~
20 ~~offense of aggravated unlawful use of a weapon committed~~
21 ~~with a firearm by a person 18 years of age or older where~~
22 ~~the factors listed in both items (A) and (C) or both items~~
23 ~~(A-5) and (C) of paragraph (3) of subsection (a) are~~
24 ~~present is a Class 4 felony, for which the person shall be~~
25 ~~sentenced to a term of imprisonment of not less than one~~
26 ~~year and not more than 3 years.~~

1 (3) Aggravated unlawful use of a weapon by a person
2 who has been previously convicted of a felony in this
3 State or another jurisdiction is a Class 2 felony for
4 which the person shall be sentenced to a term of
5 imprisonment of not less than 3 years and not more than 7
6 years, except as provided for in Section 5-4.5-110 of the
7 Unified Code of Corrections.

8 (4) Aggravated unlawful use of a weapon while wearing
9 or in possession of body armor as defined in Section 33F-1
10 by a person who is prohibited under State or federal law
11 from possessing a firearm ~~has not been issued a valid~~
12 ~~Firearms Owner's Identification Card in accordance with~~
13 ~~Section 5 of the Firearm Owners Identification Card Act~~ is
14 a Class X felony.

15 (e) The possession of each firearm in violation of this
16 Section constitutes a single and separate violation.

17 (Source: P.A. 100-3, eff. 1-1-18; 100-201, eff. 8-18-17.)

18 (720 ILCS 5/24-1.8)

19 Sec. 24-1.8. Unlawful possession of a firearm by a street
20 gang member.

21 (a) A person commits unlawful possession of a firearm by a
22 street gang member when he or she knowingly:

23 (1) possesses, carries, or conceals on or about his or
24 her person a firearm and firearm ammunition while on any
25 street, road, alley, gangway, sidewalk, or any other

1 lands, except when inside his or her own abode or inside
2 his or her fixed place of business, ~~and has not been issued~~
3 ~~a currently valid Firearm Owner's Identification Card~~ and
4 is a member of a street gang; or

5 (2) possesses or carries in any vehicle a firearm and
6 firearm ammunition which are both immediately accessible
7 at the time of the offense while on any street, road,
8 alley, or any other lands, except when inside his or her
9 own abode or garage, ~~and has not been issued a currently~~
10 ~~valid Firearm Owner's Identification Card~~ and is a member
11 of a street gang.

12 (b) Unlawful possession of a firearm by a street gang
13 member is a Class 2 felony for which the person, if sentenced
14 to a term of imprisonment, shall be sentenced to no less than 3
15 years and no more than 10 years. A period of probation, a term
16 of periodic imprisonment or conditional discharge shall not be
17 imposed for the offense of unlawful possession of a firearm by
18 a street gang member when the firearm was loaded or contained
19 firearm ammunition and the court shall sentence the offender
20 to not less than the minimum term of imprisonment authorized
21 for the Class 2 felony.

22 (c) For purposes of this Section:

23 "Street gang" or "gang" has the meaning ascribed to it
24 in Section 10 of the Illinois Streetgang Terrorism Omnibus
25 Prevention Act.

26 "Street gang member" or "gang member" has the meaning

1 ascribed to it in Section 10 of the Illinois Streetgang
2 Terrorism Omnibus Prevention Act.

3 (Source: P.A. 96-829, eff. 12-3-09.)

4 (720 ILCS 5/24-2)

5 Sec. 24-2. Exemptions.

6 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
7 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
8 the following:

9 (1) Peace officers, and any person summoned by a peace
10 officer to assist in making arrests or preserving the
11 peace, while actually engaged in assisting such officer.

12 (2) Wardens, superintendents and keepers of prisons,
13 penitentiaries, jails and other institutions for the
14 detention of persons accused or convicted of an offense,
15 while in the performance of their official duty, or while
16 commuting between their homes and places of employment.

17 (3) Members of the Armed Services or Reserve Forces of
18 the United States or the Illinois National Guard or the
19 Reserve Officers Training Corps, while in the performance
20 of their official duty.

21 (4) Special agents employed by a railroad or a public
22 utility to perform police functions, and guards of armored
23 car companies, while actually engaged in the performance
24 of the duties of their employment or commuting between
25 their homes and places of employment; and watchmen while

1 actually engaged in the performance of the duties of their
2 employment.

3 (5) Persons licensed as private security contractors,
4 private detectives, or private alarm contractors, or
5 employed by a private security contractor, private
6 detective, or private alarm contractor agency licensed by
7 the Department of Financial and Professional Regulation,
8 if their duties include the carrying of a weapon under the
9 provisions of the Private Detective, Private Alarm,
10 Private Security, Fingerprint Vendor, and Locksmith Act of
11 2004, while actually engaged in the performance of the
12 duties of their employment or commuting between their
13 homes and places of employment. A person shall be
14 considered eligible for this exemption if he or she has
15 completed the required 20 hours of training for a private
16 security contractor, private detective, or private alarm
17 contractor, or employee of a licensed private security
18 contractor, private detective, or private alarm contractor
19 agency and 28 hours of required firearm training, and has
20 been issued a firearm control card by the Department of
21 Financial and Professional Regulation. Conditions for the
22 renewal of firearm control cards issued under the
23 provisions of this Section shall be the same as for those
24 cards issued under the provisions of the Private
25 Detective, Private Alarm, Private Security, Fingerprint
26 Vendor, and Locksmith Act of 2004. The firearm control

1 card shall be carried by the private security contractor,
2 private detective, or private alarm contractor, or
3 employee of the licensed private security contractor,
4 private detective, or private alarm contractor agency at
5 all times when he or she is in possession of a concealable
6 weapon permitted by his or her firearm control card.

7 (6) Any person regularly employed in a commercial or
8 industrial operation as a security guard for the
9 protection of persons employed and private property
10 related to such commercial or industrial operation, while
11 actually engaged in the performance of his or her duty or
12 traveling between sites or properties belonging to the
13 employer, and who, as a security guard, is a member of a
14 security force registered with the Department of Financial
15 and Professional Regulation; provided that such security
16 guard has successfully completed a course of study,
17 approved by and supervised by the Department of Financial
18 and Professional Regulation, consisting of not less than
19 48 hours of training that includes the theory of law
20 enforcement, liability for acts, and the handling of
21 weapons. A person shall be considered eligible for this
22 exemption if he or she has completed the required 20 hours
23 of training for a security officer and 28 hours of
24 required firearm training, and has been issued a firearm
25 control card by the Department of Financial and
26 Professional Regulation. Conditions for the renewal of

1 firearm control cards issued under the provisions of this
2 Section shall be the same as for those cards issued under
3 the provisions of the Private Detective, Private Alarm,
4 Private Security, Fingerprint Vendor, and Locksmith Act of
5 2004. The firearm control card shall be carried by the
6 security guard at all times when he or she is in possession
7 of a concealable weapon permitted by his or her firearm
8 control card.

9 (7) Agents and investigators of the Illinois
10 Legislative Investigating Commission authorized by the
11 Commission to carry the weapons specified in subsections
12 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
13 any investigation for the Commission.

14 (8) Persons employed by a financial institution as a
15 security guard for the protection of other employees and
16 property related to such financial institution, while
17 actually engaged in the performance of their duties,
18 commuting between their homes and places of employment, or
19 traveling between sites or properties owned or operated by
20 such financial institution, and who, as a security guard,
21 is a member of a security force registered with the
22 Department; provided that any person so employed has
23 successfully completed a course of study, approved by and
24 supervised by the Department of Financial and Professional
25 Regulation, consisting of not less than 48 hours of
26 training which includes theory of law enforcement,

1 liability for acts, and the handling of weapons. A person
2 shall be considered to be eligible for this exemption if
3 he or she has completed the required 20 hours of training
4 for a security officer and 28 hours of required firearm
5 training, and has been issued a firearm control card by
6 the Department of Financial and Professional Regulation.
7 Conditions for renewal of firearm control cards issued
8 under the provisions of this Section shall be the same as
9 for those issued under the provisions of the Private
10 Detective, Private Alarm, Private Security, Fingerprint
11 Vendor, and Locksmith Act of 2004. The firearm control
12 card shall be carried by the security guard at all times
13 when he or she is in possession of a concealable weapon
14 permitted by his or her firearm control card. For purposes
15 of this subsection, "financial institution" means a bank,
16 savings and loan association, credit union or company
17 providing armored car services.

18 (9) Any person employed by an armored car company to
19 drive an armored car, while actually engaged in the
20 performance of his duties.

21 (10) Persons who have been classified as peace
22 officers pursuant to the Peace Officer Fire Investigation
23 Act.

24 (11) Investigators of the Office of the State's
25 Attorneys Appellate Prosecutor authorized by the board of
26 governors of the Office of the State's Attorneys Appellate

1 Prosecutor to carry weapons pursuant to Section 7.06 of
2 the State's Attorneys Appellate Prosecutor's Act.

3 (12) Special investigators appointed by a State's
4 Attorney under Section 3-9005 of the Counties Code.

5 (12.5) Probation officers while in the performance of
6 their duties, or while commuting between their homes,
7 places of employment or specific locations that are part
8 of their assigned duties, with the consent of the chief
9 judge of the circuit for which they are employed, if they
10 have received weapons training according to requirements
11 of the Peace Officer and Probation Officer Firearm
12 Training Act.

13 (13) Court Security Officers while in the performance
14 of their official duties, or while commuting between their
15 homes and places of employment, with the consent of the
16 Sheriff.

17 (13.5) A person employed as an armed security guard at
18 a nuclear energy, storage, weapons or development site or
19 facility regulated by the Nuclear Regulatory Commission
20 who has completed the background screening and training
21 mandated by the rules and regulations of the Nuclear
22 Regulatory Commission.

23 (14) Manufacture, transportation, or sale of weapons
24 to persons authorized under subdivisions (1) through
25 (13.5) of this subsection to possess those weapons.

26 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply

1 to or affect any person carrying a concealed pistol, revolver,
2 or handgun and the person has been issued a currently valid
3 license under the Firearm Concealed Carry Act at the time of
4 the commission of the offense.

5 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
6 to or affect a qualified current or retired law enforcement
7 officer or a current or retired deputy, county correctional
8 officer, or correctional officer of the Department of
9 Corrections qualified under the laws of this State or under
10 the federal Law Enforcement Officers Safety Act.

11 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
12 24-1.6 do not apply to or affect any of the following:

13 (1) Members of any club or organization organized for
14 the purpose of practicing shooting at targets upon
15 established target ranges, whether public or private, and
16 patrons of such ranges, while such members or patrons are
17 using their firearms on those target ranges.

18 (2) Duly authorized military or civil organizations
19 while parading, with the special permission of the
20 Governor.

21 (3) Hunters, trappers, or fishermen while engaged in
22 lawful hunting, trapping, or fishing under the provisions
23 of the Wildlife Code or the Fish and Aquatic Life Code.

24 (4) Transportation of weapons that are broken down in
25 a non-functioning state or are not immediately accessible.

26 (5) Carrying or possessing any pistol, revolver, stun

1 gun or taser or other firearm on the land or in the legal
2 dwelling of another person as an invitee with that
3 person's permission.

4 (c) Subsection 24-1(a)(7) does not apply to or affect any
5 of the following:

6 (1) Peace officers while in performance of their
7 official duties.

8 (2) Wardens, superintendents and keepers of prisons,
9 penitentiaries, jails and other institutions for the
10 detention of persons accused or convicted of an offense.

11 (3) Members of the Armed Services or Reserve Forces of
12 the United States or the Illinois National Guard, while in
13 the performance of their official duty.

14 (4) Manufacture, transportation, or sale of machine
15 guns to persons authorized under subdivisions (1) through
16 (3) of this subsection to possess machine guns, if the
17 machine guns are broken down in a non-functioning state or
18 are not immediately accessible.

19 (5) Persons licensed under federal law to manufacture
20 any weapon from which 8 or more shots or bullets can be
21 discharged by a single function of the firing device, or
22 ammunition for such weapons, and actually engaged in the
23 business of manufacturing such weapons or ammunition, but
24 only with respect to activities which are within the
25 lawful scope of such business, such as the manufacture,
26 transportation, or testing of such weapons or ammunition.

1 This exemption does not authorize the general private
2 possession of any weapon from which 8 or more shots or
3 bullets can be discharged by a single function of the
4 firing device, but only such possession and activities as
5 are within the lawful scope of a licensed manufacturing
6 business described in this paragraph.

7 During transportation, such weapons shall be broken
8 down in a non-functioning state or not immediately
9 accessible.

10 (6) The manufacture, transport, testing, delivery,
11 transfer or sale, and all lawful commercial or
12 experimental activities necessary thereto, of rifles,
13 shotguns, and weapons made from rifles or shotguns, or
14 ammunition for such rifles, shotguns or weapons, where
15 engaged in by a person operating as a contractor or
16 subcontractor pursuant to a contract or subcontract for
17 the development and supply of such rifles, shotguns,
18 weapons or ammunition to the United States government or
19 any branch of the Armed Forces of the United States, when
20 such activities are necessary and incident to fulfilling
21 the terms of such contract.

22 The exemption granted under this subdivision (c)(6)
23 shall also apply to any authorized agent of any such
24 contractor or subcontractor who is operating within the
25 scope of his employment, where such activities involving
26 such weapon, weapons or ammunition are necessary and

1 incident to fulfilling the terms of such contract.

2 (7) A person possessing a rifle with a barrel or
3 barrels less than 16 inches in length if: (A) the person
4 has been issued a Curios and Relics license from the U.S.
5 Bureau of Alcohol, Tobacco, Firearms and Explosives; or
6 (B) the person is an active member of a bona fide,
7 nationally recognized military re-enacting group and the
8 modification is required and necessary to accurately
9 portray the weapon for historical re-enactment purposes;
10 the re-enactor is in possession of a valid and current
11 re-enacting group membership credential; and the overall
12 length of the weapon as modified is not less than 26
13 inches.

14 (d) Subsection 24-1(a)(1) does not apply to the purchase,
15 possession or carrying of a black-jack or slung-shot by a
16 peace officer.

17 (e) Subsection 24-1(a)(8) does not apply to any owner,
18 manager or authorized employee of any place specified in that
19 subsection nor to any law enforcement officer.

20 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
21 Section 24-1.6 do not apply to members of any club or
22 organization organized for the purpose of practicing shooting
23 at targets upon established target ranges, whether public or
24 private, while using their firearms on those target ranges.

25 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
26 to:

1 (1) Members of the Armed Services or Reserve Forces of
2 the United States or the Illinois National Guard, while in
3 the performance of their official duty.

4 (2) Bonafide collectors of antique or surplus military
5 ordnance.

6 (3) Laboratories having a department of forensic
7 ballistics, or specializing in the development of
8 ammunition or explosive ordnance.

9 (4) Commerce, preparation, assembly or possession of
10 explosive bullets by manufacturers of ammunition licensed
11 by the federal government, in connection with the supply
12 of those organizations and persons exempted by subdivision
13 (g)(1) of this Section, or like organizations and persons
14 outside this State, or the transportation of explosive
15 bullets to any organization or person exempted in this
16 Section by a common carrier or by a vehicle owned or leased
17 by an exempted manufacturer.

18 (g-5) Subsection 24-1(a)(6) does not apply to or affect
19 persons licensed under federal law to manufacture any device
20 or attachment of any kind designed, used, or intended for use
21 in silencing the report of any firearm, firearms, or
22 ammunition for those firearms equipped with those devices, and
23 actually engaged in the business of manufacturing those
24 devices, firearms, or ammunition, but only with respect to
25 activities that are within the lawful scope of that business,
26 such as the manufacture, transportation, or testing of those

1 devices, firearms, or ammunition. This exemption does not
2 authorize the general private possession of any device or
3 attachment of any kind designed, used, or intended for use in
4 silencing the report of any firearm, but only such possession
5 and activities as are within the lawful scope of a licensed
6 manufacturing business described in this subsection (g-5).
7 During transportation, these devices shall be detached from
8 any weapon or not immediately accessible.

9 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
10 24-1.6 do not apply to or affect any parole agent or parole
11 supervisor who meets the qualifications and conditions
12 prescribed in Section 3-14-1.5 of the Unified Code of
13 Corrections.

14 (g-7) Subsection 24-1(a)(6) does not apply to a peace
15 officer while serving as a member of a tactical response team
16 or special operations team. A peace officer may not personally
17 own or apply for ownership of a device or attachment of any
18 kind designed, used, or intended for use in silencing the
19 report of any firearm. These devices shall be owned and
20 maintained by lawfully recognized units of government whose
21 duties include the investigation of criminal acts.

22 (g-10) (Blank).

23 (h) An information or indictment based upon a violation of
24 any subsection of this Article need not negative any
25 exemptions contained in this Article. The defendant shall have
26 the burden of proving such an exemption.

1 (i) Nothing in this Article shall prohibit, apply to, or
2 affect the transportation, carrying, or possession, of any
3 pistol or revolver, stun gun, taser, or other firearm
4 consigned to a common carrier operating under license of the
5 State of Illinois or the federal government, where such
6 transportation, carrying, or possession is incident to the
7 lawful transportation in which such common carrier is engaged;
8 and nothing in this Article shall prohibit, apply to, or
9 affect the transportation, carrying, or possession of any
10 pistol, revolver, stun gun, taser, or other firearm, not the
11 subject of and regulated by subsection 24-1(a)(7) or
12 subsection 24-2(c) of this Article, which is unloaded and
13 enclosed in a case, firearm carrying box, shipping box, or
14 other container, by a person eligible under State and federal
15 law to possess a firearm ~~the possessor of a valid Firearm~~
16 ~~Owners Identification Card.~~

17 (Source: P.A. 101-80, eff. 7-12-19; 102-152, eff. 1-1-22;
18 102-779, eff. 1-1-23; 102-837, eff. 5-13-22; revised
19 12-14-22.)

20 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

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

22 (A) A person commits the offense of unlawful sale or
23 delivery of firearms when he or she knowingly does any of the
24 following:

25 (a) Sells or gives any firearm of a size which may be

1 concealed upon the person to any person under 18 years of
2 age.

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

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

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

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

13 "Mental institution" means any hospital,
14 institution, clinic, evaluation facility, mental
15 health center, or part thereof, which is used
16 primarily for the care or treatment of persons with
17 mental illness.

18 "Patient in a mental institution" means the person
19 was admitted, either voluntarily or involuntarily, to
20 a mental institution for mental health treatment,
21 unless the treatment was voluntary and solely for an
22 alcohol abuse disorder and no other secondary
23 substance abuse disorder or mental illness.

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

26 (g) Delivers any firearm, incidental to a sale,

1 without withholding delivery of the firearm for at least
2 72 hours after application for its purchase has been made,
3 or delivers a stun gun or taser, incidental to a sale,
4 without withholding delivery of the stun gun or taser for
5 at least 24 hours after application for its purchase has
6 been made. However, this paragraph (g) does not apply to:
7 (1) the sale of a firearm to a law enforcement officer if
8 the seller of the firearm knows that the person to whom he
9 or she is selling the firearm is a law enforcement officer
10 or the sale of a firearm to a person who desires to
11 purchase a firearm for use in promoting the public
12 interest incident to his or her employment as a bank
13 guard, armed truck guard, or other similar employment; (2)
14 a mail order sale of a firearm from a federally licensed
15 firearms dealer to a nonresident of Illinois under which
16 the firearm is mailed to a federally licensed firearms
17 dealer outside the boundaries of Illinois; (3) (blank);
18 (4) the sale of a firearm to a dealer licensed as a federal
19 firearms dealer under Section 923 of the federal Gun
20 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
21 sale of any rifle, shotgun, or other long gun to a resident
22 registered competitor or attendee or non-resident
23 registered competitor or attendee by any dealer licensed
24 as a federal firearms dealer under Section 923 of the
25 federal Gun Control Act of 1968 at competitive shooting
26 events held at the World Shooting Complex sanctioned by a

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

26 (h) While holding any license as a dealer, importer,

1 manufacturer or pawnbroker under the federal Gun Control
2 Act of 1968, manufactures, sells or delivers to any
3 unlicensed person a handgun having a barrel, slide, frame
4 or receiver which is a die casting of zinc alloy or any
5 other nonhomogeneous metal which will melt or deform at a
6 temperature of less than 800 degrees Fahrenheit. For
7 purposes of this paragraph, ~~(1) "firearm" is defined as in~~
8 ~~the Firearm Owners Identification Card Act; and (2)~~
9 "handgun" is defined as a firearm designed to be held and
10 fired by the use of a single hand, and includes a
11 combination of parts from which such a firearm can be
12 assembled.

13 (i) Sells or gives a firearm of any size to any person
14 who is not eligible under State or federal law to possess a
15 firearm under 18 years of age who does not possess a valid
16 ~~Firearm Owner's Identification Card.~~

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

22 A person "engaged in the business" means a person who
23 devotes time, attention, and labor to engaging in the
24 activity as a regular course of trade or business with the
25 principal objective of livelihood and profit, but does not
26 include a person who makes occasional repairs of firearms

1 or who occasionally fits special barrels, stocks, or
2 trigger mechanisms to firearms.

3 "With the principal objective of livelihood and
4 profit" means that the intent underlying the sale or
5 disposition of firearms is predominantly one of obtaining
6 livelihood and pecuniary gain, as opposed to other
7 intents, such as improving or liquidating a personal
8 firearms collection; however, proof of profit shall not be
9 required as to a person who engages in the regular and
10 repetitive purchase and disposition of firearms for
11 criminal purposes or terrorism.

12 (k) (Blank). ~~Sells or transfers ownership of a firearm~~
13 ~~to a person who does not display to the seller or~~
14 ~~transferor of the firearm either: (1) a currently valid~~
15 ~~Firearm Owner's Identification Card that has previously~~
16 ~~been issued in the transferee's name by the Illinois State~~
17 ~~Police under the provisions of the Firearm Owners~~
18 ~~Identification Card Act; or (2) a currently valid license~~
19 ~~to carry a concealed firearm that has previously been~~
20 ~~issued in the transferee's name by the Illinois State~~
21 ~~Police under the Firearm Concealed Carry Act. This~~
22 ~~paragraph (k) does not apply to the transfer of a firearm~~
23 ~~to a person who is exempt from the requirement of~~
24 ~~possessing a Firearm Owner's Identification Card under~~
25 ~~Section 2 of the Firearm Owners Identification Card Act.~~
26 ~~For the purposes of this Section, a currently valid~~

1 ~~Firearm Owner's Identification Card or license to carry a~~
2 ~~concealed firearm means receipt of an approval number~~
3 ~~issued in accordance with subsection (a-10) of Section 3~~
4 ~~or Section 3.1 of the Firearm Owners Identification Card~~
5 ~~Act.~~

6 ~~(1) In addition to the other requirements of this~~
7 ~~paragraph (k), all persons who are not federally~~
8 ~~licensed firearms dealers must also have complied with~~
9 ~~subsection (a-10) of Section 3 of the Firearm Owners~~
10 ~~Identification Card Act by determining the validity of~~
11 ~~a purchaser's Firearm Owner's Identification Card.~~

12 ~~(2) All sellers or transferors who have complied~~
13 ~~with the requirements of subparagraph (1) of this~~
14 ~~paragraph (k) shall not be liable for damages in any~~
15 ~~civil action arising from the use or misuse by the~~
16 ~~transferee of the firearm transferred, except for~~
17 ~~willful or wanton misconduct on the part of the seller~~
18 ~~or transferor.~~

19 (1) Not being entitled to the possession of a firearm,
20 delivers the firearm, knowing it to have been stolen or
21 converted. It may be inferred that a person who possesses
22 a firearm with knowledge that its serial number has been
23 removed or altered has knowledge that the firearm is
24 stolen or converted.

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

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

9 (C) Sentence.

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (D) For purposes of this Section:

12 "School" means a public or private elementary or secondary
13 school, community college, college, or university.

14 "School related activity" means any sporting, social,
15 academic, or other activity for which students' attendance or
16 participation is sponsored, organized, or funded in whole or
17 in part by a school or school district.

18 (E) ~~A prosecution for a violation of paragraph (k) of~~
19 ~~subsection (A) of this Section may be commenced within 6 years~~
20 ~~after the commission of the offense.~~ A prosecution for a
21 violation of this Section other than paragraph (g) of
22 subsection (A) of this Section may be commenced within 5 years
23 after the commission of the offense defined in the particular
24 paragraph.

25 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
26 102-813, eff. 5-13-22.)

1 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

2 Sec. 24-3.1. Unlawful possession of firearms and firearm
3 ammunition.

4 (a) A person commits the offense of unlawful possession of
5 firearms or firearm ammunition when:

6 (1) He is under 18 years of age and has in his
7 possession any firearm of a size which may be concealed
8 upon the person; or

9 (2) He is under 21 years of age, has been convicted of
10 a misdemeanor other than a traffic offense or adjudged
11 delinquent and has any firearms or firearm ammunition in
12 his possession; or

13 (3) He is a narcotic addict and has any firearms or
14 firearm ammunition in his possession; or

15 (4) He has been a patient in a mental institution
16 within the past 5 years and has any firearms or firearm
17 ammunition in his possession. For purposes of this
18 paragraph (4):

19 "Mental institution" means any hospital,
20 institution, clinic, evaluation facility, mental
21 health center, or part thereof, which is used
22 primarily for the care or treatment of persons with
23 mental illness.

24 "Patient in a mental institution" means the person
25 was admitted, either voluntarily or involuntarily, to

1 a mental institution for mental health treatment,
2 unless the treatment was voluntary and solely for an
3 alcohol abuse disorder and no other secondary
4 substance abuse disorder or mental illness; or

5 (5) He is a person with an intellectual disability and
6 has any firearms or firearm ammunition in his possession;
7 or

8 (6) He has in his possession any explosive bullet.

9 For purposes of this paragraph "explosive bullet" means
10 the projectile portion of an ammunition cartridge which
11 contains or carries an explosive charge which will explode
12 upon contact with the flesh of a human or an animal.
13 "Cartridge" means a tubular metal case having a projectile
14 affixed at the front thereof and a cap or primer at the rear
15 end thereof, with the propellant contained in such tube
16 between the projectile and the cap.

17 (a-5) A person prohibited from possessing a firearm under
18 this Section may petition the Director of the Illinois State
19 Police for a hearing and relief from the prohibition, unless
20 the prohibition was based upon a forcible felony, stalking,
21 aggravated stalking, domestic battery, any violation of the
22 Illinois Controlled Substances Act, the Methamphetamine
23 Control and Community Protection Act, or the Cannabis Control
24 Act that is classified as a Class 2 or greater felony, any
25 felony violation of Article 24 of the Criminal Code of 1961 or
26 the Criminal Code of 2012, or any adjudication as a delinquent

1 minor for the commission of an offense that if committed by an
2 adult would be a felony, in which case the person may petition
3 the circuit court in writing in the county of his or her
4 residence for a hearing and relief from the prohibition. The
5 Director or court may grant the relief if it is established by
6 the petitioner to the court's or Director's satisfaction that:

7 (1) when in the circuit court, the State's Attorney
8 has been served with a written copy of the petition at
9 least 30 days before any hearing in the circuit court and
10 at the hearing the State's Attorney was afforded an
11 opportunity to present evidence and object to the
12 petition;

13 (2) the petitioner has not been convicted of a
14 forcible felony under the laws of this State or any other
15 jurisdiction within 20 years of the filing of the
16 petition, or at least 20 years have passed since the end of
17 any period of imprisonment imposed in relation to that
18 conviction;

19 (3) the circumstances regarding a criminal conviction,
20 where applicable, the petitioner's criminal history and
21 his reputation are such that the petitioner will not be
22 likely to act in a manner dangerous to public safety;

23 (4) granting relief would not be contrary to the
24 public interest; and

25 (5) granting relief would not be contrary to federal
26 law.

1 (b) Sentence.

2 Unlawful possession of firearms, other than handguns, and
3 firearm ammunition is a Class A misdemeanor. Unlawful
4 possession of handguns is a Class 4 felony. The possession of
5 each firearm or firearm ammunition in violation of this
6 Section constitutes a single and separate violation.

7 (c) Nothing in paragraph (1) of subsection (a) of this
8 Section prohibits a person under 18 years of age from
9 participating in any lawful recreational activity with a
10 firearm such as, but not limited to, practice shooting at
11 targets upon established public or private target ranges or
12 hunting, trapping, or fishing in accordance with the Wildlife
13 Code or the Fish and Aquatic Life Code.

14 (Source: P.A. 99-143, eff. 7-27-15.)

15 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

16 Sec. 24-3.2. Unlawful discharge of firearm projectiles.

17 (a) A person commits the offense of unlawful discharge of
18 firearm projectiles when he or she knowingly or recklessly
19 uses an armor piercing bullet, dragon's breath shotgun shell,
20 bolo shell, or flechette shell in violation of this Section.

21 For purposes of this Section:

22 "Armor piercing bullet" means any handgun bullet or
23 handgun ammunition with projectiles or projectile cores
24 constructed entirely (excluding the presence of traces of
25 other substances) from tungsten alloys, steel, iron, brass,

1 bronze, beryllium copper or depleted uranium, or fully
2 jacketed bullets larger than 22 caliber whose jacket has a
3 weight of more than 25% of the total weight of the projectile,
4 and excluding those handgun projectiles whose cores are
5 composed of soft materials such as lead or lead alloys, zinc or
6 zinc alloys, frangible projectiles designed primarily for
7 sporting purposes, and any other projectiles or projectile
8 cores that the U. S. Secretary of the Treasury finds to be
9 primarily intended to be used for sporting purposes or
10 industrial purposes or that otherwise does not constitute
11 "armor piercing ammunition" as that term is defined by federal
12 law.

13 "Dragon's breath shotgun shell" means any shotgun shell
14 that contains exothermic pyrophoric mesh metal as the
15 projectile and is designed for the purpose of throwing or
16 spewing a flame or fireball to simulate a flame-thrower.

17 "Bolo shell" means any shell that can be fired in a firearm
18 and expels as projectiles 2 or more metal balls connected by
19 solid metal wire.

20 "Flechette shell" means any shell that can be fired in a
21 firearm and expels 2 or more pieces of fin-stabilized solid
22 metal wire or 2 or more solid dart-type projectiles.

23 (b) A person commits a Class X felony when he or she,
24 knowing that a firearm, ~~as defined in Section 1.1 of the~~
25 ~~Firearm Owners Identification Card Act,~~ is loaded with an
26 armor piercing bullet, dragon's breath shotgun shell, bolo

1 shell, or flechette shell, intentionally or recklessly
2 discharges such firearm and such bullet or shell strikes any
3 other person.

4 (c) Any person who possesses, concealed on or about his or
5 her person, an armor piercing bullet, dragon's breath shotgun
6 shell, bolo shell, or flechette shell and a firearm suitable
7 for the discharge thereof is guilty of a Class 2 felony.

8 (d) This Section does not apply to or affect any of the
9 following:

10 (1) Peace officers;

11 (2) Wardens, superintendents and keepers of prisons,
12 penitentiaries, jails and other institutions for the
13 detention of persons accused or convicted of an offense;

14 (3) Members of the Armed Services or Reserve Forces of
15 the United States or the Illinois National Guard while in
16 the performance of their official duties;

17 (4) Federal officials required to carry firearms,
18 while engaged in the performance of their official duties;

19 (5) United States Marshals, while engaged in the
20 performance of their official duties.

21 (Source: P.A. 92-423, eff. 1-1-02.)

22 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

23 Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

24 (a) It shall be unlawful for any person who holds a license
25 to sell at retail any alcoholic liquor issued by the Illinois

1 Liquor Control Commission or local liquor control commissioner
2 under the Liquor Control Act of 1934 or an agent or employee of
3 the licensee to sell or deliver to any other person a firearm
4 in or on the real property of the establishment where the
5 licensee is licensed to sell alcoholic liquors unless the sale
6 or delivery of the firearm is otherwise lawful under this
7 Article ~~and under the Firearm Owners Identification Card Act.~~

8 (b) Sentence. A violation of subsection (a) of this
9 Section is a Class 4 felony.

10 (Source: P.A. 87-591.)

11 (720 ILCS 5/24-3.5)

12 Sec. 24-3.5. Unlawful purchase of a firearm.

13 (a) For purposes of this Section, "firearms transaction
14 record form" means a form:

15 (1) executed by a transferee of a firearm stating: (i)
16 the transferee's name and address (including county or
17 similar political subdivision); (ii) whether the
18 transferee is a citizen of the United States; (iii) the
19 transferee's State of residence; and (iv) the date and
20 place of birth, height, weight, and race of the
21 transferee; and

22 (2) on which the transferee certifies that he or she
23 is not prohibited by federal law from transporting or
24 shipping a firearm in interstate or foreign commerce or
25 receiving a firearm that has been shipped or transported

1 in interstate or foreign commerce or possessing a firearm
2 in or affecting commerce.

3 (b) A person commits the offense of unlawful purchase of a
4 firearm who knowingly purchases or attempts to purchase a
5 firearm with the intent to deliver that firearm to another
6 person who is prohibited by federal or State law from
7 possessing a firearm.

8 (c) A person commits the offense of unlawful purchase of a
9 firearm when he or she, in purchasing or attempting to
10 purchase a firearm, intentionally provides false or misleading
11 information on a United States Department of the Treasury,
12 Bureau of Alcohol, Tobacco and Firearms firearms transaction
13 record form.

14 (d) Exemption. It is not a violation of subsection (b) of
15 this Section for a person to make a gift or loan of a firearm
16 to a person who is not prohibited by federal or State law from
17 possessing a firearm ~~if the transfer of the firearm is made in~~
18 ~~accordance with Section 3 of the Firearm Owners Identification~~
19 ~~Card Act.~~

20 (e) Sentence.

21 (1) A person who commits the offense of unlawful
22 purchase of a firearm:

23 (A) is guilty of a Class 2 felony for purchasing or
24 attempting to purchase one firearm;

25 (B) is guilty of a Class 1 felony for purchasing or
26 attempting to purchase not less than 2 firearms and

1 not more than 5 firearms at the same time or within a
2 one year period;

3 (C) is guilty of a Class X felony for which the
4 offender shall be sentenced to a term of imprisonment
5 of not less than 9 years and not more than 40 years for
6 purchasing or attempting to purchase not less than 6
7 firearms at the same time or within a 2 year period.

8 (2) In addition to any other penalty that may be
9 imposed for a violation of this Section, the court may
10 sentence a person convicted of a violation of subsection
11 (c) of this Section to a fine not to exceed \$250,000 for
12 each violation.

13 (f) A prosecution for unlawful purchase of a firearm may
14 be commenced within 6 years after the commission of the
15 offense.

16 (Source: P.A. 95-882, eff. 1-1-09.)

17 (720 ILCS 5/24-3B)

18 Sec. 24-3B. Firearms trafficking.

19 (a) A person commits firearms trafficking when he or she
20 is prohibited under federal or State law from possessing a
21 firearm ~~has not been issued a currently valid Firearm Owner's~~
22 ~~Identification Card~~ and knowingly:

23 (1) brings, or causes to be brought, into this State,
24 a firearm or firearm ammunition for the purpose of sale,
25 delivery, or transfer to any other person or with the

1 intent to sell, deliver, or transfer the firearm or
2 firearm ammunition to any other person; or

3 (2) brings, or causes to be brought, into this State,
4 a firearm and firearm ammunition for the purpose of sale,
5 delivery, or transfer to any other person or with the
6 intent to sell, deliver, or transfer the firearm and
7 firearm ammunition to any other person.

8 (a-5) (Blank). ~~This Section does not apply to:~~

9 ~~(1) a person exempt under Section 2 of the Firearm~~
10 ~~Owners Identification Card Act from the requirement of~~
11 ~~having possession of a Firearm Owner's Identification Card~~
12 ~~previously issued in his or her name by the Illinois State~~
13 ~~Police in order to acquire or possess a firearm or firearm~~
14 ~~ammunition;~~

15 ~~(2) a common carrier under subsection (i) of Section~~
16 ~~24-2 of this Code; or~~

17 ~~(3) a non resident who may lawfully possess a firearm~~
18 ~~in his or her resident state.~~

19 (b) Sentence.

20 (1) Firearms trafficking is a Class 1 felony for which
21 the person, if sentenced to a term of imprisonment, shall
22 be sentenced to not less than 4 years and not more than 20
23 years.

24 (2) Firearms trafficking by a person who has been
25 previously convicted of firearms trafficking, gunrunning,
26 or a felony offense for the unlawful sale, delivery, or

1 transfer of a firearm or firearm ammunition in this State
2 or another jurisdiction is a Class X felony.

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

4 (720 ILCS 5/24-4.1)

5 Sec. 24-4.1. Report of lost or stolen firearms.

6 (a) If a person ~~who possesses a valid Firearm Owner's~~
7 ~~Identification Card and~~ who possesses or acquires a firearm
8 thereafter loses the firearm, or if the firearm is stolen from
9 the person, the person must report the loss or theft to the
10 local law enforcement agency within 72 hours after obtaining
11 knowledge of the loss or theft.

12 (b) A law enforcement agency having jurisdiction shall
13 take a written report and shall, as soon as practical, enter
14 the firearm's serial number as stolen into the Law Enforcement
15 Agencies Data System (LEADS).

16 (c) A person shall not be in violation of this Section if:

17 (1) the failure to report is due to an act of God, act
18 of war, or inability of a law enforcement agency to
19 receive the report;

20 (2) the person is hospitalized, in a coma, or is
21 otherwise seriously physically or mentally impaired as to
22 prevent the person from reporting; or

23 (3) the person's designee makes a report if the person
24 is unable to make the report.

25 (d) Sentence. A person who violates this Section is guilty

1 of a petty offense for a first violation. A second or
2 subsequent violation of this Section is a Class A misdemeanor.
3 (Source: P.A. 98-508, eff. 8-19-13.)

4 (720 ILCS 5/24-4.5 new)

5 Sec. 24-4.5. Dial up system.

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

16 (b) Upon receiving a request from a federally licensed
17 firearm dealer, gun show promoter, or gun show vendor, the
18 Illinois State Police shall immediately approve, or within the
19 time period established by Section 24-3 of this Code regarding
20 the delivery of firearms, stun guns, and tasers notify the
21 inquiring dealer, gun show promoter, or gun show vendor of any
22 objection that would disqualify the transferee from acquiring
23 or possessing a firearm, stun gun, or taser. In conducting the
24 inquiry, the Illinois State Police shall initiate and complete
25 an automated search of its criminal history record information

1 files and those of the Federal Bureau of Investigation,
2 including the National Instant Criminal Background Check
3 System, and of the files of the Department of Human Services
4 relating to mental health and developmental disabilities to
5 obtain any felony conviction or patient hospitalization
6 information which would disqualify a person from obtaining a
7 firearm.

8 (c) If receipt of a firearm would not violate Section 24-3
9 of this Code or federal law, the Illinois State Police shall:

10 (1) assign a unique identification number to the
11 transfer; and

12 (2) provide the licensee, gun show promoter, or gun
13 show vendor with the number.

14 (d) Approvals issued by the Illinois State Police for the
15 purchase of a firearm are valid for 30 days from the date of
16 issue.

17 (e) (1) The Illinois State Police must act as the Illinois
18 Point of Contact for the National Instant Criminal Background
19 Check System.

20 (2) The Illinois State Police and the Department of Human
21 Services shall, in accordance with State and federal law
22 regarding confidentiality, enter into a memorandum of
23 understanding with the Federal Bureau of Investigation for the
24 purpose of implementing the National Instant Criminal
25 Background Check System in the State. The Illinois State
26 Police shall report the name, date of birth, and physical

1 description of any person prohibited from possessing a firearm
2 under this Code or 18 U.S.C. 922(g) and (n) to the National
3 Instant Criminal Background Check System Index, Denied Persons
4 Files.

5 (f) The Illinois State Police shall adopt rules not
6 inconsistent with this Section to implement this system.

7 (720 ILCS 5/24-5.1)

8 Sec. 24-5.1. Serialization of unfinished frames or
9 receivers; prohibition on unserialized firearms; exceptions;
10 penalties.

11 (a) In this Section:

12 "Bona fide supplier" means an established business entity
13 engaged in the development and sale of firearms parts to one or
14 more federal firearms manufacturers or federal firearms
15 importers.

16 "Federal firearms dealer" means a licensed manufacturer
17 pursuant to 18 U.S.C. 921(a)(11).

18 "Federal firearms importer" means a licensed importer
19 pursuant to 18 U.S.C. 921(a)(9).

20 "Federal firearms manufacturer" means a licensed
21 manufacturer pursuant to 18 U.S.C. 921(a)(10).

22 "Frame or receiver" means a part of a firearm that, when
23 the complete weapon is assembled, is visible from the exterior
24 and provides housing or a structure designed to hold or
25 integrate one or more fire control components, even if pins or

1 other attachments are required to connect those components to
2 the housing or structure. For models of firearms in which
3 multiple parts provide such housing or structure, the part or
4 parts that the Director of the federal Bureau of Alcohol,
5 Tobacco, Firearms and Explosives has determined are a frame or
6 receiver constitute the frame or receiver. For purposes of
7 this definition, "fire control component" means a component
8 necessary for the firearm to initiate, complete, or continue
9 the firing sequence, including any of the following: hammer,
10 bolt, bolt carrier, breechblock, cylinder, trigger mechanism,
11 firing pin, striker, or slide rails.

12 "Security exemplar" means an object to be fabricated at
13 the direction of the United States Attorney General that is
14 (1) constructed of 3.7 ounces of material type 17-4 PH
15 stainless steel in a shape resembling a handgun and (2)
16 suitable for testing and calibrating metal detectors.

17 "Three-dimensional printer" means a computer or
18 computer-drive machine capable of producing a
19 three-dimensional object from a digital model.

20 "Undetectable firearm" means (1) a firearm constructed
21 entirely of non-metal substances; (2) a firearm that, after
22 removal of all parts but the major components of the firearm,
23 is not detectable by walk-through metal detectors calibrated
24 and operated to detect the security exemplar; or (3) a firearm
25 that includes a major component of a firearm, which, if
26 subject to the types of detection devices commonly used at

1 airports for security screening, would not generate an image
2 that accurately depicts the shape of the component.
3 "Undetectable firearm" does not include a firearm subject to
4 the provisions of 18 U.S.C. 922(p) (3) through (6).

5 "Unfinished frame or receiver" means any forging, casting,
6 printing, extrusion, machined body, or similar article that:

7 (1) has reached a stage in manufacture where it may
8 readily be completed, assembled, or converted to be a
9 functional firearm; or

10 (2) is marketed or sold to the public to become or be
11 used as the frame or receiver of a functional firearm once
12 completed, assembled, or converted.

13 "Unserialized" means lacking a serial number imprinted by:

14 (1) a federal firearms manufacturer, federal firearms
15 importer, federal firearms dealer, or other federal
16 licensee authorized to provide marking services, pursuant
17 to a requirement under federal law; or

18 (2) a federal firearms dealer or other federal
19 licensee authorized to provide marking services pursuant
20 to subsection (f) of this Section.

21 (b) It is unlawful for any person to knowingly sell, offer
22 to sell, or transfer an unserialized unfinished frame or
23 receiver or unserialized firearm, including those produced
24 using a three-dimensional printer, unless the party purchasing
25 or receiving the unfinished frame or receiver or unserialized
26 firearm is a federal firearms importer, federal firearms

1 manufacturer, or federal firearms dealer.

2 (c) Beginning 180 days after the effective date of this
3 amendatory Act of the 102nd General Assembly, it is unlawful
4 for any person to knowingly possess, transport, or receive an
5 unfinished frame or receiver, unless:

6 (1) the party possessing or receiving the unfinished
7 frame or receiver is a federal firearms importer or
8 federal firearms manufacturer;

9 (2) the unfinished frame or receiver is possessed or
10 transported by a person for transfer to a federal firearms
11 importer or federal firearms manufacturer; or

12 (3) the unfinished frame or receiver has been
13 imprinted with a serial number issued by a federal
14 firearms importer or federal firearms manufacturer in
15 compliance with subsection (f) of this Section.

16 (d) Beginning 180 days after the effective date of this
17 amendatory Act of the 102nd General Assembly, unless the party
18 receiving the firearm is a federal firearms importer or
19 federal firearms manufacturer, it is unlawful for any person
20 to knowingly possess, purchase, transport, or receive a
21 firearm that is not imprinted with a serial number by (1) a
22 federal firearms importer or federal firearms manufacturer in
23 compliance with all federal laws and regulations regulating
24 the manufacture and import of firearms or (2) a federal
25 firearms manufacturer, federal firearms dealer, or other
26 federal licensee authorized to provide marking services in

1 compliance with the unserialized firearm serialization process
2 under subsection (f) of this Section.

3 (e) Any firearm or unfinished frame or receiver
4 manufactured using a three-dimensional printer must also be
5 serialized in accordance with the requirements of subsection
6 (f) within 30 days after the effective date of this amendatory
7 Act of the 102nd General Assembly, or prior to reaching a stage
8 of manufacture where it may be readily completed, assembled,
9 or converted to be a functional firearm.

10 (f) Unserialized unfinished frames or receivers and
11 unserialized firearms serialized pursuant to this Section
12 shall be serialized in compliance with all of the following:

13 (1) An unserialized unfinished frame or receiver and
14 unserialized firearm shall be serialized by a federally
15 licensed firearms dealer or other federal licensee
16 authorized to provide marking services with the licensee's
17 abbreviated federal firearms license number as a prefix
18 (which is the first 3 and last 5 digits) followed by a
19 hyphen, and then followed by a number as a suffix, such as
20 12345678-(number). The serial number or numbers must be
21 placed in a manner that accords with the requirements
22 under federal law for affixing serial numbers to firearms,
23 including the requirements that the serial number or
24 numbers be at the minimum size and depth, and not
25 susceptible to being readily obliterated, altered, or
26 removed, and the licensee must retain records that accord

1 with the requirements under federal law in the case of the
2 sale of a firearm. The imprinting of any serial number
3 upon a undetectable firearm must be done on a steel plaque
4 in compliance with 18 U.S.C. 922(p).

5 (2) Every federally licensed firearms dealer or other
6 federal licensee that engraves, casts, stamps, or
7 otherwise conspicuously and permanently places a unique
8 serial number pursuant to this Section shall maintain a
9 record of such indefinitely. Licensees subject to the
10 Firearm Dealer License Certification Act shall make all
11 records accessible for inspection upon the request of the
12 Illinois State Police or a law enforcement agency in
13 accordance with Section 5-35 of the Firearm Dealer License
14 Certification Act.

15 (3) Every federally licensed firearms dealer or other
16 federal licensee that engraves, casts, stamps, or
17 otherwise conspicuously and permanently places a unique
18 serial number pursuant to this Section shall record it at
19 the time of every transaction involving the transfer of a
20 firearm, rifle, shotgun, finished frame or receiver, or
21 unfinished frame or receiver that has been so marked in
22 compliance with the federal guidelines set forth in 27 CFR
23 478.124.

24 (4) (Blank). ~~Every federally licensed firearms dealer~~
25 ~~or other federal licensee that engraves, casts, stamps, or~~
26 ~~otherwise conspicuously and permanently places a unique~~

~~serial number pursuant to this Section shall review and confirm the validity of the owner's Firearm Owner's Identification Card issued under the Firearm Owners Identification Card Act prior to returning the firearm to the owner.~~

(g) Within 30 days after the effective date of this amendatory Act of the 102nd General Assembly, the Director of the Illinois State Police shall issue a public notice regarding the provisions of this Section. The notice shall include posting on the Illinois State Police website and may include written notification or any other means of communication statewide to all Illinois-based federal firearms manufacturers, federal firearms dealers, or other federal licensees authorized to provide marking services in compliance with the serialization process in subsection (f) in order to educate the public.

(h) Exceptions. This Section does not apply to an unserialized unfinished frame or receiver or an unserialized firearm that:

(1) has been rendered permanently inoperable;

(2) is an antique firearm, as defined in 18 U.S.C. 921(a)(16);

(3) was manufactured prior to October 22, 1968;

(4) is an unfinished frame or receiver and is possessed by a bona fide supplier exclusively for transfer to a federal firearms manufacturer or federal firearms

1 importer, or is possessed by a federal firearms
2 manufacturer or federal firearms importer in compliance
3 with all federal laws and regulations regulating the
4 manufacture and import of firearms; except this exemption
5 does not apply if an unfinished frame or receiver is
6 possessed for transfer or is transferred to a person other
7 than a federal firearms manufacturer or federal firearms
8 importer; or

9 (5) is possessed by a person who received the
10 unserialized unfinished frame or receiver or unserialized
11 firearm through inheritance, and is not otherwise
12 prohibited from possessing the unserialized unfinished
13 frame or receiver or unserialized firearm, for a period
14 not exceeding 30 days after inheriting the unserialized
15 unfinished frame or receiver or unserialized firearm.

16 (i) Penalties.

17 (1) A person who violates subsection (c) or (d) is
18 guilty of a Class A misdemeanor for a first violation and
19 is guilty of a Class 3 felony for a second or subsequent
20 violation.

21 (2) A person who violates subsection (b) is guilty of
22 a Class 4 felony for a first violation and is guilty of a
23 Class 2 felony for a second or subsequent violation.

24 (Source: P.A. 102-889, eff. 5-18-22.)

25 (720 ILCS 5/24-9)

1 Sec. 24-9. Firearms; Child Protection.

2 (a) Except as provided in subsection (c), it is unlawful
3 for any person to store or leave, within premises under his or
4 her control, a firearm if the person knows or has reason to
5 believe that a minor under the age of 14 years ~~who does not~~
6 ~~have a Firearm Owners Identification Card~~ is likely to gain
7 access to the firearm without the lawful permission of the
8 person possessing the firearm, minor's parent, guardian, or
9 person having charge of the minor, and the minor causes death
10 or great bodily harm with the firearm, unless the firearm is:

11 (1) secured by a device or mechanism, other than the
12 firearm safety, designed to render a firearm temporarily
13 inoperable; or

14 (2) placed in a securely locked box or container; or

15 (3) placed in some other location that a reasonable
16 person would believe to be secure from a minor under the
17 age of 14 years.

18 (b) Sentence. A person who violates this Section is guilty
19 of a Class C misdemeanor and shall be fined not less than
20 \$1,000. A second or subsequent violation of this Section is a
21 Class A misdemeanor.

22 (c) Subsection (a) does not apply:

23 (1) if the minor under 14 years of age gains access to
24 a firearm and uses it in a lawful act of self-defense or
25 defense of another; or

26 (2) to any firearm obtained by a minor under the age of

1 14 because of an unlawful entry of the premises by the
2 minor or another person.

3 (d) For the purposes of this Section, "firearm" has the
4 meaning ascribed to it in Section 2-7.5 ~~1.1 of the Firearm~~
5 ~~Owners Identification Card Act.~~

6 (Source: P.A. 91-18, eff. 1-1-00.)

7 Section 85. The Methamphetamine Control and Community
8 Protection Act is amended by changing Section 10 as follows:

9 (720 ILCS 646/10)

10 Sec. 10. Definitions. As used in this Act:

11 "Anhydrous ammonia" has the meaning provided in subsection
12 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

13 "Anhydrous ammonia equipment" means all items used to
14 store, hold, contain, handle, transfer, transport, or apply
15 anhydrous ammonia for lawful purposes.

16 "Booby trap" means any device designed to cause physical
17 injury when triggered by an act of a person approaching,
18 entering, or moving through a structure, a vehicle, or any
19 location where methamphetamine has been manufactured, is being
20 manufactured, or is intended to be manufactured.

21 "Deliver" or "delivery" has the meaning provided in
22 subsection (h) of Section 102 of the Illinois Controlled
23 Substances Act.

24 "Director" means the Director of the Illinois State Police

1 or the Director's designated agents.

2 "Dispose" or "disposal" means to abandon, discharge,
3 release, deposit, inject, dump, spill, leak, or place
4 methamphetamine waste onto or into any land, water, or well of
5 any type so that the waste has the potential to enter the
6 environment, be emitted into the air, or be discharged into
7 the soil or any waters, including groundwater.

8 "Emergency response" means the act of collecting evidence
9 from or securing a methamphetamine laboratory site,
10 methamphetamine waste site or other methamphetamine-related
11 site and cleaning up the site, whether these actions are
12 performed by public entities or private contractors paid by
13 public entities.

14 "Emergency service provider" means a local, State, or
15 federal peace officer, firefighter, emergency medical
16 technician-ambulance, emergency medical
17 technician-intermediate, emergency medical
18 technician-paramedic, ambulance driver, or other medical or
19 first aid personnel rendering aid, or any agent or designee of
20 the foregoing.

21 "Finished methamphetamine" means methamphetamine in a form
22 commonly used for personal consumption.

23 "Firearm" has the meaning provided in Section 2-7.5 of the
24 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~
25 ~~Card Act.~~

26 "Manufacture" means to produce, prepare, compound,

1 convert, process, synthesize, concentrate, purify, separate,
2 extract, or package any methamphetamine, methamphetamine
3 precursor, methamphetamine manufacturing catalyst,
4 methamphetamine manufacturing reagent, methamphetamine
5 manufacturing solvent, or any substance containing any of the
6 foregoing.

7 "Methamphetamine" means the chemical methamphetamine (a
8 Schedule II controlled substance under the Illinois Controlled
9 Substances Act) or any salt, optical isomer, salt of optical
10 isomer, or analog thereof, with the exception of
11 3,4-Methylenedioxymethamphetamine (MDMA) or any other
12 scheduled substance with a separate listing under the Illinois
13 Controlled Substances Act.

14 "Methamphetamine manufacturing catalyst" means any
15 substance that has been used, is being used, or is intended to
16 be used to activate, accelerate, extend, or improve a chemical
17 reaction involved in the manufacture of methamphetamine.

18 "Methamphetamine manufacturing environment" means a
19 structure or vehicle in which:

20 (1) methamphetamine is being or has been manufactured;

21 (2) chemicals that are being used, have been used, or
22 are intended to be used to manufacture methamphetamine are
23 stored;

24 (3) methamphetamine manufacturing materials that have
25 been used to manufacture methamphetamine are stored; or

26 (4) methamphetamine manufacturing waste is stored.

1 "Methamphetamine manufacturing material" means any
2 methamphetamine precursor, substance containing any
3 methamphetamine precursor, methamphetamine manufacturing
4 catalyst, substance containing any methamphetamine
5 manufacturing catalyst, methamphetamine manufacturing
6 reagent, substance containing any methamphetamine
7 manufacturing reagent, methamphetamine manufacturing solvent,
8 substance containing any methamphetamine manufacturing
9 solvent, or any other chemical, substance, ingredient,
10 equipment, apparatus, or item that is being used, has been
11 used, or is intended to be used in the manufacture of
12 methamphetamine.

13 "Methamphetamine manufacturing reagent" means any
14 substance other than a methamphetamine manufacturing catalyst
15 that has been used, is being used, or is intended to be used to
16 react with and chemically alter any methamphetamine precursor.

17 "Methamphetamine manufacturing solvent" means any
18 substance that has been used, is being used, or is intended to
19 be used as a medium in which any methamphetamine precursor,
20 methamphetamine manufacturing catalyst, methamphetamine
21 manufacturing reagent, or any substance containing any of the
22 foregoing is dissolved, diluted, or washed during any part of
23 the methamphetamine manufacturing process.

24 "Methamphetamine manufacturing waste" means any chemical,
25 substance, ingredient, equipment, apparatus, or item that is
26 left over from, results from, or is produced by the process of

1 manufacturing methamphetamine, other than finished
2 methamphetamine.

3 "Methamphetamine precursor" means ephedrine,
4 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
5 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
6 isomer, or salt of an optical isomer of any of these chemicals.

7 "Multi-unit dwelling" means a unified structure used or
8 intended for use as a habitation, home, or residence that
9 contains 2 or more condominiums, apartments, hotel rooms,
10 motel rooms, or other living units.

11 "Package" means an item marked for retail sale that is not
12 designed to be further broken down or subdivided for the
13 purpose of retail sale.

14 "Participate" or "participation" in the manufacture of
15 methamphetamine means to produce, prepare, compound, convert,
16 process, synthesize, concentrate, purify, separate, extract,
17 or package any methamphetamine, methamphetamine precursor,
18 methamphetamine manufacturing catalyst, methamphetamine
19 manufacturing reagent, methamphetamine manufacturing solvent,
20 or any substance containing any of the foregoing, or to assist
21 in any of these actions, or to attempt to take any of these
22 actions, regardless of whether this action or these actions
23 result in the production of finished methamphetamine.

24 "Person with a disability" means a person who suffers from
25 a permanent physical or mental impairment resulting from
26 disease, injury, functional disorder, or congenital condition

1 which renders the person incapable of adequately providing for
2 his or her own health and personal care.

3 "Procure" means to purchase, steal, gather, or otherwise
4 obtain, by legal or illegal means, or to cause another to take
5 such action.

6 "Second or subsequent offense" means an offense under this
7 Act committed by an offender who previously committed an
8 offense under this Act, the Illinois Controlled Substances
9 Act, the Cannabis Control Act, or another Act of this State,
10 another state, or the United States relating to
11 methamphetamine, cannabis, or any other controlled substance.

12 "Standard dosage form", as used in relation to any
13 methamphetamine precursor, means that the methamphetamine
14 precursor is contained in a pill, tablet, capsule, caplet, gel
15 cap, or liquid cap that has been manufactured by a lawful
16 entity and contains a standard quantity of methamphetamine
17 precursor.

18 "Unauthorized container", as used in relation to anhydrous
19 ammonia, means any container that is not designed for the
20 specific and sole purpose of holding, storing, transporting,
21 or applying anhydrous ammonia. "Unauthorized container"
22 includes, but is not limited to, any propane tank, fire
23 extinguisher, oxygen cylinder, gasoline can, food or beverage
24 cooler, or compressed gas cylinder used in dispensing fountain
25 drinks. "Unauthorized container" does not encompass anhydrous
26 ammonia manufacturing plants, refrigeration systems where

1 anhydrous ammonia is used solely as a refrigerant, anhydrous
2 ammonia transportation pipelines, anhydrous ammonia tankers,
3 or anhydrous ammonia barges.

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

5 Section 90. The Code of Criminal Procedure of 1963 is
6 amended by changing Sections 102-7.1, 110-10, 112A-5.5,
7 112A-11.1, 112A-11.2, 112A-14, 112A-14.7, and 112A-17.5 as
8 follows:

9 (725 ILCS 5/102-7.1)

10 (Text of Section before amendment by P.A. 102-982)

11 Sec. 102-7.1. "Category A offense". "Category A offense"
12 means a Class 1 felony, Class 2 felony, Class X felony, first
13 degree murder, a violation of Section 11-204 of the Illinois
14 Vehicle Code, a second or subsequent violation of Section
15 11-501 of the Illinois Vehicle Code, a violation of subsection
16 (d) of Section 11-501 of the Illinois Vehicle Code, a
17 violation of Section 11-401 of the Illinois Vehicle Code if
18 the accident results in injury and the person failed to report
19 the accident within 30 minutes, a violation of Section 9-3,
20 9-3.4, 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5,
21 11-25, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5,
22 12-6, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5,
23 24-3, 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a
24 second or subsequent violation of 12-3.2 or 12-3.4 of the

1 Criminal Code of 2012, a violation of paragraph (5) or (6) of
2 subsection (b) of Section 10-9 of the Criminal Code of 2012, a
3 violation of subsection (b) or (c) or paragraph (1) or (2) of
4 subsection (a) of Section 11-1.50 of the Criminal Code of
5 2012, a violation of Section 12-7 of the Criminal Code of 2012
6 if the defendant inflicts bodily harm on the victim to obtain a
7 confession, statement, or information, a violation of Section
8 12-7.5 of the Criminal Code of 2012 if the action results in
9 bodily harm, a violation of paragraph (3) of subsection (b) of
10 Section 17-2 of the Criminal Code of 2012, a violation of
11 subdivision (a)(7)(ii) of Section 24-1 of the Criminal Code of
12 2012, a violation of paragraph (6) of subsection (a) of
13 Section 24-1 of the Criminal Code of 2012, a first violation of
14 Section 24-1.6 of the Criminal Code of 2012 by a person 18
15 years of age or older where the factors listed in both items
16 (A) and (C) or both items (A-5) and (C) of paragraph (3) of
17 subsection (a) of Section 24-1.6 of the Criminal Code of 2012
18 are present, a Class 3 felony violation of paragraph (1) of
19 subsection (a) of Section 2 of the Firearm Owners
20 Identification Card Act committed before the effective date of
21 this amendatory Act of the 103rd General Assembly, or a
22 violation of Section 10 of the Sex Offender Registration Act.
23 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

24 (Text of Section after amendment by P.A. 102-982)

25 Sec. 102-7.1. "Category A offense". "Category A offense"

1 means a Class 1 felony, Class 2 felony, Class X felony, first
2 degree murder, a violation of Section 11-204 of the Illinois
3 Vehicle Code, a second or subsequent violation of Section
4 11-501 of the Illinois Vehicle Code, a violation of subsection
5 (d) of Section 11-501 of the Illinois Vehicle Code, a
6 violation of Section 11-401 of the Illinois Vehicle Code if
7 the crash results in injury and the person failed to report the
8 crash within 30 minutes, a violation of Section 9-3, 9-3.4,
9 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5, 11-25,
10 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5, 12-6,
11 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5, 24-3,
12 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a second or
13 subsequent violation of 12-3.2 or 12-3.4 of the Criminal Code
14 of 2012, a violation of paragraph (5) or (6) of subsection (b)
15 of Section 10-9 of the Criminal Code of 2012, a violation of
16 subsection (b) or (c) or paragraph (1) or (2) of subsection (a)
17 of Section 11-1.50 of the Criminal Code of 2012, a violation of
18 Section 12-7 of the Criminal Code of 2012 if the defendant
19 inflicts bodily harm on the victim to obtain a confession,
20 statement, or information, a violation of Section 12-7.5 of
21 the Criminal Code of 2012 if the action results in bodily harm,
22 a violation of paragraph (3) of subsection (b) of Section 17-2
23 of the Criminal Code of 2012, a violation of subdivision
24 (a)(7)(ii) of Section 24-1 of the Criminal Code of 2012, a
25 violation of paragraph (6) of subsection (a) of Section 24-1
26 of the Criminal Code of 2012, a first violation of Section

1 24-1.6 of the Criminal Code of 2012 by a person 18 years of age
2 or older where the factors listed in both items (A) and (C) or
3 both items (A-5) and (C) of paragraph (3) of subsection (a) of
4 Section 24-1.6 of the Criminal Code of 2012 are present, a
5 Class 3 felony violation of paragraph (1) of subsection (a) of
6 Section 2 of the Firearm Owners Identification Card Act
7 committed before the effective date of this amendatory Act of
8 the 103rd General Assembly, or a violation of Section 10 of the
9 Sex Offender Registration Act.

10 (Source: P.A. 102-982, eff. 7-1-23.)

11 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

12 Sec. 110-10. Conditions of pretrial release.

13 (a) If a person is released prior to conviction, the
14 conditions of pretrial release shall be that he or she will:

15 (1) Appear to answer the charge in the court having
16 jurisdiction on a day certain and thereafter as ordered by
17 the court until discharged or final order of the court;

18 (2) Submit himself or herself to the orders and
19 process of the court;

20 (3) (Blank);

21 (4) Not violate any criminal statute of any
22 jurisdiction;

23 (5) At a time and place designated by the court,
24 surrender all firearms in his or her possession to a law
25 enforcement officer designated by the court to take

1 custody of and impound the firearms ~~and physically~~
2 ~~surrender his or her Firearm Owner's Identification Card~~
3 ~~to the clerk of the circuit court~~ when the offense the
4 person has been charged with is a forcible felony,
5 stalking, aggravated stalking, domestic battery, any
6 violation of the Illinois Controlled Substances Act, the
7 Methamphetamine Control and Community Protection Act, or
8 the Cannabis Control Act that is classified as a Class 2 or
9 greater felony, or any felony violation of Article 24 of
10 the Criminal Code of 1961 or the Criminal Code of 2012; the
11 court may, however, forgo the imposition of this condition
12 when the circumstances of the case clearly do not warrant
13 it or when its imposition would be impractical; ~~if the~~
14 ~~Firearm Owner's Identification Card is confiscated, the~~
15 ~~clerk of the circuit court shall mail the confiscated card~~
16 ~~to the Illinois State Police;~~ all legally possessed
17 firearms shall be returned to the person upon the charges
18 being dismissed, or if the person is found not guilty,
19 unless the finding of not guilty is by reason of insanity;
20 and

21 (6) At a time and place designated by the court,
22 submit to a psychological evaluation when the person has
23 been charged with a violation of item (4) of subsection
24 (a) of Section 24-1 of the Criminal Code of 1961 or the
25 Criminal Code of 2012 and that violation occurred in a
26 school or in any conveyance owned, leased, or contracted

1 by a school to transport students to or from school or a
2 school-related activity, or on any public way within 1,000
3 feet of real property comprising any school.

4 Psychological evaluations ordered pursuant to this Section
5 shall be completed promptly and made available to the State,
6 the defendant, and the court. As a further condition of
7 pretrial release under these circumstances, the court shall
8 order the defendant to refrain from entering upon the property
9 of the school, including any conveyance owned, leased, or
10 contracted by a school to transport students to or from school
11 or a school-related activity, or on any public way within
12 1,000 feet of real property comprising any school. Upon
13 receipt of the psychological evaluation, either the State or
14 the defendant may request a change in the conditions of
15 pretrial release, pursuant to Section 110-6 of this Code. The
16 court may change the conditions of pretrial release to include
17 a requirement that the defendant follow the recommendations of
18 the psychological evaluation, including undergoing psychiatric
19 treatment. The conclusions of the psychological evaluation and
20 any statements elicited from the defendant during its
21 administration are not admissible as evidence of guilt during
22 the course of any trial on the charged offense, unless the
23 defendant places his or her mental competency in issue.

24 (b) Additional conditions of release shall be set only
25 when it is determined that they are necessary to ensure the
26 defendant's appearance in court, ensure the defendant does not

1 commit any criminal offense, ensure the defendant complies
2 with all conditions of pretrial release, prevent the
3 defendant's unlawful interference with the orderly
4 administration of justice, or ensure compliance with the rules
5 and procedures of problem solving courts. However, conditions
6 shall include the least restrictive means and be
7 individualized. Conditions shall not mandate rehabilitative
8 services unless directly tied to the risk of pretrial
9 misconduct. Conditions of supervision shall not include
10 punitive measures such as community service work or
11 restitution. Conditions may include the following:

12 (0.05) Not depart this State without leave of the
13 court;

14 (1) Report to or appear in person before such person
15 or agency as the court may direct;

16 (2) Refrain from possessing a firearm or other
17 dangerous weapon;

18 (3) Refrain from approaching or communicating with
19 particular persons or classes of persons;

20 (4) Refrain from going to certain described geographic
21 areas or premises;

22 (5) Be placed under direct supervision of the Pretrial
23 Services Agency, Probation Department or Court Services
24 Department in a pretrial home supervision capacity with or
25 without the use of an approved electronic monitoring
26 device subject to Article 8A of Chapter V of the Unified

1 Code of Corrections;

2 (6) For persons charged with violating Section 11-501
3 of the Illinois Vehicle Code, refrain from operating a
4 motor vehicle not equipped with an ignition interlock
5 device, as defined in Section 1-129.1 of the Illinois
6 Vehicle Code, pursuant to the rules promulgated by the
7 Secretary of State for the installation of ignition
8 interlock devices. Under this condition the court may
9 allow a defendant who is not self-employed to operate a
10 vehicle owned by the defendant's employer that is not
11 equipped with an ignition interlock device in the course
12 and scope of the defendant's employment;

13 (7) Comply with the terms and conditions of an order
14 of protection issued by the court under the Illinois
15 Domestic Violence Act of 1986 or an order of protection
16 issued by the court of another state, tribe, or United
17 States territory;

18 (8) Sign a written admonishment requiring that he or
19 she comply with the provisions of Section 110-12 regarding
20 any change in his or her address. The defendant's address
21 shall at all times remain a matter of record with the clerk
22 of the court; and

23 (9) Such other reasonable conditions as the court may
24 impose, so long as these conditions are the least
25 restrictive means to achieve the goals listed in
26 subsection (b), are individualized, and are in accordance

1 with national best practices as detailed in the Pretrial
2 Supervision Standards of the Supreme Court.

3 The defendant shall receive verbal and written
4 notification of conditions of pretrial release and future
5 court dates, including the date, time, and location of court.

6 (c) When a person is charged with an offense under Section
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
8 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, involving a victim who is a minor under
10 18 years of age living in the same household with the defendant
11 at the time of the offense, in releasing the defendant, the
12 judge shall impose conditions to restrict the defendant's
13 access to the victim which may include, but are not limited to
14 conditions that he will:

15 1. Vacate the household.

16 2. Make payment of temporary support to his
17 dependents.

18 3. Refrain from contact or communication with the
19 child victim, except as ordered by the court.

20 (d) When a person is charged with a criminal offense and
21 the victim is a family or household member as defined in
22 Article 112A, conditions shall be imposed at the time of the
23 defendant's release that restrict the defendant's access to
24 the victim. Unless provided otherwise by the court, the
25 restrictions shall include requirements that the defendant do
26 the following:

1 (1) refrain from contact or communication with the
2 victim for a minimum period of 72 hours following the
3 defendant's release; and

4 (2) refrain from entering or remaining at the victim's
5 residence for a minimum period of 72 hours following the
6 defendant's release.

7 (e) Local law enforcement agencies shall develop
8 standardized pretrial release forms for use in cases involving
9 family or household members as defined in Article 112A,
10 including specific conditions of pretrial release as provided
11 in subsection (d). Failure of any law enforcement department
12 to develop or use those forms shall in no way limit the
13 applicability and enforcement of subsections (d) and (f).

14 (f) If the defendant is released after conviction
15 following appeal or other post-conviction proceeding, the
16 conditions of the pretrial release shall be that he will, in
17 addition to the conditions set forth in subsections (a) and
18 (b) hereof:

19 (1) Duly prosecute his appeal;

20 (2) Appear at such time and place as the court may
21 direct;

22 (3) Not depart this State without leave of the court;

23 (4) Comply with such other reasonable conditions as
24 the court may impose; and

25 (5) If the judgment is affirmed or the cause reversed
26 and remanded for a new trial, forthwith surrender to the

1 officer from whose custody he was released.

2 (g) Upon a finding of guilty for any felony offense, the
3 defendant shall physically surrender, at a time and place
4 designated by the court, any and all firearms in his or her
5 possession and his or her Firearm Owner's Identification Card
6 as a condition of being released pending sentencing.

7 (Source: P.A. 101-138, eff. 1-1-20; 101-652, eff. 1-1-23;
8 102-1104, eff. 1-1-23.)

9 (725 ILCS 5/112A-5.5)

10 Sec. 112A-5.5. Time for filing petition; service on
11 respondent, hearing on petition, and default orders.

12 (a) A petition for a protective order may be filed at any
13 time, in person ~~in person~~ or online, after a criminal charge
14 or delinquency petition is filed and before the charge or
15 delinquency petition is dismissed, the defendant or juvenile
16 is acquitted, or the defendant or juvenile completes service
17 of his or her sentence.

18 (b) The request for an ex parte protective order may be
19 considered without notice to the respondent under Section
20 112A-17.5 of this Code.

21 (c) A summons shall be issued and served for a protective
22 order. The summons may be served by delivery to the respondent
23 personally in open court in the criminal or juvenile
24 delinquency proceeding, in the form prescribed by subsection

25 (d) of Supreme Court Rule 101, except that it shall require the

1 respondent to answer or appear within 7 days. Attachments to
2 the summons shall include the petition for protective order,
3 supporting affidavits, if any, and any ex parte protective
4 order that has been issued.

5 (d) The summons shall be served by the sheriff or other law
6 enforcement officer at the earliest time available and shall
7 take precedence over any other summons, except those of a
8 similar emergency nature. Attachments to the summons shall
9 include the petition for protective order, supporting
10 affidavits, if any, and any ex parte protective order that has
11 been issued. Special process servers may be appointed at any
12 time and their designation shall not affect the
13 responsibilities and authority of the sheriff or other
14 official process servers. In a county with a population over
15 3,000,000, a special process server may not be appointed if
16 the protective order grants the surrender of a child, the
17 surrender of a firearm ~~or Firearm Owner's Identification Card,~~
18 or the exclusive possession of a shared residence.

19 (e) If the respondent is not served within 30 days of the
20 filing of the petition, the court shall schedule a court
21 proceeding on the issue of service. Either the petitioner, the
22 petitioner's counsel, or the State's Attorney shall appear and
23 the court shall either order continued attempts at personal
24 service or shall order service by publication, in accordance
25 with Sections 2-203, 2-206, and 2-207 of the Code of Civil
26 Procedure.

1 (f) The request for a final protective order can be
2 considered at any court proceeding in the delinquency or
3 criminal case after service of the petition. If the petitioner
4 has not been provided notice of the court proceeding at least
5 10 days in advance of the proceeding, the court shall schedule
6 a hearing on the petition and provide notice to the
7 petitioner.

8 (f-5) A court in a county with a population above 250,000
9 shall offer the option of a remote hearing to a petitioner for
10 a protective order. The court has the discretion to grant or
11 deny the request for a remote hearing. Each court shall
12 determine the procedure for a remote hearing. The petitioner
13 and respondent may appear remotely or in person ~~in person~~.

14 The court shall issue and publish a court order, standing
15 order, or local rule detailing information about the process
16 for requesting and participating in a remote court appearance.
17 The court order, standing order, or local rule shall be
18 published on the court's website and posted on signs
19 throughout the courthouse, including in the clerk's office.
20 The sign shall be written in plain language and include
21 information about the availability of remote court appearances
22 and the process for requesting a remote hearing.

23 (g) Default orders.

24 (1) A final domestic violence order of protection may
25 be entered by default:

26 (A) for any of the remedies sought in the

1 petition, if the respondent has been served with
2 documents under subsection (b) or (c) of this Section
3 and if the respondent fails to appear on the specified
4 return date or any subsequent hearing date agreed to
5 by the petitioner and respondent or set by the court;
6 or

7 (B) for any of the remedies provided under
8 paragraph (1), (2), (3), (5), (6), (7), (8), (9),
9 (10), (11), (14), (15), (17), or (18) of subsection
10 (b) of Section 112A-14 of this Code, or if the
11 respondent fails to answer or appear in accordance
12 with the date set in the publication notice or the
13 return date indicated on the service of a household
14 member.

15 (2) A final civil no contact order may be entered by
16 default for any of the remedies provided in Section
17 112A-14.5 of this Code, if the respondent has been served
18 with documents under subsection (b) or (c) of this
19 Section, and if the respondent fails to answer or appear
20 in accordance with the date set in the publication notice
21 or the return date indicated on the service of a household
22 member.

23 (3) A final stalking no contact order may be entered
24 by default for any of the remedies provided by Section
25 112A-14.7 of this Code, if the respondent has been served
26 with documents under subsection (b) or (c) of this Section

1 and if the respondent fails to answer or appear in
2 accordance with the date set in the publication notice or
3 the return date indicated on the service of a household
4 member.

5 (Source: P.A. 102-853, eff. 1-1-23; revised 12-12-22.)

6 (725 ILCS 5/112A-11.1)

7 Sec. 112A-11.1. Procedure for determining whether certain
8 misdemeanor crimes are crimes of domestic violence for
9 purposes of federal law.

10 (a) When a defendant has been charged with a violation of
11 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the
12 Criminal Code of 1961 or the Criminal Code of 2012, the State
13 may, at arraignment or no later than 45 days after
14 arraignment, for the purpose of notification to the Illinois
15 State Police ~~Firearm Owner's Identification Card Office~~, serve
16 on the defendant and file with the court a notice alleging that
17 conviction of the offense would subject the defendant to the
18 prohibitions of 18 U.S.C. 922(g)(9) because of the
19 relationship between the defendant and the alleged victim and
20 the nature of the alleged offense.

21 (b) The notice shall include the name of the person
22 alleged to be the victim of the crime and shall specify the
23 nature of the alleged relationship as set forth in 18 U.S.C.
24 921(a)(33)(A)(ii). It shall also specify the element of the
25 charged offense which requires the use or attempted use of

1 physical force, or the threatened use of a deadly weapon, as
2 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include
3 notice that the defendant is entitled to a hearing on the
4 allegation contained in the notice and that if the allegation
5 is sustained, that determination and conviction shall be
6 reported to the Illinois State Police ~~Firearm Owner's~~
7 ~~Identification Card Office.~~

8 (c) After having been notified as provided in subsection
9 (b) of this Section, the defendant may stipulate or admit,
10 orally on the record or in writing, that conviction of the
11 offense would subject the defendant to the prohibitions of 18
12 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.
13 922(g)(9) shall be deemed established for purposes of Section
14 112A-11.2. If the defendant denies the applicability of 18
15 U.S.C. 922(g)(9) as alleged in the notice served by the State,
16 or stands mute with respect to that allegation, then the State
17 shall bear the burden to prove beyond a reasonable doubt that
18 the offense is one to which the prohibitions of 18 U.S.C.
19 922(g)(9) apply. The court may consider reliable hearsay
20 evidence submitted by either party provided that it is
21 relevant to the determination of the allegation. Facts
22 previously proven at trial or elicited at the time of entry of
23 a plea of guilty shall be deemed established beyond a
24 reasonable doubt and shall not be relitigated. At the
25 conclusion of the hearing, or upon a stipulation or admission,
26 as applicable, the court shall make a specific written

1 determination with respect to the allegation.

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

3 (725 ILCS 5/112A-11.2)

4 Sec. 112A-11.2. Notification to the Illinois State Police
5 ~~Firearm Owner's Identification Card Office~~ of determinations
6 in certain misdemeanor cases. Upon judgment of conviction of a
7 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
8 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
9 2012 when the defendant has been determined, under Section
10 112A-11.1, to be subject to the prohibitions of 18 U.S.C.
11 922(g)(9), the circuit court clerk shall include notification
12 and a copy of the written determination in a report of the
13 conviction to the Illinois State Police ~~Firearm Owner's~~
14 ~~Identification Card Office~~ to enable the office to report that
15 determination to the Federal Bureau of Investigation and
16 assist the Bureau in identifying persons prohibited from
17 purchasing and possessing a firearm pursuant to the provisions
18 of 18 U.S.C. 922.

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

20 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

21 Sec. 112A-14. Domestic violence order of protection;
22 remedies.

23 (a) (Blank).

24 (b) The court may order any of the remedies listed in this

1 subsection (b). The remedies listed in this subsection (b)
2 shall be in addition to other civil or criminal remedies
3 available to petitioner.

4 (1) Prohibition of abuse. Prohibit respondent's
5 harassment, interference with personal liberty,
6 intimidation of a dependent, physical abuse, or willful
7 deprivation, as defined in this Article, if such abuse has
8 occurred or otherwise appears likely to occur if not
9 prohibited.

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

20 (A) Right to occupancy. A party has a right to
21 occupancy of a residence or household if it is solely
22 or jointly owned or leased by that party, that party's
23 spouse, a person with a legal duty to support that
24 party or a minor child in that party's care, or by any
25 person or entity other than the opposing party that
26 authorizes that party's occupancy (e.g., a domestic

1 violence shelter). Standards set forth in subparagraph
2 (B) shall not preclude equitable relief.

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

19 The balance of hardships is presumed to favor
20 possession by petitioner unless the presumption is
21 rebutted by a preponderance of the evidence, showing
22 that the hardships to respondent substantially
23 outweigh the hardships to petitioner and any minor
24 child or dependent adult in petitioner's care. The
25 court, on the request of petitioner or on its own
26 motion, may order respondent to provide suitable,

1 accessible, alternate housing for petitioner instead
2 of excluding respondent from a mutual residence or
3 household.

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

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

26 (B) When the petitioner and the respondent attend

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

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

26 (C) The court may order the parents, guardian, or

1 legal custodian of a minor respondent to take certain
2 actions or to refrain from taking certain actions to
3 ensure that the respondent complies with the order. If
4 the court orders a transfer of the respondent to
5 another school, the parents, guardian, or legal
6 custodian of the respondent is responsible for
7 transportation and other costs associated with the
8 change of school by the respondent.

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

21 (5) Physical care and possession of the minor child.
22 In order to protect the minor child from abuse, neglect,
23 or unwarranted separation from the person who has been the
24 minor child's primary caretaker, or to otherwise protect
25 the well-being of the minor child, the court may do either
26 or both of the following: (i) grant petitioner physical

1 care or possession of the minor child, or both, or (ii)
2 order respondent to return a minor child to, or not remove
3 a minor child from, the physical care of a parent or person
4 in loco parentis.

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

10 (6) Temporary allocation of parental responsibilities
11 and significant decision-making responsibilities. Award
12 temporary significant decision-making responsibility to
13 petitioner in accordance with this Section, the Illinois
14 Marriage and Dissolution of Marriage Act, the Illinois
15 Parentage Act of 2015, and this State's Uniform
16 Child-Custody Jurisdiction and Enforcement Act.

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

22 (7) Parenting time. Determine the parenting time, if
23 any, of respondent in any case in which the court awards
24 physical care or temporary significant decision-making
25 responsibility of a minor child to petitioner. The court
26 shall restrict or deny respondent's parenting time with a

1 minor child if the court finds that respondent has done or
2 is likely to do any of the following:

3 (i) abuse or endanger the minor child during
4 parenting time;

5 (ii) use the parenting time as an opportunity to
6 abuse or harass petitioner or petitioner's family or
7 household members;

8 (iii) improperly conceal or detain the minor
9 child; or

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

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

1 petitioner's residence to meet the minor child for
2 parenting time, and the petitioner and respondent shall
3 submit to the court their recommendations for reasonable
4 alternative arrangements for parenting time. A person may
5 be approved to supervise parenting time only after filing
6 an affidavit accepting that responsibility and
7 acknowledging accountability to the court.

8 (8) Removal or concealment of minor child. Prohibit
9 respondent from removing a minor child from the State or
10 concealing the child within the State.

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

17 (10) Possession of personal property. Grant petitioner
18 exclusive possession of personal property and, if
19 respondent has possession or control, direct respondent to
20 promptly make it available to petitioner, if:

21 (i) petitioner, but not respondent, owns the
22 property; or

23 (ii) the petitioner and respondent own the
24 property jointly; sharing it would risk abuse of
25 petitioner by respondent or is impracticable; and the
26 balance of hardships favors temporary possession by

1 petitioner.

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

9 No order under this provision shall affect title to
10 property.

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

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

18 (ii) the petitioner and respondent own the
19 property jointly, and the balance of hardships favors
20 granting this remedy.

21 If petitioner's sole claim to ownership of the
22 property is that it is marital property, the court may
23 grant petitioner relief under subparagraph (ii) of this
24 paragraph only if a proper proceeding has been filed under
25 the Illinois Marriage and Dissolution of Marriage Act, as
26 now or hereafter amended.

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

5 (11.5) Protection of animals. Grant the petitioner the
6 exclusive care, custody, or control of any animal owned,
7 possessed, leased, kept, or held by either the petitioner
8 or the respondent or a minor child residing in the
9 residence or household of either the petitioner or the
10 respondent and order the respondent to stay away from the
11 animal and forbid the respondent from taking,
12 transferring, encumbering, concealing, harming, or
13 otherwise disposing of the animal.

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

1 expire upon entry of a valid order allocating parental
2 responsibility differently and vacating petitioner's
3 significant decision-making responsibility unless
4 otherwise provided in the order.

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

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

22 (ii) Recovery of expenses. In the case of an
23 improper concealment or removal of a minor child, the
24 court may order respondent to pay the reasonable
25 expenses incurred or to be incurred in the search for
26 and recovery of the minor child, including, but not

1 limited to, legal fees, court costs, private
2 investigator fees, and travel costs.

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

8 (14.5) Prohibition of firearm possession.

9 (A) A person who is subject to an existing
10 domestic violence order of protection issued under
11 this Code may not lawfully possess weapons ~~or a~~
12 ~~Firearm Owner's Identification Card under Section 8.2~~
13 ~~of the Firearm Owners Identification Card Act.~~

14 (B) Any firearms in the possession of the
15 respondent, except as provided in subparagraph (C) of
16 this paragraph (14.5), shall be ordered by the court
17 to be turned over to a person eligible under federal or
18 State law to possess a firearm ~~with a valid Firearm~~
19 ~~Owner's Identification Card~~ for safekeeping. ~~The court~~
20 ~~shall issue an order that the respondent comply with~~
21 ~~Section 9.5 of the Firearm Owners Identification Card~~
22 ~~Act.~~

23 (C) If the respondent is a peace officer as
24 defined in Section 2-13 of the Criminal Code of 2012,
25 the court shall order that any firearms used by the
26 respondent in the performance of his or her duties as a

1 peace officer be surrendered to the chief law
2 enforcement executive of the agency in which the
3 respondent is employed, who shall retain the firearms
4 for safekeeping for the duration of the domestic
5 violence order of protection.

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

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

1 inspecting, obtaining, or attempting to inspect or obtain,
2 school or any other records of the minor child who is in
3 the care of petitioner.

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

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

18 (18) Telephone services.

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

1 this paragraph (18), the term "wireless telephone
2 service provider" means a provider of commercial
3 mobile service as defined in 47 U.S.C. 332. The
4 petitioner may request the transfer of each telephone
5 number that the petitioner, or a minor child in his or
6 her custody, uses. The clerk of the court shall serve
7 the order on the wireless telephone service provider's
8 agent for service of process provided to the Illinois
9 Commerce Commission. The order shall contain all of
10 the following:

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

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

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

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

1 following applies:

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

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

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

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

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

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

25 (E) Except for willful or wanton misconduct, a
26 wireless telephone service provider is immune from

1 civil liability for its actions taken in compliance
2 with a court order issued under this paragraph.

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

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

17 (c) Relevant factors; findings.

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

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

1 likelihood of danger of future abuse to petitioner or
2 any member of petitioner's or respondent's family or
3 household; and

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

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

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

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

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

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

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

1 of this subsection (c).

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

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

8 (4) (Blank).

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

1 relationship. Absent such an adjudication, no putative
2 father shall be granted temporary allocation of parental
3 responsibilities, including parenting time with the minor
4 child, or physical care and possession of the minor child,
5 nor shall an order of payment for support of the minor
6 child be entered.

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

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

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

21 (2) respondent was voluntarily intoxicated;

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

26 (4) petitioner did not act in self-defense or defense

1 of another;

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

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

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

10 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
11 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

12 (725 ILCS 5/112A-14.7)

13 Sec. 112A-14.7. Stalking no contact order; remedies.

14 (a) The court may order any of the remedies listed in this
15 Section. The remedies listed in this Section shall be in
16 addition to other civil or criminal remedies available to
17 petitioner. A stalking no contact order shall order one or
18 more of the following:

19 (1) prohibit the respondent from threatening to commit
20 or committing stalking;

21 (2) order the respondent not to have any contact with
22 the petitioner or a third person specifically named by the
23 court;

24 (3) prohibit the respondent from knowingly coming
25 within, or knowingly remaining within a specified distance

1 of the petitioner or the petitioner's residence, school,
2 daycare, or place of employment, or any specified place
3 frequented by the petitioner; however, the court may order
4 the respondent to stay away from the respondent's own
5 residence, school, or place of employment only if the
6 respondent has been provided actual notice of the
7 opportunity to appear and be heard on the petition;

8 (4) prohibit the respondent from ~~possessing a Firearm~~
9 ~~Owners Identification Card, or~~ possessing or buying
10 firearms; and

11 (5) order other injunctive relief the court determines
12 to be necessary to protect the petitioner or third party
13 specifically named by the court.

14 (b) When the petitioner and the respondent attend the same
15 public, private, or non-public elementary, middle, or high
16 school, the court when issuing a stalking no contact order and
17 providing relief shall consider the severity of the act, any
18 continuing physical danger or emotional distress to the
19 petitioner, the educational rights guaranteed to the
20 petitioner and respondent under federal and State law, the
21 availability of a transfer of the respondent to another
22 school, a change of placement or a change of program of the
23 respondent, the expense, difficulty, and educational
24 disruption that would be caused by a transfer of the
25 respondent to another school, and any other relevant facts of
26 the case. The court may order that the respondent not attend

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

1 If the court order results in a transfer of the minor
2 respondent to another attendance center, a change in the
3 respondent's placement, or a change of the respondent's
4 program, the parents, guardian, or legal custodian of the
5 respondent is responsible for transportation and other costs
6 associated with the transfer or change.

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

15 (d) The court shall not hold a school district or private
16 or non-public school or any of its employees in civil or
17 criminal contempt unless the school district or private or
18 non-public school has been allowed to intervene.

19 (e) The court may hold the parents, guardian, or legal
20 custodian of a minor respondent in civil or criminal contempt
21 for a violation of any provision of any order entered under
22 this Article for conduct of the minor respondent in violation
23 of this Article if the parents, guardian, or legal custodian
24 directed, encouraged, or assisted the respondent minor in the
25 conduct.

26 (f) Monetary damages are not recoverable as a remedy.

1 (g) If the stalking no contact order prohibits the
2 respondent from ~~possessing a Firearm Owner's Identification~~
3 ~~Card, or~~ possessing or buying firearms; the court shall
4 confiscate the respondent's firearms ~~Firearm Owner's~~
5 ~~Identification Card and immediately return the card to the~~
6 ~~Illinois State Police Firearm Owner's Identification Card~~
7 ~~Office.~~

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

9 (725 ILCS 5/112A-17.5)

10 Sec. 112A-17.5. Ex parte protective orders.

11 (a) The petitioner may request expedited consideration of
12 the petition for an ex parte protective order. The court shall
13 consider the request on an expedited basis without requiring
14 the respondent's presence or requiring notice to the
15 respondent.

16 (b) Issuance of ex parte protective orders in cases
17 involving domestic violence. An ex parte domestic violence
18 order of protection shall be issued if petitioner satisfies
19 the requirements of this subsection (b) for one or more of the
20 requested remedies. For each remedy requested, petitioner
21 shall establish that:

22 (1) the court has jurisdiction under Section 112A-9 of
23 this Code;

24 (2) the requirements of subsection (a) of Section
25 112A-11.5 of this Code are satisfied; and

1 (3) there is good cause to grant the remedy,
2 regardless of prior service of process or notice upon the
3 respondent, because:

4 (A) for the remedy of prohibition of abuse
5 described in paragraph (1) of subsection (b) of
6 Section 112A-14 of this Code; stay away order and
7 additional prohibitions described in paragraph (3) of
8 subsection (b) of Section 112A-14 of this Code;
9 removal or concealment of minor child described in
10 paragraph (8) of subsection (b) of Section 112A-14 of
11 this Code; order to appear described in paragraph (9)
12 of subsection (b) of Section 112A-14 of this Code;
13 physical care and possession of the minor child
14 described in paragraph (5) of subsection (b) of
15 Section 112A-14 of this Code; protection of property
16 described in paragraph (11) of subsection (b) of
17 Section 112A-14 of this Code; prohibition of entry
18 described in paragraph (14) of subsection (b) of
19 Section 112A-14 of this Code; prohibition of firearm
20 possession described in paragraph (14.5) of subsection
21 (b) of Section 112A-14 of this Code; prohibition of
22 access to records described in paragraph (15) of
23 subsection (b) of Section 112A-14 of this Code;
24 injunctive relief described in paragraph (16) of
25 subsection (b) of Section 112A-14 of this Code; and
26 telephone services described in paragraph (18) of

1 subsection (b) of Section 112A-14 of this Code, the
2 harm which that remedy is intended to prevent would be
3 likely to occur if the respondent were given any prior
4 notice, or greater notice than was actually given, of
5 the petitioner's efforts to obtain judicial relief;

6 (B) for the remedy of grant of exclusive
7 possession of residence described in paragraph (2) of
8 subsection (b) of Section 112A-14 of this Code; the
9 immediate danger of further abuse of the petitioner by
10 the respondent, if the petitioner chooses or had
11 chosen to remain in the residence or household while
12 the respondent was given any prior notice or greater
13 notice than was actually given of the petitioner's
14 efforts to obtain judicial relief outweighs the
15 hardships to the respondent of an emergency order
16 granting the petitioner exclusive possession of the
17 residence or household; and the remedy shall not be
18 denied because the petitioner has or could obtain
19 temporary shelter elsewhere while prior notice is
20 given to the respondent, unless the hardship to the
21 respondent from exclusion from the home substantially
22 outweigh the hardship to the petitioner; or

23 (C) for the remedy of possession of personal
24 property described in paragraph (10) of subsection (b)
25 of Section 112A-14 of this Code; improper disposition
26 of the personal property would be likely to occur if

1 the respondent were given any prior notice, or greater
2 notice than was actually given, of the petitioner's
3 efforts to obtain judicial relief or the petitioner
4 has an immediate and pressing need for the possession
5 of that property.

6 An ex parte domestic violence order of protection may not
7 include the counseling, custody, or payment of support or
8 monetary compensation remedies provided by paragraphs (4),
9 (12), (13), and (16) of subsection (b) of Section 112A-14 of
10 this Code.

11 (c) Issuance of ex parte civil no contact order in cases
12 involving sexual offenses. An ex parte civil no contact order
13 shall be issued if the petitioner establishes that:

14 (1) the court has jurisdiction under Section 112A-9 of
15 this Code;

16 (2) the requirements of subsection (a) of Section
17 112A-11.5 of this Code are satisfied; and

18 (3) there is good cause to grant the remedy,
19 regardless of prior service of process or of notice upon
20 the respondent, because the harm which that remedy is
21 intended to prevent would be likely to occur if the
22 respondent were given any prior notice, or greater notice
23 than was actually given, of the petitioner's efforts to
24 obtain judicial relief.

25 The court may order any of the remedies under Section
26 112A-14.5 of this Code.

1 (d) Issuance of ex parte stalking no contact order in
2 cases involving stalking offenses. An ex parte stalking no
3 contact order shall be issued if the petitioner establishes
4 that:

5 (1) the court has jurisdiction under Section 112A-9 of
6 this Code;

7 (2) the requirements of subsection (a) of Section
8 112A-11.5 of this Code are satisfied; and

9 (3) there is good cause to grant the remedy,
10 regardless of prior service of process or of notice upon
11 the respondent, because the harm which that remedy is
12 intended to prevent would be likely to occur if the
13 respondent were given any prior notice, or greater notice
14 than was actually given, of the petitioner's efforts to
15 obtain judicial relief.

16 The court may order any of the remedies under Section
17 112A-14.7 of this Code.

18 (e) Issuance of ex parte protective orders on court
19 holidays and evenings.

20 When the court is unavailable at the close of business,
21 the petitioner may file a petition for an ex parte protective
22 order before any available circuit judge or associate judge
23 who may grant relief under this Article. If the judge finds
24 that petitioner has satisfied the prerequisites in subsection
25 (b), (c), or (d) of this Section, the judge shall issue an ex
26 parte protective order.

1 The chief judge of the circuit court may designate for
2 each county in the circuit at least one judge to be reasonably
3 available to issue orally, by telephone, by facsimile, or
4 otherwise, an ex parte protective order at all times, whether
5 or not the court is in session.

6 The judge who issued the order under this Section shall
7 promptly communicate or convey the order to the sheriff to
8 facilitate the entry of the order into the Law Enforcement
9 Agencies Data System by the Illinois State Police under
10 Section 112A-28 of this Code. Any order issued under this
11 Section and any documentation in support of it shall be
12 certified on the next court day to the appropriate court. The
13 clerk of that court shall immediately assign a case number,
14 file the petition, order, and other documents with the court
15 and enter the order of record and file it with the sheriff for
16 service under subsection (f) of this Section. Failure to
17 comply with the requirements of this subsection (e) shall not
18 affect the validity of the order.

19 (f) Service of ex parte protective order on respondent.

20 (1) If an ex parte protective order is entered at the
21 time a summons or arrest warrant is issued for the
22 criminal charge, the petition for the protective order,
23 any supporting affidavits, if any, and the ex parte
24 protective order that has been issued shall be served with
25 the summons or arrest warrant. The enforcement of a
26 protective order under Section 112A-23 of this Code shall

1 not be affected by the lack of service or delivery,
2 provided the requirements of subsection (a) of Section
3 112A-23 of this Code are otherwise met.

4 (2) If an ex parte protective order is entered after a
5 summons or arrest warrant is issued and before the
6 respondent makes an initial appearance in the criminal
7 case, the summons shall be in the form prescribed by
8 subsection (d) of Supreme Court Rule 101, except that it
9 shall require respondent to answer or appear within 7 days
10 and shall be accompanied by the petition for the
11 protective order, any supporting affidavits, if any, and
12 the ex parte protective order that has been issued.

13 (3) If an ex parte protective order is entered after
14 the respondent has been served notice of a petition for a
15 final protective order and the respondent has requested a
16 continuance to respond to the petition, the ex parte
17 protective order shall be served: (A) in open court if the
18 respondent is present at the proceeding at which the order
19 was entered; or (B) by summons in the form prescribed by
20 subsection (d) of Supreme Court Rule 101.

21 (4) No fee shall be charged for service of summons.

22 (5) The summons shall be served by the sheriff or
23 other law enforcement officer at the earliest time and
24 shall take precedence over other summonses except those of
25 a similar emergency nature. Special process servers may be
26 appointed at any time, and their designation shall not

1 affect the responsibilities and authority of the sheriff
2 or other official process servers. In a county with a
3 population over 3,000,000, a special process server may
4 not be appointed if an ex parte protective order grants
5 the surrender of a child, the surrender of a firearm ~~or~~
6 ~~Firearm Owner's Identification Card~~, or the exclusive
7 possession of a shared residence. Process may be served in
8 court.

9 (g) Upon 7 days' notice to the petitioner, or a shorter
10 notice period as the court may prescribe, a respondent subject
11 to an ex parte protective order may appear and petition the
12 court to re-hear the petition. Any petition to re-hear shall
13 be verified and shall allege the following:

14 (1) that respondent did not receive prior notice of
15 the initial hearing in which the ex parte protective order
16 was entered under Section 112A-17.5 of this Code; and

17 (2) that respondent had a meritorious defense to the
18 order or any of its remedies or that the order or any of
19 its remedies was not authorized under this Article.

20 The verified petition and affidavit shall set forth the
21 evidence of the meritorious defense that will be presented at
22 a hearing. If the court finds that the evidence presented at
23 the hearing on the petition establishes a meritorious defense
24 by a preponderance of the evidence, the court may decide to
25 vacate the protective order or modify the remedies.

26 (h) If the ex parte protective order granted petitioner

1 exclusive possession of the residence and the petition of
2 respondent seeks to re-open or vacate that grant, the court
3 shall set a date for hearing within 14 days on all issues
4 relating to exclusive possession. Under no circumstances shall
5 a court continue a hearing concerning exclusive possession
6 beyond the 14th day except by agreement of the petitioner and
7 the respondent. Other issues raised by the pleadings may be
8 consolidated for the hearing if the petitioner, the
9 respondent, and the court do not object.

10 (i) Duration of ex parte protective order. An ex parte
11 order shall remain in effect until the court considers the
12 request for a final protective order after notice has been
13 served on the respondent or a default final protective order
14 is entered, whichever occurs first. If a court date is
15 scheduled for the issuance of a default protective order and
16 the petitioner fails to personally appear or appear through
17 counsel or the prosecuting attorney, the petition shall be
18 dismissed and the ex parte order terminated.

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

20 Section 95. The Unified Code of Corrections is amended by
21 changing Sections 3-2-10.5, 5-4.5-110, 5-5-3, 5-5-3.2, and
22 5-6-3 as follows:

23 (730 ILCS 5/3-2-10.5)

24 Sec. 3-2-10.5. Retiring security employees and parole

1 agents; purchase of service firearm and badge. The Director
2 shall establish a program to allow a security employee or
3 parole agent of the Department who is honorably retiring in
4 good standing to purchase either one or both of the following:

5 (1) any badge previously issued to the security employee or
6 parole agent by the Department; or (2) ~~if the security~~
7 ~~employee or parole agent has a currently valid Firearm Owner's~~
8 ~~Identification Card,~~ the service firearm issued or previously

9 issued to the security employee or parole agent by the
10 Department. The badge must be permanently and conspicuously
11 marked in such a manner that the individual who possesses the
12 badge is not mistaken for an actively serving law enforcement
13 officer. The cost of the firearm shall be the replacement
14 value of the firearm and not the firearm's fair market value.

15 (Source: P.A. 102-719, eff. 5-6-22.)

16 (730 ILCS 5/5-4.5-110)

17 (Section scheduled to be repealed on January 1, 2023)

18 Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH
19 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

20 (a) DEFINITIONS. For the purposes of this Section:

21 "Firearm" has the meaning ascribed to it in Section
22 2-7.5 of the Criminal Code of 2012 ~~Section 1.1 of the~~
23 ~~Firearm Owners Identification Card Act.~~

24 "Qualifying predicate offense" means the following
25 offenses under the Criminal Code of 2012:

1 (A) aggravated unlawful use of a weapon under
2 Section 24-1.6 or similar offense under the Criminal
3 Code of 1961, when the weapon is a firearm;

4 (B) unlawful use or possession of a weapon by a
5 felon under Section 24-1.1 or similar offense under
6 the Criminal Code of 1961, when the weapon is a
7 firearm;

8 (C) first degree murder under Section 9-1 or
9 similar offense under the Criminal Code of 1961;

10 (D) attempted first degree murder with a firearm
11 or similar offense under the Criminal Code of 1961;

12 (E) aggravated kidnapping with a firearm under
13 paragraph (6) or (7) of subsection (a) of Section 10-2
14 or similar offense under the Criminal Code of 1961;

15 (F) aggravated battery with a firearm under
16 subsection (e) of Section 12-3.05 or similar offense
17 under the Criminal Code of 1961;

18 (G) aggravated criminal sexual assault under
19 Section 11-1.30 or similar offense under the Criminal
20 Code of 1961;

21 (H) predatory criminal sexual assault of a child
22 under Section 11-1.40 or similar offense under the
23 Criminal Code of 1961;

24 (I) armed robbery under Section 18-2 or similar
25 offense under the Criminal Code of 1961;

26 (J) vehicular hijacking under Section 18-3 or

1 similar offense under the Criminal Code of 1961;

2 (K) aggravated vehicular hijacking under Section
3 18-4 or similar offense under the Criminal Code of
4 1961;

5 (L) home invasion with a firearm under paragraph
6 (3), (4), or (5) of subsection (a) of Section 19-6 or
7 similar offense under the Criminal Code of 1961;

8 (M) aggravated discharge of a firearm under
9 Section 24-1.2 or similar offense under the Criminal
10 Code of 1961;

11 (N) aggravated discharge of a machine gun or a
12 firearm equipped with a device designed or used for
13 silencing the report of a firearm under Section
14 24-1.2-5 or similar offense under the Criminal Code of
15 1961;

16 (O) unlawful use of firearm projectiles under
17 Section 24-2.1 or similar offense under the Criminal
18 Code of 1961;

19 (P) manufacture, sale, or transfer of bullets or
20 shells represented to be armor piercing bullets,
21 dragon's breath shotgun shells, bolo shells, or
22 flechette shells under Section 24-2.2 or similar
23 offense under the Criminal Code of 1961;

24 (Q) unlawful sale or delivery of firearms under
25 Section 24-3 or similar offense under the Criminal
26 Code of 1961;

1 (R) unlawful discharge of firearm projectiles
2 under Section 24-3.2 or similar offense under the
3 Criminal Code of 1961;

4 (S) unlawful sale or delivery of firearms on
5 school premises of any school under Section 24-3.3 or
6 similar offense under the Criminal Code of 1961;

7 (T) unlawful purchase of a firearm under Section
8 24-3.5 or similar offense under the Criminal Code of
9 1961;

10 (U) use of a stolen firearm in the commission of an
11 offense under Section 24-3.7 or similar offense under
12 the Criminal Code of 1961;

13 (V) possession of a stolen firearm under Section
14 24-3.8 or similar offense under the Criminal Code of
15 1961;

16 (W) aggravated possession of a stolen firearm
17 under Section 24-3.9 or similar offense under the
18 Criminal Code of 1961;

19 (X) gunrunning under Section 24-3A or similar
20 offense under the Criminal Code of 1961;

21 (Y) defacing identification marks of firearms
22 under Section 24-5 or similar offense under the
23 Criminal Code of 1961; and

24 (Z) armed violence under Section 33A-2 or similar
25 offense under the Criminal Code of 1961.

26 (b) APPLICABILITY. For an offense committed on or after

1 January 1, 2018 (the effective date Public Act 100-3) ~~of this~~
2 ~~amendatory Act of the 100th General Assembly~~ and before
3 January 1, 2023, when a person is convicted of unlawful use or
4 possession of a weapon by a felon, when the weapon is a
5 firearm, or aggravated unlawful use of a weapon, when the
6 weapon is a firearm, after being previously convicted of a
7 qualifying predicate offense the person shall be subject to
8 the sentencing guidelines under this Section.

9 (c) SENTENCING GUIDELINES.

10 (1) When a person is convicted of unlawful use or
11 possession of a weapon by a felon, when the weapon is a
12 firearm, and that person has been previously convicted of
13 a qualifying predicate offense, the person shall be
14 sentenced to a term of imprisonment within the sentencing
15 range of not less than 7 years and not more than 14 years,
16 unless the court finds that a departure from the
17 sentencing guidelines under this paragraph is warranted
18 under subsection (d) of this Section.

19 (2) When a person is convicted of aggravated unlawful
20 use of a weapon, when the weapon is a firearm, and that
21 person has been previously convicted of a qualifying
22 predicate offense, the person shall be sentenced to a term
23 of imprisonment within the sentencing range of not less
24 than 6 years and not more than 7 years, unless the court
25 finds that a departure from the sentencing guidelines
26 under this paragraph is warranted under subsection (d) of

1 this Section.

2 (3) The sentencing guidelines in paragraphs (1) and
3 (2) of this subsection (c) apply only to offenses
4 committed on and after January 1, 2018 (the effective date
5 of Public Act 100-3) ~~this amendatory Act of the 100th~~
6 ~~General Assembly~~ and before January 1, 2023.

7 (d) DEPARTURE FROM SENTENCING GUIDELINES.

8 (1) At the sentencing hearing conducted under Section
9 5-4-1 of this Code, the court may depart from the
10 sentencing guidelines provided in subsection (c) of this
11 Section and impose a sentence otherwise authorized by law
12 for the offense if the court, after considering any factor
13 under paragraph (2) of this subsection (d) relevant to the
14 nature and circumstances of the crime and to the history
15 and character of the defendant, finds on the record
16 substantial and compelling justification that the sentence
17 within the sentencing guidelines would be unduly harsh and
18 that a sentence otherwise authorized by law would be
19 consistent with public safety and does not deprecate the
20 seriousness of the offense.

21 (2) In deciding whether to depart from the sentencing
22 guidelines under this paragraph, the court shall consider:

23 (A) the age, immaturity, or limited mental
24 capacity of the defendant at the time of commission of
25 the qualifying predicate or current offense, including
26 whether the defendant was suffering from a mental or

1 physical condition insufficient to constitute a
2 defense but significantly reduced the defendant's
3 culpability;

4 (B) the nature and circumstances of the qualifying
5 predicate offense;

6 (C) the time elapsed since the qualifying
7 predicate offense;

8 (D) the nature and circumstances of the current
9 offense;

10 (E) the defendant's prior criminal history;

11 (F) whether the defendant committed the qualifying
12 predicate or current offense under specific and
13 credible duress, coercion, threat, or compulsion;

14 (G) whether the defendant aided in the
15 apprehension of another felon or testified truthfully
16 on behalf of another prosecution of a felony; and

17 (H) whether departure is in the interest of the
18 person's rehabilitation, including employment or
19 educational or vocational training, after taking into
20 account any past rehabilitation efforts or
21 dispositions of probation or supervision, and the
22 defendant's cooperation or response to rehabilitation.

23 (3) When departing from the sentencing guidelines
24 under this Section, the court shall specify on the record,
25 the particular evidence, information, factor or factors,
26 or other reasons which led to the departure from the

1 sentencing guidelines. When departing from the sentencing
2 range in accordance with this subsection (d), the court
3 shall indicate on the sentencing order which departure
4 factor or factors outlined in paragraph (2) of this
5 subsection (d) led to the sentence imposed. The sentencing
6 order shall be filed with the clerk of the court and shall
7 be a public record.

8 (e) This Section is repealed on January 1, 2023.

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

10 (730 ILCS 5/5-5-3)

11 Sec. 5-5-3. Disposition.

12 (a) (Blank).

13 (b) (Blank).

14 (c) (1) (Blank).

15 (2) A period of probation, a term of periodic imprisonment
16 or conditional discharge shall not be imposed for the
17 following offenses. The court shall sentence the offender to
18 not less than the minimum term of imprisonment set forth in
19 this Code for the following offenses, and may order a fine or
20 restitution or both in conjunction with such term of
21 imprisonment:

22 (A) First degree murder where the death penalty is not
23 imposed.

24 (B) Attempted first degree murder.

25 (C) A Class X felony.

1 (D) A violation of Section 401.1 or 407 of the
2 Illinois Controlled Substances Act, or a violation of
3 subdivision (c)(1.5) of Section 401 of that Act which
4 relates to more than 5 grams of a substance containing
5 fentanyl or an analog thereof.

6 (D-5) A violation of subdivision (c)(1) of Section 401
7 of the Illinois Controlled Substances Act which relates to
8 3 or more grams of a substance containing heroin or an
9 analog thereof.

10 (E) (Blank).

11 (F) A Class 1 or greater felony if the offender had
12 been convicted of a Class 1 or greater felony, including
13 any state or federal conviction for an offense that
14 contained, at the time it was committed, the same elements
15 as an offense now (the date of the offense committed after
16 the prior Class 1 or greater felony) classified as a Class
17 1 or greater felony, within 10 years of the date on which
18 the offender committed the offense for which he or she is
19 being sentenced, except as otherwise provided in Section
20 40-10 of the Substance Use Disorder Act.

21 (F-3) A Class 2 or greater felony sex offense or
22 felony firearm offense if the offender had been convicted
23 of a Class 2 or greater felony, including any state or
24 federal conviction for an offense that contained, at the
25 time it was committed, the same elements as an offense now
26 (the date of the offense committed after the prior Class 2

1 or greater felony) classified as a Class 2 or greater
2 felony, within 10 years of the date on which the offender
3 committed the offense for which he or she is being
4 sentenced, except as otherwise provided in Section 40-10
5 of the Substance Use Disorder Act.

6 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6
7 of the Criminal Code of 1961 or the Criminal Code of 2012
8 for which imprisonment is prescribed in those Sections.

9 (G) Residential burglary, except as otherwise provided
10 in Section 40-10 of the Substance Use Disorder Act.

11 (H) Criminal sexual assault.

12 (I) Aggravated battery of a senior citizen as
13 described in Section 12-4.6 or subdivision (a)(4) of
14 Section 12-3.05 of the Criminal Code of 1961 or the
15 Criminal Code of 2012.

16 (J) A forcible felony if the offense was related to
17 the activities of an organized gang.

18 Before July 1, 1994, for the purposes of this
19 paragraph, "organized gang" means an association of 5 or
20 more persons, with an established hierarchy, that
21 encourages members of the association to perpetrate crimes
22 or provides support to the members of the association who
23 do commit crimes.

24 Beginning July 1, 1994, for the purposes of this
25 paragraph, "organized gang" has the meaning ascribed to it
26 in Section 10 of the Illinois Streetgang Terrorism Omnibus

1 Prevention Act.

2 (K) Vehicular hijacking.

3 (L) A second or subsequent conviction for the offense
4 of hate crime when the underlying offense upon which the
5 hate crime is based is felony aggravated assault or felony
6 mob action.

7 (M) A second or subsequent conviction for the offense
8 of institutional vandalism if the damage to the property
9 exceeds \$300.

10 (N) A Class 3 felony violation of paragraph (1) of
11 subsection (a) of Section 2 of the Firearm Owners
12 Identification Card Act committed before the effective
13 date of this amendatory Act of the 103rd General Assembly.

14 (O) A violation of Section 12-6.1 or 12-6.5 of the
15 Criminal Code of 1961 or the Criminal Code of 2012.

16 (P) A violation of paragraph (1), (2), (3), (4), (5),
17 or (7) of subsection (a) of Section 11-20.1 of the
18 Criminal Code of 1961 or the Criminal Code of 2012.

19 (P-5) A violation of paragraph (6) of subsection (a)
20 of Section 11-20.1 of the Criminal Code of 1961 or the
21 Criminal Code of 2012 if the victim is a household or
22 family member of the defendant.

23 (Q) A violation of subsection (b) or (b-5) of Section
24 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
25 Code of 1961 or the Criminal Code of 2012.

26 (R) A violation of Section 24-3A of the Criminal Code

1 of 1961 or the Criminal Code of 2012.

2 (S) (Blank).

3 (T) (Blank).

4 (U) A second or subsequent violation of Section 6-303
5 of the Illinois Vehicle Code committed while his or her
6 driver's license, permit, or privilege was revoked because
7 of a violation of Section 9-3 of the Criminal Code of 1961
8 or the Criminal Code of 2012, relating to the offense of
9 reckless homicide, or a similar provision of a law of
10 another state.

11 (V) A violation of paragraph (4) of subsection (c) of
12 Section 11-20.1B or paragraph (4) of subsection (c) of
13 Section 11-20.3 of the Criminal Code of 1961, or paragraph
14 (6) of subsection (a) of Section 11-20.1 of the Criminal
15 Code of 2012 when the victim is under 13 years of age and
16 the defendant has previously been convicted under the laws
17 of this State or any other state of the offense of child
18 pornography, aggravated child pornography, aggravated
19 criminal sexual abuse, aggravated criminal sexual assault,
20 predatory criminal sexual assault of a child, or any of
21 the offenses formerly known as rape, deviate sexual
22 assault, indecent liberties with a child, or aggravated
23 indecent liberties with a child where the victim was under
24 the age of 18 years or an offense that is substantially
25 equivalent to those offenses.

26 (W) A violation of Section 24-3.5 of the Criminal Code

1 of 1961 or the Criminal Code of 2012.

2 (X) A violation of subsection (a) of Section 31-1a of
3 the Criminal Code of 1961 or the Criminal Code of 2012.

4 (Y) A conviction for unlawful possession of a firearm
5 by a street gang member when the firearm was loaded or
6 contained firearm ammunition.

7 (Z) A Class 1 felony committed while he or she was
8 serving a term of probation or conditional discharge for a
9 felony.

10 (AA) Theft of property exceeding \$500,000 and not
11 exceeding \$1,000,000 in value.

12 (BB) Laundering of criminally derived property of a
13 value exceeding \$500,000.

14 (CC) Knowingly selling, offering for sale, holding for
15 sale, or using 2,000 or more counterfeit items or
16 counterfeit items having a retail value in the aggregate
17 of \$500,000 or more.

18 (DD) A conviction for aggravated assault under
19 paragraph (6) of subsection (c) of Section 12-2 of the
20 Criminal Code of 1961 or the Criminal Code of 2012 if the
21 firearm is aimed toward the person against whom the
22 firearm is being used.

23 (EE) A conviction for a violation of paragraph (2) of
24 subsection (a) of Section 24-3B of the Criminal Code of
25 2012.

26 (3) (Blank).

1 (4) A minimum term of imprisonment of not less than 10
2 consecutive days or 30 days of community service shall be
3 imposed for a violation of paragraph (c) of Section 6-303 of
4 the Illinois Vehicle Code.

5 (4.1) (Blank).

6 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
7 this subsection (c), a minimum of 100 hours of community
8 service shall be imposed for a second violation of Section
9 6-303 of the Illinois Vehicle Code.

10 (4.3) A minimum term of imprisonment of 30 days or 300
11 hours of community service, as determined by the court, shall
12 be imposed for a second violation of subsection (c) of Section
13 6-303 of the Illinois Vehicle Code.

14 (4.4) Except as provided in paragraphs (4.5), (4.6), and
15 (4.9) of this subsection (c), a minimum term of imprisonment
16 of 30 days or 300 hours of community service, as determined by
17 the court, shall be imposed for a third or subsequent
18 violation of Section 6-303 of the Illinois Vehicle Code. The
19 court may give credit toward the fulfillment of community
20 service hours for participation in activities and treatment as
21 determined by court services.

22 (4.5) A minimum term of imprisonment of 30 days shall be
23 imposed for a third violation of subsection (c) of Section
24 6-303 of the Illinois Vehicle Code.

25 (4.6) Except as provided in paragraph (4.10) of this
26 subsection (c), a minimum term of imprisonment of 180 days

1 shall be imposed for a fourth or subsequent violation of
2 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

3 (4.7) A minimum term of imprisonment of not less than 30
4 consecutive days, or 300 hours of community service, shall be
5 imposed for a violation of subsection (a-5) of Section 6-303
6 of the Illinois Vehicle Code, as provided in subsection (b-5)
7 of that Section.

8 (4.8) A mandatory prison sentence shall be imposed for a
9 second violation of subsection (a-5) of Section 6-303 of the
10 Illinois Vehicle Code, as provided in subsection (c-5) of that
11 Section. The person's driving privileges shall be revoked for
12 a period of not less than 5 years from the date of his or her
13 release from prison.

14 (4.9) A mandatory prison sentence of not less than 4 and
15 not more than 15 years shall be imposed for a third violation
16 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
17 Code, as provided in subsection (d-2.5) of that Section. The
18 person's driving privileges shall be revoked for the remainder
19 of his or her life.

20 (4.10) A mandatory prison sentence for a Class 1 felony
21 shall be imposed, and the person shall be eligible for an
22 extended term sentence, for a fourth or subsequent violation
23 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
24 Code, as provided in subsection (d-3.5) of that Section. The
25 person's driving privileges shall be revoked for the remainder
26 of his or her life.

1 (5) The court may sentence a corporation or unincorporated
2 association convicted of any offense to:

3 (A) a period of conditional discharge;

4 (B) a fine;

5 (C) make restitution to the victim under Section 5-5-6
6 of this Code.

7 (5.1) In addition to any other penalties imposed, and
8 except as provided in paragraph (5.2) or (5.3), a person
9 convicted of violating subsection (c) of Section 11-907 of the
10 Illinois Vehicle Code shall have his or her driver's license,
11 permit, or privileges suspended for at least 90 days but not
12 more than one year, if the violation resulted in damage to the
13 property of another person.

14 (5.2) In addition to any other penalties imposed, and
15 except as provided in paragraph (5.3), a person convicted of
16 violating subsection (c) of Section 11-907 of the Illinois
17 Vehicle Code shall have his or her driver's license, permit,
18 or privileges suspended for at least 180 days but not more than
19 2 years, if the violation resulted in injury to another
20 person.

21 (5.3) In addition to any other penalties imposed, a person
22 convicted of violating subsection (c) of Section 11-907 of the
23 Illinois Vehicle Code shall have his or her driver's license,
24 permit, or privileges suspended for 2 years, if the violation
25 resulted in the death of another person.

26 (5.4) In addition to any other penalties imposed, a person

1 convicted of violating Section 3-707 of the Illinois Vehicle
2 Code shall have his or her driver's license, permit, or
3 privileges suspended for 3 months and until he or she has paid
4 a reinstatement fee of \$100.

5 (5.5) In addition to any other penalties imposed, a person
6 convicted of violating Section 3-707 of the Illinois Vehicle
7 Code during a period in which his or her driver's license,
8 permit, or privileges were suspended for a previous violation
9 of that Section shall have his or her driver's license,
10 permit, or privileges suspended for an additional 6 months
11 after the expiration of the original 3-month suspension and
12 until he or she has paid a reinstatement fee of \$100.

13 (6) (Blank).

14 (7) (Blank).

15 (8) (Blank).

16 (9) A defendant convicted of a second or subsequent
17 offense of ritualized abuse of a child may be sentenced to a
18 term of natural life imprisonment.

19 (10) (Blank).

20 (11) The court shall impose a minimum fine of \$1,000 for a
21 first offense and \$2,000 for a second or subsequent offense
22 upon a person convicted of or placed on supervision for
23 battery when the individual harmed was a sports official or
24 coach at any level of competition and the act causing harm to
25 the sports official or coach occurred within an athletic
26 facility or within the immediate vicinity of the athletic

1 facility at which the sports official or coach was an active
2 participant of the athletic contest held at the athletic
3 facility. For the purposes of this paragraph (11), "sports
4 official" means a person at an athletic contest who enforces
5 the rules of the contest, such as an umpire or referee;
6 "athletic facility" means an indoor or outdoor playing field
7 or recreational area where sports activities are conducted;
8 and "coach" means a person recognized as a coach by the
9 sanctioning authority that conducted the sporting event.

10 (12) A person may not receive a disposition of court
11 supervision for a violation of Section 5-16 of the Boat
12 Registration and Safety Act if that person has previously
13 received a disposition of court supervision for a violation of
14 that Section.

15 (13) A person convicted of or placed on court supervision
16 for an assault or aggravated assault when the victim and the
17 offender are family or household members as defined in Section
18 103 of the Illinois Domestic Violence Act of 1986 or convicted
19 of domestic battery or aggravated domestic battery may be
20 required to attend a Partner Abuse Intervention Program under
21 protocols set forth by the Illinois Department of Human
22 Services under such terms and conditions imposed by the court.
23 The costs of such classes shall be paid by the offender.

24 (d) In any case in which a sentence originally imposed is
25 vacated, the case shall be remanded to the trial court. The
26 trial court shall hold a hearing under Section 5-4-1 of this

1 Code which may include evidence of the defendant's life, moral
2 character and occupation during the time since the original
3 sentence was passed. The trial court shall then impose
4 sentence upon the defendant. The trial court may impose any
5 sentence which could have been imposed at the original trial
6 subject to Section 5-5-4 of this Code. If a sentence is vacated
7 on appeal or on collateral attack due to the failure of the
8 trier of fact at trial to determine beyond a reasonable doubt
9 the existence of a fact (other than a prior conviction)
10 necessary to increase the punishment for the offense beyond
11 the statutory maximum otherwise applicable, either the
12 defendant may be re-sentenced to a term within the range
13 otherwise provided or, if the State files notice of its
14 intention to again seek the extended sentence, the defendant
15 shall be afforded a new trial.

16 (e) In cases where prosecution for aggravated criminal
17 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
18 Code of 1961 or the Criminal Code of 2012 results in conviction
19 of a defendant who was a family member of the victim at the
20 time of the commission of the offense, the court shall
21 consider the safety and welfare of the victim and may impose a
22 sentence of probation only where:

23 (1) the court finds (A) or (B) or both are
24 appropriate:

25 (A) the defendant is willing to undergo a court
26 approved counseling program for a minimum duration of

1 2 years; or

2 (B) the defendant is willing to participate in a
3 court approved plan, including, but not limited to,
4 the defendant's:

5 (i) removal from the household;

6 (ii) restricted contact with the victim;

7 (iii) continued financial support of the
8 family;

9 (iv) restitution for harm done to the victim;

10 and

11 (v) compliance with any other measures that
12 the court may deem appropriate; and

13 (2) the court orders the defendant to pay for the
14 victim's counseling services, to the extent that the court
15 finds, after considering the defendant's income and
16 assets, that the defendant is financially capable of
17 paying for such services, if the victim was under 18 years
18 of age at the time the offense was committed and requires
19 counseling as a result of the offense.

20 Probation may be revoked or modified pursuant to Section
21 5-6-4; except where the court determines at the hearing that
22 the defendant violated a condition of his or her probation
23 restricting contact with the victim or other family members or
24 commits another offense with the victim or other family
25 members, the court shall revoke the defendant's probation and
26 impose a term of imprisonment.

1 For the purposes of this Section, "family member" and
2 "victim" shall have the meanings ascribed to them in Section
3 11-0.1 of the Criminal Code of 2012.

4 (f) (Blank).

5 (g) Whenever a defendant is convicted of an offense under
6 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
7 11-14.3, 11-14.4 except for an offense that involves keeping a
8 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
9 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
10 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, the defendant shall undergo medical
12 testing to determine whether the defendant has any sexually
13 transmissible disease, including a test for infection with
14 human immunodeficiency virus (HIV) or any other identified
15 causative agent of acquired immunodeficiency syndrome (AIDS).
16 Any such medical test shall be performed only by appropriately
17 licensed medical practitioners and may include an analysis of
18 any bodily fluids as well as an examination of the defendant's
19 person. Except as otherwise provided by law, the results of
20 such test shall be kept strictly confidential by all medical
21 personnel involved in the testing and must be personally
22 delivered in a sealed envelope to the judge of the court in
23 which the conviction was entered for the judge's inspection in
24 camera. Acting in accordance with the best interests of the
25 victim and the public, the judge shall have the discretion to
26 determine to whom, if anyone, the results of the testing may be

1 revealed. The court shall notify the defendant of the test
2 results. The court shall also notify the victim if requested
3 by the victim, and if the victim is under the age of 15 and if
4 requested by the victim's parents or legal guardian, the court
5 shall notify the victim's parents or legal guardian of the
6 test results. The court shall provide information on the
7 availability of HIV testing and counseling at Department of
8 Public Health facilities to all parties to whom the results of
9 the testing are revealed and shall direct the State's Attorney
10 to provide the information to the victim when possible. The
11 court shall order that the cost of any such test shall be paid
12 by the county and may be taxed as costs against the convicted
13 defendant.

14 (g-5) When an inmate is tested for an airborne
15 communicable disease, as determined by the Illinois Department
16 of Public Health, including, but not limited to, tuberculosis,
17 the results of the test shall be personally delivered by the
18 warden or his or her designee in a sealed envelope to the judge
19 of the court in which the inmate must appear for the judge's
20 inspection in camera if requested by the judge. Acting in
21 accordance with the best interests of those in the courtroom,
22 the judge shall have the discretion to determine what if any
23 precautions need to be taken to prevent transmission of the
24 disease in the courtroom.

25 (h) Whenever a defendant is convicted of an offense under
26 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the

1 defendant shall undergo medical testing to determine whether
2 the defendant has been exposed to human immunodeficiency virus
3 (HIV) or any other identified causative agent of acquired
4 immunodeficiency syndrome (AIDS). Except as otherwise provided
5 by law, the results of such test shall be kept strictly
6 confidential by all medical personnel involved in the testing
7 and must be personally delivered in a sealed envelope to the
8 judge of the court in which the conviction was entered for the
9 judge's inspection in camera. Acting in accordance with the
10 best interests of the public, the judge shall have the
11 discretion to determine to whom, if anyone, the results of the
12 testing may be revealed. The court shall notify the defendant
13 of a positive test showing an infection with the human
14 immunodeficiency virus (HIV). The court shall provide
15 information on the availability of HIV testing and counseling
16 at Department of Public Health facilities to all parties to
17 whom the results of the testing are revealed and shall direct
18 the State's Attorney to provide the information to the victim
19 when possible. The court shall order that the cost of any such
20 test shall be paid by the county and may be taxed as costs
21 against the convicted defendant.

22 (i) All fines and penalties imposed under this Section for
23 any violation of Chapters 3, 4, 6, and 11 of the Illinois
24 Vehicle Code, or a similar provision of a local ordinance, and
25 any violation of the Child Passenger Protection Act, or a
26 similar provision of a local ordinance, shall be collected and

1 disbursed by the circuit clerk as provided under the Criminal
2 and Traffic Assessment Act.

3 (j) In cases when prosecution for any violation of Section
4 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
5 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
6 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
7 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
8 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
9 Code of 2012, any violation of the Illinois Controlled
10 Substances Act, any violation of the Cannabis Control Act, or
11 any violation of the Methamphetamine Control and Community
12 Protection Act results in conviction, a disposition of court
13 supervision, or an order of probation granted under Section 10
14 of the Cannabis Control Act, Section 410 of the Illinois
15 Controlled Substances Act, or Section 70 of the
16 Methamphetamine Control and Community Protection Act of a
17 defendant, the court shall determine whether the defendant is
18 employed by a facility or center as defined under the Child
19 Care Act of 1969, a public or private elementary or secondary
20 school, or otherwise works with children under 18 years of age
21 on a daily basis. When a defendant is so employed, the court
22 shall order the Clerk of the Court to send a copy of the
23 judgment of conviction or order of supervision or probation to
24 the defendant's employer by certified mail. If the employer of
25 the defendant is a school, the Clerk of the Court shall direct
26 the mailing of a copy of the judgment of conviction or order of

1 supervision or probation to the appropriate regional
2 superintendent of schools. The regional superintendent of
3 schools shall notify the State Board of Education of any
4 notification under this subsection.

5 (j-5) A defendant at least 17 years of age who is convicted
6 of a felony and who has not been previously convicted of a
7 misdemeanor or felony and who is sentenced to a term of
8 imprisonment in the Illinois Department of Corrections shall
9 as a condition of his or her sentence be required by the court
10 to attend educational courses designed to prepare the
11 defendant for a high school diploma and to work toward a high
12 school diploma or to work toward passing high school
13 equivalency testing or to work toward completing a vocational
14 training program offered by the Department of Corrections. If
15 a defendant fails to complete the educational training
16 required by his or her sentence during the term of
17 incarceration, the Prisoner Review Board shall, as a condition
18 of mandatory supervised release, require the defendant, at his
19 or her own expense, to pursue a course of study toward a high
20 school diploma or passage of high school equivalency testing.
21 The Prisoner Review Board shall revoke the mandatory
22 supervised release of a defendant who wilfully fails to comply
23 with this subsection (j-5) upon his or her release from
24 confinement in a penal institution while serving a mandatory
25 supervised release term; however, the inability of the
26 defendant after making a good faith effort to obtain financial

1 aid or pay for the educational training shall not be deemed a
2 wilful failure to comply. The Prisoner Review Board shall
3 recommit the defendant whose mandatory supervised release term
4 has been revoked under this subsection (j-5) as provided in
5 Section 3-3-9. This subsection (j-5) does not apply to a
6 defendant who has a high school diploma or has successfully
7 passed high school equivalency testing. This subsection (j-5)
8 does not apply to a defendant who is determined by the court to
9 be a person with a developmental disability or otherwise
10 mentally incapable of completing the educational or vocational
11 program.

12 (k) (Blank).

13 (l) (A) Except as provided in paragraph (C) of subsection
14 (l), whenever a defendant, who is not a citizen or national of
15 the United States, is convicted of any felony or misdemeanor
16 offense, the court after sentencing the defendant may, upon
17 motion of the State's Attorney, hold sentence in abeyance and
18 remand the defendant to the custody of the Attorney General of
19 the United States or his or her designated agent to be deported
20 when:

21 (1) a final order of deportation has been issued
22 against the defendant pursuant to proceedings under the
23 Immigration and Nationality Act, and

24 (2) the deportation of the defendant would not
25 deprecate the seriousness of the defendant's conduct and
26 would not be inconsistent with the ends of justice.

1 Otherwise, the defendant shall be sentenced as provided in
2 this Chapter V.

3 (B) If the defendant has already been sentenced for a
4 felony or misdemeanor offense, or has been placed on probation
5 under Section 10 of the Cannabis Control Act, Section 410 of
6 the Illinois Controlled Substances Act, or Section 70 of the
7 Methamphetamine Control and Community Protection Act, the
8 court may, upon motion of the State's Attorney to suspend the
9 sentence imposed, commit the defendant to the custody of the
10 Attorney General of the United States or his or her designated
11 agent when:

12 (1) a final order of deportation has been issued
13 against the defendant pursuant to proceedings under the
14 Immigration and Nationality Act, and

15 (2) the deportation of the defendant would not
16 deprecate the seriousness of the defendant's conduct and
17 would not be inconsistent with the ends of justice.

18 (C) This subsection (1) does not apply to offenders who
19 are subject to the provisions of paragraph (2) of subsection
20 (a) of Section 3-6-3.

21 (D) Upon motion of the State's Attorney, if a defendant
22 sentenced under this Section returns to the jurisdiction of
23 the United States, the defendant shall be recommitted to the
24 custody of the county from which he or she was sentenced.
25 Thereafter, the defendant shall be brought before the
26 sentencing court, which may impose any sentence that was

1 available under Section 5-5-3 at the time of initial
2 sentencing. In addition, the defendant shall not be eligible
3 for additional earned sentence credit as provided under
4 Section 3-6-3.

5 (m) A person convicted of criminal defacement of property
6 under Section 21-1.3 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, in which the property damage exceeds
8 \$300 and the property damaged is a school building, shall be
9 ordered to perform community service that may include cleanup,
10 removal, or painting over the defacement.

11 (n) The court may sentence a person convicted of a
12 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
13 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
14 of 1961 or the Criminal Code of 2012 (i) to an impact
15 incarceration program if the person is otherwise eligible for
16 that program under Section 5-8-1.1, (ii) to community service,
17 or (iii) if the person has a substance use disorder, as defined
18 in the Substance Use Disorder Act, to a treatment program
19 licensed under that Act.

20 (o) Whenever a person is convicted of a sex offense as
21 defined in Section 2 of the Sex Offender Registration Act, the
22 defendant's driver's license or permit shall be subject to
23 renewal on an annual basis in accordance with the provisions
24 of license renewal established by the Secretary of State.

25 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;
26 102-531, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.

1 5-27-22.)

2 (730 ILCS 5/5-5-3.2)

3 (Text of Section before amendment by P.A. 102-982)

4 Sec. 5-5-3.2. Factors in aggravation and extended-term
5 sentencing.

6 (a) The following factors shall be accorded weight in
7 favor of imposing a term of imprisonment or may be considered
8 by the court as reasons to impose a more severe sentence under
9 Section 5-8-1 or Article 4.5 of Chapter V:

10 (1) the defendant's conduct caused or threatened
11 serious harm;

12 (2) the defendant received compensation for committing
13 the offense;

14 (3) the defendant has a history of prior delinquency
15 or criminal activity;

16 (4) the defendant, by the duties of his office or by
17 his position, was obliged to prevent the particular
18 offense committed or to bring the offenders committing it
19 to justice;

20 (5) the defendant held public office at the time of
21 the offense, and the offense related to the conduct of
22 that office;

23 (6) the defendant utilized his professional reputation
24 or position in the community to commit the offense, or to
25 afford him an easier means of committing it;

1 (7) the sentence is necessary to deter others from
2 committing the same crime;

3 (8) the defendant committed the offense against a
4 person 60 years of age or older or such person's property;

5 (9) the defendant committed the offense against a
6 person who has a physical disability or such person's
7 property;

8 (10) by reason of another individual's actual or
9 perceived race, color, creed, religion, ancestry, gender,
10 sexual orientation, physical or mental disability, or
11 national origin, the defendant committed the offense
12 against (i) the person or property of that individual;
13 (ii) the person or property of a person who has an
14 association with, is married to, or has a friendship with
15 the other individual; or (iii) the person or property of a
16 relative (by blood or marriage) of a person described in
17 clause (i) or (ii). For the purposes of this Section,
18 "sexual orientation" has the meaning ascribed to it in
19 paragraph (0-1) of Section 1-103 of the Illinois Human
20 Rights Act;

21 (11) the offense took place in a place of worship or on
22 the grounds of a place of worship, immediately prior to,
23 during or immediately following worship services. For
24 purposes of this subparagraph, "place of worship" shall
25 mean any church, synagogue or other building, structure or
26 place used primarily for religious worship;

1 (12) the defendant was convicted of a felony committed
2 while he was on pretrial release or his own recognizance
3 pending trial for a prior felony and was convicted of such
4 prior felony, or the defendant was convicted of a felony
5 committed while he was serving a period of probation,
6 conditional discharge, or mandatory supervised release
7 under subsection (d) of Section 5-8-1 for a prior felony;

8 (13) the defendant committed or attempted to commit a
9 felony while he was wearing a bulletproof vest. For the
10 purposes of this paragraph (13), a bulletproof vest is any
11 device which is designed for the purpose of protecting the
12 wearer from bullets, shot or other lethal projectiles;

13 (14) the defendant held a position of trust or
14 supervision such as, but not limited to, family member as
15 defined in Section 11-0.1 of the Criminal Code of 2012,
16 teacher, scout leader, baby sitter, or day care worker, in
17 relation to a victim under 18 years of age, and the
18 defendant committed an offense in violation of Section
19 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
20 11-14.4 except for an offense that involves keeping a
21 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
22 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
23 or 12-16 of the Criminal Code of 1961 or the Criminal Code
24 of 2012 against that victim;

25 (15) the defendant committed an offense related to the
26 activities of an organized gang. For the purposes of this

1 factor, "organized gang" has the meaning ascribed to it in
2 Section 10 of the Streetgang Terrorism Omnibus Prevention
3 Act;

4 (16) the defendant committed an offense in violation
5 of one of the following Sections while in a school,
6 regardless of the time of day or time of year; on any
7 conveyance owned, leased, or contracted by a school to
8 transport students to or from school or a school related
9 activity; on the real property of a school; or on a public
10 way within 1,000 feet of the real property comprising any
11 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
12 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
13 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
14 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
15 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
16 for subdivision (a) (4) or (g) (1), of the Criminal Code of
17 1961 or the Criminal Code of 2012;

18 (16.5) the defendant committed an offense in violation
19 of one of the following Sections while in a day care
20 center, regardless of the time of day or time of year; on
21 the real property of a day care center, regardless of the
22 time of day or time of year; or on a public way within
23 1,000 feet of the real property comprising any day care
24 center, regardless of the time of day or time of year:
25 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
26 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,

1 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
2 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
3 18-2, or 33A-2, or Section 12-3.05 except for subdivision
4 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
5 Criminal Code of 2012;

6 (17) the defendant committed the offense by reason of
7 any person's activity as a community policing volunteer or
8 to prevent any person from engaging in activity as a
9 community policing volunteer. For the purpose of this
10 Section, "community policing volunteer" has the meaning
11 ascribed to it in Section 2-3.5 of the Criminal Code of
12 2012;

13 (18) the defendant committed the offense in a nursing
14 home or on the real property comprising a nursing home.
15 For the purposes of this paragraph (18), "nursing home"
16 means a skilled nursing or intermediate long term care
17 facility that is subject to license by the Illinois
18 Department of Public Health under the Nursing Home Care
19 Act, the Specialized Mental Health Rehabilitation Act of
20 2013, the ID/DD Community Care Act, or the MC/DD Act;

21 (19) the defendant was a federally licensed firearm
22 dealer and was previously convicted of a violation of
23 subsection (a) of Section 3 of the Firearm Owners
24 Identification Card Act before its repeal by this
25 amendatory Act of the 103rd General Assembly and has now
26 committed ~~either a felony violation of the Firearm Owners~~

1 ~~Identification Card Act~~ or an act of armed violence while
2 armed with a firearm;

3 (20) the defendant (i) committed the offense of
4 reckless homicide under Section 9-3 of the Criminal Code
5 of 1961 or the Criminal Code of 2012 or the offense of
6 driving under the influence of alcohol, other drug or
7 drugs, intoxicating compound or compounds or any
8 combination thereof under Section 11-501 of the Illinois
9 Vehicle Code or a similar provision of a local ordinance
10 and (ii) was operating a motor vehicle in excess of 20
11 miles per hour over the posted speed limit as provided in
12 Article VI of Chapter 11 of the Illinois Vehicle Code;

13 (21) the defendant (i) committed the offense of
14 reckless driving or aggravated reckless driving under
15 Section 11-503 of the Illinois Vehicle Code and (ii) was
16 operating a motor vehicle in excess of 20 miles per hour
17 over the posted speed limit as provided in Article VI of
18 Chapter 11 of the Illinois Vehicle Code;

19 (22) the defendant committed the offense against a
20 person that the defendant knew, or reasonably should have
21 known, was a member of the Armed Forces of the United
22 States serving on active duty. For purposes of this clause
23 (22), the term "Armed Forces" means any of the Armed
24 Forces of the United States, including a member of any
25 reserve component thereof or National Guard unit called to
26 active duty;

1 (23) the defendant committed the offense against a
2 person who was elderly or infirm or who was a person with a
3 disability by taking advantage of a family or fiduciary
4 relationship with the elderly or infirm person or person
5 with a disability;

6 (24) the defendant committed any offense under Section
7 11-20.1 of the Criminal Code of 1961 or the Criminal Code
8 of 2012 and possessed 100 or more images;

9 (25) the defendant committed the offense while the
10 defendant or the victim was in a train, bus, or other
11 vehicle used for public transportation;

12 (26) the defendant committed the offense of child
13 pornography or aggravated child pornography, specifically
14 including paragraph (1), (2), (3), (4), (5), or (7) of
15 subsection (a) of Section 11-20.1 of the Criminal Code of
16 1961 or the Criminal Code of 2012 where a child engaged in,
17 solicited for, depicted in, or posed in any act of sexual
18 penetration or bound, fettered, or subject to sadistic,
19 masochistic, or sadomasochistic abuse in a sexual context
20 and specifically including paragraph (1), (2), (3), (4),
21 (5), or (7) of subsection (a) of Section 11-20.1B or
22 Section 11-20.3 of the Criminal Code of 1961 where a child
23 engaged in, solicited for, depicted in, or posed in any
24 act of sexual penetration or bound, fettered, or subject
25 to sadistic, masochistic, or sadomasochistic abuse in a
26 sexual context;

1 (27) the defendant committed the offense of first
2 degree murder, assault, aggravated assault, battery,
3 aggravated battery, robbery, armed robbery, or aggravated
4 robbery against a person who was a veteran and the
5 defendant knew, or reasonably should have known, that the
6 person was a veteran performing duties as a representative
7 of a veterans' organization. For the purposes of this
8 paragraph (27), "veteran" means an Illinois resident who
9 has served as a member of the United States Armed Forces, a
10 member of the Illinois National Guard, or a member of the
11 United States Reserve Forces; and "veterans' organization"
12 means an organization comprised of members of which
13 substantially all are individuals who are veterans or
14 spouses, widows, or widowers of veterans, the primary
15 purpose of which is to promote the welfare of its members
16 and to provide assistance to the general public in such a
17 way as to confer a public benefit;

18 (28) the defendant committed the offense of assault,
19 aggravated assault, battery, aggravated battery, robbery,
20 armed robbery, or aggravated robbery against a person that
21 the defendant knew or reasonably should have known was a
22 letter carrier or postal worker while that person was
23 performing his or her duties delivering mail for the
24 United States Postal Service;

25 (29) the defendant committed the offense of criminal
26 sexual assault, aggravated criminal sexual assault,

1 criminal sexual abuse, or aggravated criminal sexual abuse
2 against a victim with an intellectual disability, and the
3 defendant holds a position of trust, authority, or
4 supervision in relation to the victim;

5 (30) the defendant committed the offense of promoting
6 juvenile prostitution, patronizing a prostitute, or
7 patronizing a minor engaged in prostitution and at the
8 time of the commission of the offense knew that the
9 prostitute or minor engaged in prostitution was in the
10 custody or guardianship of the Department of Children and
11 Family Services;

12 (31) the defendant (i) committed the offense of
13 driving while under the influence of alcohol, other drug
14 or drugs, intoxicating compound or compounds or any
15 combination thereof in violation of Section 11-501 of the
16 Illinois Vehicle Code or a similar provision of a local
17 ordinance and (ii) the defendant during the commission of
18 the offense was driving his or her vehicle upon a roadway
19 designated for one-way traffic in the opposite direction
20 of the direction indicated by official traffic control
21 devices;

22 (32) the defendant committed the offense of reckless
23 homicide while committing a violation of Section 11-907 of
24 the Illinois Vehicle Code;

25 (33) the defendant was found guilty of an
26 administrative infraction related to an act or acts of

1 public indecency or sexual misconduct in the penal
2 institution. In this paragraph (33), "penal institution"
3 has the same meaning as in Section 2-14 of the Criminal
4 Code of 2012; or

5 (34) the defendant committed the offense of leaving
6 the scene of an accident in violation of subsection (b) of
7 Section 11-401 of the Illinois Vehicle Code and the
8 accident resulted in the death of a person and at the time
9 of the offense, the defendant was: (i) driving under the
10 influence of alcohol, other drug or drugs, intoxicating
11 compound or compounds or any combination thereof as
12 defined by Section 11-501 of the Illinois Vehicle Code; or
13 (ii) operating the motor vehicle while using an electronic
14 communication device as defined in Section 12-610.2 of the
15 Illinois Vehicle Code.

16 For the purposes of this Section:

17 "School" is defined as a public or private elementary or
18 secondary school, community college, college, or university.

19 "Day care center" means a public or private State
20 certified and licensed day care center as defined in Section
21 2.09 of the Child Care Act of 1969 that displays a sign in
22 plain view stating that the property is a day care center.

23 "Intellectual disability" means significantly subaverage
24 intellectual functioning which exists concurrently with
25 impairment in adaptive behavior.

26 "Public transportation" means the transportation or

1 conveyance of persons by means available to the general
2 public, and includes paratransit services.

3 "Traffic control devices" means all signs, signals,
4 markings, and devices that conform to the Illinois Manual on
5 Uniform Traffic Control Devices, placed or erected by
6 authority of a public body or official having jurisdiction,
7 for the purpose of regulating, warning, or guiding traffic.

8 (b) The following factors, related to all felonies, may be
9 considered by the court as reasons to impose an extended term
10 sentence under Section 5-8-2 upon any offender:

11 (1) When a defendant is convicted of any felony, after
12 having been previously convicted in Illinois or any other
13 jurisdiction of the same or similar class felony or
14 greater class felony, when such conviction has occurred
15 within 10 years after the previous conviction, excluding
16 time spent in custody, and such charges are separately
17 brought and tried and arise out of different series of
18 acts; or

19 (2) When a defendant is convicted of any felony and
20 the court finds that the offense was accompanied by
21 exceptionally brutal or heinous behavior indicative of
22 wanton cruelty; or

23 (3) When a defendant is convicted of any felony
24 committed against:

25 (i) a person under 12 years of age at the time of
26 the offense or such person's property;

1 (ii) a person 60 years of age or older at the time
2 of the offense or such person's property; or

3 (iii) a person who had a physical disability at
4 the time of the offense or such person's property; or

5 (4) When a defendant is convicted of any felony and
6 the offense involved any of the following types of
7 specific misconduct committed as part of a ceremony, rite,
8 initiation, observance, performance, practice or activity
9 of any actual or ostensible religious, fraternal, or
10 social group:

11 (i) the brutalizing or torturing of humans or
12 animals;

13 (ii) the theft of human corpses;

14 (iii) the kidnapping of humans;

15 (iv) the desecration of any cemetery, religious,
16 fraternal, business, governmental, educational, or
17 other building or property; or

18 (v) ritualized abuse of a child; or

19 (5) When a defendant is convicted of a felony other
20 than conspiracy and the court finds that the felony was
21 committed under an agreement with 2 or more other persons
22 to commit that offense and the defendant, with respect to
23 the other individuals, occupied a position of organizer,
24 supervisor, financier, or any other position of management
25 or leadership, and the court further finds that the felony
26 committed was related to or in furtherance of the criminal

1 activities of an organized gang or was motivated by the
2 defendant's leadership in an organized gang; or

3 (6) When a defendant is convicted of an offense
4 committed while using a firearm with a laser sight
5 attached to it. For purposes of this paragraph, "laser
6 sight" has the meaning ascribed to it in Section 26-7 of
7 the Criminal Code of 2012; or

8 (7) When a defendant who was at least 17 years of age
9 at the time of the commission of the offense is convicted
10 of a felony and has been previously adjudicated a
11 delinquent minor under the Juvenile Court Act of 1987 for
12 an act that if committed by an adult would be a Class X or
13 Class 1 felony when the conviction has occurred within 10
14 years after the previous adjudication, excluding time
15 spent in custody; or

16 (8) When a defendant commits any felony and the
17 defendant used, possessed, exercised control over, or
18 otherwise directed an animal to assault a law enforcement
19 officer engaged in the execution of his or her official
20 duties or in furtherance of the criminal activities of an
21 organized gang in which the defendant is engaged; or

22 (9) When a defendant commits any felony and the
23 defendant knowingly video or audio records the offense
24 with the intent to disseminate the recording.

25 (c) The following factors may be considered by the court
26 as reasons to impose an extended term sentence under Section

1 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
2 offenses:

3 (1) When a defendant is convicted of first degree
4 murder, after having been previously convicted in Illinois
5 of any offense listed under paragraph (c)(2) of Section
6 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
7 occurred within 10 years after the previous conviction,
8 excluding time spent in custody, and the charges are
9 separately brought and tried and arise out of different
10 series of acts.

11 (1.5) When a defendant is convicted of first degree
12 murder, after having been previously convicted of domestic
13 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
14 (720 ILCS 5/12-3.3) committed on the same victim or after
15 having been previously convicted of violation of an order
16 of protection (720 ILCS 5/12-30) in which the same victim
17 was the protected person.

18 (2) When a defendant is convicted of voluntary
19 manslaughter, second degree murder, involuntary
20 manslaughter, or reckless homicide in which the defendant
21 has been convicted of causing the death of more than one
22 individual.

23 (3) When a defendant is convicted of aggravated
24 criminal sexual assault or criminal sexual assault, when
25 there is a finding that aggravated criminal sexual assault
26 or criminal sexual assault was also committed on the same

1 victim by one or more other individuals, and the defendant
2 voluntarily participated in the crime with the knowledge
3 of the participation of the others in the crime, and the
4 commission of the crime was part of a single course of
5 conduct during which there was no substantial change in
6 the nature of the criminal objective.

7 (4) If the victim was under 18 years of age at the time
8 of the commission of the offense, when a defendant is
9 convicted of aggravated criminal sexual assault or
10 predatory criminal sexual assault of a child under
11 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
12 of Section 12-14.1 of the Criminal Code of 1961 or the
13 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

14 (5) When a defendant is convicted of a felony
15 violation of Section 24-1 of the Criminal Code of 1961 or
16 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
17 finding that the defendant is a member of an organized
18 gang.

19 (6) When a defendant was convicted of unlawful use of
20 weapons under Section 24-1 of the Criminal Code of 1961 or
21 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
22 a weapon that is not readily distinguishable as one of the
23 weapons enumerated in Section 24-1 of the Criminal Code of
24 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

25 (7) When a defendant is convicted of an offense
26 involving the illegal manufacture of a controlled

1 substance under Section 401 of the Illinois Controlled
2 Substances Act (720 ILCS 570/401), the illegal manufacture
3 of methamphetamine under Section 25 of the Methamphetamine
4 Control and Community Protection Act (720 ILCS 646/25), or
5 the illegal possession of explosives and an emergency
6 response officer in the performance of his or her duties
7 is killed or injured at the scene of the offense while
8 responding to the emergency caused by the commission of
9 the offense. In this paragraph, "emergency" means a
10 situation in which a person's life, health, or safety is
11 in jeopardy; and "emergency response officer" means a
12 peace officer, community policing volunteer, fireman,
13 emergency medical technician-ambulance, emergency medical
14 technician-intermediate, emergency medical
15 technician-paramedic, ambulance driver, other medical
16 assistance or first aid personnel, or hospital emergency
17 room personnel.

18 (8) When the defendant is convicted of attempted mob
19 action, solicitation to commit mob action, or conspiracy
20 to commit mob action under Section 8-1, 8-2, or 8-4 of the
21 Criminal Code of 2012, where the criminal object is a
22 violation of Section 25-1 of the Criminal Code of 2012,
23 and an electronic communication is used in the commission
24 of the offense. For the purposes of this paragraph (8),
25 "electronic communication" shall have the meaning provided
26 in Section 26.5-0.1 of the Criminal Code of 2012.

1 (d) For the purposes of this Section, "organized gang" has
2 the meaning ascribed to it in Section 10 of the Illinois
3 Streetgang Terrorism Omnibus Prevention Act.

4 (e) The court may impose an extended term sentence under
5 Article 4.5 of Chapter V upon an offender who has been
6 convicted of a felony violation of Section 11-1.20, 11-1.30,
7 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
8 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
9 when the victim of the offense is under 18 years of age at the
10 time of the commission of the offense and, during the
11 commission of the offense, the victim was under the influence
12 of alcohol, regardless of whether or not the alcohol was
13 supplied by the offender; and the offender, at the time of the
14 commission of the offense, knew or should have known that the
15 victim had consumed alcohol.

16 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
17 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.
18 8-20-21.)

19 (Text of Section after amendment by P.A. 102-982)

20 Sec. 5-5-3.2. Factors in aggravation and extended-term
21 sentencing.

22 (a) The following factors shall be accorded weight in
23 favor of imposing a term of imprisonment or may be considered
24 by the court as reasons to impose a more severe sentence under
25 Section 5-8-1 or Article 4.5 of Chapter V:

1 (1) the defendant's conduct caused or threatened
2 serious harm;

3 (2) the defendant received compensation for committing
4 the offense;

5 (3) the defendant has a history of prior delinquency
6 or criminal activity;

7 (4) the defendant, by the duties of his office or by
8 his position, was obliged to prevent the particular
9 offense committed or to bring the offenders committing it
10 to justice;

11 (5) the defendant held public office at the time of
12 the offense, and the offense related to the conduct of
13 that office;

14 (6) the defendant utilized his professional reputation
15 or position in the community to commit the offense, or to
16 afford him an easier means of committing it;

17 (7) the sentence is necessary to deter others from
18 committing the same crime;

19 (8) the defendant committed the offense against a
20 person 60 years of age or older or such person's property;

21 (9) the defendant committed the offense against a
22 person who has a physical disability or such person's
23 property;

24 (10) by reason of another individual's actual or
25 perceived race, color, creed, religion, ancestry, gender,
26 sexual orientation, physical or mental disability, or

1 national origin, the defendant committed the offense
2 against (i) the person or property of that individual;
3 (ii) the person or property of a person who has an
4 association with, is married to, or has a friendship with
5 the other individual; or (iii) the person or property of a
6 relative (by blood or marriage) of a person described in
7 clause (i) or (ii). For the purposes of this Section,
8 "sexual orientation" has the meaning ascribed to it in
9 paragraph (O-1) of Section 1-103 of the Illinois Human
10 Rights Act;

11 (11) the offense took place in a place of worship or on
12 the grounds of a place of worship, immediately prior to,
13 during or immediately following worship services. For
14 purposes of this subparagraph, "place of worship" shall
15 mean any church, synagogue or other building, structure or
16 place used primarily for religious worship;

17 (12) the defendant was convicted of a felony committed
18 while he was on pretrial release or his own recognizance
19 pending trial for a prior felony and was convicted of such
20 prior felony, or the defendant was convicted of a felony
21 committed while he was serving a period of probation,
22 conditional discharge, or mandatory supervised release
23 under subsection (d) of Section 5-8-1 for a prior felony;

24 (13) the defendant committed or attempted to commit a
25 felony while he was wearing a bulletproof vest. For the
26 purposes of this paragraph (13), a bulletproof vest is any

1 device which is designed for the purpose of protecting the
2 wearer from bullets, shot or other lethal projectiles;

3 (14) the defendant held a position of trust or
4 supervision such as, but not limited to, family member as
5 defined in Section 11-0.1 of the Criminal Code of 2012,
6 teacher, scout leader, baby sitter, or day care worker, in
7 relation to a victim under 18 years of age, and the
8 defendant committed an offense in violation of Section
9 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
10 11-14.4 except for an offense that involves keeping a
11 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
12 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
13 or 12-16 of the Criminal Code of 1961 or the Criminal Code
14 of 2012 against that victim;

15 (15) the defendant committed an offense related to the
16 activities of an organized gang. For the purposes of this
17 factor, "organized gang" has the meaning ascribed to it in
18 Section 10 of the Streetgang Terrorism Omnibus Prevention
19 Act;

20 (16) the defendant committed an offense in violation
21 of one of the following Sections while in a school,
22 regardless of the time of day or time of year; on any
23 conveyance owned, leased, or contracted by a school to
24 transport students to or from school or a school related
25 activity; on the real property of a school; or on a public
26 way within 1,000 feet of the real property comprising any

1 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
2 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
3 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
4 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
5 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
6 for subdivision (a)(4) or (g)(1), of the Criminal Code of
7 1961 or the Criminal Code of 2012;

8 (16.5) the defendant committed an offense in violation
9 of one of the following Sections while in a day care
10 center, regardless of the time of day or time of year; on
11 the real property of a day care center, regardless of the
12 time of day or time of year; or on a public way within
13 1,000 feet of the real property comprising any day care
14 center, regardless of the time of day or time of year:
15 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
16 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
17 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
18 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
19 18-2, or 33A-2, or Section 12-3.05 except for subdivision
20 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
21 Criminal Code of 2012;

22 (17) the defendant committed the offense by reason of
23 any person's activity as a community policing volunteer or
24 to prevent any person from engaging in activity as a
25 community policing volunteer. For the purpose of this
26 Section, "community policing volunteer" has the meaning

1 ascribed to it in Section 2-3.5 of the Criminal Code of
2 2012;

3 (18) the defendant committed the offense in a nursing
4 home or on the real property comprising a nursing home.
5 For the purposes of this paragraph (18), "nursing home"
6 means a skilled nursing or intermediate long term care
7 facility that is subject to license by the Illinois
8 Department of Public Health under the Nursing Home Care
9 Act, the Specialized Mental Health Rehabilitation Act of
10 2013, the ID/DD Community Care Act, or the MC/DD Act;

11 (19) the defendant was a federally licensed firearm
12 dealer and was previously convicted of a violation of
13 subsection (a) of Section 3 of the Firearm Owners
14 Identification Card Act before its repeal by this
15 amendatory Act of the 103rd General Assembly and has now
16 committed ~~either a felony violation of the Firearm Owners~~
17 ~~Identification Card Act or~~ an act of armed violence while
18 armed with a firearm;

19 (20) the defendant (i) committed the offense of
20 reckless homicide under Section 9-3 of the Criminal Code
21 of 1961 or the Criminal Code of 2012 or the offense of
22 driving under the influence of alcohol, other drug or
23 drugs, intoxicating compound or compounds or any
24 combination thereof under Section 11-501 of the Illinois
25 Vehicle Code or a similar provision of a local ordinance
26 and (ii) was operating a motor vehicle in excess of 20

1 miles per hour over the posted speed limit as provided in
2 Article VI of Chapter 11 of the Illinois Vehicle Code;

3 (21) the defendant (i) committed the offense of
4 reckless driving or aggravated reckless driving under
5 Section 11-503 of the Illinois Vehicle Code and (ii) was
6 operating a motor vehicle in excess of 20 miles per hour
7 over the posted speed limit as provided in Article VI of
8 Chapter 11 of the Illinois Vehicle Code;

9 (22) the defendant committed the offense against a
10 person that the defendant knew, or reasonably should have
11 known, was a member of the Armed Forces of the United
12 States serving on active duty. For purposes of this clause
13 (22), the term "Armed Forces" means any of the Armed
14 Forces of the United States, including a member of any
15 reserve component thereof or National Guard unit called to
16 active duty;

17 (23) the defendant committed the offense against a
18 person who was elderly or infirm or who was a person with a
19 disability by taking advantage of a family or fiduciary
20 relationship with the elderly or infirm person or person
21 with a disability;

22 (24) the defendant committed any offense under Section
23 11-20.1 of the Criminal Code of 1961 or the Criminal Code
24 of 2012 and possessed 100 or more images;

25 (25) the defendant committed the offense while the
26 defendant or the victim was in a train, bus, or other

1 vehicle used for public transportation;

2 (26) the defendant committed the offense of child
3 pornography or aggravated child pornography, specifically
4 including paragraph (1), (2), (3), (4), (5), or (7) of
5 subsection (a) of Section 11-20.1 of the Criminal Code of
6 1961 or the Criminal Code of 2012 where a child engaged in,
7 solicited for, depicted in, or posed in any act of sexual
8 penetration or bound, fettered, or subject to sadistic,
9 masochistic, or sadomasochistic abuse in a sexual context
10 and specifically including paragraph (1), (2), (3), (4),
11 (5), or (7) of subsection (a) of Section 11-20.1B or
12 Section 11-20.3 of the Criminal Code of 1961 where a child
13 engaged in, solicited for, depicted in, or posed in any
14 act of sexual penetration or bound, fettered, or subject
15 to sadistic, masochistic, or sadomasochistic abuse in a
16 sexual context;

17 (27) the defendant committed the offense of first
18 degree murder, assault, aggravated assault, battery,
19 aggravated battery, robbery, armed robbery, or aggravated
20 robbery against a person who was a veteran and the
21 defendant knew, or reasonably should have known, that the
22 person was a veteran performing duties as a representative
23 of a veterans' organization. For the purposes of this
24 paragraph (27), "veteran" means an Illinois resident who
25 has served as a member of the United States Armed Forces, a
26 member of the Illinois National Guard, or a member of the

1 United States Reserve Forces; and "veterans' organization"
2 means an organization comprised of members of which
3 substantially all are individuals who are veterans or
4 spouses, widows, or widowers of veterans, the primary
5 purpose of which is to promote the welfare of its members
6 and to provide assistance to the general public in such a
7 way as to confer a public benefit;

8 (28) the defendant committed the offense of assault,
9 aggravated assault, battery, aggravated battery, robbery,
10 armed robbery, or aggravated robbery against a person that
11 the defendant knew or reasonably should have known was a
12 letter carrier or postal worker while that person was
13 performing his or her duties delivering mail for the
14 United States Postal Service;

15 (29) the defendant committed the offense of criminal
16 sexual assault, aggravated criminal sexual assault,
17 criminal sexual abuse, or aggravated criminal sexual abuse
18 against a victim with an intellectual disability, and the
19 defendant holds a position of trust, authority, or
20 supervision in relation to the victim;

21 (30) the defendant committed the offense of promoting
22 juvenile prostitution, patronizing a prostitute, or
23 patronizing a minor engaged in prostitution and at the
24 time of the commission of the offense knew that the
25 prostitute or minor engaged in prostitution was in the
26 custody or guardianship of the Department of Children and

1 Family Services;

2 (31) the defendant (i) committed the offense of
3 driving while under the influence of alcohol, other drug
4 or drugs, intoxicating compound or compounds or any
5 combination thereof in violation of Section 11-501 of the
6 Illinois Vehicle Code or a similar provision of a local
7 ordinance and (ii) the defendant during the commission of
8 the offense was driving his or her vehicle upon a roadway
9 designated for one-way traffic in the opposite direction
10 of the direction indicated by official traffic control
11 devices;

12 (32) the defendant committed the offense of reckless
13 homicide while committing a violation of Section 11-907 of
14 the Illinois Vehicle Code;

15 (33) the defendant was found guilty of an
16 administrative infraction related to an act or acts of
17 public indecency or sexual misconduct in the penal
18 institution. In this paragraph (33), "penal institution"
19 has the same meaning as in Section 2-14 of the Criminal
20 Code of 2012; or

21 (34) the defendant committed the offense of leaving
22 the scene of a crash in violation of subsection (b) of
23 Section 11-401 of the Illinois Vehicle Code and the crash
24 resulted in the death of a person and at the time of the
25 offense, the defendant was: (i) driving under the
26 influence of alcohol, other drug or drugs, intoxicating

1 compound or compounds or any combination thereof as
2 defined by Section 11-501 of the Illinois Vehicle Code; or
3 (ii) operating the motor vehicle while using an electronic
4 communication device as defined in Section 12-610.2 of the
5 Illinois Vehicle Code.

6 For the purposes of this Section:

7 "School" is defined as a public or private elementary or
8 secondary school, community college, college, or university.

9 "Day care center" means a public or private State
10 certified and licensed day care center as defined in Section
11 2.09 of the Child Care Act of 1969 that displays a sign in
12 plain view stating that the property is a day care center.

13 "Intellectual disability" means significantly subaverage
14 intellectual functioning which exists concurrently with
15 impairment in adaptive behavior.

16 "Public transportation" means the transportation or
17 conveyance of persons by means available to the general
18 public, and includes paratransit services.

19 "Traffic control devices" means all signs, signals,
20 markings, and devices that conform to the Illinois Manual on
21 Uniform Traffic Control Devices, placed or erected by
22 authority of a public body or official having jurisdiction,
23 for the purpose of regulating, warning, or guiding traffic.

24 (b) The following factors, related to all felonies, may be
25 considered by the court as reasons to impose an extended term
26 sentence under Section 5-8-2 upon any offender:

1 (1) When a defendant is convicted of any felony, after
2 having been previously convicted in Illinois or any other
3 jurisdiction of the same or similar class felony or
4 greater class felony, when such conviction has occurred
5 within 10 years after the previous conviction, excluding
6 time spent in custody, and such charges are separately
7 brought and tried and arise out of different series of
8 acts; or

9 (2) When a defendant is convicted of any felony and
10 the court finds that the offense was accompanied by
11 exceptionally brutal or heinous behavior indicative of
12 wanton cruelty; or

13 (3) When a defendant is convicted of any felony
14 committed against:

15 (i) a person under 12 years of age at the time of
16 the offense or such person's property;

17 (ii) a person 60 years of age or older at the time
18 of the offense or such person's property; or

19 (iii) a person who had a physical disability at
20 the time of the offense or such person's property; or

21 (4) When a defendant is convicted of any felony and
22 the offense involved any of the following types of
23 specific misconduct committed as part of a ceremony, rite,
24 initiation, observance, performance, practice or activity
25 of any actual or ostensible religious, fraternal, or
26 social group:

1 (i) the brutalizing or torturing of humans or
2 animals;

3 (ii) the theft of human corpses;

4 (iii) the kidnapping of humans;

5 (iv) the desecration of any cemetery, religious,
6 fraternal, business, governmental, educational, or
7 other building or property; or

8 (v) ritualized abuse of a child; or

9 (5) When a defendant is convicted of a felony other
10 than conspiracy and the court finds that the felony was
11 committed under an agreement with 2 or more other persons
12 to commit that offense and the defendant, with respect to
13 the other individuals, occupied a position of organizer,
14 supervisor, financier, or any other position of management
15 or leadership, and the court further finds that the felony
16 committed was related to or in furtherance of the criminal
17 activities of an organized gang or was motivated by the
18 defendant's leadership in an organized gang; or

19 (6) When a defendant is convicted of an offense
20 committed while using a firearm with a laser sight
21 attached to it. For purposes of this paragraph, "laser
22 sight" has the meaning ascribed to it in Section 26-7 of
23 the Criminal Code of 2012; or

24 (7) When a defendant who was at least 17 years of age
25 at the time of the commission of the offense is convicted
26 of a felony and has been previously adjudicated a

1 delinquent minor under the Juvenile Court Act of 1987 for
2 an act that if committed by an adult would be a Class X or
3 Class 1 felony when the conviction has occurred within 10
4 years after the previous adjudication, excluding time
5 spent in custody; or

6 (8) When a defendant commits any felony and the
7 defendant used, possessed, exercised control over, or
8 otherwise directed an animal to assault a law enforcement
9 officer engaged in the execution of his or her official
10 duties or in furtherance of the criminal activities of an
11 organized gang in which the defendant is engaged; or

12 (9) When a defendant commits any felony and the
13 defendant knowingly video or audio records the offense
14 with the intent to disseminate the recording.

15 (c) The following factors may be considered by the court
16 as reasons to impose an extended term sentence under Section
17 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
18 offenses:

19 (1) When a defendant is convicted of first degree
20 murder, after having been previously convicted in Illinois
21 of any offense listed under paragraph (c)(2) of Section
22 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
23 occurred within 10 years after the previous conviction,
24 excluding time spent in custody, and the charges are
25 separately brought and tried and arise out of different
26 series of acts.

1 (1.5) When a defendant is convicted of first degree
2 murder, after having been previously convicted of domestic
3 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
4 (720 ILCS 5/12-3.3) committed on the same victim or after
5 having been previously convicted of violation of an order
6 of protection (720 ILCS 5/12-30) in which the same victim
7 was the protected person.

8 (2) When a defendant is convicted of voluntary
9 manslaughter, second degree murder, involuntary
10 manslaughter, or reckless homicide in which the defendant
11 has been convicted of causing the death of more than one
12 individual.

13 (3) When a defendant is convicted of aggravated
14 criminal sexual assault or criminal sexual assault, when
15 there is a finding that aggravated criminal sexual assault
16 or criminal sexual assault was also committed on the same
17 victim by one or more other individuals, and the defendant
18 voluntarily participated in the crime with the knowledge
19 of the participation of the others in the crime, and the
20 commission of the crime was part of a single course of
21 conduct during which there was no substantial change in
22 the nature of the criminal objective.

23 (4) If the victim was under 18 years of age at the time
24 of the commission of the offense, when a defendant is
25 convicted of aggravated criminal sexual assault or
26 predatory criminal sexual assault of a child under

1 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
2 of Section 12-14.1 of the Criminal Code of 1961 or the
3 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

4 (5) When a defendant is convicted of a felony
5 violation of Section 24-1 of the Criminal Code of 1961 or
6 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
7 finding that the defendant is a member of an organized
8 gang.

9 (6) When a defendant was convicted of unlawful use of
10 weapons under Section 24-1 of the Criminal Code of 1961 or
11 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
12 a weapon that is not readily distinguishable as one of the
13 weapons enumerated in Section 24-1 of the Criminal Code of
14 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

15 (7) When a defendant is convicted of an offense
16 involving the illegal manufacture of a controlled
17 substance under Section 401 of the Illinois Controlled
18 Substances Act (720 ILCS 570/401), the illegal manufacture
19 of methamphetamine under Section 25 of the Methamphetamine
20 Control and Community Protection Act (720 ILCS 646/25), or
21 the illegal possession of explosives and an emergency
22 response officer in the performance of his or her duties
23 is killed or injured at the scene of the offense while
24 responding to the emergency caused by the commission of
25 the offense. In this paragraph, "emergency" means a
26 situation in which a person's life, health, or safety is

1 in jeopardy; and "emergency response officer" means a
2 peace officer, community policing volunteer, fireman,
3 emergency medical technician-ambulance, emergency medical
4 technician-intermediate, emergency medical
5 technician-paramedic, ambulance driver, other medical
6 assistance or first aid personnel, or hospital emergency
7 room personnel.

8 (8) When the defendant is convicted of attempted mob
9 action, solicitation to commit mob action, or conspiracy
10 to commit mob action under Section 8-1, 8-2, or 8-4 of the
11 Criminal Code of 2012, where the criminal object is a
12 violation of Section 25-1 of the Criminal Code of 2012,
13 and an electronic communication is used in the commission
14 of the offense. For the purposes of this paragraph (8),
15 "electronic communication" shall have the meaning provided
16 in Section 26.5-0.1 of the Criminal Code of 2012.

17 (d) For the purposes of this Section, "organized gang" has
18 the meaning ascribed to it in Section 10 of the Illinois
19 Streetgang Terrorism Omnibus Prevention Act.

20 (e) The court may impose an extended term sentence under
21 Article 4.5 of Chapter V upon an offender who has been
22 convicted of a felony violation of Section 11-1.20, 11-1.30,
23 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
24 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
25 when the victim of the offense is under 18 years of age at the
26 time of the commission of the offense and, during the

1 commission of the offense, the victim was under the influence
2 of alcohol, regardless of whether or not the alcohol was
3 supplied by the offender; and the offender, at the time of the
4 commission of the offense, knew or should have known that the
5 victim had consumed alcohol.

6 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
7 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.
8 8-20-21; 102-982, eff. 7-1-23.)

9 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

10 Sec. 5-6-3. Conditions of probation and of conditional
11 discharge.

12 (a) The conditions of probation and of conditional
13 discharge shall be that the person:

14 (1) not violate any criminal statute of any
15 jurisdiction;

16 (2) report to or appear in person before such person
17 or agency as directed by the court;

18 (3) refrain from possessing a firearm or other
19 dangerous weapon where the offense is a felony or, if a
20 misdemeanor, the offense involved the intentional or
21 knowing infliction of bodily harm or threat of bodily
22 harm;

23 (4) not leave the State without the consent of the
24 court or, in circumstances in which the reason for the
25 absence is of such an emergency nature that prior consent

1 by the court is not possible, without the prior
2 notification and approval of the person's probation
3 officer. Transfer of a person's probation or conditional
4 discharge supervision to another state is subject to
5 acceptance by the other state pursuant to the Interstate
6 Compact for Adult Offender Supervision;

7 (5) permit the probation officer to visit him at his
8 home or elsewhere to the extent necessary to discharge his
9 duties;

10 (6) perform no less than 30 hours of community service
11 and not more than 120 hours of community service, if
12 community service is available in the jurisdiction and is
13 funded and approved by the county board where the offense
14 was committed, where the offense was related to or in
15 furtherance of the criminal activities of an organized
16 gang and was motivated by the offender's membership in or
17 allegiance to an organized gang. The community service
18 shall include, but not be limited to, the cleanup and
19 repair of any damage caused by a violation of Section
20 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
21 2012 and similar damage to property located within the
22 municipality or county in which the violation occurred.
23 When possible and reasonable, the community service should
24 be performed in the offender's neighborhood. For purposes
25 of this Section, "organized gang" has the meaning ascribed
26 to it in Section 10 of the Illinois Streetgang Terrorism

1 Omnibus Prevention Act. The court may give credit toward
2 the fulfillment of community service hours for
3 participation in activities and treatment as determined by
4 court services;

5 (7) if he or she is at least 17 years of age and has
6 been sentenced to probation or conditional discharge for a
7 misdemeanor or felony in a county of 3,000,000 or more
8 inhabitants and has not been previously convicted of a
9 misdemeanor or felony, may be required by the sentencing
10 court to attend educational courses designed to prepare
11 the defendant for a high school diploma and to work toward
12 a high school diploma or to work toward passing high
13 school equivalency testing or to work toward completing a
14 vocational training program approved by the court. The
15 person on probation or conditional discharge must attend a
16 public institution of education to obtain the educational
17 or vocational training required by this paragraph (7). The
18 court shall revoke the probation or conditional discharge
19 of a person who willfully fails to comply with this
20 paragraph (7). The person on probation or conditional
21 discharge shall be required to pay for the cost of the
22 educational courses or high school equivalency testing if
23 a fee is charged for those courses or testing. The court
24 shall resentence the offender whose probation or
25 conditional discharge has been revoked as provided in
26 Section 5-6-4. This paragraph (7) does not apply to a

1 person who has a high school diploma or has successfully
2 passed high school equivalency testing. This paragraph (7)
3 does not apply to a person who is determined by the court
4 to be a person with a developmental disability or
5 otherwise mentally incapable of completing the educational
6 or vocational program;

7 (8) if convicted of possession of a substance
8 prohibited by the Cannabis Control Act, the Illinois
9 Controlled Substances Act, or the Methamphetamine Control
10 and Community Protection Act after a previous conviction
11 or disposition of supervision for possession of a
12 substance prohibited by the Cannabis Control Act or
13 Illinois Controlled Substances Act or after a sentence of
14 probation under Section 10 of the Cannabis Control Act,
15 Section 410 of the Illinois Controlled Substances Act, or
16 Section 70 of the Methamphetamine Control and Community
17 Protection Act and upon a finding by the court that the
18 person is addicted, undergo treatment at a substance abuse
19 program approved by the court;

20 (8.5) if convicted of a felony sex offense as defined
21 in the Sex Offender Management Board Act, the person shall
22 undergo and successfully complete sex offender treatment
23 by a treatment provider approved by the Board and
24 conducted in conformance with the standards developed
25 under the Sex Offender Management Board Act;

26 (8.6) if convicted of a sex offense as defined in the

1 Sex Offender Management Board Act, refrain from residing
2 at the same address or in the same condominium unit or
3 apartment unit or in the same condominium complex or
4 apartment complex with another person he or she knows or
5 reasonably should know is a convicted sex offender or has
6 been placed on supervision for a sex offense; the
7 provisions of this paragraph do not apply to a person
8 convicted of a sex offense who is placed in a Department of
9 Corrections licensed transitional housing facility for sex
10 offenders;

11 (8.7) if convicted for an offense committed on or
12 after June 1, 2008 (the effective date of Public Act
13 95-464) that would qualify the accused as a child sex
14 offender as defined in Section 11-9.3 or 11-9.4 of the
15 Criminal Code of 1961 or the Criminal Code of 2012,
16 refrain from communicating with or contacting, by means of
17 the Internet, a person who is not related to the accused
18 and whom the accused reasonably believes to be under 18
19 years of age; for purposes of this paragraph (8.7),
20 "Internet" has the meaning ascribed to it in Section
21 16-0.1 of the Criminal Code of 2012; and a person is not
22 related to the accused if the person is not: (i) the
23 spouse, brother, or sister of the accused; (ii) a
24 descendant of the accused; (iii) a first or second cousin
25 of the accused; or (iv) a step-child or adopted child of
26 the accused;

1 (8.8) if convicted for an offense under Section 11-6,
2 11-9.1, 11-14.4 that involves soliciting for a juvenile
3 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
4 of the Criminal Code of 1961 or the Criminal Code of 2012,
5 or any attempt to commit any of these offenses, committed
6 on or after June 1, 2009 (the effective date of Public Act
7 95-983):

8 (i) not access or use a computer or any other
9 device with Internet capability without the prior
10 written approval of the offender's probation officer,
11 except in connection with the offender's employment or
12 search for employment with the prior approval of the
13 offender's probation officer;

14 (ii) submit to periodic unannounced examinations
15 of the offender's computer or any other device with
16 Internet capability by the offender's probation
17 officer, a law enforcement officer, or assigned
18 computer or information technology specialist,
19 including the retrieval and copying of all data from
20 the computer or device and any internal or external
21 peripherals and removal of such information,
22 equipment, or device to conduct a more thorough
23 inspection;

24 (iii) submit to the installation on the offender's
25 computer or device with Internet capability, at the
26 offender's expense, of one or more hardware or

1 software systems to monitor the Internet use; and

2 (iv) submit to any other appropriate restrictions
3 concerning the offender's use of or access to a
4 computer or any other device with Internet capability
5 imposed by the offender's probation officer;

6 (8.9) if convicted of a sex offense as defined in the
7 Sex Offender Registration Act committed on or after
8 January 1, 2010 (the effective date of Public Act 96-262),
9 refrain from accessing or using a social networking
10 website as defined in Section 17-0.5 of the Criminal Code
11 of 2012;

12 (9) if convicted of a felony or of any misdemeanor
13 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
14 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
15 2012 that was determined, pursuant to Section 112A-11.1 of
16 the Code of Criminal Procedure of 1963, to trigger the
17 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
18 at a time and place designated by the court, ~~his or her~~
19 ~~Firearm Owner's Identification Card~~ and any and all
20 firearms in his or her possession. ~~The Court shall return~~
21 ~~to the Illinois State Police Firearm Owner's~~
22 ~~Identification Card Office the person's Firearm Owner's~~
23 ~~Identification Card;~~

24 (10) if convicted of a sex offense as defined in
25 subsection (a-5) of Section 3-1-2 of this Code, unless the
26 offender is a parent or guardian of the person under 18

1 years of age present in the home and no non-familial
2 minors are present, not participate in a holiday event
3 involving children under 18 years of age, such as
4 distributing candy or other items to children on
5 Halloween, wearing a Santa Claus costume on or preceding
6 Christmas, being employed as a department store Santa
7 Claus, or wearing an Easter Bunny costume on or preceding
8 Easter;

9 (11) if convicted of a sex offense as defined in
10 Section 2 of the Sex Offender Registration Act committed
11 on or after January 1, 2010 (the effective date of Public
12 Act 96-362) that requires the person to register as a sex
13 offender under that Act, may not knowingly use any
14 computer scrub software on any computer that the sex
15 offender uses;

16 (12) if convicted of a violation of the
17 Methamphetamine Control and Community Protection Act, the
18 Methamphetamine Precursor Control Act, or a
19 methamphetamine related offense:

20 (A) prohibited from purchasing, possessing, or
21 having under his or her control any product containing
22 pseudoephedrine unless prescribed by a physician; and

23 (B) prohibited from purchasing, possessing, or
24 having under his or her control any product containing
25 ammonium nitrate; and

26 (13) if convicted of a hate crime involving the

1 protected class identified in subsection (a) of Section
2 12-7.1 of the Criminal Code of 2012 that gave rise to the
3 offense the offender committed, perform public or
4 community service of no less than 200 hours and enroll in
5 an educational program discouraging hate crimes that
6 includes racial, ethnic, and cultural sensitivity training
7 ordered by the court.

8 (b) The Court may in addition to other reasonable
9 conditions relating to the nature of the offense or the
10 rehabilitation of the defendant as determined for each
11 defendant in the proper discretion of the Court require that
12 the person:

13 (1) serve a term of periodic imprisonment under
14 Article 7 for a period not to exceed that specified in
15 paragraph (d) of Section 5-7-1;

16 (2) pay a fine and costs;

17 (3) work or pursue a course of study or vocational
18 training;

19 (4) undergo medical, psychological or psychiatric
20 treatment; or treatment for drug addiction or alcoholism;

21 (5) attend or reside in a facility established for the
22 instruction or residence of defendants on probation;

23 (6) support his dependents;

24 (7) and in addition, if a minor:

25 (i) reside with his parents or in a foster home;

26 (ii) attend school;

1 (iii) attend a non-residential program for youth;

2 (iv) contribute to his own support at home or in a
3 foster home;

4 (v) with the consent of the superintendent of the
5 facility, attend an educational program at a facility
6 other than the school in which the offense was
7 committed if he or she is convicted of a crime of
8 violence as defined in Section 2 of the Crime Victims
9 Compensation Act committed in a school, on the real
10 property comprising a school, or within 1,000 feet of
11 the real property comprising a school;

12 (8) make restitution as provided in Section 5-5-6 of
13 this Code;

14 (9) perform some reasonable public or community
15 service;

16 (10) serve a term of home confinement. In addition to
17 any other applicable condition of probation or conditional
18 discharge, the conditions of home confinement shall be
19 that the offender:

20 (i) remain within the interior premises of the
21 place designated for his confinement during the hours
22 designated by the court;

23 (ii) admit any person or agent designated by the
24 court into the offender's place of confinement at any
25 time for purposes of verifying the offender's
26 compliance with the conditions of his confinement; and

1 (iii) if further deemed necessary by the court or
2 the Probation or Court Services Department, be placed
3 on an approved electronic monitoring device, subject
4 to Article 8A of Chapter V;

5 (iv) for persons convicted of any alcohol,
6 cannabis or controlled substance violation who are
7 placed on an approved monitoring device as a condition
8 of probation or conditional discharge, the court shall
9 impose a reasonable fee for each day of the use of the
10 device, as established by the county board in
11 subsection (g) of this Section, unless after
12 determining the inability of the offender to pay the
13 fee, the court assesses a lesser fee or no fee as the
14 case may be. This fee shall be imposed in addition to
15 the fees imposed under subsections (g) and (i) of this
16 Section. The fee shall be collected by the clerk of the
17 circuit court, except as provided in an administrative
18 order of the Chief Judge of the circuit court. The
19 clerk of the circuit court shall pay all monies
20 collected from this fee to the county treasurer for
21 deposit in the substance abuse services fund under
22 Section 5-1086.1 of the Counties Code, except as
23 provided in an administrative order of the Chief Judge
24 of the circuit court.

25 The Chief Judge of the circuit court of the county
26 may by administrative order establish a program for

1 electronic monitoring of offenders, in which a vendor
2 supplies and monitors the operation of the electronic
3 monitoring device, and collects the fees on behalf of
4 the county. The program shall include provisions for
5 indigent offenders and the collection of unpaid fees.
6 The program shall not unduly burden the offender and
7 shall be subject to review by the Chief Judge.

8 The Chief Judge of the circuit court may suspend
9 any additional charges or fees for late payment,
10 interest, or damage to any device; and

11 (v) for persons convicted of offenses other than
12 those referenced in clause (iv) above and who are
13 placed on an approved monitoring device as a condition
14 of probation or conditional discharge, the court shall
15 impose a reasonable fee for each day of the use of the
16 device, as established by the county board in
17 subsection (g) of this Section, unless after
18 determining the inability of the defendant to pay the
19 fee, the court assesses a lesser fee or no fee as the
20 case may be. This fee shall be imposed in addition to
21 the fees imposed under subsections (g) and (i) of this
22 Section. The fee shall be collected by the clerk of the
23 circuit court, except as provided in an administrative
24 order of the Chief Judge of the circuit court. The
25 clerk of the circuit court shall pay all monies
26 collected from this fee to the county treasurer who

1 shall use the monies collected to defray the costs of
2 corrections. The county treasurer shall deposit the
3 fee collected in the probation and court services
4 fund. The Chief Judge of the circuit court of the
5 county may by administrative order establish a program
6 for electronic monitoring of offenders, in which a
7 vendor supplies and monitors the operation of the
8 electronic monitoring device, and collects the fees on
9 behalf of the county. The program shall include
10 provisions for indigent offenders and the collection
11 of unpaid fees. The program shall not unduly burden
12 the offender and shall be subject to review by the
13 Chief Judge.

14 The Chief Judge of the circuit court may suspend
15 any additional charges or fees for late payment,
16 interest, or damage to any device.

17 (11) comply with the terms and conditions of an order
18 of protection issued by the court pursuant to the Illinois
19 Domestic Violence Act of 1986, as now or hereafter
20 amended, or an order of protection issued by the court of
21 another state, tribe, or United States territory. A copy
22 of the order of protection shall be transmitted to the
23 probation officer or agency having responsibility for the
24 case;

25 (12) reimburse any "local anti-crime program" as
26 defined in Section 7 of the Anti-Crime Advisory Council

1 Act for any reasonable expenses incurred by the program on
2 the offender's case, not to exceed the maximum amount of
3 the fine authorized for the offense for which the
4 defendant was sentenced;

5 (13) contribute a reasonable sum of money, not to
6 exceed the maximum amount of the fine authorized for the
7 offense for which the defendant was sentenced, (i) to a
8 "local anti-crime program", as defined in Section 7 of the
9 Anti-Crime Advisory Council Act, or (ii) for offenses
10 under the jurisdiction of the Department of Natural
11 Resources, to the fund established by the Department of
12 Natural Resources for the purchase of evidence for
13 investigation purposes and to conduct investigations as
14 outlined in Section 805-105 of the Department of Natural
15 Resources (Conservation) Law;

16 (14) refrain from entering into a designated
17 geographic area except upon such terms as the court finds
18 appropriate. Such terms may include consideration of the
19 purpose of the entry, the time of day, other persons
20 accompanying the defendant, and advance approval by a
21 probation officer, if the defendant has been placed on
22 probation or advance approval by the court, if the
23 defendant was placed on conditional discharge;

24 (15) refrain from having any contact, directly or
25 indirectly, with certain specified persons or particular
26 types of persons, including but not limited to members of

1 street gangs and drug users or dealers;

2 (16) refrain from having in his or her body the
3 presence of any illicit drug prohibited by the Cannabis
4 Control Act, the Illinois Controlled Substances Act, or
5 the Methamphetamine Control and Community Protection Act,
6 unless prescribed by a physician, and submit samples of
7 his or her blood or urine or both for tests to determine
8 the presence of any illicit drug;

9 (17) if convicted for an offense committed on or after
10 June 1, 2008 (the effective date of Public Act 95-464)
11 that would qualify the accused as a child sex offender as
12 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
13 of 1961 or the Criminal Code of 2012, refrain from
14 communicating with or contacting, by means of the
15 Internet, a person who is related to the accused and whom
16 the accused reasonably believes to be under 18 years of
17 age; for purposes of this paragraph (17), "Internet" has
18 the meaning ascribed to it in Section 16-0.1 of the
19 Criminal Code of 2012; and a person is related to the
20 accused if the person is: (i) the spouse, brother, or
21 sister of the accused; (ii) a descendant of the accused;
22 (iii) a first or second cousin of the accused; or (iv) a
23 step-child or adopted child of the accused;

24 (18) if convicted for an offense committed on or after
25 June 1, 2009 (the effective date of Public Act 95-983)
26 that would qualify as a sex offense as defined in the Sex

1 Offender Registration Act:

2 (i) not access or use a computer or any other
3 device with Internet capability without the prior
4 written approval of the offender's probation officer,
5 except in connection with the offender's employment or
6 search for employment with the prior approval of the
7 offender's probation officer;

8 (ii) submit to periodic unannounced examinations
9 of the offender's computer or any other device with
10 Internet capability by the offender's probation
11 officer, a law enforcement officer, or assigned
12 computer or information technology specialist,
13 including the retrieval and copying of all data from
14 the computer or device and any internal or external
15 peripherals and removal of such information,
16 equipment, or device to conduct a more thorough
17 inspection;

18 (iii) submit to the installation on the offender's
19 computer or device with Internet capability, at the
20 subject's expense, of one or more hardware or software
21 systems to monitor the Internet use; and

22 (iv) submit to any other appropriate restrictions
23 concerning the offender's use of or access to a
24 computer or any other device with Internet capability
25 imposed by the offender's probation officer; and

26 (19) refrain from possessing a firearm or other

1 dangerous weapon where the offense is a misdemeanor that
2 did not involve the intentional or knowing infliction of
3 bodily harm or threat of bodily harm.

4 (c) The court may as a condition of probation or of
5 conditional discharge require that a person under 18 years of
6 age found guilty of any alcohol, cannabis or controlled
7 substance violation, refrain from acquiring a driver's license
8 during the period of probation or conditional discharge. If
9 such person is in possession of a permit or license, the court
10 may require that the minor refrain from driving or operating
11 any motor vehicle during the period of probation or
12 conditional discharge, except as may be necessary in the
13 course of the minor's lawful employment.

14 (d) An offender sentenced to probation or to conditional
15 discharge shall be given a certificate setting forth the
16 conditions thereof.

17 (e) Except where the offender has committed a fourth or
18 subsequent violation of subsection (c) of Section 6-303 of the
19 Illinois Vehicle Code, the court shall not require as a
20 condition of the sentence of probation or conditional
21 discharge that the offender be committed to a period of
22 imprisonment in excess of 6 months. This 6-month limit shall
23 not include periods of confinement given pursuant to a
24 sentence of county impact incarceration under Section 5-8-1.2.

25 Persons committed to imprisonment as a condition of
26 probation or conditional discharge shall not be committed to

1 the Department of Corrections.

2 (f) The court may combine a sentence of periodic
3 imprisonment under Article 7 or a sentence to a county impact
4 incarceration program under Article 8 with a sentence of
5 probation or conditional discharge.

6 (g) An offender sentenced to probation or to conditional
7 discharge and who during the term of either undergoes
8 mandatory drug or alcohol testing, or both, or is assigned to
9 be placed on an approved electronic monitoring device, shall
10 be ordered to pay all costs incidental to such mandatory drug
11 or alcohol testing, or both, and all costs incidental to such
12 approved electronic monitoring in accordance with the
13 defendant's ability to pay those costs. The county board with
14 the concurrence of the Chief Judge of the judicial circuit in
15 which the county is located shall establish reasonable fees
16 for the cost of maintenance, testing, and incidental expenses
17 related to the mandatory drug or alcohol testing, or both, and
18 all costs incidental to approved electronic monitoring,
19 involved in a successful probation program for the county. The
20 concurrence of the Chief Judge shall be in the form of an
21 administrative order. The fees shall be collected by the clerk
22 of the circuit court, except as provided in an administrative
23 order of the Chief Judge of the circuit court. The clerk of the
24 circuit court shall pay all moneys collected from these fees
25 to the county treasurer who shall use the moneys collected to
26 defray the costs of drug testing, alcohol testing, and

1 electronic monitoring. The county treasurer shall deposit the
2 fees collected in the county working cash fund under Section
3 6-27001 or Section 6-29002 of the Counties Code, as the case
4 may be. The Chief Judge of the circuit court of the county may
5 by administrative order establish a program for electronic
6 monitoring of offenders, in which a vendor supplies and
7 monitors the operation of the electronic monitoring device,
8 and collects the fees on behalf of the county. The program
9 shall include provisions for indigent offenders and the
10 collection of unpaid fees. The program shall not unduly burden
11 the offender and shall be subject to review by the Chief Judge.

12 The Chief Judge of the circuit court may suspend any
13 additional charges or fees for late payment, interest, or
14 damage to any device.

15 (h) Jurisdiction over an offender may be transferred from
16 the sentencing court to the court of another circuit with the
17 concurrence of both courts. Further transfers or retransfers
18 of jurisdiction are also authorized in the same manner. The
19 court to which jurisdiction has been transferred shall have
20 the same powers as the sentencing court. The probation
21 department within the circuit to which jurisdiction has been
22 transferred, or which has agreed to provide supervision, may
23 impose probation fees upon receiving the transferred offender,
24 as provided in subsection (i). For all transfer cases, as
25 defined in Section 9b of the Probation and Probation Officers
26 Act, the probation department from the original sentencing

1 court shall retain all probation fees collected prior to the
2 transfer. After the transfer, all probation fees shall be paid
3 to the probation department within the circuit to which
4 jurisdiction has been transferred.

5 (i) The court shall impose upon an offender sentenced to
6 probation after January 1, 1989 or to conditional discharge
7 after January 1, 1992 or to community service under the
8 supervision of a probation or court services department after
9 January 1, 2004, as a condition of such probation or
10 conditional discharge or supervised community service, a fee
11 of \$50 for each month of probation or conditional discharge
12 supervision or supervised community service ordered by the
13 court, unless after determining the inability of the person
14 sentenced to probation or conditional discharge or supervised
15 community service to pay the fee, the court assesses a lesser
16 fee. The court may not impose the fee on a minor who is placed
17 in the guardianship or custody of the Department of Children
18 and Family Services under the Juvenile Court Act of 1987 while
19 the minor is in placement. The fee shall be imposed only upon
20 an offender who is actively supervised by the probation and
21 court services department. The fee shall be collected by the
22 clerk of the circuit court. The clerk of the circuit court
23 shall pay all monies collected from this fee to the county
24 treasurer for deposit in the probation and court services fund
25 under Section 15.1 of the Probation and Probation Officers
26 Act.

1 A circuit court may not impose a probation fee under this
2 subsection (i) in excess of \$25 per month unless the circuit
3 court has adopted, by administrative order issued by the chief
4 judge, a standard probation fee guide determining an
5 offender's ability to pay. Of the amount collected as a
6 probation fee, up to \$5 of that fee collected per month may be
7 used to provide services to crime victims and their families.

8 The Court may only waive probation fees based on an
9 offender's ability to pay. The probation department may
10 re-evaluate an offender's ability to pay every 6 months, and,
11 with the approval of the Director of Court Services or the
12 Chief Probation Officer, adjust the monthly fee amount. An
13 offender may elect to pay probation fees due in a lump sum. Any
14 offender that has been assigned to the supervision of a
15 probation department, or has been transferred either under
16 subsection (h) of this Section or under any interstate
17 compact, shall be required to pay probation fees to the
18 department supervising the offender, based on the offender's
19 ability to pay.

20 Public Act 93-970 deletes the \$10 increase in the fee
21 under this subsection that was imposed by Public Act 93-616.
22 This deletion is intended to control over any other Act of the
23 93rd General Assembly that retains or incorporates that fee
24 increase.

25 (i-5) In addition to the fees imposed under subsection (i)
26 of this Section, in the case of an offender convicted of a

1 felony sex offense (as defined in the Sex Offender Management
2 Board Act) or an offense that the court or probation
3 department has determined to be sexually motivated (as defined
4 in the Sex Offender Management Board Act), the court or the
5 probation department shall assess additional fees to pay for
6 all costs of treatment, assessment, evaluation for risk and
7 treatment, and monitoring the offender, based on that
8 offender's ability to pay those costs either as they occur or
9 under a payment plan.

10 (j) All fines and costs imposed under this Section for any
11 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
12 Code, or a similar provision of a local ordinance, and any
13 violation of the Child Passenger Protection Act, or a similar
14 provision of a local ordinance, shall be collected and
15 disbursed by the circuit clerk as provided under the Criminal
16 and Traffic Assessment Act.

17 (k) Any offender who is sentenced to probation or
18 conditional discharge for a felony sex offense as defined in
19 the Sex Offender Management Board Act or any offense that the
20 court or probation department has determined to be sexually
21 motivated as defined in the Sex Offender Management Board Act
22 shall be required to refrain from any contact, directly or
23 indirectly, with any persons specified by the court and shall
24 be available for all evaluations and treatment programs
25 required by the court or the probation department.

26 (l) The court may order an offender who is sentenced to

1 probation or conditional discharge for a violation of an order
2 of protection be placed under electronic surveillance as
3 provided in Section 5-8A-7 of this Code.

4 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)

5 (730 ILCS 5/3-2-13 rep.)

6 Section 95.5. The Unified Code of Corrections is amended
7 by repealing Section 3-2-13.

8 Section 96. The Probation and Probation Officers Act is
9 amended by changing Section 15.2 as follows:

10 (730 ILCS 110/15.2)

11 Sec. 15.2. Retiring probation officer; purchase of service
12 firearm and badge. Each department shall establish a program
13 to allow a probation officer of the department who is
14 honorably retiring in good standing to purchase either one or
15 both of the following: (1) any badge previously issued to the
16 probation officer by the department; or (2) ~~if the probation~~
17 ~~officer has a currently valid Firearm Owner's Identification~~
18 ~~Card,~~ the service firearm issued or previously issued to the
19 probation officer by the department. The badge must be
20 permanently and conspicuously marked in such a manner that the
21 individual who possesses the badge is not mistaken for an
22 actively serving law enforcement officer. The cost of the
23 firearm shall be the replacement value of the firearm and not

1 the firearm's fair market value.

2 (Source: P.A. 102-719, eff. 5-6-22.)

3 Section 100. The Stalking No Contact Order Act is amended
4 by changing Section 80 as follows:

5 (740 ILCS 21/80)

6 Sec. 80. Stalking no contact orders; remedies.

7 (a) If the court finds that the petitioner has been a
8 victim of stalking, a stalking no contact order shall issue;
9 provided that the petitioner must also satisfy the
10 requirements of Section 95 on emergency orders or Section 100
11 on plenary orders. The petitioner shall not be denied a
12 stalking no contact order because the petitioner or the
13 respondent is a minor. The court, when determining whether or
14 not to issue a stalking no contact order, may not require
15 physical injury on the person of the petitioner. Modification
16 and extension of prior stalking no contact orders shall be in
17 accordance with this Act.

18 (b) A stalking no contact order shall order one or more of
19 the following:

20 (1) prohibit the respondent from threatening to commit
21 or committing stalking;

22 (2) order the respondent not to have any contact with
23 the petitioner or a third person specifically named by the
24 court;

1 (3) prohibit the respondent from knowingly coming
2 within, or knowingly remaining within a specified distance
3 of the petitioner or the petitioner's residence, school,
4 daycare, or place of employment, or any specified place
5 frequented by the petitioner; however, the court may order
6 the respondent to stay away from the respondent's own
7 residence, school, or place of employment only if the
8 respondent has been provided actual notice of the
9 opportunity to appear and be heard on the petition;

10 (4) prohibit the respondent from ~~possessing a Firearm~~
11 ~~Owners Identification Card, or~~ possessing or buying
12 firearms; and

13 (5) order other injunctive relief the court determines
14 to be necessary to protect the petitioner or third party
15 specifically named by the court.

16 (b-5) When the petitioner and the respondent attend the
17 same public, private, or non-public elementary, middle, or
18 high school, the court when issuing a stalking no contact
19 order and providing relief shall consider the severity of the
20 act, any continuing physical danger or emotional distress to
21 the petitioner, the educational rights guaranteed to the
22 petitioner and respondent under federal and State law, the
23 availability of a transfer of the respondent to another
24 school, a change of placement or a change of program of the
25 respondent, the expense, difficulty, and educational
26 disruption that would be caused by a transfer of the

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

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

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

17 (b-7) The court shall not hold a school district or
18 private or non-public school or any of its employees in civil
19 or criminal contempt unless the school district or private or
20 non-public school has been allowed to intervene.

21 (b-8) The court may hold the parents, guardian, or legal
22 custodian of a minor respondent in civil or criminal contempt
23 for a violation of any provision of any order entered under
24 this Act for conduct of the minor respondent in violation of
25 this Act if the parents, guardian, or legal custodian
26 directed, encouraged, or assisted the respondent minor in such

1 conduct.

2 (c) The court may award the petitioner costs and attorneys
3 fees if a stalking no contact order is granted.

4 (d) Monetary damages are not recoverable as a remedy.

5 (e) If the stalking no contact order prohibits the
6 respondent from ~~possessing a Firearm Owner's Identification~~
7 ~~Card, or~~ possessing or buying firearms, ~~+~~ the court shall
8 confiscate the respondent's firearms ~~Firearm Owner's~~
9 ~~Identification Card and immediately return the card to the~~
10 ~~Illinois State Police Firearm Owner's Identification Card~~
11 ~~Office.~~

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

13 Section 105. The Mental Health and Developmental
14 Disabilities Confidentiality Act is amended by changing
15 Section 12 as follows:

16 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

17 Sec. 12. (a) If the United States Secret Service or the
18 Illinois State Police requests information from a mental
19 health or developmental disability facility, as defined in
20 Section 1-107 and 1-114 of the Mental Health and Developmental
21 Disabilities Code, relating to a specific recipient and the
22 facility director determines that disclosure of such
23 information may be necessary to protect the life of, or to
24 prevent the infliction of great bodily harm to, a public

1 official, or a person under the protection of the United
2 States Secret Service, only the following information may be
3 disclosed: the recipient's name, address, and age and the date
4 of any admission to or discharge from a facility; and any
5 information which would indicate whether or not the recipient
6 has a history of violence or presents a danger of violence to
7 the person under protection. Any information so disclosed
8 shall be used for investigative purposes only and shall not be
9 publicly disseminated. Any person participating in good faith
10 in the disclosure of such information in accordance with this
11 provision shall have immunity from any liability, civil,
12 criminal or otherwise, if such information is disclosed
13 relying upon the representation of an officer of the United
14 States Secret Service or the Illinois State Police that a
15 person is under the protection of the United States Secret
16 Service or is a public official.

17 For the purpose of this subsection (a), the term "public
18 official" means the Governor, Lieutenant Governor, Attorney
19 General, Secretary of State, State Comptroller, State
20 Treasurer, member of the General Assembly, member of the
21 United States Congress, Judge of the United States as defined
22 in 28 U.S.C. 451, Justice of the United States as defined in 28
23 U.S.C. 451, United States Magistrate Judge as defined in 28
24 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
25 Supreme, Appellate, Circuit, or Associate Judge of the State
26 of Illinois. The term shall also include the spouse, child or

1 children of a public official.

2 (b) The Department of Human Services (acting as successor
3 to the Department of Mental Health and Developmental
4 Disabilities) and all public or private hospitals and mental
5 health facilities are required, as hereafter described in this
6 subsection, to furnish the Illinois State Police only such
7 information as may be required for the sole purpose of
8 determining whether an individual who may be or may have been a
9 patient is disqualified because of that status from receiving
10 or retaining a firearm under paragraph (4) of subsection (a)
11 of Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~
12 ~~Identification Card or falls within the federal prohibitors~~
13 ~~under subsection (e), (f), (g), (r), (s), or (t) of Section 8~~
14 ~~of the Firearm Owners Identification Card Act~~, or falls within
15 the federal prohibitors in 18 U.S.C. 922(g) and (n). All
16 physicians, clinical psychologists, or qualified examiners at
17 public or private mental health facilities or parts thereof as
18 defined in this subsection shall, in the form and manner
19 required by the Department, provide notice directly to the
20 Department of Human Services, or to his or her employer who
21 shall then report to the Department, within 24 hours after
22 determining that a person poses a clear and present danger to
23 himself, herself, or others, or within 7 days after a person 14
24 years or older is determined to be a person with a
25 developmental disability by a physician, clinical
26 psychologist, or qualified examiner as described in this

1 ~~subsection (b) Section 1.1 of the Firearm Owners~~
2 ~~Identification Card Act.~~ If a person is a patient as described
3 in clause (2) (A) ~~(1)~~ of the definition of "patient" in Section
4 (2) (A) 1.1 of the Firearm Owners Identification Card Act, this
5 information shall be furnished within 7 days after admission
6 to a public or private hospital or mental health facility or
7 the provision of services. Any such information disclosed
8 under this subsection shall remain privileged and
9 confidential, and shall not be redisclosed, except as required
10 by clause (e) (2) of Section 24-4.5 of the Criminal Code of 2012
11 ~~subsection (c) of Section 3.1 of the Firearm Owners~~
12 ~~Identification Card Act,~~ nor utilized for any other purpose.
13 The method of requiring the providing of such information
14 shall guarantee that no information is released beyond what is
15 necessary for this purpose. In addition, the information
16 disclosed shall be provided by the Department within the time
17 period established by Section 24-3 of the Criminal Code of
18 2012 regarding the delivery of firearms. The method used shall
19 be sufficient to provide the necessary information within the
20 prescribed time period, which may include periodically
21 providing lists to the Department of Human Services or any
22 public or private hospital or mental health facility of
23 ~~Firearm Owner's Identification Card~~ applicants for firearm
24 purchases on which the Department or hospital shall indicate
25 the identities of those individuals who are to its knowledge
26 disqualified from having a firearm ~~Firearm Owner's~~

1 ~~Identification Card~~ for reasons described herein. The
2 Department may provide for a centralized source of information
3 for the State on this subject under its jurisdiction. The
4 identity of the person reporting under this subsection shall
5 not be disclosed to the subject of the report. For the purposes
6 of this subsection, the physician, clinical psychologist, or
7 qualified examiner making the determination and his or her
8 employer shall not be held criminally, civilly, or
9 professionally liable for making or not making the
10 notification required under this subsection, except for
11 willful or wanton misconduct.

12 Any person, institution, or agency, under this Act,
13 participating in good faith in the reporting or disclosure of
14 records and communications otherwise in accordance with this
15 provision or with rules, regulations or guidelines issued by
16 the Department shall have immunity from any liability, civil,
17 criminal or otherwise, that might result by reason of the
18 action. For the purpose of any proceeding, civil or criminal,
19 arising out of a report or disclosure in accordance with this
20 provision, the good faith of any person, institution, or
21 agency so reporting or disclosing shall be presumed. The full
22 extent of the immunity provided in this subsection (b) shall
23 apply to any person, institution or agency that fails to make a
24 report or disclosure in the good faith belief that the report
25 or disclosure would violate federal regulations governing the
26 confidentiality of alcohol and drug abuse patient records

1 implementing 42 U.S.C. 290dd-3 and 290ee-3.

2 For purposes of this subsection (b) only, the following
3 terms shall have the meaning prescribed:

4 (1) (Blank).

5 (1.3) "Clear and present danger" has the meaning as
6 defined in Section 6-103.3 of the Mental Health and
7 Developmental Disabilities Code ~~1.1 of the Firearm Owners~~
8 ~~Identification Card Act.~~

9 (1.5) "Person with a developmental disability" has the
10 meaning as defined in Section 1-106 of the Mental Health
11 and Developmental Disabilities Code ~~1.1 of the Firearm~~
12 ~~Owners Identification Card Act.~~

13 (2) "Patient" means (A) a person who voluntarily
14 receives mental health treatment as an in-patient or
15 resident of any public or private mental health facility,
16 unless the treatment was solely for an alcohol abuse
17 disorder and no other secondary substance abuse disorder
18 or mental illness; or (B) a person who voluntarily
19 receives mental health treatment as an out-patient or is
20 provided services by a public or private mental health
21 facility, and who poses a clear and present danger to
22 himself, herself, or to others ~~has the meaning as defined~~
23 ~~in Section 1.1 of the Firearm Owners Identification Card~~
24 ~~Act.~~

25 (3) "Mental health facility" means any licensed
26 private hospital or hospital affiliate, institution, or

1 facility, or part thereof, and any facility, or part
2 thereof, operated by the State or a political subdivision
3 thereof which provide treatment of persons with mental
4 illness and includes all hospitals, institutions, clinics,
5 evaluation facilities, mental health centers, colleges,
6 universities, long-term care facilities, and nursing
7 homes, or parts thereof, which provide treatment of
8 persons with mental illness whether or not the primary
9 purpose is to provide treatment of persons with mental
10 illness ~~has the meaning as defined in Section 1.1 of the~~
11 ~~Firearm Owners Identification Card Act.~~

12 (c) Upon the request of a peace officer who takes a person
13 into custody and transports such person to a mental health or
14 developmental disability facility pursuant to Section 3-606 or
15 4-404 of the Mental Health and Developmental Disabilities Code
16 or who transports a person from such facility, a facility
17 director shall furnish said peace officer the name, address,
18 age and name of the nearest relative of the person transported
19 to or from the mental health or developmental disability
20 facility. In no case shall the facility director disclose to
21 the peace officer any information relating to the diagnosis,
22 treatment or evaluation of the person's mental or physical
23 health.

24 For the purposes of this subsection (c), the terms "mental
25 health or developmental disability facility", "peace officer"
26 and "facility director" shall have the meanings ascribed to

1 them in the Mental Health and Developmental Disabilities Code.

2 (d) Upon the request of a peace officer or prosecuting
3 authority who is conducting a bona fide investigation of a
4 criminal offense, or attempting to apprehend a fugitive from
5 justice, a facility director may disclose whether a person is
6 present at the facility. Upon request of a peace officer or
7 prosecuting authority who has a valid forcible felony warrant
8 issued, a facility director shall disclose: (1) whether the
9 person who is the subject of the warrant is present at the
10 facility and (2) the date of that person's discharge or future
11 discharge from the facility. The requesting peace officer or
12 prosecuting authority must furnish a case number and the
13 purpose of the investigation or an outstanding arrest warrant
14 at the time of the request. Any person, institution, or agency
15 participating in good faith in disclosing such information in
16 accordance with this subsection (d) is immune from any
17 liability, civil, criminal or otherwise, that might result by
18 reason of the action.

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

20 Section 110. The Illinois Domestic Violence Act of 1986 is
21 amended by changing Sections 210 and 214 as follows:

22 (750 ILCS 60/210) (from Ch. 40, par. 2312-10)

23 Sec. 210. Process.

24 (a) Summons. Any action for an order of protection,

1 whether commenced alone or in conjunction with another
2 proceeding, is a distinct cause of action and requires that a
3 separate summons be issued and served, except that in pending
4 cases the following methods may be used:

5 (1) By delivery of the summons to respondent
6 personally in open court in pending civil or criminal
7 cases.

8 (2) By notice in accordance with Section 210.1 in
9 civil cases in which the defendant has filed a general
10 appearance.

11 The summons shall be in the form prescribed by Supreme
12 Court Rule 101(d), except that it shall require respondent to
13 answer or appear within 7 days. Attachments to the summons or
14 notice shall include the petition for order of protection and
15 supporting affidavits, if any, and any emergency order of
16 protection that has been issued. The enforcement of an order
17 of protection under Section 223 shall not be affected by the
18 lack of service, delivery, or notice, provided the
19 requirements of subsection (d) of that Section are otherwise
20 met.

21 (b) Blank.

22 (c) Expedited service. The summons shall be served by the
23 sheriff or other law enforcement officer at the earliest time
24 and shall take precedence over other summonses except those of
25 a similar emergency nature. Special process servers may be
26 appointed at any time, and their designation shall not affect

1 the responsibilities and authority of the sheriff or other
2 official process servers. In counties with a population over
3 3,000,000, a special process server may not be appointed if
4 the order of protection grants the surrender of a child, the
5 surrender of a firearm ~~or firearm owners identification card,~~
6 or the exclusive possession of a shared residence.

7 (d) Remedies requiring actual notice. The counseling,
8 payment of support, payment of shelter services, and payment
9 of losses remedies provided by paragraphs 4, 12, 13, and 16 of
10 subsection (b) of Section 214 may be granted only if
11 respondent has been personally served with process, has
12 answered or has made a general appearance.

13 (e) Remedies upon constructive notice. Service of process
14 on a member of respondent's household or by publication shall
15 be adequate for the remedies provided by paragraphs 1, 2, 3, 5,
16 6, 7, 8, 9, 10, 11, 14, 15, and 17 of subsection (b) of Section
17 214, but only if: (i) petitioner has made all reasonable
18 efforts to accomplish actual service of process personally
19 upon respondent, but respondent cannot be found to effect such
20 service and (ii) petitioner files an affidavit or presents
21 sworn testimony as to those efforts.

22 (f) Default. A plenary order of protection may be entered
23 by default as follows:

24 (1) For any of the remedies sought in the petition, if
25 respondent has been served or given notice in accordance
26 with subsection (a) and if respondent then fails to appear

1 as directed or fails to appear on any subsequent
2 appearance or hearing date agreed to by the parties or set
3 by the court; or

4 (2) For any of the remedies provided in accordance
5 with subsection (e), if respondent fails to answer or
6 appear in accordance with the date set in the publication
7 notice or the return date indicated on the service of a
8 household member.

9 (g) Emergency orders. If an order is granted under
10 subsection (c) of Section 217, the court shall immediately
11 file a certified copy of the order with the sheriff or other
12 law enforcement official charged with maintaining Department
13 of State Police records.

14 (Source: P.A. 101-508, eff. 1-1-20.)

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;

25 (2) restrains such person from harassing,
26 stalking, or threatening an intimate partner of

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

5 (3) (i) includes a finding that such person
6 represents a credible threat to the physical
7 safety of such intimate partner or child; or (ii)
8 by its terms explicitly prohibits the use,
9 attempted use, or threatened use of physical force
10 against such intimate partner or child that would
11 reasonably be expected to cause bodily injury.

12 ~~Any Firearm Owner's Identification Card in the~~
13 ~~possession of the respondent, except as provided in~~
14 ~~subsection (b), shall be ordered by the court to be~~
15 ~~turned over to the local law enforcement agency. The~~
16 ~~local law enforcement agency shall immediately mail~~
17 ~~the card to the Illinois State Police Firearm Owner's~~
18 ~~Identification Card Office for safekeeping. The court~~
19 shall issue a warrant for seizure of any firearm in the
20 possession of the respondent, to be kept by the local
21 law enforcement agency for safekeeping, except as
22 provided in subsection (b). The period of safekeeping
23 shall be for the duration of the order of protection.
24 The firearm or firearms ~~and Firearm Owner's~~
25 ~~Identification Card, if unexpired,~~ shall, at the
26 respondent's request, be returned to the respondent at

1 the end of the order of protection. It is the
2 respondent's responsibility to notify the Illinois
3 State Police ~~Firearm Owner's Identification Card~~
4 ~~Office~~.

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

14 (c) Upon expiration of the period of safekeeping,
15 if the firearms ~~or Firearm Owner's Identification Card~~
16 cannot be returned to respondent because respondent
17 cannot be located, fails to respond to requests to
18 retrieve the firearms, or is not lawfully eligible to
19 possess a firearm, upon petition from the local law
20 enforcement agency, the court may order the local law
21 enforcement agency to destroy the firearms, use the
22 firearms for training purposes, or for any other
23 application as deemed appropriate by the local law
24 enforcement agency; or that the firearms be turned
25 over to a third party who is lawfully eligible to
26 possess firearms, and who does not reside with

1 respondent.

2 (15) Prohibition of access to records. If an order of
3 protection prohibits respondent from having contact with
4 the minor child, or if petitioner's address is omitted
5 under subsection (b) of Section 203, or if necessary to
6 prevent abuse or wrongful removal or concealment of a
7 minor child, the order shall deny respondent access to,
8 and prohibit respondent from inspecting, obtaining, or
9 attempting to inspect or obtain, school or any other
10 records of the minor child who is in the care of
11 petitioner.

12 (16) Order for payment of shelter services. Order
13 respondent to reimburse a shelter providing temporary
14 housing and counseling services to the petitioner for the
15 cost of the services, as certified by the shelter and
16 deemed reasonable by the court.

17 (17) Order for injunctive relief. Enter injunctive
18 relief necessary or appropriate to prevent further abuse
19 of a family or household member or further abuse, neglect,
20 or exploitation of a high-risk adult with disabilities or
21 to effectuate one of the granted remedies, if supported by
22 the balance of hardships. If the harm to be prevented by
23 the injunction is abuse or any other harm that one of the
24 remedies listed in paragraphs (1) through (16) of this
25 subsection is designed to prevent, no further evidence is
26 necessary that the harm is an irreparable injury.

1 (18) Telephone services.

2 (A) Unless a condition described in subparagraph
3 (B) of this paragraph exists, the court may, upon
4 request by the petitioner, order a wireless telephone
5 service provider to transfer to the petitioner the
6 right to continue to use a telephone number or numbers
7 indicated by the petitioner and the financial
8 responsibility associated with the number or numbers,
9 as set forth in subparagraph (C) of this paragraph.
10 For purposes of this paragraph (18), the term
11 "wireless telephone service provider" means a provider
12 of commercial mobile service as defined in 47 U.S.C.
13 332. The petitioner may request the transfer of each
14 telephone number that the petitioner, or a minor child
15 in his or her custody, uses. The clerk of the court
16 shall serve the order on the wireless telephone
17 service provider's agent for service of process
18 provided to the Illinois Commerce Commission. The
19 order shall contain all of the following:

20 (i) The name and billing telephone number of
21 the account holder including the name of the
22 wireless telephone service provider that serves
23 the account.

24 (ii) Each telephone number that will be
25 transferred.

26 (iii) A statement that the provider transfers

1 to the petitioner all financial responsibility for
2 and right to the use of any telephone number
3 transferred under this paragraph.

4 (B) A wireless telephone service provider shall
5 terminate the respondent's use of, and shall transfer
6 to the petitioner use of, the telephone number or
7 numbers indicated in subparagraph (A) of this
8 paragraph unless it notifies the petitioner, within 72
9 hours after it receives the order, that one of the
10 following applies:

11 (i) The account holder named in the order has
12 terminated the account.

13 (ii) A difference in network technology would
14 prevent or impair the functionality of a device on
15 a network if the transfer occurs.

16 (iii) The transfer would cause a geographic or
17 other limitation on network or service provision
18 to the petitioner.

19 (iv) Another technological or operational
20 issue would prevent or impair the use of the
21 telephone number if the transfer occurs.

22 (C) The petitioner assumes all financial
23 responsibility for and right to the use of any
24 telephone number transferred under this paragraph. In
25 this paragraph, "financial responsibility" includes
26 monthly service costs and costs associated with any

1 mobile device associated with the number.

2 (D) A wireless telephone service provider may
3 apply to the petitioner its routine and customary
4 requirements for establishing an account or
5 transferring a number, including requiring the
6 petitioner to provide proof of identification,
7 financial information, and customer preferences.

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

12 (F) All wireless service providers that provide
13 services to residential customers shall provide to the
14 Illinois Commerce Commission the name and address of
15 an agent for service of orders entered under this
16 paragraph (18). Any change in status of the registered
17 agent must be reported to the Illinois Commerce
18 Commission within 30 days of such change.

19 (G) The Illinois Commerce Commission shall
20 maintain the list of registered agents for service for
21 each wireless telephone service provider on the
22 Commission's website. The Commission may consult with
23 wireless telephone service providers and the Circuit
24 Court Clerks on the manner in which this information
25 is provided and displayed.

26 (c) Relevant factors; findings.

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

5 (i) the nature, frequency, severity, pattern and
6 consequences of the respondent's past abuse, neglect
7 or exploitation of the petitioner or any family or
8 household member, including the concealment of his or
9 her location in order to evade service of process or
10 notice, and the likelihood of danger of future abuse,
11 neglect, or exploitation to petitioner or any member
12 of petitioner's or respondent's family or household;
13 and

14 (ii) the danger that any minor child will be
15 abused or neglected or improperly relocated from the
16 jurisdiction, improperly concealed within the State or
17 improperly separated from the child's primary
18 caretaker.

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

23 (i) availability, accessibility, cost, safety,
24 adequacy, location and other characteristics of
25 alternate housing for each party and any minor child
26 or dependent adult in the party's care;

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

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

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

9 (i) That the court has considered the applicable
10 relevant factors described in paragraphs (1) and (2)
11 of this subsection.

12 (ii) Whether the conduct or actions of respondent,
13 unless prohibited, will likely cause irreparable harm
14 or continued abuse.

15 (iii) Whether it is necessary to grant the
16 requested relief in order to protect petitioner or
17 other alleged abused persons.

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

23 When a verified petition for an emergency order of
24 protection in accordance with the requirements of Sections
25 203 and 217 is presented to the court, the court shall
26 examine petitioner on oath or affirmation. An emergency

1 order of protection shall be issued by the court if it
2 appears from the contents of the petition and the
3 examination of petitioner that the averments are
4 sufficient to indicate abuse by respondent and to support
5 the granting of relief under the issuance of the emergency
6 order of protection.

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 Revised Uniform Reciprocal Enforcement of
15 Support Act, the Uniform Interstate Family Support Act,
16 the Expedited Child Support Act of 1990, any judicial,
17 administrative, or other act of another state or
18 territory, any other Illinois statute, or by any foreign
19 nation establishing the father and child relationship, any
20 other proceeding substantially in conformity with the
21 Personal Responsibility and Work Opportunity
22 Reconciliation Act of 1996 (Pub. L. 104-193), or where
23 both parties appeared in open court or at an
24 administrative hearing acknowledging under oath or
25 admitting by affirmation the existence of a father and
26 child relationship. Absent such an adjudication, finding,

1 or acknowledgment, no putative father shall be granted
2 temporary allocation of parental responsibilities,
3 including parenting time with the minor child, or physical
4 care and possession of the minor child, nor shall an order
5 of payment for support of the minor child be entered.

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

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

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

20 (2) Respondent was voluntarily intoxicated;

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

25 (4) Petitioner did not act in self-defense or defense
26 of another;

1 (5) Petitioner left the residence or household to
2 avoid further abuse, neglect, or exploitation by
3 respondent;

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

7 (7) Conduct by any family or household member excused
8 the abuse, neglect, or exploitation by respondent, unless
9 that same conduct would have excused such abuse, neglect,
10 or exploitation if the parties had not been family or
11 household members.

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

13 Section 115. The Uniform Disposition of Unclaimed Property
14 Act is amended by changing Section 1 as follows:

15 (765 ILCS 1025/1) (from Ch. 141, par. 101)

16 Sec. 1. As used in this Act, unless the context otherwise
17 requires:

18 (a) "Banking organization" means any bank, trust company,
19 savings bank, industrial bank, land bank, safe deposit
20 company, or a private banker.

21 (b) "Business association" means any corporation, joint
22 stock company, business trust, partnership, or any
23 association, limited liability company, or other business
24 entity consisting of one or more persons, whether or not for

1 profit.

2 (c) "Financial organization" means any savings and loan
3 association, building and loan association, credit union,
4 currency exchange, co-operative bank, mutual funds, or
5 investment company.

6 (d) "Holder" means any person in possession of property
7 subject to this Act belonging to another, or who is trustee in
8 case of a trust, or is indebted to another on an obligation
9 subject to this Act.

10 (e) "Life insurance corporation" means any association or
11 corporation transacting the business of insurance on the lives
12 of persons or insurance appertaining thereto, including, but
13 not by way of limitation, endowments and annuities.

14 (f) "Owner" means a depositor in case of a deposit, a
15 beneficiary in case of a trust, a creditor, claimant, or payee
16 in case of other property, or any person having a legal or
17 equitable interest in property subject to this Act, or his
18 legal representative.

19 (g) "Person" means any individual, business association,
20 financial organization, government or political subdivision or
21 agency, public authority, estate, trust, or any other legal or
22 commercial entity.

23 (h) "Utility" means any person who owns or operates, for
24 public use, any plant, equipment, property, franchise, or
25 license for the transmission of communications or the
26 production, storage, transmission, sale, delivery, or

1 furnishing of electricity, water, steam, oil or gas.

2 (i) (Blank).

3 (j) "Insurance company" means any person transacting the
4 kinds of business enumerated in Section 4 of the Illinois
5 Insurance Code other than life insurance.

6 (k) "Economic loss", as used in Sections 2a and 9 of this
7 Act includes, but is not limited to, delivery charges,
8 mark-downs and write-offs, carrying costs, restocking charges,
9 lay-aways, special orders, issuance of credit memos, and the
10 costs of special services or goods provided that reduce the
11 property value or that result in lost sales opportunity.

12 (l) "Reportable property" means property, tangible or
13 intangible, presumed abandoned under this Act that must be
14 appropriately and timely reported and remitted to the Office
15 of the State Treasurer under this Act. Interest, dividends,
16 stock splits, warrants, or other rights that become reportable
17 property under this Act include the underlying security or
18 commodity giving rise to the interest, dividend, split,
19 warrant, or other right to which the owner would be entitled.

20 (m) "Firearm" has the meaning ascribed to that term in
21 Section 2-7.5 of the Criminal Code of 2012 ~~the Firearm Owners~~
22 ~~Identification Card Act.~~

23 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99;
24 91-748, eff. 6-2-00.)

25 Section 120. The Revised Uniform Unclaimed Property Act is

1 amended by changing Section 15-705 as follows:

2 (765 ILCS 1026/15-705)

3 Sec. 15-705. Exceptions to the sale of tangible property.
4 The administrator shall dispose of tangible property
5 identified by this Section in accordance with this Section.

6 (a) Military medals or decorations. The administrator may
7 not sell a medal or decoration awarded for military service in
8 the armed forces of the United States. Instead, the
9 administrator, with the consent of the respective organization
10 under paragraph (1), agency under paragraph (2), or entity
11 under paragraph (3), may deliver a medal or decoration to be
12 held in custody for the owner, to:

13 (1) a military veterans organization qualified under
14 Section 501(c)(19) of the Internal Revenue Code;

15 (2) the agency that awarded the medal or decoration;
16 or

17 (3) a governmental entity.

18 After delivery, the administrator is not responsible for
19 the safekeeping of the medal or decoration.

20 (b) Property with historical value. Property that the
21 administrator reasonably believes may have historical value
22 may be, at his or her discretion, loaned to an accredited
23 museum in the United States where it will be kept until such
24 time as the administrator orders it to be returned to his or
25 her custody.

1 (c) Human remains. If human remains are delivered to the
2 administrator under this Act, the administrator shall deliver
3 those human remains to the coroner of the county in which the
4 human remains were abandoned for disposition under Section
5 3-3034 of the Counties Code. The only human remains that may be
6 delivered to the administrator under this Act and that the
7 administrator may receive are those that are reported and
8 delivered as contents of a safe deposit box.

9 (d) Evidence in a criminal investigation. Property that
10 may have been used in the commission of a crime or that may
11 assist in the investigation of a crime, as determined after
12 consulting with the Illinois State Police, shall be delivered
13 to the Illinois State Police or other appropriate law
14 enforcement authority to allow law enforcement to determine
15 whether a criminal investigation should take place. Any such
16 property delivered to a law enforcement authority shall be
17 held in accordance with existing statutes and rules related to
18 the gathering, retention, and release of evidence.

19 (e) Firearms.

20 (1) The administrator, in cooperation with the
21 Illinois State Police, shall develop a procedure to
22 determine whether a firearm delivered to the administrator
23 under this Act has been stolen or used in the commission of
24 a crime. The Illinois State Police shall determine the
25 appropriate disposition of a firearm that has been stolen
26 or used in the commission of a crime. The administrator

1 shall attempt to return a firearm that has not been stolen
2 or used in the commission of a crime to the rightful owner
3 if the Illinois State Police determines that the owner may
4 lawfully possess the firearm.

5 (2) If the administrator is unable to return a firearm
6 to its owner, the administrator shall transfer custody of
7 the firearm to the Illinois State Police. Legal title to a
8 firearm transferred to the Illinois State Police under
9 this subsection (e) is vested in the Illinois State Police
10 by operation of law if:

11 (i) the administrator cannot locate the owner of
12 the firearm;

13 (ii) the owner of the firearm may not lawfully
14 possess the firearm;

15 (iii) the apparent owner does not respond to
16 notice published under Section 15-503 of this Act; or

17 (iv) the apparent owner responds to notice
18 published under Section 15-502 and states that he or
19 she no longer claims an interest in the firearm.

20 (3) With respect to a firearm whose title is
21 transferred to the Illinois State Police under this
22 subsection (e), the Illinois State Police may:

23 (i) retain the firearm for use by the crime
24 laboratory system, for training purposes, or for any
25 other application as deemed appropriate by the
26 Department;

1 (ii) transfer the firearm to the Illinois State
2 Museum if the firearm has historical value; or

3 (iii) destroy the firearm if it is not retained
4 pursuant to subparagraph (i) or transferred pursuant
5 to subparagraph (ii).

6 As used in this subsection, "firearm" has the meaning
7 provided in Section 2-7.5 of the Criminal Code of 2012 ~~the~~
8 ~~Firearm Owners Identification Card Act.~~

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

10 Section 995. No acceleration or delay. Where this Act
11 makes changes in a statute that is represented in this Act by
12 text that is not yet or no longer in effect (for example, a
13 Section represented by multiple versions), the use of that
14 text does not accelerate or delay the taking effect of (i) the
15 changes made by this Act or (ii) provisions derived from any
16 other Public Act.

17 Section 999. Effective date. This Act takes effect upon
18 becoming law.

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