

HB4304



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4304

Introduced 1/16/2024, by Rep. Paul Jacobs

SYNOPSIS AS INTRODUCED:

See Index

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

LRB103 35638 RLC 65713 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 3. The Open Meetings Act is amended by changing
5 Section 2 as follows:

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

7 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 (4.5) Evidence or testimony presented to a school
5 board regarding denial of admission to school events or
6 property pursuant to Section 24-24 of the School Code,
7 provided that the school board prepares and makes
8 available for public inspection a written decision setting
9 forth its determinative reasoning.

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

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

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

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

25 (9) Student disciplinary cases.

26 (10) The placement of individual students in special

1 education programs and other matters relating to
2 individual students.

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

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

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

25 (14) Informant sources, the hiring or assignment of
26 undercover personnel or equipment, or ongoing, prior or

1 future criminal investigations, when discussed by a public
2 body with criminal investigatory responsibilities.

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

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

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

22 (18) Deliberations for decisions of the Prisoner
23 Review Board.

24 (19) Review or discussion of applications received
25 under the Experimental Organ Transplantation Procedures
26 Act.

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

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

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

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

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

20 (25) Meetings of an independent team of experts under
21 Brian's Law.

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

25 (27) (Blank).

26 (28) Correspondence and records (i) that may not be

1 disclosed under Section 11-9 of the Illinois Public Aid
2 Code or (ii) that pertain to appeals under Section 11-8 of
3 the Illinois Public Aid Code.

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

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

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

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

26 (33) Those meetings or portions of meetings of the

1 advisory committee and peer review subcommittee created
2 under Section 320 of the Illinois Controlled Substances
3 Act during which specific controlled substance prescriber,
4 dispenser, or patient information is discussed.

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

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

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

18 (37) Deliberations for decisions of the Illinois Law
19 Enforcement Training Standards Board, the Certification
20 Review Panel, and the Illinois State Police Merit Board
21 regarding certification and decertification.

22 (38) Meetings of the Ad Hoc Statewide Domestic
23 Violence Fatality Review Committee of the Illinois
24 Criminal Justice Information Authority Board that occur in
25 closed executive session under subsection (d) of Section
26 35 of the Domestic Violence Fatality Review Act.

1 (39) Meetings of the regional review teams under
2 subsection (a) of Section 75 of the Domestic Violence
3 Fatality Review Act.

4 (40) Meetings of the Firearm Owner's Identification
5 Card Review Board under Section 10 of the Firearm Owners
6 Identification Card Act before the effective date of this
7 amendatory Act of the 103rd General Assembly.

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

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

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

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

1 (e) Final action. No final action may be taken at a closed
2 meeting. Final action shall be preceded by a public recital of
3 the nature of the matter being considered and other
4 information that will inform the public of the business being
5 conducted.

6 (Source: P.A. 102-237, eff. 1-1-22; 102-520, eff. 8-20-21;
7 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-311, eff.
8 7-28-23.)

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

11 (5 ILCS 140/7.5)

12 (Text of Section before amendment by P.A. 103-472)

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

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

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

22 (c) Applications, related documents, and medical
23 records received by the Experimental Organ Transplantation
24 Procedures Board and any and all documents or other

1 records prepared by the Experimental Organ Transplantation
2 Procedures Board or its staff relating to applications it
3 has received.

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

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

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

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

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

24 (i) Information contained in a local emergency energy
25 plan submitted to a municipality in accordance with a
26 local emergency energy plan ordinance that is adopted

1 under Section 11-21.5-5 of the Illinois Municipal Code.

2 (j) Information and data concerning the distribution
3 of surcharge moneys collected and remitted by carriers
4 under the Emergency Telephone System Act.

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

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

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

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

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

1 (p) Security portions of system safety program plans,
2 investigation reports, surveys, schedules, lists, data, or
3 information compiled, collected, or prepared by or for the
4 Department of Transportation under Sections 2705-300 and
5 2705-616 of the Department of Transportation Law of the
6 Civil Administrative Code of Illinois, the Regional
7 Transportation Authority under Section 2.11 of the
8 Regional Transportation Authority Act, or the St. Clair
9 County Transit District under the Bi-State Transit Safety
10 Act (repealed).

11 (q) Information prohibited from being disclosed by the
12 Personnel Record Review Act.

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

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

17 (t) (Blank).

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

21 (v) Names and information of people who have applied
22 for or received Firearm Owner's Identification Cards under
23 the Firearm Owners Identification Card Act before the
24 effective date of this amendatory Act of the 103rd General
25 Assembly or applied for or received a concealed carry
26 license under the Firearm Concealed Carry Act, unless

1 otherwise authorized by the Firearm Concealed Carry Act;
2 and databases under the Firearm Concealed Carry Act,
3 records of the Concealed Carry Licensing Review Board
4 under the Firearm Concealed Carry Act, and law enforcement
5 agency objections under the Firearm Concealed Carry Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (bbb) Information that is prohibited from disclosure
23 by the Illinois Police Training Act and the Illinois State
24 Police Act.

25 (ccc) Records exempt from disclosure under Section
26 2605-304 of the Illinois State Police Law of the Civil

1 Administrative Code of Illinois.

2 (ddd) Information prohibited from being disclosed
3 under Section 35 of the Address Confidentiality for
4 Victims of Domestic Violence, Sexual Assault, Human
5 Trafficking, or Stalking Act.

6 (eee) Information prohibited from being disclosed
7 under subsection (b) of Section 75 of the Domestic
8 Violence Fatality Review Act.

9 (fff) Images from cameras under the Expressway Camera
10 Act. This subsection (fff) is inoperative on and after
11 July 1, 2025.

12 (ggg) Information prohibited from disclosure under
13 paragraph (3) of subsection (a) of Section 14 of the Nurse
14 Agency Licensing Act.

15 (hhh) Information submitted to the Illinois State
16 Police in an affidavit or application for an assault
17 weapon endorsement, assault weapon attachment endorsement,
18 .50 caliber rifle endorsement, or .50 caliber cartridge
19 endorsement ~~under the Firearm Owners Identification Card~~
20 ~~Act.~~

21 (iii) Data exempt from disclosure under Section 50 of
22 the School Safety Drill Act.

23 (jjj) ~~(hhh)~~ Information exempt from disclosure under
24 Section 30 of the Insurance Data Security Law.

25 (kkk) ~~(iii)~~ Confidential business information
26 prohibited from disclosure under Section 45 of the Paint

1 Stewardship Act.

2 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
3 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.
4 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
5 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
6 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
7 eff. 1-1-24; 103-508, eff. 8-4-23; revised 9-5-23.)

8 (Text of Section after amendment by P.A. 103-472)

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23 investigation reports, surveys, schedules, lists, data, or
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25 Department of Transportation under Sections 2705-300 and
26 2705-616 of the Department of Transportation Law of the

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

16 (v) Names and information of people who have applied
17 for or received Firearm Owner's Identification Cards under
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19 effective date of this amendatory Act of the 103rd General
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21 license under the Firearm Concealed Carry Act, unless
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6 (w) Personally identifiable information which is
7 exempted from disclosure under subsection (g) of Section
8 19.1 of the Toll Highway Act.

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

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

20 (z) Records and information provided to a fatality
21 review team or the Illinois Fatality Review Team Advisory
22 Council under Section 15 of the Adult Protective Services
23 Act.

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

26 (bb) Information which is or was prohibited from

1 disclosure by the Juvenile Court Act of 1987.

2 (cc) Recordings made under the Law Enforcement
3 Officer-Worn Body Camera Act, except to the extent
4 authorized under that Act.

5 (dd) Information that is prohibited from being
6 disclosed under Section 45 of the Condominium and Common
7 Interest Community Ombudsperson Act.

8 (ee) Information that is exempted from disclosure
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11 under the Revised Uniform Unclaimed Property Act.

12 (gg) Information that is prohibited from being
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14 Code.

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

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

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

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1 (ll) Information the disclosure of which is restricted
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3 Aid Code.

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12 (pp) Names and all identifying information relating to
13 an employee of an emergency services provider or law
14 enforcement agency under the First Responders Suicide
15 Prevention Act.

16 (qq) Information and records held by the Department of
17 Public Health and its authorized representatives collected
18 under the Reproductive Health Act.

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

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

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

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

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

6 (wv) Information that is exempt from disclosure under
7 Section 16.8 of the State Treasurer Act.

8 (xx) Information that is exempt from disclosure or
9 information that shall not be made public under the
10 Illinois Insurance Code.

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

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

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

17 (bbb) Information that is prohibited from disclosure
18 by the Illinois Police Training Act and the Illinois State
19 Police Act.

20 (ccc) Records exempt from disclosure under Section
21 2605-304 of the Illinois State Police Law of the Civil
22 Administrative Code of Illinois.

23 (ddd) Information prohibited from being disclosed
24 under Section 35 of the Address Confidentiality for
25 Victims of Domestic Violence, Sexual Assault, Human
26 Trafficking, or Stalking Act.

1 (eee) Information prohibited from being disclosed
2 under subsection (b) of Section 75 of the Domestic
3 Violence Fatality Review Act.

4 (fff) Images from cameras under the Expressway Camera
5 Act. This subsection (fff) is inoperative on and after
6 July 1, 2025.

7 (ggg) Information prohibited from disclosure under
8 paragraph (3) of subsection (a) of Section 14 of the Nurse
9 Agency Licensing Act.

10 (hhh) Information submitted to the Illinois State
11 Police in an affidavit or application for an assault
12 weapon endorsement, assault weapon attachment endorsement,
13 .50 caliber rifle endorsement, or .50 caliber cartridge
14 endorsement ~~under the Firearm Owners Identification Card~~
15 ~~Act.~~

16 (iii) Data exempt from disclosure under Section 50 of
17 the School Safety Drill Act.

18 (jjj) ~~(hhh)~~ Information exempt from disclosure under
19 Section 30 of the Insurance Data Security Law.

20 (kkk) ~~(iii)~~ Confidential business information
21 prohibited from disclosure under Section 45 of the Paint
22 Stewardship Act.

23 (lll) ~~(iii)~~ Data exempt from disclosure under Section
24 2-3.196 of the School Code.

25 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;
26 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.

1 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;
2 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.
3 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,
4 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;
5 revised 9-5-23.)

6 Section 5.5. The Illinois TRUST Act is amended by changing
7 Section 15 as follows:

8 (5 ILCS 805/15)

9 Sec. 15. Prohibition on enforcing federal civil
10 immigration laws.

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

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

20 (c) (Blank).

21 (d) A law enforcement agency or law enforcement official
22 acting in good faith in compliance with this Section who
23 releases a person subject to an immigration detainer or civil
24 immigration warrant shall have immunity from any civil or

1 criminal liability that might otherwise occur as a result of
2 making the release, with the exception of willful or wanton
3 misconduct.

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

23 (f) Unless otherwise limited by federal law, a law
24 enforcement agency or law enforcement official may not deny
25 services, benefits, privileges, or opportunities to an
26 individual in custody or under probation status, including,

1 but not limited to, eligibility for or placement in a lower
2 custody classification, educational, rehabilitative, or
3 diversionary programs, on the basis of the individual's
4 citizenship or immigration status, the issuance of an
5 immigration detainer or civil immigration warrant against the
6 individual, or the individual being in immigration removal
7 proceedings.

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

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

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

24 (1) participate, support, or assist in any capacity
25 with an immigration agent's enforcement operations,
26 including any collateral assistance such as coordinating

1 an arrest in a courthouse or other public facility,
2 providing use of any equipment, transporting any
3 individuals, or establishing a security or traffic
4 perimeter surrounding such operations, or any other
5 on-site support;

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

9 (3) transfer any person into an immigration agent's
10 custody;

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

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

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

25 (7) provide to any immigration agent information not
26 otherwise available to the public relating to an

1 individual's release or contact information, or otherwise
2 facilitate for an immigration agent to apprehend or
3 question an individual for immigration enforcement.

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

11 (Source: P.A. 102-234, eff. 8-2-21; 103-154, eff. 6-30-23.)

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

14 (5 ILCS 830/10-5)

15 Sec. 10-5. Gun trafficking information.

16 (a) The Illinois State Police shall use all reasonable
17 efforts, as allowed by State law and regulations, federal law
18 and regulations, and executed Memoranda of Understanding
19 between Illinois law enforcement agencies and the U.S. Bureau
20 of Alcohol, Tobacco, Firearms and Explosives, in making
21 publicly available, on a regular and ongoing basis, key
22 information related to firearms used in the commission of
23 crimes in this State, including, but not limited to: reports
24 on crimes committed with firearms, locations where the crimes

1 occurred, the number of persons killed or injured in the
2 commission of the crimes, the state where the firearms used
3 originated, the Federal Firearms Licensee that sold the
4 firearm, the type of firearms used, if known, ~~annual~~
5 ~~statistical information concerning Firearm Owner's~~
6 ~~Identification Card~~ and concealed carry license applications,
7 revocations, ~~and compliance with Section 9.5 of the Firearm~~
8 ~~Owners Identification Card Act,~~ the information required in
9 the report or on the Illinois State Police's website under
10 Section 85 of the Firearms Restraining Order Act, and firearm
11 dealer license certification inspections. The Illinois State
12 Police shall make the information available on its website,
13 which may be presented in a dashboard format, in addition to
14 electronically filing a report with the Governor and the
15 General Assembly. The report to the General Assembly shall be
16 filed with the Clerk of the House of Representatives and the
17 Secretary of the Senate in electronic form only, in the manner
18 that the Clerk and the Secretary shall direct.

19 (b) (Blank). ~~The Illinois State Police shall study, on a~~
20 ~~regular and ongoing basis, and compile reports on the number~~
21 ~~of Firearm Owner's Identification Card checks to determine~~
22 ~~firearms trafficking or straw purchase patterns. The Illinois~~
23 ~~State Police shall, to the extent not inconsistent with law,~~
24 ~~share such reports and underlying data with academic centers,~~
25 ~~foundations, and law enforcement agencies studying firearms~~
26 ~~trafficking, provided that personally identifying information~~

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

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

20 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
21 102-813, eff. 5-13-22; 103-34, eff. 6-9-23.)

22 Section 7. The First Responders Suicide Prevention Act is
23 amended by changing Section 40 as follows:

24 (5 ILCS 840/40)

1 Sec. 40. Task Force recommendations.

2 (a) Task Force members shall recommend that agencies and
3 organizations guarantee access to mental health and wellness
4 services, including, but not limited to, peer support programs
5 and providing ongoing education related to the ever-evolving
6 concept of mental health wellness. These recommendations could
7 be accomplished by:

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

10 (2) Urging health care providers to replace outdated
11 healthcare plans and include more progressive options
12 catering to the needs and disproportionate risks
13 shouldered by our first responders.

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

17 (4) Encouraging agencies and organizations to attach
18 lists of all available resources to training manuals and
19 continuing education requirements.

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

25 (1) Assigning, appointing, or designating one member
26 of an agency or organization to attend specialized

1 training(s) sponsored by an accredited agency,
2 association, or organization recognized in their fields of
3 study.

4 (2) Seeking sponsorships or conducting fund-raisers,
5 to host annual or semiannual on-site visits from qualified
6 clinicians or physicians to provide early detection
7 training techniques, or to provide regular access to
8 mental health professionals.

9 (3) Requiring a minimum number of hours of disorders
10 and wellness training be incorporated into reoccurring,
11 annual or biannual training standards, examinations, and
12 curriculums, taking into close consideration respective
13 agency or organization size, frequency, and number of all
14 current federal and state mandatory examinations and
15 trainings expected respectively.

16 (4) Not underestimating the crucial importance of a
17 balanced diet, sleep, mindfulness-based stress reduction
18 techniques, moderate and vigorous intensity activities,
19 and recreational hobbies, which have been scientifically
20 proven to play a major role in brain health and mental
21 wellness.

22 (c) Task Force members shall recommend that administrators
23 and leadership personnel solicit training services from
24 evidence-based, data driven organizations. Organizations with
25 personnel trained on the analytical review and interpretation
26 of specific fields related to the nature of first responders'

1 exploits, such as PTSD, substance abuse, chronic state of
2 duress. Task Force members shall further recommend funding for
3 expansion and messaging campaigns of preliminary
4 self-diagnosing technologies like the one described above.
5 These objectives could be met by:

6 (1) Contacting an accredited agency, association, or
7 organization recognized in the field or fields of specific
8 study. Unbeknownst to the majority, many of the agencies
9 and organizations listed above receive grants and
10 allocations to assist communities with the very issues
11 being discussed in this Section.

12 (2) Normalizing help-seeking behaviors for both first
13 responders and their families through regular messaging
14 and peer support outreach, beginning with academy
15 curricula and continuing education throughout individuals'
16 careers.

17 (3) Funding and implementing PSA campaigns that
18 provide clear and concise calls to action about mental
19 health and wellness, resiliency, help-seeking, treatment,
20 and recovery.

21 (4) Promoting and raising awareness of not-for-profit
22 organizations currently available to assist individuals in
23 search of care and treatment. Organizations have intuitive
24 user-friendly sites, most of which have mobile
25 applications, so first responders can access at a moment's
26 notice. However, because of limited funds, these

1 organizations have a challenging time of getting the word
2 out there about their existence.

3 (5) Expanding Family and Medical Leave Act protections
4 for individuals voluntarily seeking preventative
5 treatment.

6 (6) Promoting and ensuring complete patient
7 confidentiality protections.

8 (d) Task Force members shall recommend that agencies and
9 organizations incorporate the following training components
10 into already existing modules and educational curriculums.
11 Doing so could be done by:

12 (1) Bolstering academy and school curricula by
13 requiring depressive disorder training catered to PTSD,
14 substance abuse, and early detection techniques training,
15 taking into close consideration respective agency or
16 organization size, and the frequency and number of all
17 current federal and state mandatory examinations and
18 trainings expected respectively.

19 (2) Continuing to allocate or match federal and state
20 funds to maintain Mobile Training Units (MTUs).

21 (3) Incorporating a state certificate for peer support
22 training into already exiting statewide curriculums and
23 mandatory examinations, annual State Fire Marshal
24 examinations, and physical fitness examinations. The
25 subject matter of the certificate should have an emphasis
26 on mental health and wellness, as well as familiarization

1 with topics ranging from clinical social work, clinical
2 psychology, clinical behaviorist, and clinical psychiatry.

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

8 (5) Recommending comprehensive and evidence-based
9 training on the importance of preventative measures on the
10 topics of sleep, nutrition, mindfulness, and physical
11 movement.

12 (6) (Blank). ~~Law enforcement agencies should provide~~
13 ~~training on the Firearm Owner's Identification Card Act,~~
14 ~~including seeking relief from the Illinois State Police~~
15 ~~under Section 10 of the Firearm Owners Identification Card~~
16 ~~Act and a FOID card being a continued condition of~~
17 ~~employment under Section 7.2 of the Uniform Peace~~
18 ~~Officers' Disciplinary Act.~~

19 (Source: P.A. 102-352, eff. 6-1-22; 103-154, eff. 6-30-23.)

20 Section 8. The Department of Natural Resources
21 (Conservation) Law of the Civil Administrative Code of
22 Illinois is amended by changing Section 805-538 as follows:

23 (20 ILCS 805/805-538)

24 Sec. 805-538. Retiring officer; purchase of service

1 firearm and police badge. The Director of Natural Resources
2 shall establish a program to allow a Conservation Police
3 Officer who is honorably retiring in good standing to purchase
4 either one or both of the following: (1) any Department of
5 Natural Resources police badge previously issued to that
6 officer; or (2) ~~if the officer has a currently valid Firearm~~
7 ~~Owner's Identification Card,~~ the service firearm issued or
8 previously issued to the officer by the Department of Natural
9 Resources. The cost of the firearm shall be the replacement
10 value of the firearm and not the firearm's fair market value.
11 (Source: P.A. 100-931, eff. 8-17-18.)

12 Section 9. The Department of Revenue Law of the Civil
13 Administrative Code of Illinois is amended by changing Section
14 2505-306 as follows:

15 (20 ILCS 2505/2505-306)

16 Sec. 2505-306. Retiring investigators; purchase of service
17 firearm and badge. The Director shall establish a program to
18 allow a Department investigator who is honorably retiring in
19 good standing to purchase either one or both of the following:
20 (1) any badge previously issued to the investigator by the
21 Department; or (2) ~~if the investigator has a currently valid~~
22 ~~Firearm Owner's Identification Card,~~ the service firearm
23 issued or previously issued to the investigator by the
24 Department. The cost of the firearm shall be the replacement

1 value of the firearm and not the firearm's fair market value.

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

3 Section 10. The Illinois State Police Law of the Civil
4 Administrative Code of Illinois is amended by changing
5 Sections 2605-10, 2605-45, 2605-200, and 2605-595 as follows:

6 (20 ILCS 2605/2605-10) (was 20 ILCS 2605/55a in part)

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

8 (a) The Illinois State Police shall exercise the rights,
9 powers, and duties that have been vested in the Illinois State
10 Police by the following:

11 The Illinois State Police Act.

12 The Illinois State Police Radio Act.

13 The Criminal Identification Act.

14 The Illinois Vehicle Code.

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

16 The Firearm Concealed Carry Act.

17 The Firearm Dealer License Certification Act.

18 The Intergovernmental Missing Child Recovery Act of
19 1984.

20 The Intergovernmental Drug Laws Enforcement Act.

21 The Narcotic Control Division Abolition Act.

22 The Illinois Uniform Conviction Information Act.

23 The Murderer and Violent Offender Against Youth
24 Registration Act.

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

3 (c) The Illinois State Police shall exercise the rights,
4 powers, and duties vested in the Illinois State Police to
5 implement the following protective service functions for State
6 facilities, State officials, and State employees serving in
7 their official capacity:

8 (1) Utilize subject matter expertise and law
9 enforcement authority to strengthen the protection of
10 State government facilities, State employees, State
11 officials, and State critical infrastructure.

12 (2) Coordinate State, federal, and local law
13 enforcement activities involving the protection of State
14 facilities, officials, and employees.

15 (3) Conduct investigations of criminal threats to
16 State facilities, State critical infrastructure, State
17 officials, and State employees.

18 (4) Train State officials and employees in personal
19 protection, crime prevention, facility occupant emergency
20 planning, and incident management.

21 (5) Establish standard protocols for prevention and
22 response to criminal threats to State facilities, State
23 officials, State employees, and State critical
24 infrastructure and standard protocols for reporting of
25 suspicious activities.

26 (6) Establish minimum operational standards,

1 qualifications, training, and compliance requirements for
2 State employees and contractors engaged in the protection
3 of State facilities and employees.

4 (7) At the request of departments or agencies of State
5 government, conduct security assessments, including, but
6 not limited to, examination of alarm systems, cameras
7 systems, access points, personnel readiness, and emergency
8 protocols based on risk and need.

9 (8) Oversee the planning and implementation of
10 security and law enforcement activities necessary for the
11 protection of major, multi-jurisdictional events
12 implicating potential criminal threats to State officials,
13 State employees, or State-owned, State-leased, or
14 State-operated critical infrastructure or facilities.

15 (9) Oversee and direct the planning and implementation
16 of security and law enforcement activities by the
17 departments and agencies of the State necessary for the
18 protection of State employees, State officials, and
19 State-owned, State-leased, or State-operated critical
20 infrastructure or facilities from criminal activity.

21 (10) Advise the Governor and Homeland Security Advisor
22 on any matters necessary for the effective protection of
23 State facilities, critical infrastructure, officials, and
24 employees from criminal threats.

25 (11) Utilize intergovernmental agreements and
26 administrative rules as needed for the effective,

1 efficient implementation of law enforcement and support
2 activities necessary for the protection of State
3 facilities, State infrastructure, State employees, and,
4 upon the express written consent of State constitutional
5 officials, State constitutional officials.

6 (Source: P.A. 102-538, eff. 8-20-21; 103-34, eff. 1-1-24;
7 103-564, eff. 11-17-23.)

8 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

9 Sec. 2605-45. Division of Justice Services. The Division
10 of Justice Services shall provide administrative and technical
11 services and support to the Illinois State Police, criminal
12 justice agencies, and the public and shall exercise the
13 following functions:

14 (1) Operate and maintain the Law Enforcement Agencies
15 Data System (LEADS), a statewide, computerized
16 telecommunications system designed to provide services,
17 information, and capabilities to the law enforcement and
18 criminal justice community in the State of Illinois. The
19 Director is responsible for establishing policy,
20 procedures, and regulations consistent with State and
21 federal rules, policies, and law by which LEADS operates.
22 The Director shall designate a statewide LEADS
23 Administrator for management of the system. The Director
24 may appoint a LEADS Advisory Policy Board to reflect the
25 needs and desires of the law enforcement and criminal

1 justice community and to make recommendations concerning
2 policies and procedures.

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

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

8 (4) Operate an electronic data processing and computer
9 center for the storage and retrieval of data pertaining to
10 criminal activity.

11 (5) Exercise the rights, powers, and duties vested in
12 the Illinois State Police by the Cannabis Regulation and
13 Tax Act and the Compassionate Use of Medical Cannabis
14 Program Act.

15 (6) (Blank).

16 (6.5) Exercise the rights, powers, and duties vested
17 in the Illinois State Police by ~~the Firearm Owners~~
18 ~~Identification Card Act,~~ the Firearm Concealed Carry Act,
19 the Firearm Transfer Inquiry Program, the prohibited
20 persons portal under Section 2605-304, and the Firearm
21 Dealer License Certification Act.

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

25 (8) Exercise the rights, powers, and duties vested by
26 law in the Illinois State Police by the Criminal

1 Identification Act and the Illinois Uniform Conviction
2 Information Act.

3 (9) Exercise the powers and perform the duties that
4 have been vested in the Illinois State Police by the
5 Murderer and Violent Offender Against Youth Registration
6 Act, the Sex Offender Registration Act, and the Sex
7 Offender Community Notification Law and adopt reasonable
8 rules necessitated thereby.

9 (10) Serve as the State central repository for
10 criminal history record information.

11 (11) Share all necessary information with the
12 Concealed Carry Licensing Review Board and the Firearms
13 Owner's Identification Card Review Board necessary for the
14 execution of their duties.

15 (Source: P.A. 102-538, eff. 8-20-21; 103-34, eff. 1-1-24.)

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

19 (a) To do the following:

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

1 (2) Enforce all laws regulating the production, sale,
2 prescribing, manufacturing, administering, transporting,
3 having in possession, dispensing, delivering,
4 distributing, or use of controlled substances and
5 cannabis.

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

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

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

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

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

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

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

1 (10) Procure and file for record copies of
2 fingerprints that may be required by law.

3 (11) Establish general and field crime laboratories.

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

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

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

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

1 criminal laws for that use.

2 (Source: P.A. 102-538, eff. 8-20-21; 103-34, eff. 1-1-24.)

3 (20 ILCS 2605/2605-595)

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

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

12 (a-5) (Blank).

13 (b) The Illinois State Police may use moneys in the Fund to
14 finance any of its lawful purposes, mandates, functions, and
15 duties under ~~the Firearm Owners Identification Card Act~~, the
16 Firearm Dealer License Certification Act, ~~7~~ and the Firearm
17 Concealed Carry Act, including the cost of sending notices of
18 expiration of Firearm Owner's Identification Cards, concealed
19 carry licenses, the prompt and efficient processing of
20 applications under ~~the Firearm Owners Identification Card Act~~
21 ~~and~~ the Firearm Concealed Carry Act, the improved efficiency
22 and reporting of the LEADS and federal NICS law enforcement
23 data systems, and support for investigations required under
24 these Acts and law. Any surplus funds beyond what is needed to
25 comply with the aforementioned purposes shall be used by the

1 Illinois State Police to improve the Law Enforcement Agencies
2 Data System (LEADS) and criminal history background check
3 system.

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

7 (Source: P.A. 102-505, eff. 8-20-21; 102-538, eff. 8-20-21;
8 103-363, eff. 7-28-23.)

9 (20 ILCS 2605/2605-120 rep.)

10 (20 ILCS 2605/2605-304 rep.)

11 Section 15. The Department of State Police Law of the
12 Civil Administrative Code of Illinois is amended by repealing
13 Sections 2605-120 and 2605-304.

14 Section 16. The Illinois State Police Act is amended by
15 changing Section 17b as follows:

16 (20 ILCS 2610/17b)

17 Sec. 17b. Retiring officer; purchase of service firearm
18 and police badge. The Director of the Illinois State Police
19 shall establish a policy to allow a State Police officer who is
20 honorably retiring or separating in good standing to purchase
21 either one or both of the following: (i) any State Police badge
22 previously issued to that officer; or (ii) ~~if the officer has a~~
23 ~~currently valid Firearm Owner's Identification Card,~~ the

1 service firearm issued or previously issued to the officer by
2 the Illinois State Police. The cost of the firearm purchased
3 shall be the replacement value of the firearm and not the
4 firearm's fair market value.

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

6 Section 20. The Criminal Identification Act is amended by
7 changing Section 2.2 as follows:

8 (20 ILCS 2630/2.2)

9 Sec. 2.2. Notification to the Illinois State Police. Upon
10 judgment of conviction of a violation of Section 12-1, 12-2,
11 12-3, 12-3.2, 12-3.4, or 12-3.5 of the Criminal Code of 1961 or
12 the Criminal Code of 2012 when the defendant has been
13 determined, pursuant to Section 112A-11.1 of the Code of
14 Criminal Procedure of 1963, to be subject to the prohibitions
15 of 18 U.S.C. 922(g)(9), the circuit court clerk shall include
16 notification and a copy of the written determination in a
17 report of the conviction to the Illinois State Police ~~Firearm~~
18 ~~Owner's Identification Card Office~~ to enable the Illinois
19 State Police office to perform its duties under the Firearm
20 Concealed Carry Act and Sections 4 and 8 of the Firearm Owners
21 ~~Identification Card Act and to report that determination to~~
22 ~~the Federal Bureau of Investigation~~ to assist the Federal
23 Bureau of Investigation in identifying persons prohibited from
24 purchasing and possessing a firearm pursuant to the provisions

1 of 18 U.S.C. 922. The written determination described in this
2 Section shall be included in the defendant's record of arrest
3 and conviction in the manner and form prescribed by the
4 Illinois State Police.

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

6 Section 21. The Peace Officer Fire Investigation Act is
7 amended by changing Section 1 as follows:

8 (20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)

9 Sec. 1. Peace officer status.

10 (a) Any person who is a sworn member of any organized and
11 paid fire department of a political subdivision of this State
12 and is authorized to investigate fires or explosions for such
13 political subdivision and to determine the cause, origin and
14 circumstances of fires or explosions that are suspected to be
15 arson or arson-related crimes, may be classified as a peace
16 officer by the political subdivision or agency employing such
17 person. A person so classified shall possess the same powers
18 of arrest, search and seizure and the securing and service of
19 warrants as sheriffs of counties, and police officers within
20 the jurisdiction of their political subdivision. While in the
21 actual investigation and matters incident thereto, such person
22 may carry weapons as may be necessary, but only if that person
23 has satisfactorily completed (1) a training program offered or
24 approved by the Illinois Law Enforcement Training Standards

1 Board which substantially conforms to standards promulgated
2 pursuant to the Illinois Police Training Act and the Peace
3 Officer and Probation Officer Firearm Training Act; and (2) a
4 course in fire and arson investigation approved by the Office
5 of the State Fire Marshal pursuant to the Illinois Fire
6 Protection Training Act. Such training need not include
7 exposure to vehicle and traffic law, traffic control and crash
8 investigation, or first aid, but shall include training in the
9 law relating to the rights of persons suspected of involvement
10 in criminal activities.

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

16 (b) Persons employed by the Office of the State Fire
17 Marshal to conduct arson investigations shall be designated
18 State Fire Marshal Arson Investigator Special Agents and shall
19 be peace officers with all of the powers of peace officers in
20 cities and sheriffs in counties, except that they may exercise
21 those powers throughout the State. These Special Agents may
22 exercise these powers only when engaging in official duties
23 during the actual investigation of the cause, origin, and
24 circumstances of such fires or explosions that are suspected
25 to be arson or arson-related crimes and may carry weapons at
26 all times, but only if they have satisfactorily completed (1)

1 a training course approved by the Illinois Law Enforcement
2 Training Standards Board that substantially conforms to the
3 standards promulgated pursuant to the Peace Officer and
4 Probation Officer Firearm Training Act and (2) a course in
5 fire and arson investigation approved by the Office of the
6 State Fire Marshal pursuant to the Illinois Fire Protection
7 Training Act. Such training need not include exposure to
8 vehicle and traffic law, traffic control and crash
9 investigation, or first aid, but shall include training in the
10 law relating to the rights of persons suspected of involvement
11 in criminal activities.

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

21 The State Fire Marshal must authorize to each employee of
22 the Office of the State Fire Marshal who is exercising the
23 powers of a peace officer a distinct badge that, on its face,
24 (i) clearly states that the badge is authorized by the Office
25 of the State Fire Marshal and (ii) contains a unique
26 identifying number. No other badge shall be authorized by the

1 Office of the State Fire Marshal, except that a badge,
2 different from the badge issued to peace officers, may be
3 authorized by the Office of the State Fire Marshal for the use
4 of fire prevention inspectors employed by that Office. Nothing
5 in this subsection prohibits the State Fire Marshal from
6 issuing shields or other distinctive identification to
7 employees not exercising the powers of a peace officer if the
8 State Fire Marshal determines that a shield or distinctive
9 identification is needed by the employee to carry out his or
10 her responsibilities.

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

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

1 Section 22. The Illinois Criminal Justice Information Act
2 is amended by changing Section 7.9 as follows:

3 (20 ILCS 3930/7.9)

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

5 Sec. 7.9. Firearm Prohibitors and Records Improvement Task
6 Force.

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

14 (b) The Firearm Prohibitors and Records Improvement Task
15 Force is created to identify and research all available
16 grants, resources, and revenue that may be applied for and
17 used by all entities responsible for reporting federal and
18 State firearm prohibitors to the Illinois State Police and the
19 National Instant Criminal Background Check System. These ~~Under~~
20 ~~the Firearm Owners Identification Card Act,~~ these reporting
21 entities include, but are not limited to, hospitals, courts,
22 law enforcement and corrections. The Task Force shall identify
23 weaknesses in reporting and recommend a strategy to direct
24 resources and revenue to ensuring reporting is reliable,
25 accurate, and timely. The Task Force shall inventory all

1 statutorily mandated firearm and gun violence related data
2 collection and reporting requirements, along with the agency
3 responsible for collecting that data, and identify gaps in
4 those requirements. The Task Force shall submit a coordinated
5 application with and through the Illinois Criminal Justice
6 Information Authority for federal funds from the National
7 Criminal History Improvement Program and the NICS Acts Record
8 Improvement Program. The Firearm Prohibitors and Records
9 Improvement Task Force shall be comprised of the following
10 members, all of whom shall serve without compensation:

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

13 (2) the Director of the Illinois State Police, or his
14 or her designee;

15 (3) the Secretary of Human Services, or his or her
16 designee;

17 (4) the Director of Corrections, or his or her
18 designee;

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

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

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

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

26 (9) a representative of an association representing

1 State's Attorneys appointed by the House Minority Leader;

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

4 (11) a representative of an association representing
5 hospitals appointed by the Speaker of the House of
6 Representatives;

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

9 (13) a representative of an association representing
10 municipalities appointed by the Speaker of the House of
11 Representatives.

12 (c) The Illinois Criminal Justice Information Authority
13 shall provide administrative and other support to the Task
14 Force. The Illinois State Police Division of Justice Services
15 shall also provide support to the Illinois Criminal Justice
16 Information Authority and the Task Force.

17 (d) The Task Force may meet in person or virtually and
18 shall issue a written report of its findings and
19 recommendations to General Assembly on or before July 1, 2022.
20 The Task Force shall issue an annual report, which shall
21 include information on the state of FOID data, including a
22 review of previous activity by the Task Force to close
23 previously identified gaps; identifying known (or new) gaps; a
24 proposal of policy and practice recommendations to close those
25 gaps; and a preview of expected activities of the Task Force
26 for the coming year.

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

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

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

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

8 (30 ILCS 105/6z-99)

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

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

15 (b) The Illinois State Police and Department of Human
16 Services shall coordinate to use moneys in the Fund to finance
17 their respective duties of collecting and reporting data on
18 mental health records and ensuring that mental health firearm
19 possession prohibitors are enforced as set forth under the
20 Firearm Concealed Carry Act ~~and the Firearm Owners~~
21 ~~Identification Card Act~~. Any surplus in the Fund beyond what
22 is necessary to ensure compliance with mental health reporting
23 under that Act ~~these Acts~~ shall be used by the Department of
24 Human Services for mental health treatment programs as

1 follows: (1) 50% shall be used to fund community-based mental
2 health programs aimed at reducing gun violence, community
3 integration and education, or mental health awareness and
4 prevention, including administrative costs; and (2) 50% shall
5 be used to award grants that use and promote the National
6 School Mental Health Curriculum model for school-based mental
7 health support, integration, and services.

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

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

13 (30 ILCS 105/6z-127)

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

15 (a) The State Police Revocation Enforcement Fund is
16 established as a special fund in the State treasury. This Fund
17 is established to receive moneys from ~~the Firearm Owners~~
18 ~~Identification Card Act~~ to enforce ~~that Act,~~ the Firearm
19 Concealed Carry Act, Article 24 of the Criminal Code of 2012,
20 and other firearm offenses. The Fund may also receive revenue
21 from grants, donations, appropriations, and any other legal
22 source.

23 (b) The Illinois State Police may use moneys from the Fund
24 to establish task forces and, if necessary, include other law
25 enforcement agencies, under intergovernmental contracts

1 written and executed in conformity with the Intergovernmental
2 Cooperation Act.

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

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

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

12 (f) Any surplus in the Fund beyond what is necessary to
13 ensure compliance with subsections (a) through (e) or moneys
14 that are specifically appropriated for those purposes shall be
15 used by the Illinois State Police to award grants to assist
16 with the data reporting requirements of the Gun Trafficking
17 Information Act.

18 (Source: P.A. 102-237, eff. 1-1-22; 102-813, eff. 5-13-22;
19 103-34, eff. 6-9-23.)

20 Section 25.5. The Illinois Procurement Code is amended by
21 changing Section 1-10 as follows:

22 (30 ILCS 500/1-10)

23 Sec. 1-10. Application.

24 (a) This Code applies only to procurements for which

1 bidders, offerors, potential contractors, or contractors were
2 first solicited on or after July 1, 1998. This Code shall not
3 be construed to affect or impair any contract, or any
4 provision of a contract, entered into based on a solicitation
5 prior to the implementation date of this Code as described in
6 Article 99, including, but not limited to, any covenant
7 entered into with respect to any revenue bonds or similar
8 instruments. All procurements for which contracts are
9 solicited between the effective date of Articles 50 and 99 and
10 July 1, 1998 shall be substantially in accordance with this
11 Code and its intent.

12 (b) This Code shall apply regardless of the source of the
13 funds with which the contracts are paid, including federal
14 assistance moneys. This Code shall not apply to:

15 (1) Contracts between the State and its political
16 subdivisions or other governments, or between State
17 governmental bodies, except as specifically provided in
18 this Code.

19 (2) Grants, except for the filing requirements of
20 Section 20-80.

21 (3) Purchase of care, except as provided in Section
22 5-30.6 of the Illinois Public Aid Code and this Section.

23 (4) Hiring of an individual as an employee and not as
24 an independent contractor, whether pursuant to an
25 employment code or policy or by contract directly with
26 that individual.

1 (5) Collective bargaining contracts.

2 (6) Purchase of real estate, except that notice of
3 this type of contract with a value of more than \$25,000
4 must be published in the Procurement Bulletin within 10
5 calendar days after the deed is recorded in the county of
6 jurisdiction. The notice shall identify the real estate
7 purchased, the names of all parties to the contract, the
8 value of the contract, and the effective date of the
9 contract.

10 (7) Contracts necessary to prepare for anticipated
11 litigation, enforcement actions, or investigations,
12 provided that the chief legal counsel to the Governor
13 shall give his or her prior approval when the procuring
14 agency is one subject to the jurisdiction of the Governor,
15 and provided that the chief legal counsel of any other
16 procuring entity subject to this Code shall give his or
17 her prior approval when the procuring entity is not one
18 subject to the jurisdiction of the Governor.

19 (8) (Blank).

20 (9) Procurement expenditures by the Illinois
21 Conservation Foundation when only private funds are used.

22 (10) (Blank).

23 (11) Public-private agreements entered into according
24 to the procurement requirements of Section 20 of the
25 Public-Private Partnerships for Transportation Act and
26 design-build agreements entered into according to the

1 procurement requirements of Section 25 of the
2 Public-Private Partnerships for Transportation Act.

3 (12) (A) Contracts for legal, financial, and other
4 professional and artistic services entered into by the
5 Illinois Finance Authority in which the State of Illinois
6 is not obligated. Such contracts shall be awarded through
7 a competitive process authorized by the members of the
8 Illinois Finance Authority and are subject to Sections
9 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
10 as well as the final approval by the members of the
11 Illinois Finance Authority of the terms of the contract.

12 (B) Contracts for legal and financial services entered
13 into by the Illinois Housing Development Authority in
14 connection with the issuance of bonds in which the State
15 of Illinois is not obligated. Such contracts shall be
16 awarded through a competitive process authorized by the
17 members of the Illinois Housing Development Authority and
18 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
19 and 50-37 of this Code, as well as the final approval by
20 the members of the Illinois Housing Development Authority
21 of the terms of the contract.

22 (13) Contracts for services, commodities, and
23 equipment to support the delivery of timely forensic
24 science services in consultation with and subject to the
25 approval of the Chief Procurement Officer as provided in
26 subsection (d) of Section 5-4-3a of the Unified Code of

1 Corrections, except for the requirements of Sections
2 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
3 Code; however, the Chief Procurement Officer may, in
4 writing with justification, waive any certification
5 required under Article 50 of this Code. For any contracts
6 for services which are currently provided by members of a
7 collective bargaining agreement, the applicable terms of
8 the collective bargaining agreement concerning
9 subcontracting shall be followed.

10 On and after January 1, 2019, this paragraph (13),
11 except for this sentence, is inoperative.

12 (14) Contracts for participation expenditures required
13 by a domestic or international trade show or exhibition of
14 an exhibitor, member, or sponsor.

15 (15) Contracts with a railroad or utility that
16 requires the State to reimburse the railroad or utilities
17 for the relocation of utilities for construction or other
18 public purpose. Contracts included within this paragraph
19 (15) shall include, but not be limited to, those
20 associated with: relocations, crossings, installations,
21 and maintenance. For the purposes of this paragraph (15),
22 "railroad" means any form of non-highway ground
23 transportation that runs on rails or electromagnetic
24 guideways and "utility" means: (1) public utilities as
25 defined in Section 3-105 of the Public Utilities Act, (2)
26 telecommunications carriers as defined in Section 13-202

1 of the Public Utilities Act, (3) electric cooperatives as
2 defined in Section 3.4 of the Electric Supplier Act, (4)
3 telephone or telecommunications cooperatives as defined in
4 Section 13-212 of the Public Utilities Act, (5) rural
5 water or waste water systems with 10,000 connections or
6 less, (6) a holder as defined in Section 21-201 of the
7 Public Utilities Act, and (7) municipalities owning or
8 operating utility systems consisting of public utilities
9 as that term is defined in Section 11-117-2 of the
10 Illinois Municipal Code.

11 (16) Procurement expenditures necessary for the
12 Department of Public Health to provide the delivery of
13 timely newborn screening services in accordance with the
14 Newborn Metabolic Screening Act.

15 (17) Procurement expenditures necessary for the
16 Department of Agriculture, the Department of Financial and
17 Professional Regulation, the Department of Human Services,
18 and the Department of Public Health to implement the
19 Compassionate Use of Medical Cannabis Program and Opioid
20 Alternative Pilot Program requirements and ensure access
21 to medical cannabis for patients with debilitating medical
22 conditions in accordance with the Compassionate Use of
23 Medical Cannabis Program Act.

24 (18) This Code does not apply to any procurements
25 necessary for the Department of Agriculture, the
26 Department of Financial and Professional Regulation, the

1 Department of Human Services, the Department of Commerce
2 and Economic Opportunity, and the Department of Public
3 Health to implement the Cannabis Regulation and Tax Act if
4 the applicable agency has made a good faith determination
5 that it is necessary and appropriate for the expenditure
6 to fall within this exemption and if the process is
7 conducted in a manner substantially in accordance with the
8 requirements of Sections 20-160, 25-60, 30-22, 50-5,
9 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
10 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
11 Section 50-35, compliance applies only to contracts or
12 subcontracts over \$100,000. Notice of each contract
13 entered into under this paragraph (18) that is related to
14 the procurement of goods and services identified in
15 paragraph (1) through (9) of this subsection shall be
16 published in the Procurement Bulletin within 14 calendar
17 days after contract execution. The Chief Procurement
18 Officer shall prescribe the form and content of the
19 notice. Each agency shall provide the Chief Procurement
20 Officer, on a monthly basis, in the form and content
21 prescribed by the Chief Procurement Officer, a report of
22 contracts that are related to the procurement of goods and
23 services identified in this subsection. At a minimum, this
24 report shall include the name of the contractor, a
25 description of the supply or service provided, the total
26 amount of the contract, the term of the contract, and the

1 exception to this Code utilized. A copy of any or all of
2 these contracts shall be made available to the Chief
3 Procurement Officer immediately upon request. The Chief
4 Procurement Officer shall submit a report to the Governor
5 and General Assembly no later than November 1 of each year
6 that includes, at a minimum, an annual summary of the
7 monthly information reported to the Chief Procurement
8 Officer. This exemption becomes inoperative 5 years after
9 June 25, 2019 (the effective date of Public Act 101-27).

10 (19) Acquisition of modifications or adjustments,
11 limited to assistive technology devices and assistive
12 technology services, adaptive equipment, repairs, and
13 replacement parts to provide reasonable accommodations (i)
14 that enable a qualified applicant with a disability to
15 complete the job application process and be considered for
16 the position such qualified applicant desires, (ii) that
17 modify or adjust the work environment to enable a
18 qualified current employee with a disability to perform
19 the essential functions of the position held by that
20 employee, (iii) to enable a qualified current employee
21 with a disability to enjoy equal benefits and privileges
22 of employment as are enjoyed by other similarly situated
23 employees without disabilities, and (iv) that allow a
24 customer, client, claimant, or member of the public
25 seeking State services full use and enjoyment of and
26 access to its programs, services, or benefits.

1 For purposes of this paragraph (19):

2 "Assistive technology devices" means any item, piece
3 of equipment, or product system, whether acquired
4 commercially off the shelf, modified, or customized, that
5 is used to increase, maintain, or improve functional
6 capabilities of individuals with disabilities.

7 "Assistive technology services" means any service that
8 directly assists an individual with a disability in
9 selection, acquisition, or use of an assistive technology
10 device.

11 "Qualified" has the same meaning and use as provided
12 under the federal Americans with Disabilities Act when
13 describing an individual with a disability.

14 (20) Procurement expenditures necessary for the
15 Illinois Commerce Commission to hire third-party
16 facilitators pursuant to Sections 16-105.17 and 16-108.18
17 of the Public Utilities Act or an ombudsman pursuant to
18 Section 16-107.5 of the Public Utilities Act, a
19 facilitator pursuant to Section 16-105.17 of the Public
20 Utilities Act, or a grid auditor pursuant to Section
21 16-105.10 of the Public Utilities Act.

22 (21) Procurement expenditures for the purchase,
23 renewal, and expansion of software, software licenses, or
24 software maintenance agreements that support the efforts
25 of the Illinois State Police to enforce, regulate, and
26 administer ~~the Firearm Owners Identification Card Act,~~ the

1 Firearm Concealed Carry Act, the Firearms Restraining
2 Order Act, the Firearm Dealer License Certification Act,
3 the Law Enforcement Agencies Data System (LEADS), the
4 Uniform Crime Reporting Act, the Criminal Identification
5 Act, the Illinois Uniform Conviction Information Act, and
6 the Gun Trafficking Information Act, or establish or
7 maintain record management systems necessary to conduct
8 human trafficking investigations or gun trafficking or
9 other stolen firearm investigations. This paragraph (21)
10 applies to contracts entered into on or after January 10,
11 2023 (the effective date of Public Act 102-1116) ~~this~~
12 ~~amendatory Act of the 102nd General Assembly~~ and the
13 renewal of contracts that are in effect on January 10,
14 2023 (the effective date of Public Act 102-1116) ~~this~~
15 ~~amendatory Act of the 102nd General Assembly~~.

16 (22) Contracts for project management services and
17 system integration services required for the completion of
18 the State's enterprise resource planning project. This
19 exemption becomes inoperative 5 years after June 7, 2023
20 ~~(the effective date of the changes made to this Section by~~
21 ~~Public Act 103-8)~~ ~~this amendatory Act of the 103rd General~~
22 ~~Assembly~~. This paragraph (22) applies to contracts entered
23 into on or after June 7, 2023 (the effective date of the
24 changes made to this Section by Public Act 103-8) ~~this~~
25 ~~amendatory Act of the 103rd General Assembly~~ and the
26 renewal of contracts that are in effect on June 7, 2023

1 (the effective date of the changes made to this Section by
2 Public Act 103-8) ~~this amendatory Act of the 103rd General~~
3 ~~Assembly.~~

4 (23) ~~(22)~~ Procurements necessary for the Department of
5 Insurance to implement the Illinois Health Benefits
6 Exchange Law if the Department of Insurance has made a
7 good faith determination that it is necessary and
8 appropriate for the expenditure to fall within this
9 exemption. The procurement process shall be conducted in a
10 manner substantially in accordance with the requirements
11 of Sections 20-160 and 25-60 and Article 50 of this Code. A
12 copy of these contracts shall be made available to the
13 Chief Procurement Officer immediately upon request. This
14 paragraph is inoperative 5 years after June 27, 2023 (the
15 effective date of Public Act 103-103) ~~this amendatory Act~~
16 ~~of the 103rd General Assembly.~~

17 Notwithstanding any other provision of law, for contracts
18 with an annual value of more than \$100,000 entered into on or
19 after October 1, 2017 under an exemption provided in any
20 paragraph of this subsection (b), except paragraph (1), (2),
21 or (5), each State agency shall post to the appropriate
22 procurement bulletin the name of the contractor, a description
23 of the supply or service provided, the total amount of the
24 contract, the term of the contract, and the exception to the
25 Code utilized. The chief procurement officer shall submit a
26 report to the Governor and General Assembly no later than

1 November 1 of each year that shall include, at a minimum, an
2 annual summary of the monthly information reported to the
3 chief procurement officer.

4 (c) This Code does not apply to the electric power
5 procurement process provided for under Section 1-75 of the
6 Illinois Power Agency Act and Section 16-111.5 of the Public
7 Utilities Act.

8 (d) Except for Section 20-160 and Article 50 of this Code,
9 and as expressly required by Section 9.1 of the Illinois
10 Lottery Law, the provisions of this Code do not apply to the
11 procurement process provided for under Section 9.1 of the
12 Illinois Lottery Law.

13 (e) This Code does not apply to the process used by the
14 Capital Development Board to retain a person or entity to
15 assist the Capital Development Board with its duties related
16 to the determination of costs of a clean coal SNG brownfield
17 facility, as defined by Section 1-10 of the Illinois Power
18 Agency Act, as required in subsection (h-3) of Section 9-220
19 of the Public Utilities Act, including calculating the range
20 of capital costs, the range of operating and maintenance
21 costs, or the sequestration costs or monitoring the
22 construction of clean coal SNG brownfield facility for the
23 full duration of construction.

24 (f) (Blank).

25 (g) (Blank).

26 (h) This Code does not apply to the process to procure or

1 contracts entered into in accordance with Sections 11-5.2 and
2 11-5.3 of the Illinois Public Aid Code.

3 (i) Each chief procurement officer may access records
4 necessary to review whether a contract, purchase, or other
5 expenditure is or is not subject to the provisions of this
6 Code, unless such records would be subject to attorney-client
7 privilege.

8 (j) This Code does not apply to the process used by the
9 Capital Development Board to retain an artist or work or works
10 of art as required in Section 14 of the Capital Development
11 Board Act.

12 (k) This Code does not apply to the process to procure
13 contracts, or contracts entered into, by the State Board of
14 Elections or the State Electoral Board for hearing officers
15 appointed pursuant to the Election Code.

16 (l) This Code does not apply to the processes used by the
17 Illinois Student Assistance Commission to procure supplies and
18 services paid for from the private funds of the Illinois
19 Prepaid Tuition Fund. As used in this subsection (l), "private
20 funds" means funds derived from deposits paid into the
21 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

22 (m) This Code shall apply regardless of the source of
23 funds with which contracts are paid, including federal
24 assistance moneys. Except as specifically provided in this
25 Code, this Code shall not apply to procurement expenditures
26 necessary for the Department of Public Health to conduct the

1 Healthy Illinois Survey in accordance with Section 2310-431 of
2 the Department of Public Health Powers and Duties Law of the
3 Civil Administrative Code of Illinois.

4 (Source: P.A. 102-175, eff. 7-29-21; 102-483, eff. 1-1-22;
5 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662, eff.
6 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;
7 102-1116, eff. 1-10-23; 103-8, eff. 6-7-23; 103-103, eff.
8 6-27-23; revised 9-5-23.)

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

11 (30 ILCS 715/3) (from Ch. 56 1/2, par. 1703)

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

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

20 (2) Establish a MEG Policy Board composed of an
21 elected official, or his designee, and the chief law
22 enforcement officer, or his designee, from each
23 participating unit of local government to oversee the
24 operations of the MEG and make such reports to the

1 Illinois State Police as the Illinois State Police may
2 require.

3 (3) Designate a single appropriate elected official of
4 a participating unit of local government to act as the
5 financial officer of the MEG for all participating units
6 of local government and to receive funds for the operation
7 of the MEG.

8 (4) Limit its operations to enforcement of drug laws;
9 enforcement of Sections 10-9, 24-1, 24-1.1, 24-1.2,
10 24-1.2-5, 24-1.5, 24-1.7, 24-1.8, 24-2.1, 24-2.2, 24-3,
11 24-3.1, 24-3.2, 24-3.3, 24-3.4, 24-3.5, 24-3.7, 24-3.8,
12 24-3.9, 24-3A, 24-3B, 24-4, and 24-5 of the Criminal Code
13 of 2012; ~~Sections 2, 3, 6.1, 9.5, and 14 of the Firearm~~
14 ~~Owners Identification Card Act;~~ and the investigation of
15 streetgang related offenses.

16 (5) Cooperate with the Illinois State Police in order
17 to assure compliance with this Act and to enable the
18 Illinois State Police to fulfill its duties under this
19 Act, and supply the Illinois State Police with all
20 information the Illinois State Police deems necessary
21 therefor.

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

25 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
26 102-813, eff. 5-13-22; 103-34, eff. 6-9-23.)

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

3 (50 ILCS 710/1) (from Ch. 85, par. 515)

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

5 (a) "Peace officer" means (i) any person who by virtue of
6 his office or public employment is vested by law with a primary
7 duty to maintain public order or to make arrests for offenses,
8 whether that duty extends to all offenses or is limited to
9 specific offenses, and who is employed in such capacity by any
10 county or municipality or (ii) any retired law enforcement
11 officers qualified under federal law to carry a concealed
12 weapon.

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

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

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

1 Section 31. The Counties Code is amended by changing
2 Section 3-6042 as follows:

3 (55 ILCS 5/3-6042)

4 Sec. 3-6042. Retiring employee; purchase of service
5 firearm and badge. Each Sheriff shall establish a program to
6 allow an employee of the Sheriff's Department who is honorably
7 retiring in good standing to purchase either one or both of the
8 following: (1) any badge previously issued to the employee by
9 the Sheriff's Department; or (2) ~~if the employee has a~~
10 ~~currently valid Firearm Owner's Identification Card,~~ the
11 service firearm issued or previously issued to the employee by
12 the Sheriff's Department. The badge must be permanently and
13 conspicuously marked in such a manner that the individual who
14 possesses the badge is not mistaken for an actively serving
15 law enforcement officer. The cost of the firearm shall be the
16 replacement value of the firearm and not the firearm's fair
17 market value.

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

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

21 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

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

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

1 transfer is deemed to cause a threat to the safety of students
2 or staff in the alternative program.

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

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

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

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

1 recommended that school officials consider forms of
2 non-exclusionary discipline prior to using out-of-school
3 suspensions or expulsions.

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

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

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

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

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

26 A school district may refer students who are expelled to

1 appropriate and available support services.

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

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

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

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

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

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

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

25 Expulsion or suspension shall be construed in a manner
26 consistent with the federal Individuals with Disabilities

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

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

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

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

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

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

1 under Article 13B of this Code before being admitted into the
2 school district if there is no threat to the safety of students
3 or staff in the alternative program.

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

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

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

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

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

1 (Source: P.A. 101-81, eff. 7-12-19; 102-539, eff. 8-20-21;
2 102-813, eff. 5-13-22.)

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

4 Sec. 10-22.6. Suspension or expulsion of pupils; school
5 searches.

6 (a) To expel pupils guilty of gross disobedience or
7 misconduct, including gross disobedience or misconduct
8 perpetuated by electronic means, pursuant to subsection (b-20)
9 of this Section, and no action shall lie against them for such
10 expulsion. Expulsion shall take place only after the parents
11 or guardians have been requested to appear at a meeting of the
12 board, or with a hearing officer appointed by it, to discuss
13 their child's behavior. Such request shall be made by
14 registered or certified mail and shall state the time, place
15 and purpose of the meeting. The board, or a hearing officer
16 appointed by it, at such meeting shall state the reasons for
17 dismissal and the date on which the expulsion is to become
18 effective. If a hearing officer is appointed by the board, he
19 shall report to the board a written summary of the evidence
20 heard at the meeting and the board may take such action thereon
21 as it finds appropriate. If the board acts to expel a pupil,
22 the written expulsion decision shall detail the specific
23 reasons why removing the pupil from the learning environment
24 is in the best interest of the school. The expulsion decision
25 shall also include a rationale as to the specific duration of

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

7 (b) To suspend or by policy to authorize the
8 superintendent of the district or the principal, assistant
9 principal, or dean of students of any school to suspend pupils
10 guilty of gross disobedience or misconduct, or to suspend
11 pupils guilty of gross disobedience or misconduct on the
12 school bus from riding the school bus, pursuant to subsections
13 (b-15) and (b-20) of this Section, and no action shall lie
14 against them for such suspension. The board may by policy
15 authorize the superintendent of the district or the principal,
16 assistant principal, or dean of students of any school to
17 suspend pupils guilty of such acts for a period not to exceed
18 10 school days. If a pupil is suspended due to gross
19 disobedience or misconduct on a school bus, the board may
20 suspend the pupil in excess of 10 school days for safety
21 reasons.

22 Any suspension shall be reported immediately to the
23 parents or guardians of a pupil along with a full statement of
24 the reasons for such suspension and a notice of their right to
25 a review. The school board must be given a summary of the
26 notice, including the reason for the suspension and the

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

23 (b-5) Among the many possible disciplinary interventions
24 and consequences available to school officials, school
25 exclusions, such as out-of-school suspensions and expulsions,
26 are the most serious. School officials shall limit the number

1 and duration of expulsions and suspensions to the greatest
2 extent practicable, and it is recommended that they use them
3 only for legitimate educational purposes. To ensure that
4 students are not excluded from school unnecessarily, it is
5 recommended that school officials consider forms of
6 non-exclusionary discipline prior to using out-of-school
7 suspensions or expulsions.

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

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

22 (b-20) Unless otherwise required by this Code,
23 out-of-school suspensions of longer than 3 days, expulsions,
24 and disciplinary removals to alternative schools may be used
25 only if other appropriate and available behavioral and
26 disciplinary interventions have been exhausted and the

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

21 (b-25) Students who are suspended out-of-school for longer
22 than 4 school days shall be provided appropriate and available
23 support services during the period of their suspension. For
24 purposes of this subsection (b-25), "appropriate and available
25 support services" shall be determined by school authorities.
26 Within the suspension decision described in subsection (b) of

1 this Section, it shall be documented whether such services are
2 to be provided or whether it was determined that there are no
3 such appropriate and available services.

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

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

9 (b-30) A school district shall create a policy by which
10 suspended pupils, including those pupils suspended from the
11 school bus who do not have alternate transportation to school,
12 shall have the opportunity to make up work for equivalent
13 academic credit. It shall be the responsibility of a pupil's
14 parents or guardians to notify school officials that a pupil
15 suspended from the school bus does not have alternate
16 transportation to school.

17 (b-35) In all suspension review hearings conducted under
18 subsection (b) or expulsion hearings conducted under
19 subsection (a), a student may disclose any factor to be
20 considered in mitigation, including his or her status as a
21 parent, expectant parent, or victim of domestic or sexual
22 violence, as defined in Article 26A. A representative of the
23 parent's or guardian's choice, or of the student's choice if
24 emancipated, must be permitted to represent the student
25 throughout the proceedings and to address the school board or
26 its appointed hearing officer. With the approval of the

1 student's parent or guardian, or of the student if
2 emancipated, a support person must be permitted to accompany
3 the student to any disciplinary hearings or proceedings. The
4 representative or support person must comply with any rules of
5 the school district's hearing process. If the representative
6 or support person violates the rules or engages in behavior or
7 advocacy that harasses, abuses, or intimidates either party, a
8 witness, or anyone else in attendance at the hearing, the
9 representative or support person may be prohibited from
10 further participation in the hearing or proceeding. A
11 suspension or expulsion proceeding under this subsection
12 (b-35) must be conducted independently from any ongoing
13 criminal investigation or proceeding, and an absence of
14 pending or possible criminal charges, criminal investigations,
15 or proceedings may not be a factor in school disciplinary
16 decisions.

17 (b-40) During a suspension review hearing conducted under
18 subsection (b) or an expulsion hearing conducted under
19 subsection (a) that involves allegations of sexual violence by
20 the student who is subject to discipline, neither the student
21 nor his or her representative shall directly question nor have
22 direct contact with the alleged victim. The student who is
23 subject to discipline or his or her representative may, at the
24 discretion and direction of the school board or its appointed
25 hearing officer, suggest questions to be posed by the school
26 board or its appointed hearing officer to the alleged victim.

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

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

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

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

1 ~~Section 24-1~~ of the Criminal Code of 2012. The expulsion
2 period under this subdivision (1) may be modified by the
3 superintendent, and the superintendent's determination may
4 be modified by the board on a case-by-case basis.

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

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

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

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

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

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

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

9 (g) A school district may adopt a policy providing that if
10 a student is suspended or expelled for any reason from any
11 public or private school in this or any other state, the
12 student must complete the entire term of the suspension or
13 expulsion in an alternative school program under Article 13A
14 of this Code or an alternative learning opportunities program
15 under Article 13B of this Code before being admitted into the
16 school district if there is no threat to the safety of students
17 or staff in the alternative program. A school district that
18 adopts a policy under this subsection (g) must include a
19 provision allowing for consideration of any mitigating
20 factors, including, but not limited to, a student's status as
21 a parent, expectant parent, or victim of domestic or sexual
22 violence, as defined in Article 26A.

23 (h) School officials shall not advise or encourage
24 students to drop out voluntarily due to behavioral or academic
25 difficulties.

26 (i) A student may not be issued a monetary fine or fee as a

1 disciplinary consequence, though this shall not preclude
2 requiring a student to provide restitution for lost, stolen,
3 or damaged property.

4 (j) Subsections (a) through (i) of this Section shall
5 apply to elementary and secondary schools, charter schools,
6 special charter districts, and school districts organized
7 under Article 34 of this Code.

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

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

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

22 (105 ILCS 5/10-27.1A)

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

24 (a) All school officials, including teachers, school
25 counselors, and support staff, shall immediately notify the

1 office of the principal in the event that they observe any
2 person in possession of a firearm on school grounds; provided
3 that taking such immediate action to notify the office of the
4 principal would not immediately endanger the health, safety,
5 or welfare of students who are under the direct supervision of
6 the school official or the school official. If the health,
7 safety, or welfare of students under the direct supervision of
8 the school official or of the school official is immediately
9 endangered, the school official shall notify the office of the
10 principal as soon as the students under his or her supervision
11 and he or she are no longer under immediate danger. A report is
12 not required by this Section when the school official knows
13 that the person in possession of the firearm is a law
14 enforcement official engaged in the conduct of his or her
15 official duties. Any school official acting in good faith who
16 makes such a report under this Section shall have immunity
17 from any civil or criminal liability that might otherwise be
18 incurred as a result of making the report. The identity of the
19 school official making such report shall not be disclosed
20 except as expressly and specifically authorized by law.
21 Knowingly and willfully failing to comply with this Section is
22 a petty offense. A second or subsequent offense is a Class C
23 misdemeanor.

24 (b) Upon receiving a report from any school official
25 pursuant to this Section, or from any other person, the
26 principal or his or her designee shall immediately notify a

1 local law enforcement agency. If the person found to be in
2 possession of a firearm on school grounds is a student, the
3 principal or his or her designee shall also immediately notify
4 that student's parent or guardian. Any principal or his or her
5 designee acting in good faith who makes such reports under
6 this Section shall have immunity from any civil or criminal
7 liability that might otherwise be incurred or imposed as a
8 result of making the reports. Knowingly and willfully failing
9 to comply with this Section is a petty offense. A second or
10 subsequent offense is a Class C misdemeanor. If the person
11 found to be in possession of the firearm on school grounds is a
12 minor, the law enforcement agency shall detain that minor
13 until such time as the agency makes a determination pursuant
14 to clause (a) of subsection (1) of Section 5-401 of the
15 Juvenile Court Act of 1987, as to whether the agency
16 reasonably believes that the minor is delinquent. If the law
17 enforcement agency determines that probable cause exists to
18 believe that the minor committed a violation of item (4) of
19 subsection (a) of Section 24-1 of the Criminal Code of 2012
20 while on school grounds, the agency shall detain the minor for
21 processing pursuant to Section 5-407 of the Juvenile Court Act
22 of 1987.

23 (c) Upon receipt of any written, electronic, or verbal
24 report from any school personnel regarding a verified incident
25 involving a firearm in a school or on school owned or leased
26 property, including any conveyance owned, leased, or used by

1 the school for the transport of students or school personnel,
2 the superintendent or his or her designee shall report all
3 such firearm-related incidents occurring in a school or on
4 school property to the local law enforcement authorities
5 immediately, who shall report to the Illinois State Police in
6 a form, manner, and frequency as prescribed by the Illinois
7 State Police.

8 The State Board of Education shall receive an annual
9 statistical compilation and related data associated with
10 incidents involving firearms in schools from the Illinois
11 State Police. The State Board of Education shall compile this
12 information by school district and make it available to the
13 public.

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

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

20 As used in this Section, the term "school grounds"
21 includes the real property comprising any school, any
22 conveyance owned, leased, or contracted by a school to
23 transport students to or from school or a school-related
24 activity, or any public way within 1,000 feet of the real
25 property comprising any school.

26 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;

1 102-813, eff. 5-13-22; 103-34, eff. 6-9-23.)

2 (105 ILCS 5/34-8.05)

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

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

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

23 Section 40. The Illinois Explosives Act is amended by
24 changing Section 2005 as follows:

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

2 Sec. 2005. Qualifications for licensure.

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

4 (1) is under 21 years of age;

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

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

9 (4) is a fugitive from justice;

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

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

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

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

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

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

4 (225 ILCS 447/35-30)

5 (Section scheduled to be repealed on January 1, 2029)

6 Sec. 35-30. Employee requirements. All employees of a
7 licensed agency, other than those exempted, shall apply for a
8 permanent employee registration card. The holder of an agency
9 license issued under this Act, known in this Section as
10 "employer", may employ in the conduct of the employer's
11 business employees under the following provisions:

12 (a) No person shall be issued a permanent employee
13 registration card who:

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

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

17 (3) Has been determined by the Department to be unfit
18 by reason of conviction of an offense in this or another
19 state, including registration as a sex offender, but not
20 including a traffic offense. Persons convicted of felonies
21 involving bodily harm, weapons, violence, or theft within
22 the previous 10 years shall be presumed to be unfit for
23 registration. The Department shall adopt rules for making
24 those determinations that shall afford the applicant due

1 process of law.

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

15 (5) Has been declared incompetent by any court of
16 competent jurisdiction by reason of mental disease or
17 defect and has not been restored.

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

20 (b) No person may be employed by a private detective
21 agency, private security contractor agency, private alarm
22 contractor agency, fingerprint vendor agency, or locksmith
23 agency under this Section until the person has executed and
24 furnished to the employer, on forms furnished by the
25 Department, a verified statement to be known as "Employee's
26 Statement" setting forth:

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

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

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

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

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

23 (6) Any dishonorable discharge from the armed services
24 of the United States.

25 (7) Any other information as may be required by any
26 rule of the Department to show the good character,

1 competency, and integrity of the person executing the
2 statement.

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

1 clearance has been conducted. Also, an individual who has
2 retired as a peace officer within 12 months of application may
3 submit verification, on forms provided by the Department and
4 signed by the applicant's employer, of the applicant's
5 previous full-time employment as a peace officer.

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

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

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

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

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

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

1 authority to make any investigation it considers
2 appropriate into any occurrence in which an employee's
3 weapon was discharged and to take disciplinary action as
4 may be appropriate.

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

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

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

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

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

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

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

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

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

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

25 (3) The agency exercises due diligence to ensure that
26 the person is qualified under the requirements of this Act

1 to be issued a permanent employee registration card.

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

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

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

26 An agency may not employ a person in a temporary capacity

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

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

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

19 (2) the person wears any portion of the person's
20 official uniform, emblem of authority, or equipment while
21 so employed.

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

26 (n) Peace officers shall be exempt from the requirements

1 of this Section relating to permanent employee registration
2 cards. The agency shall remain responsible for any peace
3 officer employed under this exemption, regardless of whether
4 the peace officer is compensated as an employee or as an
5 independent contractor and as further defined by rule.

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

16 (p) An applicant who is 21 years of age or older seeking a
17 religious exemption to the photograph requirement of this
18 Section shall furnish with the application an approved copy of
19 United States Department of the Treasury Internal Revenue
20 Service Form 4029. Regardless of age, an applicant seeking a
21 religious exemption to this photograph requirement shall
22 submit fingerprints in a form and manner prescribed by the
23 Department with the applicant's application in lieu of a
24 photograph.

25 (Source: P.A. 102-538, eff. 8-20-21; 103-309, eff. 1-1-24.)

1 (225 ILCS 447/35-35)

2 (Section scheduled to be repealed on January 1, 2029)

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

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

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

22 (c) Possession of a valid firearm control card allows a
23 licensee or employee to carry a firearm not otherwise
24 prohibited by law while the licensee or employee is engaged in
25 the performance of the licensee's or employee's duties or
26 while the licensee or employee is commuting directly to or

1 from the licensee's or employee's place or places of
2 employment.

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

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

21 (f) The Department may, in addition to any other
22 disciplinary action permitted by this Act, refuse to issue,
23 suspend, or revoke a firearm control card if the applicant or
24 holder has been convicted of any felony or crime involving the
25 illegal use, carrying, or possession of a deadly weapon or for
26 a violation of this Act or rules adopted ~~promulgated~~ under

1 this Act. The Department shall refuse to issue or shall revoke
2 a firearm control card if the applicant or holder is
3 prohibited under State or federal law from possessing a
4 firearm ~~fails to possess a valid firearm owners identification~~
5 ~~card without hearing~~. The Secretary shall summarily suspend a
6 firearm control card if the Secretary finds that its continued
7 use would constitute an imminent danger to the public. A
8 hearing shall be held before the Board within 30 days if the
9 Secretary summarily suspends a firearm control card.

10 (g) Notwithstanding any other provision of this Act to the
11 contrary, all requirements relating to firearms control cards
12 do not apply to a peace officer. If an individual ceases to be
13 employed as a peace officer and continues to perform services
14 in an armed capacity under this Act that are licensed
15 activities, then the individual is required to obtain a
16 permanent employee registration card pursuant to Section 35-30
17 of this Act ~~and must possess a valid Firearm Owner's~~
18 ~~Identification Card~~, but is not required to obtain a firearm
19 control card if the individual is otherwise in continuing
20 compliance with the federal Law Enforcement Officers Safety
21 Act of 2004. If an individual elects to carry a firearm
22 pursuant to the federal Law Enforcement Officers Safety Act of
23 2004, then the agency employing the officer shall submit an
24 application to the Department for issuance of a waiver card
25 along with a fee specified by rule.

26 (h) The Department may issue a temporary firearm control

1 card pending issuance of a new firearm control card upon an
2 agency's acquiring of an established armed account. An agency
3 that has acquired armed employees as a result of acquiring an
4 established armed account may, on forms supplied by the
5 Department, request the issuance of a temporary firearm
6 control card for each acquired employee who held a valid
7 firearm control card under the employer's employment with the
8 newly acquired established armed account immediately preceding
9 the acquiring of the account and who continues to meet all of
10 the qualifications for issuance of a firearm control card set
11 forth in this Act and any rules adopted under this Act. The
12 Department shall, by rule, set the fee for issuance of a
13 temporary firearm control card.

14 (i) The Department shall not issue a firearm control card
15 to a licensed fingerprint vendor or a licensed locksmith or
16 employees of a licensed fingerprint vendor agency or a
17 licensed locksmith agency.

18 (Source: P.A. 103-309, eff. 1-1-24.)

19 Section 46. The Illinois Gambling Act is amended by
20 changing Section 5.4 as follows:

21 (230 ILCS 10/5.4)

22 Sec. 5.4. Retiring investigators; purchase of service
23 firearm and badge. The Board shall establish a program to
24 allow an investigator appointed under paragraph (20.6) of

1 subsection (c) of Section 4 who is honorably retiring in good
2 standing to purchase either one or both of the following: (1)
3 any badge previously issued to the investigator by the Board;
4 or (2) ~~if the investigator has a currently valid Firearm~~
5 ~~Owner's Identification Card,~~ the service firearm issued or
6 previously issued to the investigator by the Board. The badge
7 must be permanently and conspicuously marked in such a manner
8 that the individual who possesses the badge is not mistaken
9 for an actively serving law enforcement officer. The cost of
10 the firearm shall be the replacement value of the firearm and
11 not the firearm's fair market value.

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

13 Section 50. The Mental Health and Developmental
14 Disabilities Code is amended by changing Sections 1-106,
15 1-116, 6-103.1, 6-103.2, and 6-103.3 as follows:

16 (405 ILCS 5/1-106) (from Ch. 91 1/2, par. 1-106)

17 Sec. 1-106. "Developmental disability" means a severe,
18 chronic disability, other than mental illness, found to be
19 closely related to an intellectual disability because this
20 condition results in impairment of general intellectual
21 functioning or adaptive behavior similar to that of persons
22 with ID, and requires services similar to those required for a
23 person with an intellectual disability. In addition, a
24 developmental disability: (1) is manifested before the

1 individual reaches 22 years of age; (2) is likely to continue
2 indefinitely; (3) results in substantial functional
3 limitations in three or more of the following areas of major
4 life activity: self-care, receptive and expressive language,
5 learning, mobility, self-direction, capacity for independent
6 living, or economic self-sufficiency; and (4) reflects the
7 individual's need for a combination and sequence of special
8 interdisciplinary or generic services, individualized
9 supports, or other forms of assistance that are of lifelong or
10 extended duration and are individually planned and
11 coordinated. ~~This definition does not supersede the~~
12 ~~"developmental disability" definition in Section 1.1 of the~~
13 ~~Firearm Owners Identification Card Act which is required to be~~
14 ~~applied under that Act for the purpose of mandatory reporting.~~
15 (Source: P.A. 102-972, eff. 1-1-23.)

16 (405 ILCS 5/1-116) (from Ch. 91 1/2, par. 1-116)

17 Sec. 1-116. Intellectual disability. "Intellectual
18 disability" means a disorder with onset during the
19 developmental period (before the individual reaches age 22),
20 that includes both intellectual and adaptive deficits in
21 conceptual, social and practical domains. The following 3
22 criteria must be met: (1) deficits in intellectual functions
23 such as reasoning, problem solving, planning, abstract
24 thinking, judgment, academic learning, and learning from
25 experience confirmed by both clinical assessment and

1 individualized, standardized intelligence testing (generally
2 indicated with an IQ score of about 70 or below), (2) deficits
3 in adaptive functioning that result in failure to meet
4 developmental and sociocultural standards for personal
5 independence and social responsibility. Without ongoing
6 support, the adaptive deficits limit functioning in one or
7 more activities of daily life, such as communication, social
8 participation, and independent living, across multiple
9 environments, such as home, school, work, and community, and
10 (3) onset of intellectual and adaptive deficits during the
11 developmental period. ~~This definition does not supersede the~~
12 ~~"intellectual disability" definition in Section 1.1 of the~~
13 ~~Firearm Owners Identification Card Act which is required to be~~
14 ~~applied under that Act for the purpose of mandatory reporting.~~
15 (Source: P.A. 102-972, eff. 1-1-23.)

16 (405 ILCS 5/6-103.1)

17 Sec. 6-103.1. Adjudication as a person with a mental
18 disability. When a person has been adjudicated as a person
19 with a mental disability ~~as defined in Section 1.1 of the~~
20 ~~Firearm Owners Identification Card Act~~, including, but not
21 limited to, an adjudication as a person with a disability as
22 defined in Section 11a-2 of the Probate Act of 1975, the court
23 shall direct the circuit court clerk to notify the Illinois
24 State Police, ~~Firearm Owner's Identification (FOID) Office~~, in
25 a form and manner prescribed by the Illinois State Police, and

1 shall forward a copy of the court order to the Department no
2 later than 7 days after the entry of the order. Upon receipt of
3 the order, the Illinois State Police shall provide
4 notification to the National Instant Criminal Background Check
5 System. In this Section, "has been adjudicated as a mentally
6 disabled person" means the person is the subject of a
7 determination by a court, board, commission, or other lawful
8 authority that the person, as a result of marked subnormal
9 intelligence, or mental illness, mental impairment,
10 incompetency, condition, or disease:

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

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

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

18 (3.5) is guilty but mentally ill, as provided in
19 Section 5-2-6 of the Unified Code of Corrections;

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

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

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

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

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

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

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

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

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

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

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

19 (405 ILCS 5/6-103.2)

20 Sec. 6-103.2. Developmental disability; notice. If a
21 person 14 years old or older is determined to be a person with
22 a developmental disability by a physician, clinical
23 psychologist, or qualified examiner, the physician, clinical
24 psychologist, or qualified examiner shall notify the
25 Department of Human Services within 7 days of making the

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

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

23 In this Section, "developmentally disabled" has the
24 meaning ascribed to it in Section 12 of the Mental Health and
25 Developmental Disabilities Confidentiality Act.

26 In ~~For purposes of~~ this Section, "developmental

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

- 11 (i) self-care;
- 12 (ii) receptive and expressive language;
- 13 (iii) learning;
- 14 (iv) mobility; or
- 15 (v) self-direction.

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

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

22 (405 ILCS 5/6-103.3)

23 Sec. 6-103.3. Clear and present danger; notice. If a
24 person is determined to pose a clear and present danger to
25 himself, herself, or to others by a physician, clinical

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

1 making the determination and his or her employer shall not be
2 held criminally, civilly, or professionally liable for making
3 or not making the notification required under this Section,
4 except for willful or wanton misconduct. This Section does not
5 apply to a law enforcement official, if making the
6 notification under this Section will interfere with an ongoing
7 or pending criminal investigation.

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

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

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

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

22 "Physician", "clinical psychologist", and "qualified
23 examiner" have the meanings ascribed to them in the Mental
24 Health and Developmental Disabilities Code ~~has the meaning~~
25 ~~ascribed to it in Section 1.1 of the Firearm Owners~~
26 ~~Identification Card Act.~~

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

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

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

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

13 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

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

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

24 "Delegate agency" means a unit of local government or

1 health department approved by the Department to carry out the
2 provisions of this Act.

3 "Department" means the Department of Public Health.

4 "Director" means the Director of Public Health.

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

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

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

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

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

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

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

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

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

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

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

1 per square centimeter or any lower standard for lead content
2 in residential paint as may be established by federal law or
3 rule; or more than 1 milligram per square centimeter in the
4 dried film of paint or previously applied substance; or item
5 or dust on item containing lead in excess of the amount
6 specified in the rules authorized by this Act or a lower
7 standard for lead content as may be established by federal law
8 or rule. "Lead-bearing substance" does not include firearm
9 ammunition or components as defined by Section 2-7.1 of the
10 Criminal Code of 2012 ~~the Firearm Owners Identification Card~~
11 ~~Act.~~

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

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

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

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

1 "Lead mitigation" means the remediation, in a manner
2 described in Section 9, of a lead hazard so that the
3 lead-bearing substance does not pose an immediate health
4 hazard to humans.

5 "Lead poisoning" means having an elevated blood lead
6 level.

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

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

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

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

1 "Owner" means any person, who alone, jointly, or severally
2 with others:

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

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

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

14 "Regulated facility" means a residential building or child
15 care facility.

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

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

21 (430 ILCS 65/Act rep.)

22 Section 60. The Firearm Owners Identification Card Act is
23 repealed.

24 Section 65. The Firearm Concealed Carry Act is amended by

1 changing Sections 25, 30, 40, 66, 70, 80, and 105 as follows:

2 (430 ILCS 66/25)

3 Sec. 25. Qualifications for a license.

4 The Illinois State Police shall issue a license to an
5 applicant completing an application in accordance with Section
6 30 of this Act if the person:

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

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

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

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

19 or

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

25 (4) is not the subject of a pending arrest warrant,

1 prosecution, or proceeding for an offense or action that
2 could lead to disqualification to own or possess a
3 firearm;

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

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

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

11 (430 ILCS 66/30)

12 Sec. 30. Contents of license application.

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

21 (b) The application shall contain the following:

22 (1) the applicant's name, current address, date and
23 year of birth, place of birth, height, weight, hair color,
24 eye color, maiden name or any other name the applicant has
25 used or identified with, and any address where the

1 applicant resided for more than 30 days within the 10
2 years preceding the date of the license application;

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

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

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

26 (5) an affirmation that the applicant has not been

1 convicted or found guilty of:

2 (A) a felony;

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

6 (C) 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 (6) whether the applicant has failed a drug test for a
12 drug for which the applicant did not have a prescription,
13 within the previous year, and if so, the provider of the
14 test, the specific substance involved, and the date of the
15 test;

16 (7) written consent for the Illinois State Police to
17 review and use the applicant's Illinois digital driver's
18 license or Illinois identification card photograph and
19 signature;

20 (8) ~~unless submitted under subsection (a-25) of~~
21 ~~Section 4 of the Firearm Owners Identification Card Act,~~ a
22 full set of fingerprints submitted to the Illinois State
23 Police in electronic format, provided the Illinois State
24 Police may accept an application submitted without a set
25 of fingerprints, in which case the Illinois State Police
26 shall be granted 30 days in addition to the 90 days

1 provided under subsection (e) of Section 10 of this Act to
2 issue or deny a license;

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

6 (10) a photocopy of any certificates or other evidence
7 of compliance with the training requirements under this
8 Act.

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

11 (430 ILCS 66/40)

12 Sec. 40. Non-resident license applications.

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

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

21 (c) A resident of a state or territory approved by the
22 Illinois State Police under subsection (b) of this Section may
23 apply for a non-resident license. The applicant shall apply to
24 the Illinois State Police and must meet all of the
25 qualifications established in Section 25 of this Act, ~~except~~

1 ~~for the Illinois residency requirement in item (xiv) of~~
2 ~~paragraph (2) of subsection (a) of Section 4 of the Firearm~~
3 ~~Owners Identification Card Act.~~ The applicant shall submit:

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

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

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

10 (B) if applicable, has a license or permit to
11 carry a firearm or concealed firearm issued by his or
12 her state or territory of residence and attach a copy
13 of the license or permit to the application;

14 (C) understands Illinois laws pertaining to the
15 possession and transport of firearms; and

16 (D) acknowledges that the applicant is subject to
17 the jurisdiction of the Illinois State Police and
18 Illinois courts for any violation of this Act;

19 (3) a photocopy of any certificates or other evidence
20 of compliance with the training requirements under Section
21 75 of this Act; and

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

25 (d) In lieu of an Illinois driver's license or Illinois
26 identification card, a non-resident applicant shall provide

1 similar documentation from his or her state or territory of
2 residence. The applicant shall submit ~~In lieu of a valid~~
3 ~~Firearm Owner's Identification Card, the applicant shall~~
4 ~~submit documentation and information required by the Illinois~~
5 ~~State Police to obtain a Firearm Owner's Identification Card,~~
6 ~~including~~ an affidavit that the non-resident meets the mental
7 health standards to obtain a firearm under Illinois law, and
8 the Illinois State Police shall ensure that the applicant
9 would meet the eligibility criteria under State law to possess
10 a firearm ~~to obtain a Firearm Owner's Identification card~~ if
11 he or she was a resident of this State.

12 (e) Nothing in this Act shall prohibit a non-resident from
13 transporting a concealed firearm within his or her vehicle in
14 Illinois, if the concealed firearm remains within his or her
15 vehicle and the non-resident:

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

18 (2) is eligible to carry a firearm in public under the
19 laws of his or her state or territory of residence, as
20 evidenced by the possession of a concealed carry license
21 or permit issued by his or her state of residence, if
22 applicable; and

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

24 If the non-resident leaves his or her vehicle unattended,
25 he or she shall store the firearm within a locked vehicle or
26 locked container within the vehicle in accordance with

1 subsection (b) of Section 65 of this Act.

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

3 (430 ILCS 66/66)

4 Sec. 66. Illinois State Police to monitor databases for
5 firearms prohibitors. The Illinois State Police shall
6 continuously monitor relevant State and federal databases for
7 firearms prohibitors and correlate those records with
8 concealed carry license holders to ensure compliance with this
9 Act and any other State and federal laws. As used in this
10 Section, "firearms prohibitor" means any factor listed in
11 ~~Section 8 or Section 8.2 of the Firearm Owners Identification~~
12 ~~Card Act or~~ Section 24-3 or 24-3.1 of the Criminal Code of 2012
13 that prohibits a person from transferring or possessing a
14 firearm, firearm ammunition, ~~Firearm Owner's Identification~~
15 ~~Card,~~ or concealed carry license.

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

17 (430 ILCS 66/70)

18 Sec. 70. Violations.

19 (a) A license issued or renewed under this Act shall be
20 revoked if, at any time, the licensee is found to be ineligible
21 for a license under this Act or the licensee is prohibited from
22 possessing a firearm under State or federal law ~~no longer~~
23 ~~meets the eligibility requirements of the Firearm Owners~~
24 ~~Identification Card Act.~~

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

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

23 (d) A licensee shall not carry a concealed firearm while
24 under the influence of alcohol, other drug or drugs,
25 intoxicating compound or combination of compounds, or any
26 combination thereof, under the standards set forth in

1 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

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

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

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

1 those specified in this Act.

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

21 (h) (Blank). ~~Except as otherwise provided in subsection~~
22 ~~(h-5), a license issued or renewed under this Act shall be~~
23 ~~revoked if, at any time, the licensee is found ineligible for a~~
24 ~~Firearm Owner's Identification Card, or the licensee no longer~~
25 ~~possesses a valid Firearm Owner's Identification Card. If the~~
26 ~~Firearm Owner's Identification Card is expired or suspended~~

1 ~~rather than denied or revoked, the license may be suspended~~
2 ~~for a period of up to one year to allow the licensee to~~
3 ~~reinstate his or her Firearm Owner's Identification Card. The~~
4 ~~Illinois State Police shall adopt rules to enforce this~~
5 ~~subsection. A licensee whose license is revoked under this~~
6 ~~subsection (h) shall surrender his or her concealed carry~~
7 ~~license as provided for in subsection (g) of this Section.~~

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

12 ~~(h-5) (Blank). If the Firearm Owner's Identification Card~~
13 ~~of a licensee under this Act expires during the term of the~~
14 ~~license issued under this Act, the license and the Firearm~~
15 ~~Owner's Identification Card remain valid, and the Illinois~~
16 ~~State Police may automatically renew the licensee's Firearm~~
17 ~~Owner's Identification Card as provided in subsection (c) of~~
18 ~~Section 5 of the Firearm Owners Identification Card Act.~~

19 (i) A certified firearms instructor who knowingly provides
20 or offers to provide a false certification that an applicant
21 has completed firearms training as required under this Act is
22 guilty of a Class A misdemeanor. A person guilty of a violation
23 of this subsection (i) is not eligible for court supervision.
24 The Illinois State Police shall permanently revoke the
25 firearms instructor certification of a person convicted under
26 this subsection (i).

1 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
2 102-813, eff. 5-13-22.)

3 (430 ILCS 66/80)

4 Sec. 80. Certified firearms instructors.

5 (a) Within 60 days of the effective date of this Act, the
6 Illinois State Police shall begin approval of certified
7 firearms instructors and enter certified firearms instructors
8 into an online registry on the Illinois State Police's
9 website.

10 (b) A person who is not a certified firearms instructor
11 shall not teach applicant training courses or advertise or
12 otherwise represent courses they teach as qualifying their
13 students to meet the requirements to receive a license under
14 this Act. Each violation of this subsection is a business
15 offense with a fine of at least \$1,000 per violation.

16 (c) A person seeking to become a certified firearms
17 instructor shall:

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

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

20 (3) meet the requirements of Section 25 of this Act,
21 ~~except for the Illinois residency requirement in item~~
22 ~~(xiv) of paragraph (2) of subsection (a) of Section 4 of~~
23 ~~the Firearm Owners Identification Card Act; and any~~
24 additional uniformly applied requirements established by
25 the Illinois State Police.

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

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

6 (2) have at least one of the following valid firearms
7 instructor certifications:

8 (A) certification from a law enforcement agency;

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

11 (C) certification from a firearm instructor
12 qualification course offered by the Illinois Law
13 Enforcement Training Standards Board; or

14 (D) certification from an entity approved by the
15 Illinois State Police that offers firearm instructor
16 education and training in the use and safety of
17 firearms.

18 (e) A person may have his or her firearms instructor
19 certification denied or revoked if he or she does not meet the
20 requirements to obtain a license under this Act, provides
21 false or misleading information to the Illinois State Police,
22 or has had a prior instructor certification revoked or denied
23 by the Illinois State Police.

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

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

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

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

18 (430 ILCS 67/35)

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

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

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

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

24 (c) Every person who files a petition for an emergency
25 firearms restraining order, knowing the information provided
26 to the court at any hearing or in the affidavit or verified

1 pleading to be false, is guilty of perjury under Section 32-2
2 of the Criminal Code of 2012.

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

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

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

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

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

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

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

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

19 (h) Except as otherwise provided in subsection (h-5) of
20 this Section, upon expiration of the period of safekeeping, if
21 the firearms, ammunition, and firearm parts that could be
22 assembled to make an operable firearm ~~or Firearm Owner's~~
23 ~~Identification Card~~ and concealed carry license cannot be
24 returned to the respondent because the respondent cannot be
25 located, fails to respond to requests to retrieve the
26 firearms, or is not lawfully eligible to possess a firearm,

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

12 (h-5) On or before January 1, 2022, a respondent whose
13 firearms have been turned over to a local law enforcement
14 agency ~~Firearm Owner's Identification Card has been revoked or~~
15 ~~suspended~~ may petition the court, if the petitioner is present
16 in court or has notice of the respondent's petition, to
17 transfer the respondent's firearm, ammunition, and firearm
18 parts that could be assembled to make an operable firearm to a
19 person who is lawfully able to possess the firearm,
20 ammunition, and firearm parts that could be assembled to make
21 an operable firearm if the person does not reside at the same
22 address as the respondent. Notice of the petition shall be
23 served upon the person protected by the emergency firearms
24 restraining order. While the order is in effect, the
25 transferee who receives the respondent's firearms, ammunition,
26 and firearm parts that could be assembled to make an operable

1 firearm must swear or affirm by affidavit that he or she shall
2 not transfer the firearm, ammunition, and firearm parts that
3 could be assembled to make an operable firearm to the
4 respondent or to anyone residing in the same residence as the
5 respondent.

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

18 (1) the firearm, ammunition, and firearm parts that
19 could be assembled to make an operable firearm are removed
20 from the respondent's custody, control, or possession and
21 the lawful owner agrees to store the firearm, ammunition,
22 and firearm parts that could be assembled to make an
23 operable firearm in a manner such that the respondent does
24 not have access to or control of the firearm, ammunition,
25 and firearm parts that could be assembled to make an
26 operable firearm; and

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

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

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

26 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;

1 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.
2 5-13-22.)

3 (430 ILCS 67/40)

4 Sec. 40. Plenary orders.

5 (a) A petitioner may request a firearms restraining order
6 for up to one year by filing an affidavit or verified pleading
7 alleging that the respondent poses a significant danger of
8 causing personal injury to himself, herself, or another in the
9 near future by having in his or her custody or control,
10 purchasing, possessing, or receiving a firearm, ammunition,
11 and firearm parts that could be assembled to make an operable
12 firearm. The petition shall also describe the number, types,
13 and locations of any firearms, ammunition, and firearm parts
14 that could be assembled to make an operable firearm presently
15 believed by the petitioner to be possessed or controlled by
16 the respondent. The firearms restraining order may be renewed
17 for an additional period of up to one year in accordance with
18 Section 45 of this Act.

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

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

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

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

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

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

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

1 person.

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

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

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

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

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

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

1 (g) If the court finds that there is clear and convincing
2 evidence to issue a plenary firearms restraining order, the
3 court shall issue a firearms restraining order that shall be
4 in effect for up to one year, but not less than 6 months,
5 subject to renewal under Section 45 of this Act or termination
6 under that Section.

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

23 (h) A plenary firearms restraining order shall require:

24 (1) the respondent to refrain from having in his or
25 her custody or control, purchasing, possessing, or
26 receiving additional firearms, ammunition, and firearm

1 parts that could be assembled to make an operable firearm
2 for the duration of the order ~~under Section 8.2 of the~~
3 ~~Firearm Owners Identification Card Act~~; and

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

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

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

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

1 court determines that person to be the lawful owner of the
2 firearm, ammunition, and firearm parts that could be assembled
3 to make an operable firearm, the firearm, ammunition, and
4 firearm parts that could be assembled to make an operable
5 firearm shall be returned to him or her, provided that:

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

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

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

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

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

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

14 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
15 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.
16 5-13-22; 102-1116, eff. 1-10-23.)

17 Section 67. The Firearm Dealer License Certification Act
18 is amended by changing Sections 5-20, 5-25, 5-40, and 5-85 as
19 follows:

20 (430 ILCS 68/5-20)

21 Sec. 5-20. Additional licensee requirements.

22 (a) A certified licensee shall make a photo copy of a
23 buyer's or transferee's valid photo identification card
24 whenever a firearm sale transaction takes place. The photo

1 copy shall be attached to the documentation detailing the
2 record of sale.

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

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

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

12 ~~(B) sell or transfer your firearm to someone else~~
13 ~~without receiving approval for the transfer from the~~
14 ~~Illinois State Police, or~~

15 (B) ~~(C)~~ fail to report the loss or theft of your
16 firearm to local law enforcement within 72 hours."

17 This sign shall be created by the Illinois State Police and
18 made available for printing or downloading from the Illinois
19 State Police's website.

20 (c) No retail location established after the effective
21 date of this Act shall be located within 500 feet of any
22 school, pre-school, or day care facility in existence at its
23 location before the retail location is established as measured
24 from the nearest corner of the building holding the retail
25 location to the corner of the school, pre-school, or day care
26 facility building nearest the retail location at the time the

1 retail location seeks licensure.

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

3 (430 ILCS 68/5-25)

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

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

11 (2) temporary transfers of firearms solely for use
12 while in the presence of the transferor or transfers for
13 the purposes of firearm safety training by a firearms
14 safety training instructor;

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

25 (4) transfers by persons or entities acting under

1 operation of law or a court order;

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

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

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

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

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

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

22 (10.5) transfers of firearms to a resident registered
23 competitor or attendee or non-resident registered
24 competitor or attendee by a licensed federal firearms
25 dealer under Section 923 of the federal Gun Control Act of
26 1968 at a competitive shooting event held at the World

1 Shooting and Recreational Complex that is sanctioned by a
2 national governing body; or

3 (11) transfers between a pawnshop and a customer which
4 amount to a bailment. For purposes of this paragraph (11),
5 "bailment" means the act of placing property in the
6 custody and control of another, by agreement in which the
7 holder is responsible for the safekeeping and return of
8 the property.

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

10 (430 ILCS 68/5-40)

11 Sec. 5-40. Qualifications for operation.

12 (a) Each certified licensee shall submit with each
13 application for certification or renewal an affidavit to the
14 Illinois State Police stating that each owner, employee, or
15 other agent of the certified licensee who sells or conducts
16 transfers of firearms for the certified licensee is at least
17 21 years of age, ~~has a currently valid Firearm Owner's~~
18 ~~Identification Card~~ and, for a renewal, has completed the
19 training required under Section 5-30. The affidavit must also
20 contain the name ~~and Firearm Owner's Identification Card~~
21 ~~number~~ of each owner, employee, or other agent who sells or
22 conducts transfers of firearms for the certified licensee. If
23 an owner, employee, or other agent of the certified licensee
24 is not otherwise a resident of this State, the certified
25 licensee shall submit an affidavit stating that the owner,

1 employee, or other agent has undergone a background check and
2 is not prohibited from owning or possessing firearms.

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

12 (c) If a certified licensee has a license, certificate, or
13 permit to sell, lease, transfer, purchase, or possess firearms
14 issued by the federal government or the government of any
15 state revoked or suspended for good cause within the preceding
16 4 years, the Illinois State Police may consider revoking or
17 suspending the certified licenses in this State. In making a
18 determination of whether or not to revoke or suspend a
19 certified license in this State, the Illinois State Police
20 shall consider the number of retail locations the certified
21 licensee or any related person or entity operates in this
22 State or in other states under the same or different business
23 names, and the severity of the infraction in the state in which
24 a license was revoked or suspended.

25 (d) Applications and affidavits required under this
26 Section are not subject to disclosure by the Illinois State

1 Police under the Freedom of Information Act.

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

3 (430 ILCS 68/5-85)

4 Sec. 5-85. Disciplinary sanctions.

5 (a) For violations of this Act not penalized under Section
6 5-15, the Illinois State Police may refuse to renew or
7 restore, or may reprimand, place on probation, suspend,
8 revoke, or take other disciplinary or non-disciplinary action
9 against any licensee, and may impose a fine commensurate with
10 the severity of the violation not to exceed \$10,000 for each
11 violation for any of the following, consistent with the
12 Protection of Lawful Commerce in Arms Act, 15 U.S.C. 7901
13 through 7903:

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

16 (2) A pattern of practice or other behavior which
17 demonstrates incapacity or incompetency to practice under
18 this Act.

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

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

24 (5) Conviction of, plea of guilty to, or plea of nolo
25 contendere to any crime that disqualifies the person from

1 obtaining a firearm ~~valid Firearm Owner's Identification~~
2 ~~Card~~.

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

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

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

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

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

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

20 (10) A finding by the Illinois State Police that the
21 licensee, after having his or her certified license placed
22 on probationary status, has violated the terms of
23 probation.

24 (11) A fraudulent or material misstatement in the
25 completion of an affirmative obligation or inquiry by law
26 enforcement.

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

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

5 Section 70. The Wildlife Code is amended by changing
6 Sections 3.2 and 3.2a as follows:

7 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

8 Sec. 3.2. Hunting license; application; instruction.
9 Before the Department or any county, city, village, township,
10 incorporated town clerk or his duly designated agent or any
11 other person authorized or designated by the Department to
12 issue hunting licenses shall issue a hunting license to any
13 person, the person shall file his application with the
14 Department or other party authorized to issue licenses on a
15 form provided by the Department and further give definite
16 proof of identity and place of legal residence. Each clerk
17 designating agents to issue licenses and stamps shall furnish
18 the Department, within 10 days following the appointment, the
19 names and mailing addresses of the agents. Each clerk or his
20 duly designated agent shall be authorized to sell licenses and
21 stamps only within the territorial area for which he was
22 elected or appointed. No duly designated agent is authorized
23 to furnish licenses or stamps for issuance by any other
24 business establishment. Each application shall be executed and

1 sworn to and shall set forth the name and description of the
2 applicant and place of residence.

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

15 The Department of Natural Resources shall authorize
16 personnel of the Department or certified volunteer instructors
17 to conduct courses, of not less than 10 hours in length, in
18 firearms and hunter safety, which may include training in bow
19 and arrow safety, at regularly specified intervals throughout
20 the State. Persons successfully completing the course shall
21 receive a certificate of competency. The Department of Natural
22 Resources may further cooperate with any reputable association
23 or organization in establishing courses if the organization
24 has as one of its objectives the promotion of safety in the
25 handling of firearms or bow and arrow.

26 The Department of Natural Resources shall designate any

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

15 The fee for a hunting license to hunt all species for a
16 resident of Illinois is \$12. For residents age 65 or older,
17 and, commencing with the 2012 license year, resident veterans
18 of the United States Armed Forces after returning from service
19 abroad or mobilization by the President of the United States
20 as an active duty member of the United States Armed Forces, the
21 Illinois National Guard, or the Reserves of the United States
22 Armed Forces, the fee is one-half of the fee charged for a
23 hunting license to hunt all species for a resident of
24 Illinois. Veterans must provide to the Department acceptable
25 verification of their service. The Department shall establish
26 by administrative rule the procedure by which such

1 verification of service shall be made to the Department for
2 the purpose of issuing resident veterans hunting licenses at a
3 reduced fee. The fee for a hunting license to hunt all species
4 shall be \$1 for residents over 75 years of age. Nonresidents
5 shall be charged \$57 for a hunting license.

6 Residents of this State may obtain a 3-year hunting
7 license to hunt all species as described in Section 3.1 for 3
8 times the annual fee. For residents age 65 or older and
9 resident veterans of the United States Armed Forces after
10 returning from service abroad or mobilization by the President
11 of the United States, the fee is one-half of the fee charged
12 for a 3-year hunting license to hunt all species as described
13 in Section 3.1 for a resident of this State. Veterans must
14 provide to the Department, per administrative rule,
15 verification of their service. The Department shall establish
16 what constitutes suitable verification of service for the
17 purpose of issuing resident veterans 3-year hunting licenses
18 at a reduced fee.

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

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

1 The expiration date of this license shall be on the same date
2 each year that game breeding and hunting preserve area
3 licenses expire.

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

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

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

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

25 The Department shall furnish the holders of hunting
26 licenses and stamps with an insignia as evidence of possession

1 of license, or license and stamp, as the Department may
2 consider advisable. The insignia shall be exhibited and used
3 as the Department may order.

4 All other hunting licenses and all State stamps shall
5 expire upon March 31 of each year. Three-year hunting licenses
6 shall expire on March 31 of the 2nd year after the year in
7 which the license is issued.

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

18 For the purposes of this Section, "acceptable
19 verification" means official documentation from the Department
20 of Defense or the appropriate Major Command showing
21 mobilization dates or service abroad dates, including: (i) a
22 DD-214, (ii) a letter from the Illinois Department of Military
23 Affairs for members of the Illinois National Guard, (iii) a
24 letter from the Regional Reserve Command for members of the
25 Armed Forces Reserve, (iv) a letter from the Major Command
26 covering Illinois for active duty members, (v) personnel

1 records for mobilized State employees, and (vi) any other
2 documentation that the Department, by administrative rule,
3 deems acceptable to establish dates of mobilization or service
4 abroad.

5 For the purposes of this Section, the term "service
6 abroad" means active duty service outside of the 50 United
7 States and the District of Columbia, and includes all active
8 duty service in territories and possessions of the United
9 States.

10 (Source: P.A. 102-780, eff. 5-13-22; 103-456, eff. 1-1-24.)

11 (520 ILCS 5/3.2a) (from Ch. 61, par. 3.2a)

12 Sec. 3.2a. Every person holding any license, permit or
13 stamp issued under the provisions hereof shall have it in his
14 possession for immediate presentation for inspection to the
15 officers and authorized employees of the Department, any
16 sheriff, deputy sheriff or any other peace officer making a
17 demand for it. This provision shall not apply to Department
18 owned or managed sites where it is required that all hunters
19 deposit their license or ~~7~~ permit ~~or Firearm Owner's~~
20 ~~Identification Card~~ at the check station upon entering the
21 hunting areas.

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

23 Section 71. The Illinois Vehicle Code is amended by
24 changing Section 2-116 as follows:

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

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

3 (a) The Secretary of State and the officers, inspectors,
4 and investigators appointed by him shall cooperate with the
5 Illinois State Police and the sheriffs and police in enforcing
6 the laws regulating the operation of vehicles and the use of
7 the highways.

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

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

20 (c-5) The Director of the Secretary of State Department of
21 Police shall establish a program to allow a Secretary of State
22 Police officer, inspector, or investigator who is honorably
23 retiring in good standing to purchase either one or both of the
24 following: (1) any Secretary of State Department of Police
25 badge previously issued to that officer, inspector, or

1 investigator; or (2) ~~if the officer, inspector, or~~
2 ~~investigator has a currently valid Firearm Owner's~~
3 ~~Identification Card,~~ the service firearm issued or previously
4 issued to the officer, inspector, or investigator by the
5 Secretary of State Department of Police. The cost of the
6 firearm shall be the replacement value of the firearm and not
7 the firearm's fair market value.

8 (d) The Secretary of State Department of Police is
9 authorized to:

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

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

21 (3) cooperate with the police of cities, villages, and
22 incorporated towns, and with the police officers of any
23 county, in enforcing the laws of the State and in making
24 arrests;

25 (4) provide, as may be required by law, assistance to
26 local law enforcement agencies through training,

1 management, and consultant services for local law
2 enforcement agencies, pertaining to law enforcement
3 activities;

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

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

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

19 (e) The Secretary of State Department of Police may
20 charge, collect, and receive fees or moneys equivalent to the
21 cost of providing its personnel, equipment, and services to
22 governmental agencies when explicitly requested by a
23 governmental agency and according to an intergovernmental
24 agreement or memorandums of understanding as provided by this
25 Section, including but not limited to fees or moneys
26 equivalent to the cost of providing training to other

1 governmental agencies on terms and conditions that in the
2 judgment of the Director of Police-Secretary of State are in
3 the best interest of the Secretary of State. All fees received
4 by the Secretary of State Police Department under this Act
5 shall be deposited in a special fund in the State Treasury to
6 be known as the Secretary of State Police Services Fund. The
7 money deposited in the Secretary of State Police Services Fund
8 shall be appropriated to the Secretary of State Department of
9 Police as provided for in subsection (g).

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

16 (g) The Secretary of State Police Services Fund is hereby
17 created as a special fund in the State Treasury. All moneys
18 received under this Section by the Secretary of State
19 Department of Police shall be deposited into the Secretary of
20 State Police Services Fund to be appropriated to the Secretary
21 of State Department of Police for purposes as indicated by the
22 grantor or contractor or, in the case of moneys bequeathed or
23 granted for no specific purpose, for any purpose as deemed
24 appropriate by the Director of Police-Secretary of State in
25 administering the responsibilities of the Secretary of State
26 Department of Police.

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

2 Section 75. The Criminal Code of 2012 is amended by
3 changing Sections 2-7.1, 2-7.5, 12-3.05, 16-0.1, 17-30, 24-1,
4 24-1.1, 24-1.6, 24-1.8, 24-1.9, 24-1.10, 24-2, 24-3, 24-3.1,
5 24-3.2, 24-3.4, 24-3.5, 24-3B, 24-4.1, 24-5.1, and 24-9 and
6 adding Section 24-4.5 as follows:

7 (720 ILCS 5/2-7.1)

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

13 (1) any ammunition exclusively designed for use with a
14 device used exclusively for signaling or safety and required
15 or recommended by the United States Coast Guard or the
16 Interstate Commerce Commission; and

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

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

22 (720 ILCS 5/2-7.5)

23 Sec. 2-7.5. "Firearm". Except as otherwise provided in a

1 specific Section, "firearm" means any device, by whatever name
2 known, which is designed to expel a projectile or projectiles
3 by the action of an explosion, expansion of gas or escape of
4 gas; excluding, however:

5 (1) any pneumatic gun, spring gun, paint ball gun, or B-B
6 gun which expels a single globular projectile not exceeding
7 .18 inch in diameter or which has a maximum muzzle velocity of
8 less than 700 feet per second;

9 (1.1) any pneumatic gun, spring gun, paint ball gun, or
10 B-B gun which expels breakable paint balls containing washable
11 marking colors;

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

15 (3) any device used exclusively for the firing of stud
16 cartridges, explosive rivets, or similar industrial
17 ammunition; and

18 (4) an antique firearm (other than a machine-gun) which,
19 although designed as a weapon, the Illinois State Police finds
20 by reason of the date of its manufacture, value, design, and
21 other characteristics is primarily a collector's item and is
22 not likely to be used as a weapon ~~has the meaning ascribed to~~
23 ~~it in Section 1.1 of the Firearm Owners Identification Card~~
24 ~~Act.~~

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

1 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

2 Sec. 12-3.05. Aggravated battery.

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

7 (1) Causes great bodily harm or permanent disability
8 or disfigurement.

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

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

21 (i) performing his or her official duties;

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

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

26 (4) Causes great bodily harm or permanent disability

1 or disfigurement to an individual 60 years of age or
2 older.

3 (5) Strangles another individual.

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

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

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

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

24 (d) Offense based on status of victim. A person commits
25 aggravated battery when, in committing a battery, other than
26 by discharge of a firearm, he or she knows the individual

1 battered to be any of the following:

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

3 (2) A person who is pregnant or has a physical
4 disability.

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

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

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

20 (i) performing his or her official duties;

21 (ii) battered to prevent performance of his or her
22 official duties; or

23 (iii) battered in retaliation for performing his
24 or her official duties.

25 (6) An officer or employee of the State of Illinois, a
26 unit of local government, or a school district, while

1 performing his or her official duties.

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

4 (8) A taxi driver on duty.

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

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

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

16 (12) A merchant: (i) while performing his or her
17 duties, including, but not limited to, relaying directions
18 for healthcare or safety from his or her supervisor or
19 employer or relaying health or safety guidelines,
20 recommendations, regulations, or rules from a federal,
21 State, or local public health agency; and (ii) during a
22 disaster declared by the Governor, or a state of emergency
23 declared by the mayor of the municipality in which the
24 merchant is located, due to a public health emergency and
25 for a period of 6 months after such declaration.

26 (e) Offense based on use of a firearm. A person commits

1 aggravated battery when, in committing a battery, he or she
2 knowingly does any of the following:

3 (1) Discharges a firearm, other than a machine gun or
4 a firearm equipped with a silencer, and causes any injury
5 to another person.

6 (2) Discharges a firearm, other than a machine gun or
7 a firearm equipped with a silencer, and causes any injury
8 to a person he or she knows to be a peace officer,
9 community policing volunteer, person summoned by a police
10 officer, fireman, private security officer, correctional
11 institution employee, or emergency management worker:

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

21 (i) performing his or her official duties;

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

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

26 (4) Discharges a firearm and causes any injury to a

1 person he or she knows to be a teacher, a student in a
2 school, or a school employee, and the teacher, student, or
3 employee is upon school grounds or grounds adjacent to a
4 school or in any part of a building used for school
5 purposes.

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

8 (6) Discharges a machine gun or a firearm equipped
9 with a silencer, and causes any injury to a person he or
10 she knows to be a peace officer, community policing
11 volunteer, person summoned by a police officer, fireman,
12 private security officer, correctional institution
13 employee or emergency management worker:

14 (i) performing his or her official duties;

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

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

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

22 (i) performing his or her official duties;

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

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

1 (8) Discharges a machine gun or a firearm equipped
2 with a silencer, and causes any injury to a person he or
3 she knows to be a teacher, or a student in a school, or a
4 school employee, and the teacher, student, or employee is
5 upon school grounds or grounds adjacent to a school or in
6 any part of a building used for school purposes.

7 (f) Offense based on use of a weapon or device. A person
8 commits aggravated battery when, in committing a battery, he
9 or she does any of the following:

10 (1) Uses a deadly weapon other than by discharge of a
11 firearm, or uses an air rifle as defined in Section
12 24.8-0.1 of this Code.

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

15 (3) Knowingly and without lawful justification shines
16 or flashes a laser gunsight or other laser device attached
17 to a firearm, or used in concert with a firearm, so that
18 the laser beam strikes upon or against the person of
19 another.

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

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

25 (1) Violates Section 401 of the Illinois Controlled
26 Substances Act by unlawfully delivering a controlled

1 substance to another and any user experiences great bodily
2 harm or permanent disability as a result of the injection,
3 inhalation, or ingestion of any amount of the controlled
4 substance.

5 (2) Knowingly administers to an individual or causes
6 him or her to take, without his or her consent or by threat
7 or deception, and for other than medical purposes, any
8 intoxicating, poisonous, stupefying, narcotic,
9 anesthetic, or controlled substance, or gives to another
10 person any food containing any substance or object
11 intended to cause physical injury if eaten.

12 (3) Knowingly causes or attempts to cause a
13 correctional institution employee or Department of Human
14 Services employee to come into contact with blood, seminal
15 fluid, urine, or feces by throwing, tossing, or expelling
16 the fluid or material, and the person is an inmate of a
17 penal institution or is a sexually dangerous person or
18 sexually violent person in the custody of the Department
19 of Human Services.

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

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

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

26 Aggravated battery as defined in subdivision (a)(1) is a

1 Class 1 felony when the aggravated battery was intentional and
2 involved the infliction of torture, as defined in paragraph
3 (10) of subsection (b-5) of Section 5-8-1 of the Unified Code
4 of Corrections, as the infliction of or subjection to extreme
5 physical pain, motivated by an intent to increase or prolong
6 the pain, suffering, or agony of the victim.

7 Aggravated battery as defined in subdivision (a)(1) is a
8 Class 2 felony when the person causes great bodily harm or
9 permanent disability to an individual whom the person knows to
10 be a member of a congregation engaged in prayer or other
11 religious activities at a church, synagogue, mosque, or other
12 building, structure, or place used for religious worship.

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

15 (A) the person used or attempted to use a dangerous
16 instrument while committing the offense;

17 (B) the person caused great bodily harm or permanent
18 disability or disfigurement to the other person while
19 committing the offense; or

20 (C) the person has been previously convicted of a
21 violation of subdivision (a)(5) under the laws of this
22 State or laws similar to subdivision (a)(5) of any other
23 state.

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

26 Aggravated battery as defined in subdivision (a)(2) is a

1 Class X felony for which a person shall be sentenced to a term
2 of imprisonment of a minimum of 6 years and a maximum of 45
3 years.

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

8 Aggravated battery as defined in subdivision (e)(2),
9 (e)(3), or (e)(4) is a Class X felony for which a person shall
10 be sentenced to a term of imprisonment of a minimum of 15 years
11 and a maximum of 60 years.

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

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

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

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

24 (3) if, during the commission of the offense, the
25 person personally discharged a firearm that proximately
26 caused great bodily harm, permanent disability, permanent

1 disfigurement, or death to another person, 25 years or up
2 to a term of natural life shall be added to the term of
3 imprisonment imposed by the court.

4 (i) Definitions. In this Section:

5 "Building or other structure used to provide shelter" has
6 the meaning ascribed to "shelter" in Section 1 of the Domestic
7 Violence Shelters Act.

8 "Domestic violence" has the meaning ascribed to it in
9 Section 103 of the Illinois Domestic Violence Act of 1986.

10 "Domestic violence shelter" means any building or other
11 structure used to provide shelter or other services to victims
12 or to the dependent children of victims of domestic violence
13 pursuant to the Illinois Domestic Violence Act of 1986 or the
14 Domestic Violence Shelters Act, or any place within 500 feet
15 of such a building or other structure in the case of a person
16 who is going to or from such a building or other structure.

17 "Firearm" has the meaning provided under Section 2-7.5 of
18 this Code ~~1.1 of the Firearm Owners Identification Card Act,~~
19 and does not include an air rifle as defined by Section
20 24.8-0.1 of this Code.

21 "Machine gun" has the meaning ascribed to it in Section
22 24-1 of this Code.

23 "Merchant" has the meaning ascribed to it in Section
24 16-0.1 of this Code.

25 "Strangle" means intentionally impeding the normal
26 breathing or circulation of the blood of an individual by

1 applying pressure on the throat or neck of that individual or
2 by blocking the nose or mouth of that individual.

3 (Source: P.A. 103-51, eff. 1-1-24.)

4 (720 ILCS 5/16-0.1)

5 Sec. 16-0.1. Definitions. In this Article, unless the
6 context clearly requires otherwise, the following terms are
7 defined as indicated:

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

11 "Coin-operated machine" includes any automatic vending
12 machine or any part thereof, parking meter, coin telephone,
13 coin-operated transit turnstile, transit fare box, coin
14 laundry machine, coin dry cleaning machine, amusement machine,
15 music machine, vending machine dispensing goods or services,
16 or money changer.

17 "Communication device" means any type of instrument,
18 device, machine, or equipment which is capable of
19 transmitting, acquiring, decrypting, or receiving any
20 telephonic, electronic, data, Internet access, audio, video,
21 microwave, or radio transmissions, signals, communications, or
22 services, including the receipt, acquisition, transmission, or
23 decryption of all such communications, transmissions, signals,
24 or services provided by or through any cable television, fiber
25 optic, telephone, satellite, microwave, radio, Internet-based,

1 data transmission, or wireless distribution network, system or
2 facility; or any part, accessory, or component thereof,
3 including any computer circuit, security module, smart card,
4 software, computer chip, electronic mechanism or other
5 component, accessory or part of any communication device which
6 is capable of facilitating the transmission, decryption,
7 acquisition or reception of all such communications,
8 transmissions, signals, or services.

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

25 "Communication service provider" means: (1) any person or
26 entity providing any communication service, whether directly

1 or indirectly, as a reseller, including, but not limited to, a
2 cellular, paging or other wireless communications company or
3 other person or entity which, for a fee, supplies the
4 facility, cell site, mobile telephone switching office or
5 other equipment or communication service; (2) any person or
6 entity owning or operating any cable television, fiber optic,
7 satellite, telephone, wireless, microwave, radio, data
8 transmission or Internet-based distribution network, system or
9 facility; and (3) any person or entity providing any
10 communication service directly or indirectly by or through any
11 such distribution system, network or facility.

12 "Computer" means a device that accepts, processes, stores,
13 retrieves or outputs data, and includes but is not limited to
14 auxiliary storage and telecommunications devices connected to
15 computers.

16 "Continuing course of conduct" means a series of acts, and
17 the accompanying mental state necessary for the crime in
18 question, irrespective of whether the series of acts are
19 continuous or intermittent.

20 "Delivery container" means any bakery basket of wire or
21 plastic used to transport or store bread or bakery products,
22 any dairy case of wire or plastic used to transport or store
23 dairy products, and any dolly or cart of 2 or 4 wheels used to
24 transport or store any bakery or dairy product.

25 "Document-making implement" means any implement,
26 impression, template, computer file, computer disc, electronic

1 device, computer hardware, computer software, instrument, or
2 device that is used to make a real or fictitious or fraudulent
3 personal identification document.

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

5 (1) An electronic funds transfer card.

6 (2) A credit card.

7 (3) A debit card.

8 (4) A point-of-sale card.

9 (5) Any instrument, device, card, plate, code, account
10 number, personal identification number, or a record or
11 copy of a code, account number, or personal identification
12 number or other means of access to a credit account or
13 deposit account, or a driver's license or State
14 identification card used to access a proprietary account,
15 other than access originated solely by a paper instrument,
16 that can be used alone or in conjunction with another
17 access device, for any of the following purposes:

18 (A) Obtaining money, cash refund or credit
19 account, credit, goods, services, or any other thing
20 of value.

21 (B) Certifying or guaranteeing to a person or
22 business the availability to the device holder of
23 funds on deposit to honor a draft or check payable to
24 the order of that person or business.

25 (C) Providing the device holder access to a
26 deposit account for the purpose of making deposits,

1 withdrawing funds, transferring funds between deposit
2 accounts, obtaining information pertaining to a
3 deposit account, or making an electronic funds
4 transfer.

5 "Full retail value" means the merchant's stated or
6 advertised price of the merchandise. "Full retail value"
7 includes the aggregate value of property obtained from retail
8 thefts committed by the same person as part of a continuing
9 course of conduct from one or more mercantile establishments
10 in a single transaction or in separate transactions over a
11 period of one year.

12 "Internet" means an interactive computer service or system
13 or an information service, system, or access software provider
14 that provides or enables computer access by multiple users to
15 a computer server, and includes, but is not limited to, an
16 information service, system, or access software provider that
17 provides access to a network system commonly known as the
18 Internet, or any comparable system or service and also
19 includes, but is not limited to, a World Wide Web page,
20 newsgroup, message board, mailing list, or chat area on any
21 interactive computer service or system or other online
22 service.

23 "Library card" means a card or plate issued by a library
24 facility for purposes of identifying the person to whom the
25 library card was issued as authorized to borrow library
26 material, subject to all limitations and conditions imposed on

1 the borrowing by the library facility issuing such card.

2 "Library facility" includes any public library or museum,
3 or any library or museum of an educational, historical or
4 eleemosynary institution, organization or society.

5 "Library material" includes any book, plate, picture,
6 photograph, engraving, painting, sculpture, statue, artifact,
7 drawing, map, newspaper, pamphlet, broadside, magazine,
8 manuscript, document, letter, microfilm, sound recording,
9 audiovisual material, magnetic or other tape, electronic data
10 processing record or other documentary, written or printed
11 material regardless of physical form or characteristics, or
12 any part thereof, belonging to, or on loan to or otherwise in
13 the custody of a library facility.

14 "Manufacture or assembly of an unlawful access device"
15 means to make, produce or assemble an unlawful access device
16 or to modify, alter, program or re-program any instrument,
17 device, machine, equipment or software so that it is capable
18 of defeating or circumventing any technology, device or
19 software used by the provider, owner or licensee of a
20 communication service or of any data, audio or video programs
21 or transmissions to protect any such communication, data,
22 audio or video services, programs or transmissions from
23 unauthorized access, acquisition, disclosure, receipt,
24 decryption, communication, transmission or re-transmission.

25 "Manufacture or assembly of an unlawful communication
26 device" means to make, produce or assemble an unlawful

1 communication or wireless device or to modify, alter, program
2 or reprogram a communication or wireless device to be capable
3 of acquiring, disrupting, receiving, transmitting, decrypting,
4 or facilitating the acquisition, disruption, receipt,
5 transmission or decryption of, a communication service without
6 the express consent or express authorization of the
7 communication service provider, or to knowingly assist others
8 in those activities.

9 "Master sound recording" means the original physical
10 object on which a given set of sounds were first recorded and
11 which the original object from which all subsequent sound
12 recordings embodying the same set of sounds are directly or
13 indirectly derived.

14 "Merchandise" means any item of tangible personal
15 property, including motor fuel.

16 "Merchant" means an owner or operator of any retail
17 mercantile establishment or any agent, employee, lessee,
18 consignee, officer, director, franchisee, or independent
19 contractor of the owner or operator. "Merchant" also means a
20 person who receives from an authorized user of a payment card,
21 or someone the person believes to be an authorized user, a
22 payment card or information from a payment card, or what the
23 person believes to be a payment card or information from a
24 payment card, as the instrument for obtaining, purchasing or
25 receiving goods, services, money, or anything else of value
26 from the person.

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

3 "Online" means the use of any electronic or wireless
4 device to access the Internet.

5 "Payment card" means a credit card, charge card, debit
6 card, or any other card that is issued to an authorized card
7 user and that allows the user to obtain, purchase, or receive
8 goods, services, money, or anything else of value from a
9 merchant.

10 "Person with a disability" means a person who suffers from
11 a physical or mental impairment resulting from disease,
12 injury, functional disorder or congenital condition that
13 impairs the individual's mental or physical ability to
14 independently manage his or her property or financial
15 resources, or both.

16 "Personal identification document" means a birth
17 certificate, a driver's license, a State identification card,
18 a public, government, or private employment identification
19 card, a social security card, a license issued under the
20 Firearm Concealed Carry Act ~~firearm owner's identification~~
21 ~~card~~, a credit card, a debit card, or a passport issued to or
22 on behalf of a person other than the offender, or any document
23 made or issued, or falsely purported to have been made or
24 issued, by or under the authority of the United States
25 Government, the State of Illinois, or any other state
26 political subdivision of any state, or any other governmental

1 or quasi-governmental organization that is of a type intended
2 for the purpose of identification of an individual, or any
3 such document made or altered in a manner that it falsely
4 purports to have been made on behalf of or issued to another
5 person or by the authority of one who did not give that
6 authority.

7 "Personal identifying information" means any of the
8 following information:

9 (1) A person's name.

10 (2) A person's address.

11 (3) A person's date of birth.

12 (4) A person's telephone number.

13 (5) A person's driver's license number or State of
14 Illinois identification card as assigned by the Secretary
15 of State of the State of Illinois or a similar agency of
16 another state.

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

18 (7) A person's public, private, or government
19 employer, place of employment, or employment
20 identification number.

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

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

24 (10) The number assigned to a person's credit or debit
25 card, commonly known as a "Visa Card", "MasterCard",
26 "American Express Card", "Discover Card", or other similar

1 cards whether issued by a financial institution,
2 corporation, or business entity.

3 (11) Personal identification numbers.

4 (12) Electronic identification numbers.

5 (13) Digital signals.

6 (14) User names, passwords, and any other word,
7 number, character or combination of the same usable in
8 whole or part to access information relating to a specific
9 individual, or to the actions taken, communications made
10 or received, or other activities or transactions of a
11 specific individual.

12 (15) Any other numbers or information which can be
13 used to access a person's financial resources, or to
14 identify a specific individual, or the actions taken,
15 communications made or received, or other activities or
16 transactions of a specific individual.

17 "Premises of a retail mercantile establishment" includes,
18 but is not limited to, the retail mercantile establishment;
19 any common use areas in shopping centers; and all parking
20 areas set aside by a merchant or on behalf of a merchant for
21 the parking of vehicles for the convenience of the patrons of
22 such retail mercantile establishment.

23 "Public water, gas, or power supply, or other public
24 services" mean any service subject to regulation by the
25 Illinois Commerce Commission; any service furnished by a
26 public utility that is owned and operated by any political

1 subdivision, public institution of higher education or
2 municipal corporation of this State; any service furnished by
3 any public utility that is owned by such political
4 subdivision, public institution of higher education, or
5 municipal corporation and operated by any of its lessees or
6 operating agents; any service furnished by an electric
7 cooperative as defined in Section 3.4 of the Electric Supplier
8 Act; or wireless service or other service regulated by the
9 Federal Communications Commission.

10 "Publish" means to communicate or disseminate information
11 to any one or more persons, either orally, in person, or by
12 telephone, radio or television or in writing of any kind,
13 including, without limitation, a letter or memorandum,
14 circular or handbill, newspaper or magazine article or book.

15 "Radio frequency identification device" means any
16 implement, computer file, computer disc, electronic device,
17 computer hardware, computer software, or instrument that is
18 used to activate, read, receive, or decode information stored
19 on a RFID tag or transponder attached to a personal
20 identification document.

21 "RFID tag or transponder" means a chip or device that
22 contains personal identifying information from which the
23 personal identifying information can be read or decoded by
24 another device emitting a radio frequency that activates or
25 powers a radio frequency emission response from the chip or
26 transponder.

1 "Reencoder" means an electronic device that places encoded
2 information from the magnetic strip or stripe of a payment
3 card onto the magnetic strip or stripe of a different payment
4 card.

5 "Retail mercantile establishment" means any place where
6 merchandise is displayed, held, stored or offered for sale to
7 the public.

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

12 "Shopping cart" means those push carts of the type or
13 types which are commonly provided by grocery stores, drug
14 stores or other retail mercantile establishments for the use
15 of the public in transporting commodities in stores and
16 markets and, incidentally, from the stores to a place outside
17 the store.

18 "Sound or audio visual recording" means any sound or audio
19 visual phonograph record, disc, pre-recorded tape, film, wire,
20 magnetic tape or other object, device or medium, now known or
21 hereafter invented, by which sounds or images may be
22 reproduced with or without the use of any additional machine,
23 equipment or device.

24 "Stored value card" means any card, gift card, instrument,
25 or device issued with or without fee for the use of the
26 cardholder to obtain money, goods, services, or anything else

1 of value. Stored value cards include, but are not limited to,
2 cards issued for use as a stored value card or gift card, and
3 an account identification number or symbol used to identify a
4 stored value card. "Stored value card" does not include a
5 prepaid card usable at multiple, unaffiliated merchants or at
6 automated teller machines, or both. "Stored value card" shall
7 only apply to Section 16-25.1 of this Act.

8 "Theft detection device remover" means any tool or device
9 specifically designed and intended to be used to remove any
10 theft detection device from any merchandise.

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

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

20 "Unlawful access device" means any type of instrument,
21 device, machine, equipment, technology, or software which is
22 primarily possessed, used, designed, assembled, manufactured,
23 sold, distributed or offered, promoted or advertised for the
24 purpose of defeating or circumventing any technology, device
25 or software, or any component or part thereof, used by the
26 provider, owner or licensee of any communication service or of

1 any data, audio or video programs or transmissions to protect
2 any such communication, audio or video services, programs or
3 transmissions from unauthorized access, acquisition, receipt,
4 decryption, disclosure, communication, transmission or
5 re-transmission.

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

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

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

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

21 "Wireless device" includes any type of instrument, device,
22 machine, or equipment that is capable of transmitting or
23 receiving telephonic, electronic or radio communications, or
24 any part of such instrument, device, machine, or equipment, or
25 any computer circuit, computer chip, electronic mechanism, or
26 other component that is capable of facilitating the

1 transmission or reception of telephonic, electronic, or radio
2 communications.

3 (Source: P.A. 102-757, eff. 5-13-22.)

4 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

5 Sec. 17-30. Defaced, altered, or removed manufacturer or
6 owner identification number.

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

13 (b) Construction equipment identification defacement. A
14 person commits construction equipment identification
15 defacement when he or she knowingly changes, alters, removes,
16 mutilates, or obliterates a permanently affixed serial number,
17 product identification number, part number, component
18 identification number, owner-applied identification, or other
19 mark of identification attached to or stamped, inscribed,
20 molded, or etched into a machine or other equipment, whether
21 stationary or mobile or self-propelled, or a part of such
22 machine or equipment, used in the construction, maintenance,
23 or demolition of buildings, structures, bridges, tunnels,
24 sewers, utility pipes or lines, ditches or open cuts, roads,
25 highways, dams, airports, or waterways or in material handling

1 for such projects.

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

17 (c) Defacement of manufacturer's serial number or
18 identification mark. A person commits defacement of a
19 manufacturer's serial number or identification mark when he or
20 she knowingly removes, alters, defaces, covers, or destroys
21 the manufacturer's serial number or any other manufacturer's
22 number or distinguishing identification mark upon any machine
23 or other article of merchandise, other than a motor vehicle as
24 defined in Section 1-146 of the Illinois Vehicle Code or a
25 firearm ~~as defined in the Firearm Owners Identification Card~~
26 ~~Act~~, with the intent of concealing or destroying the identity

1 of such machine or other article of merchandise.

2 (d) Sentence.

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

7 (2) A violation of subsection (b) of this Section is a
8 Class A misdemeanor.

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

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

13 (f) Definitions. In this Section:

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

20 "Household appliance" means any gas or electric device or
21 machine marketed for use as home entertainment or for
22 facilitating or expediting household tasks or chores. The term
23 shall include but not necessarily be limited to refrigerators,
24 freezers, ranges, radios, television sets, vacuum cleaners,
25 toasters, dishwashers, and other similar household items.

26 "Manufacturer's identification number" means any serial

1 number or other similar numerical or alphabetical designation
2 imprinted upon or attached to or placed, stamped, or otherwise
3 imprinted upon or attached to a household appliance or item by
4 the manufacturer for purposes of identifying a particular
5 appliance or item individually or by lot number.

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

7 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

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

21 (2) Carries or possesses with intent to use the same
22 unlawfully against another, a dagger, dirk, billy,
23 dangerous knife, razor, stiletto, broken bottle or other
24 piece of glass, stun gun or taser or any other dangerous or
25 deadly weapon or instrument of like character; or

1 (2.5) Carries or possesses with intent to use the same
2 unlawfully against another, any firearm in a church,
3 synagogue, mosque, or other building, structure, or place
4 used for religious worship; or

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

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

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

21 (ii) are not immediately accessible; or

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

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

5 (5) Sets a spring gun; or

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

9 (7) Sells, manufactures, purchases, possesses or
10 carries:

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

23 (ii) any rifle having one or more barrels less
24 than 16 inches in length or a shotgun having one or
25 more barrels less than 18 inches in length or any
26 weapon made from a rifle or shotgun, whether by

1 alteration, modification, or otherwise, if such a
2 weapon as modified has an overall length of less than
3 26 inches; or

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

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

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

21 (9) Carries or possesses in a vehicle or on or about
22 his or her person any pistol, revolver, stun gun or taser
23 or firearm or ballistic knife, when he or she is hooded,
24 robed or masked in such manner as to conceal his or her
25 identity; or

26 (10) Carries or possesses on or about his or her

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

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

14 (ii) are not immediately accessible; or

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

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

24 A "stun gun or taser", as used in this paragraph (a)
25 means (i) any device which is powered by electrical
26 charging units, such as, batteries, and which fires one or

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

10 (11) Sells, manufactures, delivers, imports,
11 possesses, or purchases any assault weapon attachment or
12 .50 caliber cartridge in violation of Section 24-1.9 or
13 any explosive bullet. For purposes of this paragraph (a)
14 "explosive bullet" means the projectile portion of an
15 ammunition cartridge which contains or carries an
16 explosive charge which will explode upon contact with the
17 flesh of a human or an animal. "Cartridge" means a tubular
18 metal case having a projectile affixed at the front
19 thereof and a cap or primer at the rear end thereof, with
20 the propellant contained in such tube between the
21 projectile and the cap; or

22 (12) (Blank); or

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

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

5 (14) Manufactures, possesses, sells, or offers to
6 sell, purchase, manufacture, import, transfer, or use any
7 device, part, kit, tool, accessory, or combination of
8 parts that is designed to and functions to increase the
9 rate of fire of a semiautomatic firearm above the standard
10 rate of fire for semiautomatic firearms that is not
11 equipped with that device, part, or combination of parts;
12 or

13 (15) Carries or possesses any assault weapon or .50
14 caliber rifle in violation of Section 24-1.9; or

15 (16) Manufactures, sells, delivers, imports, or
16 purchases any assault weapon or .50 caliber rifle in
17 violation of Section 24-1.9.

18 (b) Sentence. A person convicted of a violation of
19 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
20 subsection 24-1(a)(11), subsection 24-1(a)(13), or 24-1(a)(15)
21 commits a Class A misdemeanor. A person convicted of a
22 violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a
23 Class 4 felony; a person convicted of a violation of
24 subsection 24-1(a)(6), 24-1(a)(7)(ii), 24-1(a)(7)(iii), or
25 24-1(a)(16) commits a Class 3 felony. A person convicted of a
26 violation of subsection 24-1(a)(7)(i) commits a Class 2 felony

1 and shall be sentenced to a term of imprisonment of not less
2 than 3 years and not more than 7 years, unless the weapon is
3 possessed in the passenger compartment of a motor vehicle as
4 defined in Section 1-146 of the Illinois Vehicle Code, or on
5 the person, while the weapon is loaded, in which case it shall
6 be a Class X felony. A person convicted of a second or
7 subsequent violation of subsection 24-1(a)(4), 24-1(a)(8),
8 24-1(a)(9), 24-1(a)(10), or 24-1(a)(15) commits a Class 3
9 felony. A person convicted of a violation of subsection
10 24-1(a)(2.5) or 24-1(a)(14) commits a Class 2 felony. The
11 possession of each weapon or device in violation of this
12 Section constitutes a single and 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;
6 102-1116, eff. 1-10-23.)

7 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

8 Sec. 24-1.1. Unlawful use or possession of weapons by
9 felons or persons in the custody of the Department of
10 Corrections facilities.

11 (a) It is unlawful for a person to knowingly possess on or
12 about his person or on his land or in his own abode or fixed
13 place of business any weapon prohibited under Section 24-1 of
14 this Act or any firearm or any firearm ammunition if the person
15 has been convicted of a felony under the laws of this State or
16 any other jurisdiction. This Section shall not apply if the
17 person has been granted relief under this subsection ~~by the~~
18 ~~Director of the Illinois State Police under Section 10 of the~~
19 ~~Firearm Owners Identification Card Act.~~ A person prohibited
20 from possessing a firearm under this subsection (a) may
21 petition the Director of the Illinois State Police for a
22 hearing and relief from the prohibition, unless the
23 prohibition was based upon a forcible felony, stalking,
24 aggravated stalking, domestic battery, any violation of the
25 Illinois Controlled Substances Act, the Methamphetamine

1 Control and Community Protection Act, or the Cannabis Control
2 Act that is classified as a Class 2 or greater felony, any
3 felony violation of Article 24 of the Criminal Code of 1961 or
4 the Criminal Code of 2012, or any adjudication as a delinquent
5 minor for the commission of an offense that if committed by an
6 adult would be a felony, in which case the person may petition
7 the circuit court in writing in the county of his or her
8 residence for a hearing and relief from the prohibition. The
9 Director or court may grant the relief if it is established by
10 the petitioner to the court's or Director's satisfaction that:

11 (1) when in the circuit court, the State's Attorney
12 has been served with a written copy of the petition at
13 least 30 days before any hearing in the circuit court and
14 at the hearing the State's Attorney was afforded an
15 opportunity to present evidence and object to the
16 petition;

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

23 (3) the circumstances regarding a criminal conviction,
24 where applicable, the petitioner's criminal history and
25 his or her reputation are such that the petitioner will
26 not be likely to act in a manner dangerous to public

1 safety;

2 (4) granting relief would not be contrary to the
3 public interest; and

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

6 (b) It is unlawful for any person confined in a penal
7 institution, which is a facility of the Illinois Department of
8 Corrections, to possess any weapon prohibited under Section
9 24-1 of this Code or any firearm or firearm ammunition,
10 regardless of the intent with which he possesses it.

11 (c) It shall be an affirmative defense to a violation of
12 subsection (b), that such possession was specifically
13 authorized by rule, regulation, or directive of the Illinois
14 Department of Corrections or order issued pursuant thereto.

15 (d) The defense of necessity is not available to a person
16 who is charged with a violation of subsection (b) of this
17 Section.

18 (e) Sentence. Violation of this Section by a person not
19 confined in a penal institution shall be a Class 3 felony for
20 which the person shall be sentenced to no less than 2 years and
21 no more than 10 years. A second or subsequent violation of this
22 Section shall be a Class 2 felony for which the person shall be
23 sentenced to a term of imprisonment of not less than 3 years
24 and not more than 14 years, except as provided for in Section
25 5-4.5-110 of the Unified Code of Corrections. Violation of
26 this Section by a person not confined in a penal institution

1 who has been convicted of a forcible felony, a felony
2 violation of Article 24 of this Code ~~or of the Firearm Owners~~
3 ~~Identification Card Act~~, stalking or aggravated stalking, or a
4 Class 2 or greater felony under the Illinois Controlled
5 Substances Act, the Cannabis Control Act, or the
6 Methamphetamine Control and Community Protection Act is a
7 Class 2 felony for which the person shall be sentenced to not
8 less than 3 years and not more than 14 years, except as
9 provided for in Section 5-4.5-110 of the Unified Code of
10 Corrections. Violation of this Section by a person who is on
11 parole or mandatory supervised release is a Class 2 felony for
12 which the person shall be sentenced to not less than 3 years
13 and not more than 14 years, except as provided for in Section
14 5-4.5-110 of the Unified Code of Corrections. Violation of
15 this Section by a person not confined in a penal institution is
16 a Class X felony when the firearm possessed is a machine gun.
17 Any person who violates this Section while confined in a penal
18 institution, which is a facility of the Illinois Department of
19 Corrections, is guilty of a Class 1 felony, if he possesses any
20 weapon prohibited under Section 24-1 of this Code regardless
21 of the intent with which he possesses it, a Class X felony if
22 he possesses any firearm, firearm ammunition or explosive, and
23 a Class X felony for which the offender shall be sentenced to
24 not less than 12 years and not more than 50 years when the
25 firearm possessed is a machine gun. A violation of this
26 Section while wearing or in possession of body armor as

1 defined in Section 33F-1 is a Class X felony punishable by a
2 term of imprisonment of not less than 10 years and not more
3 than 40 years. The possession of each firearm or firearm
4 ammunition in violation of this Section constitutes a single
5 and separate violation.

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

7 (720 ILCS 5/24-1.6)

8 Sec. 24-1.6. Aggravated unlawful use of a weapon.

9 (a) A person commits the offense of aggravated unlawful
10 use of a weapon when he or she knowingly:

11 (1) Carries on or about his or her person or in any
12 vehicle or concealed on or about his or her person except
13 when on his or her land or in his or her abode, legal
14 dwelling, or fixed place of business, or on the land or in
15 the legal dwelling of another person as an invitee with
16 that person's permission, any pistol, revolver, stun gun
17 or taser or other firearm; or

18 (2) Carries or possesses on or about his or her
19 person, upon any public street, alley, or other public
20 lands within the corporate limits of a city, village or
21 incorporated town, except when an invitee thereon or
22 therein, for the purpose of the display of such weapon or
23 the lawful commerce in weapons, or except when on his or
24 her own land or in his or her own abode, legal dwelling, or
25 fixed place of business, or on the land or in the legal

1 dwelling of another person as an invitee with that
2 person's permission, any pistol, revolver, stun gun or
3 taser or other firearm; and

4 (3) One of the following factors is present:

5 (A) the firearm, other than a pistol, revolver, or
6 handgun, possessed was uncased, loaded, and
7 immediately accessible at the time of the offense; or

8 (A-5) the pistol, revolver, or handgun possessed
9 was uncased, loaded, and immediately accessible at the
10 time of the offense and the person possessing the
11 pistol, revolver, or handgun has not been issued a
12 currently valid license under the Firearm Concealed
13 Carry Act; or

14 (B) the firearm, other than a pistol, revolver, or
15 handgun, possessed was uncased, unloaded, and the
16 ammunition for the weapon was immediately accessible
17 at the time of the offense; or

18 (B-5) the pistol, revolver, or handgun possessed
19 was uncased, unloaded, and the ammunition for the
20 weapon was immediately accessible at the time of the
21 offense and the person possessing the pistol,
22 revolver, or handgun has not been issued a currently
23 valid license under the Firearm Concealed Carry Act;
24 or

25 (C) (blank); or ~~the person possessing the firearm~~
26 ~~has not been issued a currently valid Firearm Owner's~~

1 ~~Identification Card; or~~

2 (D) the person possessing the weapon was
3 previously adjudicated a delinquent minor under the
4 Juvenile Court Act of 1987 for an act that if committed
5 by an adult would be a felony; or

6 (E) the person possessing the weapon was engaged
7 in a misdemeanor violation of the Cannabis Control
8 Act, in a misdemeanor violation of the Illinois
9 Controlled Substances Act, or in a misdemeanor
10 violation of the Methamphetamine Control and Community
11 Protection Act; or

12 (F) (blank); or

13 (G) the person possessing the weapon had an order
14 of protection issued against him or her within the
15 previous 2 years; or

16 (H) the person possessing the weapon was engaged
17 in the commission or attempted commission of a
18 misdemeanor involving the use or threat of violence
19 against the person or property of another; or

20 (I) the person possessing the weapon was under 21
21 years of age and in possession of a handgun, unless the
22 person under 21 is engaged in lawful activities under
23 the Wildlife Code or described in subsection
24 24-2(b)(1), (b)(3), or 24-2(f).

25 (a-5) "Handgun" as used in this Section has the meaning
26 given to it in Section 5 of the Firearm Concealed Carry Act.

1 (b) "Stun gun or taser" as used in this Section has the
2 same definition given to it in Section 24-1 of this Code.

3 (c) This Section does not apply to or affect the
4 transportation or possession of weapons that:

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

6 (ii) are not immediately accessible; or

7 (iii) are unloaded and enclosed in a case, firearm
8 carrying box, shipping box, or other container by a person
9 is eligible under State and federal law to possess a
10 firearm ~~who has been issued a currently valid Firearm~~
11 ~~Owner's Identification Card.~~

12 (d) Sentence.

13 (1) Aggravated unlawful use of a weapon is a Class 4
14 felony; a second or subsequent offense is a Class 2 felony
15 for which the person shall be sentenced to a term of
16 imprisonment of not less than 3 years and not more than 7
17 years, except as provided for in Section 5-4.5-110 of the
18 Unified Code of Corrections.

19 (2) (Blank). ~~Except as otherwise provided in~~
20 ~~paragraphs (3) and (4) of this subsection (d), a first~~
21 ~~offense of aggravated unlawful use of a weapon committed~~
22 ~~with a firearm by a person 18 years of age or older where~~
23 ~~the factors listed in both items (A) and (C) or both items~~
24 ~~(A-5) and (C) of paragraph (3) of subsection (a) are~~
25 ~~present is a Class 4 felony, for which the person shall be~~
26 ~~sentenced to a term of imprisonment of not less than one~~

1 ~~year and not more than 3 years.~~

2 (3) Aggravated unlawful use of a weapon by a person
3 who has been previously convicted of a felony in this
4 State or another jurisdiction is a Class 2 felony for
5 which the person shall be sentenced to a term of
6 imprisonment of not less than 3 years and not more than 7
7 years, except as provided for in Section 5-4.5-110 of the
8 Unified Code of Corrections.

9 (4) Aggravated unlawful use of a weapon while wearing
10 or in possession of body armor as defined in Section 33F-1
11 by a person who is prohibited under State or federal law
12 from possessing a firearm ~~has not been issued a valid~~
13 ~~Firearms Owner's Identification Card in accordance with~~
14 ~~Section 5 of the Firearm Owners Identification Card Act~~ is
15 a Class X felony.

16 (e) The possession of each firearm in violation of this
17 Section constitutes a single and separate violation.

18 (Source: P.A. 100-3, eff. 1-1-18; 100-201, eff. 8-18-17.)

19 (720 ILCS 5/24-1.8)

20 Sec. 24-1.8. Unlawful possession of a firearm by a street
21 gang member.

22 (a) A person commits unlawful possession of a firearm by a
23 street gang member when he or she knowingly:

24 (1) possesses, carries, or conceals on or about his or
25 her person a firearm and firearm ammunition while on any

1 street, road, alley, gangway, sidewalk, or any other
2 lands, except when inside his or her own abode or inside
3 his or her fixed place of business, ~~and has not been issued~~
4 ~~a currently valid Firearm Owner's Identification Card~~ and
5 is a member of a street gang; or

6 (2) possesses or carries in any vehicle a firearm and
7 firearm ammunition which are both immediately accessible
8 at the time of the offense while on any street, road,
9 alley, or any other lands, except when inside his or her
10 own abode or garage, ~~and has not been issued a currently~~
11 ~~valid Firearm Owner's Identification Card~~ and is a member
12 of a street gang.

13 (b) Unlawful possession of a firearm by a street gang
14 member is a Class 2 felony for which the person, if sentenced
15 to a term of imprisonment, shall be sentenced to no less than 3
16 years and no more than 10 years. A period of probation, a term
17 of periodic imprisonment or conditional discharge shall not be
18 imposed for the offense of unlawful possession of a firearm by
19 a street gang member when the firearm was loaded or contained
20 firearm ammunition and the court shall sentence the offender
21 to not less than the minimum term of imprisonment authorized
22 for the Class 2 felony.

23 (c) For purposes of this Section:

24 "Street gang" or "gang" has the meaning ascribed to it
25 in Section 10 of the Illinois Streetgang Terrorism Omnibus
26 Prevention Act.

1 "Street gang member" or "gang member" has the meaning
2 ascribed to it in Section 10 of the Illinois Streetgang
3 Terrorism Omnibus Prevention Act.
4 (Source: P.A. 96-829, eff. 12-3-09.)

5 (720 ILCS 5/24-1.9)

6 Sec. 24-1.9. Manufacture, possession, delivery, sale, and
7 purchase of assault weapons, .50 caliber rifles, and .50
8 caliber cartridges.

9 (a) Definitions. In this Section:

10 (1) "Assault weapon" means any of the following, except as
11 provided in subdivision (2) of this subsection:

12 (A) A semiautomatic rifle that has the capacity to
13 accept a detachable magazine or that may be readily
14 modified to accept a detachable magazine, if the firearm
15 has one or more of the following:

16 (i) a pistol grip or thumbhole stock;

17 (ii) any feature capable of functioning as a
18 protruding grip that can be held by the non-trigger
19 hand;

20 (iii) a folding, telescoping, thumbhole, or
21 detachable stock, or a stock that is otherwise
22 foldable or adjustable in a manner that operates to
23 reduce the length, size, or any other dimension, or
24 otherwise enhances the concealability of, the weapon;

25 (iv) a flash suppressor;

1 (v) a grenade launcher;

2 (vi) a shroud attached to the barrel or that
3 partially or completely encircles the barrel, allowing
4 the bearer to hold the firearm with the non-trigger
5 hand without being burned, but excluding a slide that
6 encloses the barrel.

7 (B) A semiautomatic rifle that has a fixed magazine
8 with the capacity to accept more than 10 rounds, except
9 for an attached tubular device designed to accept, and
10 capable of operating only with, .22 caliber rimfire
11 ammunition.

12 (C) A semiautomatic pistol that has the capacity to
13 accept a detachable magazine or that may be readily
14 modified to accept a detachable magazine, if the firearm
15 has one or more of the following:

16 (i) a threaded barrel;

17 (ii) a second pistol grip or another feature
18 capable of functioning as a protruding grip that can
19 be held by the non-trigger hand;

20 (iii) a shroud attached to the barrel or that
21 partially or completely encircles the barrel, allowing
22 the bearer to hold the firearm with the non-trigger
23 hand without being burned, but excluding a slide that
24 encloses the barrel;

25 (iv) a flash suppressor;

26 (v) the capacity to accept a detachable magazine

1 at some location outside of the pistol grip; or

2 (vi) a buffer tube, arm brace, or other part that
3 protrudes horizontally behind the pistol grip and is
4 designed or redesigned to allow or facilitate a
5 firearm to be fired from the shoulder.

6 (D) A semiautomatic pistol that has a fixed magazine
7 with the capacity to accept more than 15 rounds.

8 (E) Any shotgun with a revolving cylinder.

9 (F) A semiautomatic shotgun that has one or more of
10 the following:

11 (i) a pistol grip or thumbhole stock;

12 (ii) any feature capable of functioning as a
13 protruding grip that can be held by the non-trigger
14 hand;

15 (iii) a folding or thumbhole stock;

16 (iv) a grenade launcher;

17 (v) a fixed magazine with the capacity of more
18 than 5 rounds; or

19 (vi) the capacity to accept a detachable magazine.

20 (G) Any semiautomatic firearm that has the capacity to
21 accept a belt ammunition feeding device.

22 (H) Any firearm that has been modified to be operable
23 as an assault weapon as defined in this Section.

24 (I) Any part or combination of parts designed or
25 intended to convert a firearm into an assault weapon,
26 including any combination of parts from which an assault

1 weapon may be readily assembled if those parts are in the
2 possession or under the control of the same person.

3 (J) All of the following rifles, copies, duplicates,
4 variants, or altered facsimiles with the capability of any
5 such weapon:

6 (i) All AK types, including the following:

7 (I) AK, AK47, AK47S, AK-74, AKM, AKS, ARM,
8 MAK90, MISR, NHM90, NHM91, SA85, SA93, Vector Arms
9 AK-47, VEPR, WASR-10, and WUM.

10 (II) IZHMAASH Saiga AK.

11 (III) MAADI AK47 and ARM.

12 (IV) Norinco 56S, 56S2, 84S, and 86S.

13 (V) Poly Technologies AK47 and AKS.

14 (VI) SKS with a detachable magazine.

15 (ii) all AR types, including the following:

16 (I) AR-10.

17 (II) AR-15.

18 (III) Alexander Arms Overmatch Plus 16.

19 (IV) Armalite M15 22LR Carbine.

20 (V) Armalite M15-T.

21 (VI) Barrett REC7.

22 (VII) Beretta AR-70.

23 (VIII) Black Rain Ordnance Recon Scout.

24 (IX) Bushmaster ACR.

25 (X) Bushmaster Carbon 15.

26 (XI) Bushmaster MOE series.

- 1 (XII) Bushmaster XM15.
- 2 (XIII) Chiappa Firearms MFour rifles.
- 3 (XIV) Colt Match Target rifles.
- 4 (XV) CORE Rifle Systems CORE15 rifles.
- 5 (XVI) Daniel Defense M4A1 rifles.
- 6 (XVII) Devil Dog Arms 15 Series rifles.
- 7 (XVIII) Diamondback DB15 rifles.
- 8 (XIX) DoubleStar AR rifles.
- 9 (XX) DPMS Tactical rifles.
- 10 (XXI) DSA Inc. ZM-4 Carbine.
- 11 (XXII) Heckler & Koch MR556.
- 12 (XXIII) High Standard HSA-15 rifles.
- 13 (XXIV) Jesse James Nomad AR-15 rifle.
- 14 (XXV) Knight's Armament SR-15.
- 15 (XXVI) Lancer L15 rifles.
- 16 (XXVII) MGI Hydra Series rifles.
- 17 (XXVIII) Mossberg MMR Tactical rifles.
- 18 (XXIX) Noreen Firearms BN 36 rifle.
- 19 (XXX) Olympic Arms.
- 20 (XXXI) POF USA P415.
- 21 (XXXII) Precision Firearms AR rifles.
- 22 (XXXIII) Remington R-15 rifles.
- 23 (XXXIV) Rhino Arms AR rifles.
- 24 (XXXV) Rock River Arms LAR-15 or Rock River
25 Arms LAR-47.
- 26 (XXXVI) Sig Sauer SIG516 rifles and MCX

1 rifles.

2 (XXXVII) Smith & Wesson M&P15 rifles.

3 (XXXVIII) Stag Arms AR rifles.

4 (XXXIX) Sturm, Ruger & Co. SR556 and AR-556

5 rifles.

6 (XL) Uselton Arms Air-Lite M-4 rifles.

7 (XLI) Windham Weaponry AR rifles.

8 (XLII) WMD Guns Big Beast.

9 (XLIII) Yankee Hill Machine Company, Inc.

10 YHM-15 rifles.

11 (iii) Barrett M107A1.

12 (iv) Barrett M82A1.

13 (v) Beretta CX4 Storm.

14 (vi) Calico Liberty Series.

15 (vii) CETME Sporter.

16 (viii) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and

17 AR 110C.

18 (ix) Fabrique Nationale/FN Herstal FAL, LAR, 22

19 FNC, 308 Match, L1A1 Sporter, PS90, SCAR, and FS2000.

20 (x) Feather Industries AT-9.

21 (xi) Galil Model AR and Model ARM.

22 (xii) Hi-Point Carbine.

23 (xiii) HK-91, HK-93, HK-94, HK-PSG-1, and HK USC.

24 (xiv) IWI TAVOR, Galil ACE rifle.

25 (xv) Kel-Tec Sub-2000, SU-16, and RFB.

26 (xvi) SIG AMT, SIG PE-57, Sig Sauer SG 550, Sig

- 1 Sauer SG 551, and SIG MCX.
- 2 (xvii) Springfield Armory SAR-48.
- 3 (xviii) Steyr AUG.
- 4 (xix) Sturm, Ruger & Co. Mini-14 Tactical Rifle
- 5 M-14/20CF.
- 6 (xx) All Thompson rifles, including the following:
- 7 (I) Thompson M1SB.
- 8 (II) Thompson T1100D.
- 9 (III) Thompson T150D.
- 10 (IV) Thompson T1B.
- 11 (V) Thompson T1B100D.
- 12 (VI) Thompson T1B50D.
- 13 (VII) Thompson T1BSB.
- 14 (VIII) Thompson T1-C.
- 15 (IX) Thompson T1D.
- 16 (X) Thompson T1SB.
- 17 (XI) Thompson T5.
- 18 (XII) Thompson T5100D.
- 19 (XIII) Thompson TM1.
- 20 (XIV) Thompson TM1C.
- 21 (xxi) UMAREX UZI rifle.
- 22 (xxii) UZI Mini Carbine, UZI Model A Carbine, and
- 23 UZI Model B Carbine.
- 24 (xxiii) Valmet M62S, M71S, and M78.
- 25 (xxiv) Vector Arms UZI Type.
- 26 (xxv) Weaver Arms Nighthawk.

1 (xxvi) Wilkinson Arms Linda Carbine.

2 (K) All of the following pistols, copies, duplicates,
3 variants, or altered facsimiles with the capability of any
4 such weapon thereof:

5 (i) All AK types, including the following:

6 (I) Centurion 39 AK pistol.

7 (II) CZ Scorpion pistol.

8 (III) Draco AK-47 pistol.

9 (IV) HCR AK-47 pistol.

10 (V) IO Inc. Hellpup AK-47 pistol.

11 (VI) Krinkov pistol.

12 (VII) Mini Draco AK-47 pistol.

13 (VIII) PAP M92 pistol.

14 (IX) Yugo Krebs Krink pistol.

15 (ii) All AR types, including the following:

16 (I) American Spirit AR-15 pistol.

17 (II) Bushmaster Carbon 15 pistol.

18 (III) Chiappa Firearms M4 Pistol GEN II.

19 (IV) CORE Rifle Systems CORE15 Roscoe pistol.

20 (V) Daniel Defense MK18 pistol.

21 (VI) DoubleStar Corporation AR pistol.

22 (VII) DPMS AR-15 pistol.

23 (VIII) Jesse James Nomad AR-15 pistol.

24 (IX) Olympic Arms AR-15 pistol.

25 (X) Osprey Armament MK-18 pistol.

26 (XI) POF USA AR pistols.

- 1 (XII) Rock River Arms LAR 15 pistol.
- 2 (XIII) Usselton Arms Air-Lite M-4 pistol.
- 3 (iii) Calico pistols.
- 4 (iv) DSA SA58 PKP FAL pistol.
- 5 (v) Encom MP-9 and MP-45.
- 6 (vi) Heckler & Koch model SP-89 pistol.
- 7 (vii) Intratec AB-10, TEC-22 Scorpion, TEC-9, and
8 TEC-DC9.
- 9 (viii) IWI Galil Ace pistol, UZI PRO pistol.
- 10 (ix) Kel-Tec PLR 16 pistol.
- 11 (x) All MAC types, including the following:
- 12 (I) MAC-10.
- 13 (II) MAC-11.
- 14 (III) Masterpiece Arms MPA A930 Mini Pistol,
15 MPA460 Pistol, MPA Tactical Pistol, and MPA Mini
16 Tactical Pistol.
- 17 (IV) Military Armament Corp. Ingram M-11.
- 18 (V) Velocity Arms VMAC.
- 19 (xi) Sig Sauer P556 pistol.
- 20 (xii) Sites Spectre.
- 21 (xiii) All Thompson types, including the
22 following:
- 23 (I) Thompson TA510D.
- 24 (II) Thompson TA5.
- 25 (xiv) All UZI types, including Micro-UZI.
- 26 (L) All of the following shotguns, copies, duplicates,

1 variants, or altered facsimiles with the capability of any
2 such weapon thereof:

3 (i) DERYA Anakon MC-1980, Anakon SD12.

4 (ii) Doruk Lethal shotguns.

5 (iii) Franchi LAW-12 and SPAS 12.

6 (iv) All IZHMASH Saiga 12 types, including the
7 following:

8 (I) IZHMASH Saiga 12.

9 (II) IZHMASH Saiga 12S.

10 (III) IZHMASH Saiga 12S EXP-01.

11 (IV) IZHMASH Saiga 12K.

12 (V) IZHMASH Saiga 12K-030.

13 (VI) IZHMASH Saiga 12K-040 Taktika.

14 (v) Streetsweeper.

15 (vi) Striker 12.

16 (2) "Assault weapon" does not include:

17 (A) Any firearm that is an unserviceable firearm or
18 has been made permanently inoperable.

19 (B) An antique firearm or a replica of an antique
20 firearm.

21 (C) A firearm that is manually operated by bolt, pump,
22 lever or slide action, unless the firearm is a shotgun
23 with a revolving cylinder.

24 (D) Any air rifle as defined in Section 24.8-0.1 of
25 this Code.

26 (E) Any handgun, as defined under the Firearm

1 Concealed Carry Act, unless otherwise listed in this
2 Section.

3 (3) "Assault weapon attachment" means any device capable
4 of being attached to a firearm that is specifically designed
5 for making or converting a firearm into any of the firearms
6 listed in paragraph (1) of this subsection (a).

7 (4) "Antique firearm" has the meaning ascribed to it in 18
8 U.S.C. 921(a)(16).

9 (5) ".50 caliber rifle" means a centerfire rifle capable
10 of firing a .50 caliber cartridge. The term does not include
11 any antique firearm, any shotgun including a shotgun that has
12 a rifle barrel, or any muzzle-loader which uses black powder
13 for hunting or historical reenactments.

14 (6) ".50 caliber cartridge" means a cartridge in .50 BMG
15 caliber, either by designation or actual measurement, that is
16 capable of being fired from a centerfire rifle. The term ".50
17 caliber cartridge" does not include any memorabilia or display
18 item that is filled with a permanent inert substance or that is
19 otherwise permanently altered in a manner that prevents ready
20 modification for use as live ammunition or shotgun ammunition
21 with a caliber measurement that is equal to or greater than .50
22 caliber.

23 (7) "Detachable magazine" means an ammunition feeding
24 device that may be removed from a firearm without disassembly
25 of the firearm action, including an ammunition feeding device
26 that may be readily removed from a firearm with the use of a

1 bullet, cartridge, accessory, or other tool, or any other
2 object that functions as a tool, including a bullet or
3 cartridge.

4 (8) "Fixed magazine" means an ammunition feeding device
5 that is permanently attached to a firearm, or contained in and
6 not removable from a firearm, or that is otherwise not a
7 detachable magazine, but does not include an attached tubular
8 device designed to accept, and capable of operating only with,
9 .22 caliber rimfire ammunition.

10 (b) Except as provided in subsections (c), (d), and (e),
11 on or after January 10, 2023 (the effective date of Public Act
12 102-1116) ~~this amendatory Act of the 102nd General Assembly,~~
13 it is unlawful for any person within this State to knowingly
14 manufacture, deliver, sell, import, or purchase or cause to be
15 manufactured, delivered, sold, imported, or purchased by
16 another, an assault weapon, assault weapon attachment, .50
17 caliber rifle, or .50 caliber cartridge.

18 (c) Except as otherwise provided in subsection (d),
19 beginning January 1, 2024, it is unlawful for any person
20 within this State to knowingly possess an assault weapon,
21 assault weapon attachment, .50 caliber rifle, or .50 caliber
22 cartridge.

23 (d) This Section does not apply to a person's possession
24 of an assault weapon, assault weapon attachment, .50 caliber
25 rifle, or .50 caliber cartridge device if the person lawfully
26 possessed that assault weapon, assault weapon attachment, .50

1 caliber rifle, or .50 caliber cartridge prohibited by
2 subsection (c) of this Section, if the person has provided in
3 an endorsement affidavit, prior to January 1, 2024, under oath
4 or affirmation and in the form and manner prescribed by the
5 Illinois State Police, no later than October 1, 2023:

6 (1) the affiant's Firearm Owner's Identification Card
7 number;

8 (2) an affirmation that the affiant: (i) possessed an
9 assault weapon, assault weapon attachment, .50 caliber
10 rifle, or .50 caliber cartridge before January 10, 2023
11 (the effective date of Public Act 102-1116) ~~this~~
12 ~~amendatory Act of the 102nd General Assembly;~~ or (ii)
13 inherited the assault weapon, assault weapon attachment,
14 .50 caliber rifle, or .50 caliber cartridge from a person
15 with an endorsement under this Section or from a person
16 authorized under subdivisions (1) through (5) of
17 subsection (e) to possess the assault weapon, assault
18 weapon attachment, .50 caliber rifle, or .50 caliber
19 cartridge; and

20 (3) the make, model, caliber, and serial number of the
21 .50 caliber rifle or assault weapon or assault weapons
22 listed in paragraphs (J), (K), and (L) of subdivision (1)
23 of subsection (a) of this Section possessed by the affiant
24 prior to January 10, 2023 (the effective date of Public
25 Act 102-1116) ~~this amendatory Act of the 102nd General~~
26 ~~Assembly~~ and any assault weapons identified and published

1 by the Illinois State Police pursuant to this subdivision
2 (3). No later than October 1, 2023, and every October 1
3 thereafter, the Illinois State Police shall, via
4 rulemaking, identify, publish, and make available on its
5 website, the list of assault weapons subject to an
6 endorsement affidavit under this subsection (d). The list
7 shall identify, but is not limited to, the copies,
8 duplicates, variants, and altered facsimiles of the
9 assault weapons identified in paragraphs (J), (K), and (L)
10 of subdivision (1) of subsection (a) of this Section and
11 shall be consistent with the definition of "assault
12 weapon" identified in this Section. The Illinois State
13 Police may adopt emergency rulemaking in accordance with
14 Section 5-45 of the Illinois Administrative Procedure Act.
15 The adoption of emergency rules authorized by Section 5-45
16 of the Illinois Administrative Procedure Act and this
17 paragraph is deemed to be necessary for the public
18 interest, safety, and welfare.

19 The affidavit form shall include the following statement
20 printed in bold type: "Warning: Entering false information on
21 this form is punishable as perjury under Section 32-2 of the
22 Criminal Code of 2012. ~~Entering false information on this form
23 is a violation of the Firearm Owners Identification Card Act.~~"

24 In any administrative, civil, or criminal proceeding in
25 this State, a completed endorsement affidavit submitted to the
26 Illinois State Police by a person under this Section creates a

1 rebuttable presumption that the person is entitled to possess
2 and transport the assault weapon, assault weapon attachment,
3 .50 caliber rifle, or .50 caliber cartridge.

4 Beginning 90 days after January 10, 2023 (the effective
5 date of Public Act 102-1116) ~~this amendatory Act of the 102nd~~
6 ~~General Assembly~~, a person authorized under this Section to
7 possess an assault weapon, assault weapon attachment, .50
8 caliber rifle, or .50 caliber cartridge shall possess such
9 items only:

10 (1) on private property owned or immediately
11 controlled by the person;

12 (2) on private property that is not open to the public
13 with the express permission of the person who owns or
14 immediately controls such property;

15 (3) while on the premises of a licensed firearms
16 dealer or gunsmith for the purpose of lawful repair;

17 (4) while engaged in the legal use of the assault
18 weapon, assault weapon attachment, .50 caliber rifle, or
19 .50 caliber cartridge at a properly licensed firing range
20 or sport shooting competition venue; or

21 (5) while traveling to or from these locations,
22 provided that the assault weapon, assault weapon
23 attachment, or .50 caliber rifle is unloaded and the
24 assault weapon, assault weapon attachment, .50 caliber
25 rifle, or .50 caliber cartridge is enclosed in a case,
26 firearm carrying box, shipping box, or other container.

1 Beginning on January 1, 2024, the person with the
2 endorsement for an assault weapon, assault weapon attachment,
3 .50 caliber rifle, or .50 caliber cartridge or a person
4 authorized under subdivisions (1) through (5) of subsection
5 (e) to possess an assault weapon, assault weapon attachment,
6 .50 caliber rifle, or .50 caliber cartridge may transfer the
7 assault weapon, assault weapon attachment, .50 caliber rifle,
8 or .50 caliber cartridge only to an heir, an individual
9 residing in another state maintaining it in another state, or
10 a dealer licensed as a federal firearms dealer under Section
11 923 of the federal Gun Control Act of 1968. Within 10 days
12 after transfer of the weapon except to an heir, the person
13 shall notify the Illinois State Police of the name and address
14 of the transferee ~~and comply with the requirements of~~
15 ~~subsection (b) of Section 3 of the Firearm Owners~~
16 ~~Identification Card Act.~~ The person to whom the weapon or
17 ammunition is transferred shall, within 60 days of the
18 transfer, complete an affidavit required under this Section. A
19 person to whom the weapon is transferred may transfer it only
20 as provided in this subsection.

21 Except as provided in subsection (e) and beginning on
22 January 1, 2024, any person who moves into this State in
23 possession of an assault weapon, assault weapon attachment,
24 .50 caliber rifle, or .50 caliber cartridge shall, within 60
25 days, ~~apply for a Firearm Owners Identification Card and~~
26 complete an endorsement application as outlined in subsection

1 (d).

2 Notwithstanding any other law, information contained in
3 the endorsement affidavit shall be confidential, is exempt
4 from disclosure under the Freedom of Information Act, and
5 shall not be disclosed, except to law enforcement agencies
6 acting in the performance of their duties.

7 (e) The provisions of this Section regarding the purchase
8 or possession of assault weapons, assault weapon attachments,
9 .50 caliber rifles, and .50 cartridges, as well as the
10 provisions of this Section that prohibit causing those items
11 to be purchased or possessed, do not apply to:

12 (1) Peace officers, as defined in Section 2-13 of this
13 Code.

14 (2) Qualified law enforcement officers and qualified
15 retired law enforcement officers as defined in the Law
16 Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B
17 and 926C) and as recognized under Illinois law.

18 (3) Acquisition and possession by a federal, State, or
19 local law enforcement agency for the purpose of equipping
20 the agency's peace officers as defined in paragraph (1) or
21 (2) of this subsection (e).

22 (4) Wardens, superintendents, and keepers of prisons,
23 penitentiaries, jails, and other institutions for the
24 detention of persons accused or convicted of an offense.

25 (5) Members of the Armed Services or Reserve Forces of
26 the United States or the Illinois National Guard, while

1 performing their official duties or while traveling to or
2 from their places of duty.

3 (6) Any company that employs armed security officers
4 in this State at a nuclear energy, storage, weapons, or
5 development site or facility regulated by the federal
6 Nuclear Regulatory Commission and any person employed as
7 an armed security force member at a nuclear energy,
8 storage, weapons, or development site or facility
9 regulated by the federal Nuclear Regulatory Commission who
10 has completed the background screening and training
11 mandated by the rules and regulations of the federal
12 Nuclear Regulatory Commission and while performing
13 official duties.

14 (7) Any private security contractor agency licensed
15 under the Private Detective, Private Alarm, Private
16 Security, Fingerprint Vendor, and Locksmith Act of 2004
17 that employs private security contractors and any private
18 security contractor who is licensed and has been issued a
19 firearm control card under the Private Detective, Private
20 Alarm, Private Security, Fingerprint Vendor, and Locksmith
21 Act of 2004 while performing official duties.

22 The provisions of this Section do not apply to the
23 manufacture, delivery, sale, import, purchase, or possession
24 of an assault weapon, assault weapon attachment, .50 caliber
25 rifle, or .50 caliber cartridge or causing the manufacture,
26 delivery, sale, importation, purchase, or possession of those

1 items:

2 (A) for sale or transfer to persons authorized under
3 subdivisions (1) through (7) of this subsection (e) to
4 possess those items;

5 (B) for sale or transfer to the United States or any
6 department or agency thereof; or

7 (C) for sale or transfer in another state or for
8 export.

9 This Section does not apply to or affect any of the
10 following:

11 (i) Possession of any firearm if that firearm is
12 sanctioned by the International Olympic Committee and by
13 USA Shooting, the national governing body for
14 international shooting competition in the United States,
15 but only when the firearm is in the actual possession of an
16 Olympic target shooting competitor or target shooting
17 coach for the purpose of storage, transporting to and from
18 Olympic target shooting practice or events if the firearm
19 is broken down in a nonfunctioning state, is not
20 immediately accessible, or is unloaded and enclosed in a
21 firearm case, carrying box, shipping box, or other similar
22 portable container designed for the safe transportation of
23 firearms, and when the Olympic target shooting competitor
24 or target shooting coach is engaging in those practices or
25 events. For the purposes of this paragraph (8), "firearm"
26 has the meaning provided in Section 2-7.5 ~~1.1~~ of the

1 ~~Firearm Owners Identification Card Act.~~

2 (ii) Any nonresident who transports, within 24 hours,
3 a weapon for any lawful purpose from any place where the
4 nonresident may lawfully possess and carry that weapon to
5 any other place where the nonresident may lawfully possess
6 and carry that weapon if, during the transportation, the
7 weapon is unloaded, and neither the weapon nor any
8 ammunition being transported is readily accessible or is
9 directly accessible from the passenger compartment of the
10 transporting vehicle. In the case of a vehicle without a
11 compartment separate from the driver's compartment, the
12 weapon or ammunition shall be contained in a locked
13 container other than the glove compartment or console.

14 (iii) Possession of a weapon at an event taking place
15 at the World Shooting and Recreational Complex at Sparta,
16 only while engaged in the legal use of the weapon, or while
17 traveling to or from that location if the weapon is broken
18 down in a nonfunctioning state, is not immediately
19 accessible, or is unloaded and enclosed in a firearm case,
20 carrying box, shipping box, or other similar portable
21 container designed for the safe transportation of
22 firearms.

23 (iv) Possession of a weapon only for hunting use
24 expressly permitted under the Wildlife Code, or while
25 traveling to or from a location authorized for this
26 hunting use under the Wildlife Code if the weapon is

1 broken down in a nonfunctioning state, is not immediately
2 accessible, or is unloaded and enclosed in a firearm case,
3 carrying box, shipping box, or other similar portable
4 container designed for the safe transportation of
5 firearms. By October 1, 2023, the Illinois State Police,
6 in consultation with the Department of Natural Resources,
7 shall adopt rules concerning the list of applicable
8 weapons approved under this subparagraph (iv). The
9 Illinois State Police may adopt emergency rules in
10 accordance with Section 5-45 of the Illinois
11 Administrative Procedure Act. The adoption of emergency
12 rules authorized by Section 5-45 of the Illinois
13 Administrative Procedure Act and this paragraph is deemed
14 to be necessary for the public interest, safety, and
15 welfare.

16 (v) The manufacture, transportation, possession, sale,
17 or rental of blank-firing assault weapons and .50 caliber
18 rifles, or the weapon's respective attachments, to persons
19 authorized or permitted, or both authorized and permitted,
20 to acquire and possess these weapons or attachments for
21 the purpose of rental for use solely as props for a motion
22 picture, television, or video production or entertainment
23 event.

24 Any person not subject to this Section may submit an
25 endorsement affidavit if the person chooses.

26 (f) Any sale or transfer with a background check initiated

1 to the Illinois State Police on or before January 10, 2023 (the
2 effective date of Public Act 102-1116) ~~this amendatory Act of~~
3 ~~the 102nd General Assembly~~ is allowed to be completed after
4 January 10, 2023 ~~the effective date of this amendatory Act~~
5 once an approval is issued by the Illinois State Police and any
6 applicable waiting period under Section 24-3 has expired.

7 (g) The Illinois State Police shall take all steps
8 necessary to carry out the requirements of this Section ~~within~~
9 by October 1, 2023.

10 (h) The Illinois ~~Department of the~~ State Police shall also
11 develop and implement a public notice and public outreach
12 campaign to promote awareness about the provisions of Public
13 Act 102-1116 ~~this amendatory Act of the 102nd General Assembly~~
14 and to increase compliance with this Section.

15 (Source: P.A. 102-1116, eff. 1-10-23; revised 4-6-23.)

16 (720 ILCS 5/24-1.10)

17 Sec. 24-1.10. Manufacture, delivery, sale, and possession
18 of large capacity ammunition feeding devices.

19 (a) In this Section:

20 "Handgun" has the meaning ascribed to it in the Firearm
21 Concealed Carry Act.

22 "Long gun" means a rifle or shotgun.

23 "Large capacity ammunition feeding device" means:

24 (1) a magazine, belt, drum, feed strip, or similar
25 device that has a capacity of, or that can be readily

1 restored or converted to accept, more than 10 rounds of
2 ammunition for long guns and more than 15 rounds of
3 ammunition for handguns; or

4 (2) any combination of parts from which a device
5 described in paragraph (1) can be assembled.

6 "Large capacity ammunition feeding device" does not
7 include an attached tubular device designed to accept, and
8 capable of operating only with, .22 caliber rimfire
9 ammunition. "Large capacity ammunition feeding device" does
10 not include a tubular magazine that is contained in a
11 lever-action firearm or any device that has been made
12 permanently inoperable.

13 (b) Except as provided in subsections (e) and (f), it is
14 unlawful for any person within this State to knowingly
15 manufacture, deliver, sell, purchase, or cause to be
16 manufactured, delivered, sold, or purchased a large capacity
17 ammunition feeding device.

18 (c) Except as provided in subsections (d), (e), and (f),
19 and beginning 90 days after January 10, 2023 (the effective
20 date of Public Act 102-1116) ~~this amendatory Act of the 102nd~~
21 ~~General Assembly~~, it is unlawful to knowingly possess a large
22 capacity ammunition feeding device.

23 (d) Subsection (c) does not apply to a person's possession
24 of a large capacity ammunition feeding device if the person
25 lawfully possessed that large capacity ammunition feeding
26 device before January 10, 2023 (the effective date of Public

1 ~~Act 102-1116) this amendatory Act of the 102nd General~~
2 ~~Assembly~~, provided that the person shall possess such device
3 only:

4 (1) on private property owned or immediately
5 controlled by the person;

6 (2) on private property that is not open to the public
7 with the express permission of the person who owns or
8 immediately controls such property;

9 (3) while on the premises of a licensed firearms
10 dealer or gunsmith for the purpose of lawful repair;

11 (4) while engaged in the legal use of the large
12 capacity ammunition feeding device at a properly licensed
13 firing range or sport shooting competition venue; or

14 (5) while traveling to or from these locations,
15 provided that the large capacity ammunition feeding device
16 is stored unloaded and enclosed in a case, firearm
17 carrying box, shipping box, or other container.

18 A person authorized under this Section to possess a large
19 capacity ammunition feeding device may transfer the large
20 capacity ammunition feeding device only to an heir, an
21 individual residing in another state maintaining it in another
22 state, or a dealer licensed as a federal firearms dealer under
23 Section 923 of the federal Gun Control Act of 1968. Within 10
24 days after transfer of the large capacity ammunition feeding
25 device except to an heir, the person shall notify the Illinois
26 State Police of the name and address of the transferee ~~and~~

1 ~~comply with the requirements of subsection (b) of Section 3 of~~
2 ~~the Firearm Owners Identification Card Act.~~ The person to whom
3 the large capacity ammunition feeding device is transferred
4 shall, within 60 days of the transfer, notify the Illinois
5 State Police of the person's acquisition ~~and comply with the~~
6 ~~requirements of subsection (b) of Section 3 of the Firearm~~
7 ~~Owners Identification Card Act.~~ A person to whom the large
8 capacity ammunition feeding device is transferred may transfer
9 it only as provided in this subsection.

10 ~~Except as provided in subsections (e) and (f) and~~
11 ~~beginning 90 days after the effective date of this amendatory~~
12 ~~Act of the 102nd General Assembly, any person who moves into~~
13 ~~this State in possession of a large capacity ammunition~~
14 ~~feeding device shall, within 60 days, apply for a Firearm~~
15 ~~Owners Identification Card.~~

16 (e) The provisions of this Section regarding the purchase
17 or possession of large capacity ammunition feeding devices, as
18 well as the provisions of this Section that prohibit causing
19 those items to be purchased or possessed, do not apply to:

20 (1) Peace officers as defined in Section 2-13 of this
21 Code.

22 (2) Qualified law enforcement officers and qualified
23 retired law enforcement officers as defined in the Law
24 Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B
25 and 926C) and as recognized under Illinois law.

26 (3) A federal, State, or local law enforcement agency

1 for the purpose of equipping the agency's peace officers
2 as defined in paragraph (1) or (2) of this subsection (e).

3 (4) Wardens, superintendents, and keepers of prisons,
4 penitentiaries, jails, and other institutions for the
5 detention of persons accused or convicted of an offense.

6 (5) Members of the Armed Services or Reserve Forces of
7 the United States or the Illinois National Guard, while
8 performing their official duties or while traveling to or
9 from their places of duty.

10 (6) Any company that employs armed security officers
11 in this State at a nuclear energy, storage, weapons, or
12 development site or facility regulated by the federal
13 Nuclear Regulatory Commission and any person employed as
14 an armed security force member at a nuclear energy,
15 storage, weapons, or development site or facility
16 regulated by the federal Nuclear Regulatory Commission who
17 has completed the background screening and training
18 mandated by the rules and regulations of the federal
19 Nuclear Regulatory Commission and while performing
20 official duties.

21 (7) Any private security contractor agency licensed
22 under the Private Detective, Private Alarm, Private
23 Security, Fingerprint Vendor, and Locksmith Act of 2004
24 that employs private security contractors and any private
25 security contractor who is licensed and has been issued a
26 firearm control card under the Private Detective, Private

1 Alarm, Private Security, Fingerprint Vendor, and Locksmith
2 Act of 2004 while performing official duties.

3 (f) This Section does not apply to or affect any of the
4 following:

5 (1) Manufacture, delivery, sale, importation,
6 purchase, or possession or causing to be manufactured,
7 delivered, sold, imported, purchased, or possessed a large
8 capacity ammunition feeding device:

9 (A) for sale or transfer to persons authorized
10 under subdivisions (1) through (7) of subsection (e)
11 to possess those items;

12 (B) for sale or transfer to the United States or
13 any department or agency thereof; or

14 (C) for sale or transfer in another state or for
15 export.

16 (2) Sale or rental of large capacity ammunition
17 feeding devices for blank-firing assault weapons and .50
18 caliber rifles, to persons authorized or permitted, or
19 both authorized and permitted, to acquire these devices
20 for the purpose of rental for use solely as props for a
21 motion picture, television, or video production or
22 entertainment event.

23 (g) Sentence. A person who knowingly manufactures,
24 delivers, sells, purchases, possesses, or causes to be
25 manufactured, delivered, sold, possessed, or purchased in
26 violation of this Section a large capacity ammunition feeding

1 device capable of holding more than 10 rounds of ammunition
2 for long guns or more than 15 rounds of ammunition for handguns
3 commits a petty offense with a fine of \$1,000 for each
4 violation.

5 (h) The Illinois ~~Department of the~~ State Police shall also
6 develop and implement a public notice and public outreach
7 campaign to promote awareness about the provisions of Public
8 Act 102-1116 ~~this amendatory Act of the 102nd General Assembly~~
9 and to increase compliance with this Section.

10 (Source: P.A. 102-1116, eff. 1-10-23; revised 4-6-23.)

11 (720 ILCS 5/24-2)

12 Sec. 24-2. Exemptions.

13 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
14 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
15 the following:

16 (1) Peace officers, and any person summoned by a peace
17 officer to assist in making arrests or preserving the
18 peace, while actually engaged in assisting such officer.

19 (2) Wardens, superintendents and keepers of prisons,
20 penitentiaries, jails and other institutions for the
21 detention of persons accused or convicted of an offense,
22 while in the performance of their official duty, or while
23 commuting between their homes and places of employment.

24 (3) Members of the Armed Services or Reserve Forces of
25 the United States or the Illinois National Guard or the

1 Reserve Officers Training Corps, while in the performance
2 of their official duty.

3 (4) Special agents employed by a railroad or a public
4 utility to perform police functions, and guards of armored
5 car companies, while actually engaged in the performance
6 of the duties of their employment or commuting between
7 their homes and places of employment; and watchmen while
8 actually engaged in the performance of the duties of their
9 employment.

10 (5) Persons licensed as private security contractors,
11 private detectives, or private alarm contractors, or
12 employed by a private security contractor, private
13 detective, or private alarm contractor agency licensed by
14 the Department of Financial and Professional Regulation,
15 if their duties include the carrying of a weapon under the
16 provisions of the Private Detective, Private Alarm,
17 Private Security, Fingerprint Vendor, and Locksmith Act of
18 2004, while actually engaged in the performance of the
19 duties of their employment or commuting between their
20 homes and places of employment. A person shall be
21 considered eligible for this exemption if he or she has
22 completed the required 20 hours of training for a private
23 security contractor, private detective, or private alarm
24 contractor, or employee of a licensed private security
25 contractor, private detective, or private alarm contractor
26 agency and 28 hours of required firearm training, and has

1 been issued a firearm control card by the Department of
2 Financial and Professional Regulation. Conditions for the
3 renewal of firearm control cards issued under the
4 provisions of this Section shall be the same as for those
5 cards issued under the provisions of the Private
6 Detective, Private Alarm, Private Security, Fingerprint
7 Vendor, and Locksmith Act of 2004. The firearm control
8 card shall be carried by the private security contractor,
9 private detective, or private alarm contractor, or
10 employee of the licensed private security contractor,
11 private detective, or private alarm contractor agency at
12 all times when he or she is in possession of a concealable
13 weapon permitted by his or her firearm control card.

14 (6) Any person regularly employed in a commercial or
15 industrial operation as a security guard for the
16 protection of persons employed and private property
17 related to such commercial or industrial operation, while
18 actually engaged in the performance of his or her duty or
19 traveling between sites or properties belonging to the
20 employer, and who, as a security guard, is a member of a
21 security force registered with the Department of Financial
22 and Professional Regulation; provided that such security
23 guard has successfully completed a course of study,
24 approved by and supervised by the Department of Financial
25 and Professional Regulation, consisting of not less than
26 48 hours of training that includes the theory of law

1 enforcement, liability for acts, and the handling of
2 weapons. A person shall be considered eligible for this
3 exemption if he or she has completed the required 20 hours
4 of training for a security officer and 28 hours of
5 required firearm training, and has been issued a firearm
6 control card by the Department of Financial and
7 Professional Regulation. Conditions for the renewal of
8 firearm control cards issued under the provisions of this
9 Section shall be the same as for those cards issued under
10 the provisions of the Private Detective, Private Alarm,
11 Private Security, Fingerprint Vendor, and Locksmith Act of
12 2004. The firearm control card shall be carried by the
13 security guard at all times when he or she is in possession
14 of a concealable weapon permitted by his or her firearm
15 control card.

16 (7) Agents and investigators of the Illinois
17 Legislative Investigating Commission authorized by the
18 Commission to carry the weapons specified in subsections
19 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
20 any investigation for the Commission.

21 (8) Persons employed by a financial institution as a
22 security guard for the protection of other employees and
23 property related to such financial institution, while
24 actually engaged in the performance of their duties,
25 commuting between their homes and places of employment, or
26 traveling between sites or properties owned or operated by

1 such financial institution, and who, as a security guard,
2 is a member of a security force registered with the
3 Department; provided that any person so employed has
4 successfully completed a course of study, approved by and
5 supervised by the Department of Financial and Professional
6 Regulation, consisting of not less than 48 hours of
7 training which includes theory of law enforcement,
8 liability for acts, and the handling of weapons. A person
9 shall be considered to be eligible for this exemption if
10 he or she has completed the required 20 hours of training
11 for a security officer and 28 hours of required firearm
12 training, and has been issued a firearm control card by
13 the Department of Financial and Professional Regulation.
14 Conditions for renewal of firearm control cards issued
15 under the provisions of this Section shall be the same as
16 for those issued under the provisions of the Private
17 Detective, Private Alarm, Private Security, Fingerprint
18 Vendor, and Locksmith Act of 2004. The firearm control
19 card shall be carried by the security guard at all times
20 when he or she is in possession of a concealable weapon
21 permitted by his or her firearm control card. For purposes
22 of this subsection, "financial institution" means a bank,
23 savings and loan association, credit union or company
24 providing armored car services.

25 (9) Any person employed by an armored car company to
26 drive an armored car, while actually engaged in the

1 performance of his duties.

2 (10) Persons who have been classified as peace
3 officers pursuant to the Peace Officer Fire Investigation
4 Act.

5 (11) Investigators of the Office of the State's
6 Attorneys Appellate Prosecutor authorized by the board of
7 governors of the Office of the State's Attorneys Appellate
8 Prosecutor to carry weapons pursuant to Section 7.06 of
9 the State's Attorneys Appellate Prosecutor's Act.

10 (12) Special investigators appointed by a State's
11 Attorney under Section 3-9005 of the Counties Code.

12 (12.5) Probation officers while in the performance of
13 their duties, or while commuting between their homes,
14 places of employment or specific locations that are part
15 of their assigned duties, with the consent of the chief
16 judge of the circuit for which they are employed, if they
17 have received weapons training according to requirements
18 of the Peace Officer and Probation Officer Firearm
19 Training Act.

20 (13) Court Security Officers while in the performance
21 of their official duties, or while commuting between their
22 homes and places of employment, with the consent of the
23 Sheriff.

24 (13.5) A person employed as an armed security guard at
25 a nuclear energy, storage, weapons or development site or
26 facility regulated by the Nuclear Regulatory Commission

1 who has completed the background screening and training
2 mandated by the rules and regulations of the Nuclear
3 Regulatory Commission.

4 (14) Manufacture, transportation, or sale of weapons
5 to persons authorized under subdivisions (1) through
6 (13.5) of this subsection to possess those weapons.

7 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
8 to or affect any person carrying a concealed pistol, revolver,
9 or handgun and the person has been issued a currently valid
10 license under the Firearm Concealed Carry Act at the time of
11 the commission of the offense.

12 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
13 to or affect a qualified current or retired law enforcement
14 officer or a current or retired deputy, county correctional
15 officer, or correctional officer of the Department of
16 Corrections qualified under the laws of this State or under
17 the federal Law Enforcement Officers Safety Act.

18 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
19 24-1.6 do not apply to or affect any of the following:

20 (1) Members of any club or organization organized for
21 the purpose of practicing shooting at targets upon
22 established target ranges, whether public or private, and
23 patrons of such ranges, while such members or patrons are
24 using their firearms on those target ranges.

25 (2) Duly authorized military or civil organizations
26 while parading, with the special permission of the

1 Governor.

2 (3) Hunters, trappers, or fishermen while engaged in
3 lawful hunting, trapping, or fishing under the provisions
4 of the Wildlife Code or the Fish and Aquatic Life Code.

5 (4) Transportation of weapons that are broken down in
6 a non-functioning state or are not immediately accessible.

7 (5) Carrying or possessing any pistol, revolver, stun
8 gun or taser or other firearm on the land or in the legal
9 dwelling of another person as an invitee with that
10 person's permission.

11 (c) Subsection 24-1(a)(7) does not apply to or affect any
12 of the following:

13 (1) Peace officers while in performance of their
14 official duties.

15 (2) Wardens, superintendents and keepers of prisons,
16 penitentiaries, jails and other institutions for the
17 detention of persons accused or convicted of an offense.

18 (3) Members of the Armed Services or Reserve Forces of
19 the United States or the Illinois National Guard, while in
20 the performance of their official duty.

21 (4) Manufacture, transportation, or sale of machine
22 guns to persons authorized under subdivisions (1) through
23 (3) of this subsection to possess machine guns, if the
24 machine guns are broken down in a non-functioning state or
25 are not immediately accessible.

26 (5) Persons licensed under federal law to manufacture

1 any weapon from which 8 or more shots or bullets can be
2 discharged by a single function of the firing device, or
3 ammunition for such weapons, and actually engaged in the
4 business of manufacturing such weapons or ammunition, but
5 only with respect to activities which are within the
6 lawful scope of such business, such as the manufacture,
7 transportation, or testing of such weapons or ammunition.
8 This exemption does not authorize the general private
9 possession of any weapon from which 8 or more shots or
10 bullets can be discharged by a single function of the
11 firing device, but only such possession and activities as
12 are within the lawful scope of a licensed manufacturing
13 business described in this paragraph.

14 During transportation, such weapons shall be broken
15 down in a non-functioning state or not immediately
16 accessible.

17 (6) The manufacture, transport, testing, delivery,
18 transfer or sale, and all lawful commercial or
19 experimental activities necessary thereto, of rifles,
20 shotguns, and weapons made from rifles or shotguns, or
21 ammunition for such rifles, shotguns or weapons, where
22 engaged in by a person operating as a contractor or
23 subcontractor pursuant to a contract or subcontract for
24 the development and supply of such rifles, shotguns,
25 weapons or ammunition to the United States government or
26 any branch of the Armed Forces of the United States, when

1 such activities are necessary and incident to fulfilling
2 the terms of such contract.

3 The exemption granted under this subdivision (c)(6)
4 shall also apply to any authorized agent of any such
5 contractor or subcontractor who is operating within the
6 scope of his employment, where such activities involving
7 such weapon, weapons or ammunition are necessary and
8 incident to fulfilling the terms of such contract.

9 (7) A person possessing a rifle with a barrel or
10 barrels less than 16 inches in length if: (A) the person
11 has been issued a Curios and Relics license from the U.S.
12 Bureau of Alcohol, Tobacco, Firearms and Explosives; or
13 (B) the person is an active member of a bona fide,
14 nationally recognized military re-enacting group and the
15 modification is required and necessary to accurately
16 portray the weapon for historical re-enactment purposes;
17 the re-enactor is in possession of a valid and current
18 re-enacting group membership credential; and the overall
19 length of the weapon as modified is not less than 26
20 inches.

21 (d) Subsection 24-1(a)(1) does not apply to the purchase,
22 possession or carrying of a black-jack or slung-shot by a
23 peace officer.

24 (e) Subsection 24-1(a)(8) does not apply to any owner,
25 manager or authorized employee of any place specified in that
26 subsection nor to any law enforcement officer.

1 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
2 Section 24-1.6 do not apply to members of any club or
3 organization organized for the purpose of practicing shooting
4 at targets upon established target ranges, whether public or
5 private, while using their firearms on those target ranges.

6 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
7 to:

8 (1) Members of the Armed Services or Reserve Forces of
9 the United States or the Illinois National Guard, while in
10 the performance of their official duty.

11 (2) Bonafide collectors of antique or surplus military
12 ordnance.

13 (3) Laboratories having a department of forensic
14 ballistics, or specializing in the development of
15 ammunition or explosive ordnance.

16 (4) Commerce, preparation, assembly or possession of
17 explosive bullets by manufacturers of ammunition licensed
18 by the federal government, in connection with the supply
19 of those organizations and persons exempted by subdivision
20 (g)(1) of this Section, or like organizations and persons
21 outside this State, or the transportation of explosive
22 bullets to any organization or person exempted in this
23 Section by a common carrier or by a vehicle owned or leased
24 by an exempted manufacturer.

25 (g-5) Subsection 24-1(a)(6) does not apply to or affect
26 persons licensed under federal law to manufacture any device

1 or attachment of any kind designed, used, or intended for use
2 in silencing the report of any firearm, firearms, or
3 ammunition for those firearms equipped with those devices, and
4 actually engaged in the business of manufacturing those
5 devices, firearms, or ammunition, but only with respect to
6 activities that are within the lawful scope of that business,
7 such as the manufacture, transportation, or testing of those
8 devices, firearms, or ammunition. This exemption does not
9 authorize the general private possession of any device or
10 attachment of any kind designed, used, or intended for use in
11 silencing the report of any firearm, but only such possession
12 and activities as are within the lawful scope of a licensed
13 manufacturing business described in this subsection (g-5).
14 During transportation, these devices shall be detached from
15 any weapon or not immediately accessible.

16 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
17 24-1.6 do not apply to or affect any parole agent or parole
18 supervisor who meets the qualifications and conditions
19 prescribed in Section 3-14-1.5 of the Unified Code of
20 Corrections.

21 (g-7) Subsection 24-1(a)(6) does not apply to a peace
22 officer while serving as a member of a tactical response team
23 or special operations team. A peace officer may not personally
24 own or apply for ownership of a device or attachment of any
25 kind designed, used, or intended for use in silencing the
26 report of any firearm. These devices shall be owned and

1 maintained by lawfully recognized units of government whose
2 duties include the investigation of criminal acts.

3 (g-10) (Blank).

4 (h) An information or indictment based upon a violation of
5 any subsection of this Article need not negative any
6 exemptions contained in this Article. The defendant shall have
7 the burden of proving such an exemption.

8 (i) Nothing in this Article shall prohibit, apply to, or
9 affect the transportation, carrying, or possession, of any
10 pistol or revolver, stun gun, taser, or other firearm
11 consigned to a common carrier operating under license of the
12 State of Illinois or the federal government, where such
13 transportation, carrying, or possession is incident to the
14 lawful transportation in which such common carrier is engaged;
15 and nothing in this Article shall prohibit, apply to, or
16 affect the transportation, carrying, or possession of any
17 pistol, revolver, stun gun, taser, or other firearm, not the
18 subject of and regulated by subsection 24-1(a)(7) or
19 subsection 24-2(c) of this Article, which is unloaded and
20 enclosed in a case, firearm carrying box, shipping box, or
21 other container, by a person eligible under State and federal
22 law to possess a firearm ~~the possessor of a valid Firearm~~
23 ~~Owners Identification Card.~~

24 (Source: P.A. 102-152, eff. 1-1-22; 102-779, eff. 1-1-23;
25 102-837, eff. 5-13-22; 103-154, eff. 6-30-23.)

1 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

2 Sec. 24-3. Unlawful sale or delivery of firearms.

3 (A) A person commits the offense of unlawful sale or
4 delivery of firearms when he or she knowingly does any of the
5 following:

6 (a) Sells or gives any firearm of a size which may be
7 concealed upon the person to any person under 18 years of
8 age.

9 (b) Sells or gives any firearm to a person under 21
10 years of age who has been convicted of a misdemeanor other
11 than a traffic offense or adjudged delinquent.

12 (c) Sells or gives any firearm to any narcotic addict.

13 (d) Sells or gives any firearm to any person who has
14 been convicted of a felony under the laws of this or any
15 other jurisdiction.

16 (e) Sells or gives any firearm to any person who has
17 been a patient in a mental institution within the past 5
18 years. In this subsection (e):

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
26 a mental institution for mental health treatment,

1 unless the treatment was voluntary and solely for an
2 alcohol abuse disorder and no other secondary
3 substance abuse disorder or mental illness.

4 (f) Sells or gives any firearms to any person who is a
5 person with an intellectual disability.

6 (g) Delivers any firearm, incidental to a sale,
7 without withholding delivery of the firearm for at least
8 72 hours after application for its purchase has been made,
9 or delivers a stun gun or taser, incidental to a sale,
10 without withholding delivery of the stun gun or taser for
11 at least 24 hours after application for its purchase has
12 been made. However, this paragraph (g) does not apply to:
13 (1) the sale of a firearm to a law enforcement officer if
14 the seller of the firearm knows that the person to whom he
15 or she is selling the firearm is a law enforcement officer
16 or the sale of a firearm to a person who desires to
17 purchase a firearm for use in promoting the public
18 interest incident to his or her employment as a bank
19 guard, armed truck guard, or other similar employment; (2)
20 a mail order sale of a firearm from a federally licensed
21 firearms dealer to a nonresident of Illinois under which
22 the firearm is mailed to a federally licensed firearms
23 dealer outside the boundaries of Illinois; (3) (blank);
24 (4) the sale of a firearm to a dealer licensed as a federal
25 firearms dealer under Section 923 of the federal Gun
26 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or

1 sale of any rifle, shotgun, or other long gun to a resident
2 registered competitor or attendee or non-resident
3 registered competitor or attendee by any dealer licensed
4 as a federal firearms dealer under Section 923 of the
5 federal Gun Control Act of 1968 at competitive shooting
6 events held at the World Shooting Complex sanctioned by a
7 national governing body. For purposes of transfers or
8 sales under subparagraph (5) of this paragraph (g), the
9 Department of Natural Resources shall give notice to the
10 Illinois State Police at least 30 calendar days prior to
11 any competitive shooting events at the World Shooting
12 Complex sanctioned by a national governing body. The
13 notification shall be made on a form prescribed by the
14 Illinois State Police. The sanctioning body shall provide
15 a list of all registered competitors and attendees at
16 least 24 hours before the events to the Illinois State
17 Police. Any changes to the list of registered competitors
18 and attendees shall be forwarded to the Illinois State
19 Police as soon as practicable. The Illinois State Police
20 must destroy the list of registered competitors and
21 attendees no later than 30 days after the date of the
22 event. Nothing in this paragraph (g) relieves a federally
23 licensed firearm dealer from the requirements of
24 conducting a NICS background check through the Illinois
25 Point of Contact under 18 U.S.C. 922(t). For purposes of
26 this paragraph (g), "application" means when the buyer and

1 seller reach an agreement to purchase a firearm. For
2 purposes of this paragraph (g), "national governing body"
3 means a group of persons who adopt rules and formulate
4 policy on behalf of a national firearm sporting
5 organization.

6 (h) While holding any license as a dealer, importer,
7 manufacturer or pawnbroker under the federal Gun Control
8 Act of 1968, manufactures, sells or delivers to any
9 unlicensed person a handgun having a barrel, slide, frame
10 or receiver which is a die casting of zinc alloy or any
11 other nonhomogeneous metal which will melt or deform at a
12 temperature of less than 800 degrees Fahrenheit. For
13 purposes of this paragraph, (1) "firearm" has the meaning
14 provided in Section 2-7.5 of the Criminal Code of 2012 ~~is~~
15 ~~defined as in the Firearm Owners Identification Card Act;~~
16 and (2) "handgun" is defined as a firearm designed to be
17 held and fired by the use of a single hand, and includes a
18 combination of parts from which such a firearm can be
19 assembled.

20 (i) Sells or gives a firearm of any size to any person
21 under 18 years of age who is not eligible under State or
22 federal law to possess a firearm ~~does not possess a valid~~
23 ~~Firearm Owner's Identification Card.~~

24 (j) Sells or gives a firearm while engaged in the
25 business of selling firearms at wholesale or retail
26 without being licensed as a federal firearms dealer under

1 Section 923 of the federal Gun Control Act of 1968 (18
2 U.S.C. 923). In this paragraph (j):

3 A person "engaged in the business" means a person who
4 devotes time, attention, and labor to engaging in the
5 activity as a regular course of trade or business with the
6 principal objective of livelihood and profit, but does not
7 include a person who makes occasional repairs of firearms
8 or who occasionally fits special barrels, stocks, or
9 trigger mechanisms to firearms.

10 "With the principal objective of livelihood and
11 profit" means that the intent underlying the sale or
12 disposition of firearms is predominantly one of obtaining
13 livelihood and pecuniary gain, as opposed to other
14 intents, such as improving or liquidating a personal
15 firearms collection; however, proof of profit shall not be
16 required as to a person who engages in the regular and
17 repetitive purchase and disposition of firearms for
18 criminal purposes or terrorism.

19 (k) (Blank). ~~Sells or transfers ownership of a firearm~~
20 ~~to a person who does not display to the seller or~~
21 ~~transferor of the firearm either: (1) a currently valid~~
22 ~~Firearm Owner's Identification Card that has previously~~
23 ~~been issued in the transferee's name by the Illinois State~~
24 ~~Police under the provisions of the Firearm Owners~~
25 ~~Identification Card Act; or (2) a currently valid license~~
26 ~~to carry a concealed firearm that has previously been~~

1 ~~issued in the transferee's name by the Illinois State~~
2 ~~Police under the Firearm Concealed Carry Act. This~~
3 ~~paragraph (k) does not apply to the transfer of a firearm~~
4 ~~to a person who is exempt from the requirement of~~
5 ~~possessing a Firearm Owner's Identification Card under~~
6 ~~Section 2 of the Firearm Owners Identification Card Act.~~
7 ~~For the purposes of this Section, a currently valid~~
8 ~~Firearm Owner's Identification Card or license to carry a~~
9 ~~concealed firearm means receipt of an approval number~~
10 ~~issued in accordance with subsection (a 10) of Section 3~~
11 ~~or Section 3.1 of the Firearm Owners Identification Card~~
12 ~~Act.~~

13 (1) (Blank). ~~In addition to the other requirements~~
14 ~~of this paragraph (k), all persons who are not~~
15 ~~federally licensed firearms dealers must also have~~
16 ~~complied with subsection (a 10) of Section 3 of the~~
17 ~~Firearm Owners Identification Card Act by determining~~
18 ~~the validity of a purchaser's Firearm Owner's~~
19 ~~Identification Card.~~

20 (2) (Blank). ~~All sellers or transferors who have~~
21 ~~complied with the requirements of subparagraph (1) of~~
22 ~~this paragraph (k) shall not be liable for damages in~~
23 ~~any civil action arising from the use or misuse by the~~
24 ~~transferee of the firearm transferred, except for~~
25 ~~willful or wanton misconduct on the part of the seller~~
26 ~~or transferor.~~

1 (1) Not being entitled to the possession of a firearm,
2 delivers the firearm, knowing it to have been stolen or
3 converted. It may be inferred that a person who possesses
4 a firearm with knowledge that its serial number has been
5 removed or altered has knowledge that the firearm is
6 stolen or converted.

7 (B) Paragraph (h) of subsection (A) does not include
8 firearms sold within 6 months after enactment of Public Act
9 78-355 (approved August 21, 1973, effective October 1, 1973),
10 nor is any firearm legally owned or possessed by any citizen or
11 purchased by any citizen within 6 months after the enactment
12 of Public Act 78-355 subject to confiscation or seizure under
13 the provisions of that Public Act. Nothing in Public Act
14 78-355 shall be construed to prohibit the gift or trade of any
15 firearm if that firearm was legally held or acquired within 6
16 months after the enactment of that Public Act.

17 (C) Sentence.

18 (1) Any person convicted of unlawful sale or delivery
19 of firearms in violation of paragraph (c), (e), (f), (g),
20 or (h) of subsection (A) commits a Class 4 felony.

21 (2) Any person convicted of unlawful sale or delivery
22 of firearms in violation of paragraph (b) or (i) of
23 subsection (A) commits a Class 3 felony.

24 (3) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (a) of subsection
26 (A) commits a Class 2 felony.

1 (4) Any person convicted of unlawful sale or delivery
2 of firearms in violation of paragraph (a), (b), or (i) of
3 subsection (A) in any school, on the real property
4 comprising a school, within 1,000 feet of the real
5 property comprising a school, at a school related
6 activity, or on or within 1,000 feet of any conveyance
7 owned, leased, or contracted by a school or school
8 district to transport students to or from school or a
9 school related activity, regardless of the time of day or
10 time of year at which the offense was committed, commits a
11 Class 1 felony. Any person convicted of a second or
12 subsequent violation of unlawful sale or delivery of
13 firearms in violation of paragraph (a), (b), or (i) of
14 subsection (A) in any school, on the real property
15 comprising a school, within 1,000 feet of the real
16 property comprising a school, at a school related
17 activity, or on or within 1,000 feet of any conveyance
18 owned, leased, or contracted by a school or school
19 district to transport students to or from school or a
20 school related activity, regardless of the time of day or
21 time of year at which the offense was committed, commits a
22 Class 1 felony for which the sentence shall be a term of
23 imprisonment of no less than 5 years and no more than 15
24 years.

25 (5) Any person convicted of unlawful sale or delivery
26 of firearms in violation of paragraph (a) or (i) of

1 subsection (A) in residential property owned, operated, or
2 managed by a public housing agency or leased by a public
3 housing agency as part of a scattered site or mixed-income
4 development, in a public park, in a courthouse, on
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 on the real property comprising any public park, on the
9 real property comprising any courthouse, or on any public
10 way within 1,000 feet of the real property comprising any
11 public park, courthouse, or residential property owned,
12 operated, or managed by a public housing agency or leased
13 by a public housing agency as part of a scattered site or
14 mixed-income development commits a Class 2 felony.

15 (6) Any person convicted of unlawful sale or delivery
16 of firearms in violation of paragraph (j) of subsection
17 (A) commits a Class A misdemeanor. A second or subsequent
18 violation is a Class 4 felony.

19 (7) (Blank). ~~Any person convicted of unlawful sale or~~
20 ~~delivery of firearms in violation of paragraph (k) of~~
21 ~~subsection (A) commits a Class 4 felony, except that a~~
22 ~~violation of subparagraph (1) of paragraph (k) of~~
23 ~~subsection (A) shall not be punishable as a crime or petty~~
24 ~~offense. A third or subsequent conviction for a violation~~
25 ~~of paragraph (k) of subsection (A) is a Class 1 felony.~~

26 (8) A person 18 years of age or older convicted of

1 unlawful sale or delivery of firearms in violation of
2 paragraph (a) or (i) of subsection (A), when the firearm
3 that was sold or given to another person under 18 years of
4 age was used in the commission of or attempt to commit a
5 forcible felony, shall be fined or imprisoned, or both,
6 not to exceed the maximum provided for the most serious
7 forcible felony so committed or attempted by the person
8 under 18 years of age who was sold or given the firearm.

9 (9) Any person convicted of unlawful sale or delivery
10 of firearms in violation of paragraph (d) of subsection
11 (A) commits a Class 3 felony.

12 (10) Any person convicted of unlawful sale or delivery
13 of firearms in violation of paragraph (l) of subsection
14 (A) commits a Class 2 felony if the delivery is of one
15 firearm. Any person convicted of unlawful sale or delivery
16 of firearms in violation of paragraph (l) of subsection
17 (A) commits a Class 1 felony if the delivery is of not less
18 than 2 and not more than 5 firearms at the same time or
19 within a one-year period. Any person convicted of unlawful
20 sale or delivery of firearms in violation of paragraph (l)
21 of subsection (A) commits a Class X felony for which he or
22 she shall be sentenced to a term of imprisonment of not
23 less than 6 years and not more than 30 years if the
24 delivery is of not less than 6 and not more than 10
25 firearms at the same time or within a 2-year period. Any
26 person convicted of unlawful sale or delivery of firearms

1 in violation of paragraph (1) of subsection (A) commits a
2 Class X felony for which he or she shall be sentenced to a
3 term of imprisonment of not less than 6 years and not more
4 than 40 years if the delivery is of not less than 11 and
5 not more than 20 firearms at the same time or within a
6 3-year period. Any person convicted of unlawful sale or
7 delivery of firearms in violation of paragraph (1) of
8 subsection (A) commits a Class X felony for which he or she
9 shall be sentenced to a term of imprisonment of not less
10 than 6 years and not more than 50 years if the delivery is
11 of not less than 21 and not more than 30 firearms at the
12 same time or within a 4-year period. Any person convicted
13 of unlawful sale or delivery of firearms in violation of
14 paragraph (1) of subsection (A) commits a Class X felony
15 for which he or she shall be sentenced to a term of
16 imprisonment of not less than 6 years and not more than 60
17 years if the delivery is of 31 or more firearms at the same
18 time or within a 5-year period.

19 (D) For purposes of this Section:

20 "School" means a public or private elementary or secondary
21 school, community college, college, or university.

22 "School related activity" means any sporting, social,
23 academic, or other activity for which students' attendance or
24 participation is sponsored, organized, or funded in whole or
25 in part by a school or school district.

26 (E) (Blank). ~~A prosecution for a violation of paragraph~~

1 ~~(k) of subsection (A) of this Section may be commenced within 6~~
2 ~~years after the commission of the offense. A prosecution for a~~
3 ~~violation of this Section other than paragraph (g) of~~
4 ~~subsection (A) of this Section may be commenced within 5 years~~
5 ~~after the commission of the offense defined in the particular~~
6 ~~paragraph.~~

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

9 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

10 Sec. 24-3.1. Unlawful possession of firearms and firearm
11 ammunition.

12 (a) A person commits the offense of unlawful possession of
13 firearms or firearm ammunition when:

14 (1) He is under 18 years of age and has in his
15 possession any firearm of a size which may be concealed
16 upon the person; or

17 (2) He is under 21 years of age, has been convicted of
18 a misdemeanor other than a traffic offense or adjudged
19 delinquent and has any firearms or firearm ammunition in
20 his possession; or

21 (3) He is a narcotic addict and has any firearms or
22 firearm ammunition in his possession; or

23 (4) He has been a patient in a mental institution
24 within the past 5 years and has any firearms or firearm
25 ammunition in his possession. For purposes of this

1 paragraph (4):

2 "Mental institution" means any hospital,
3 institution, clinic, evaluation facility, mental
4 health center, or part thereof, which is used
5 primarily for the care or treatment of persons with
6 mental illness.

7 "Patient in a mental institution" means the person
8 was admitted, either voluntarily or involuntarily, to
9 a mental institution for mental health treatment,
10 unless the treatment was voluntary and solely for an
11 alcohol abuse disorder and no other secondary
12 substance abuse disorder or mental illness; or

13 (5) He is a person with an intellectual disability and
14 has any firearms or firearm ammunition in his possession;
15 or

16 (6) He has in his possession any explosive bullet.

17 For purposes of this paragraph "explosive bullet" means
18 the projectile portion of an ammunition cartridge which
19 contains or carries an explosive charge which will explode
20 upon contact with the flesh of a human or an animal.

21 "Cartridge" means a tubular metal case having a projectile
22 affixed at the front thereof and a cap or primer at the rear
23 end thereof, with the propellant contained in such tube
24 between the projectile and the cap.

25 (a-5) A person prohibited from possessing a firearm under
26 this Section may petition the Director of the Illinois State

1 Police for a hearing and relief from the prohibition, unless
2 the prohibition was based upon a forcible felony, stalking,
3 aggravated stalking, domestic battery, any violation of the
4 Illinois Controlled Substances Act, the Methamphetamine
5 Control and Community Protection Act, or the Cannabis Control
6 Act that is classified as a Class 2 or greater felony, any
7 felony violation of Article 24 of the Criminal Code of 1961 or
8 the Criminal Code of 2012, or any adjudication as a delinquent
9 minor for the commission of an offense that if committed by an
10 adult would be a felony, in which case the person may petition
11 the circuit court in writing in the county of his or her
12 residence for a hearing and relief from the prohibition. The
13 Director or court may grant the relief if it is established by
14 the petitioner to the court's or Director's satisfaction that:

15 (1) when in the circuit court, the State's Attorney
16 has been served with a written copy of the petition at
17 least 30 days before any hearing in the circuit court and
18 at the hearing the State's Attorney was afforded an
19 opportunity to present evidence and object to the
20 petition;

21 (2) the petitioner has not been convicted of a
22 forcible felony under the laws of this State or any other
23 jurisdiction within 20 years of the filing of the
24 petition, or at least 20 years have passed since the end of
25 any period of imprisonment imposed in relation to that
26 conviction;

1 (3) the circumstances regarding a criminal conviction,
2 where applicable, the petitioner's criminal history and
3 his reputation are such that the petitioner will not be
4 likely to act in a manner dangerous to public safety;

5 (4) granting relief would not be contrary to the
6 public interest; and

7 (5) granting relief would not be contrary to federal
8 law.

9 (b) Sentence.

10 Unlawful possession of firearms, other than handguns, and
11 firearm ammunition is a Class A misdemeanor. Unlawful
12 possession of handguns is a Class 4 felony. The possession of
13 each firearm or firearm ammunition in violation of this
14 Section constitutes a single and separate violation.

15 (c) Nothing in paragraph (1) of subsection (a) of this
16 Section prohibits a person under 18 years of age from
17 participating in any lawful recreational activity with a
18 firearm such as, but not limited to, practice shooting at
19 targets upon established public or private target ranges or
20 hunting, trapping, or fishing in accordance with the Wildlife
21 Code or the Fish and Aquatic Life Code.

22 (Source: P.A. 99-143, eff. 7-27-15.)

23 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

24 Sec. 24-3.2. Unlawful discharge of firearm projectiles.

25 (a) A person commits the offense of unlawful discharge of

1 firearm projectiles when he or she knowingly or recklessly
2 uses an armor piercing bullet, dragon's breath shotgun shell,
3 bolo shell, or flechette shell in violation of this Section.

4 For purposes of this Section:

5 "Armor piercing bullet" means any handgun bullet or
6 handgun ammunition with projectiles or projectile cores
7 constructed entirely (excluding the presence of traces of
8 other substances) from tungsten alloys, steel, iron, brass,
9 bronze, beryllium copper or depleted uranium, or fully
10 jacketed bullets larger than 22 caliber whose jacket has a
11 weight of more than 25% of the total weight of the projectile,
12 and excluding those handgun projectiles whose cores are
13 composed of soft materials such as lead or lead alloys, zinc or
14 zinc alloys, frangible projectiles designed primarily for
15 sporting purposes, and any other projectiles or projectile
16 cores that the U. S. Secretary of the Treasury finds to be
17 primarily intended to be used for sporting purposes or
18 industrial purposes or that otherwise does not constitute
19 "armor piercing ammunition" as that term is defined by federal
20 law.

21 "Dragon's breath shotgun shell" means any shotgun shell
22 that contains exothermic pyrophoric mesh metal as the
23 projectile and is designed for the purpose of throwing or
24 spewing a flame or fireball to simulate a flame-thrower.

25 "Bolo shell" means any shell that can be fired in a firearm
26 and expels as projectiles 2 or more metal balls connected by

1 solid metal wire.

2 "Flechette shell" means any shell that can be fired in a
3 firearm and expels 2 or more pieces of fin-stabilized solid
4 metal wire or 2 or more solid dart-type projectiles.

5 (b) A person commits a Class X felony when he or she,
6 knowing that a firearm, ~~as defined in Section 1.1 of the~~
7 ~~Firearm Owners Identification Card Act,~~ is loaded with an
8 armor piercing bullet, dragon's breath shotgun shell, bolo
9 shell, or flechette shell, intentionally or recklessly
10 discharges such firearm and such bullet or shell strikes any
11 other person.

12 (c) Any person who possesses, concealed on or about his or
13 her person, an armor piercing bullet, dragon's breath shotgun
14 shell, bolo shell, or flechette shell and a firearm suitable
15 for the discharge thereof is guilty of a Class 2 felony.

16 (d) This Section does not apply to or affect any of the
17 following:

18 (1) Peace officers;

19 (2) Wardens, superintendents and keepers of prisons,
20 penitentiaries, jails and other institutions for the
21 detention of persons accused or convicted of an offense;

22 (3) Members of the Armed Services or Reserve Forces of
23 the United States or the Illinois National Guard while in
24 the performance of their official duties;

25 (4) Federal officials required to carry firearms,
26 while engaged in the performance of their official duties;

1 (5) United States Marshals, while engaged in the
2 performance of their official duties.

3 (Source: P.A. 92-423, eff. 1-1-02.)

4 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

5 Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

6 (a) It shall be unlawful for any person who holds a license
7 to sell at retail any alcoholic liquor issued by the Illinois
8 Liquor Control Commission or local liquor control commissioner
9 under the Liquor Control Act of 1934 or an agent or employee of
10 the licensee to sell or deliver to any other person a firearm
11 in or on the real property of the establishment where the
12 licensee is licensed to sell alcoholic liquors unless the sale
13 or delivery of the firearm is otherwise lawful under this
14 Article ~~and under the Firearm Owners Identification Card Act.~~

15 (b) Sentence. A violation of subsection (a) of this
16 Section is a Class 4 felony.

17 (Source: P.A. 87-591.)

18 (720 ILCS 5/24-3.5)

19 Sec. 24-3.5. Unlawful purchase of a firearm.

20 (a) For purposes of this Section, "firearms transaction
21 record form" means a form:

22 (1) executed by a transferee of a firearm stating: (i)
23 the transferee's name and address (including county or
24 similar political subdivision); (ii) whether the

1 transferee is a citizen of the United States; (iii) the
2 transferee's State of residence; and (iv) the date and
3 place of birth, height, weight, and race of the
4 transferee; and

5 (2) on which the transferee certifies that he or she
6 is not prohibited by federal law from transporting or
7 shipping a firearm in interstate or foreign commerce or
8 receiving a firearm that has been shipped or transported
9 in interstate or foreign commerce or possessing a firearm
10 in or affecting commerce.

11 (b) A person commits the offense of unlawful purchase of a
12 firearm who knowingly purchases or attempts to purchase a
13 firearm with the intent to deliver that firearm to another
14 person who is prohibited by federal or State law from
15 possessing a firearm.

16 (c) A person commits the offense of unlawful purchase of a
17 firearm when he or she, in purchasing or attempting to
18 purchase a firearm, intentionally provides false or misleading
19 information on a United States Department of the Treasury,
20 Bureau of Alcohol, Tobacco and Firearms firearms transaction
21 record form.

22 (d) Exemption. It is not a violation of subsection (b) of
23 this Section for a person to make a gift or loan of a firearm
24 to a person who is not prohibited by federal or State law from
25 possessing a firearm ~~if the transfer of the firearm is made in~~
26 ~~accordance with Section 3 of the Firearm Owners Identification~~

1 ~~Card Act.~~

2 (e) Sentence.

3 (1) A person who commits the offense of unlawful
4 purchase of a firearm:

5 (A) is guilty of a Class 2 felony for purchasing or
6 attempting to purchase one firearm;

7 (B) is guilty of a Class 1 felony for purchasing or
8 attempting to purchase not less than 2 firearms and
9 not more than 5 firearms at the same time or within a
10 one year period;

11 (C) is guilty of a Class X felony for which the
12 offender shall be sentenced to a term of imprisonment
13 of not less than 9 years and not more than 40 years for
14 purchasing or attempting to purchase not less than 6
15 firearms at the same time or within a 2 year period.

16 (2) In addition to any other penalty that may be
17 imposed for a violation of this Section, the court may
18 sentence a person convicted of a violation of subsection
19 (c) of this Section to a fine not to exceed \$250,000 for
20 each violation.

21 (f) A prosecution for unlawful purchase of a firearm may
22 be commenced within 6 years after the commission of the
23 offense.

24 (Source: P.A. 95-882, eff. 1-1-09.)

25 (720 ILCS 5/24-3B)

1 Sec. 24-3B. Firearms trafficking.

2 (a) A person commits firearms trafficking when he or she
3 is prohibited under federal or State law from possessing a
4 firearm ~~has not been issued a currently valid Firearm Owner's~~
5 ~~Identification Card~~ and knowingly:

6 (1) brings, or causes to be brought, into this State,
7 a firearm or firearm ammunition for the purpose of sale,
8 delivery, or transfer to any other person or with the
9 intent to sell, deliver, or transfer the firearm or
10 firearm ammunition to any other person; or

11 (2) brings, or causes to be brought, into this State,
12 a firearm and firearm ammunition for the purpose of sale,
13 delivery, or transfer to any other person or with the
14 intent to sell, deliver, or transfer the firearm and
15 firearm ammunition to any other person.

16 (a-5) (Blank). ~~This Section does not apply to:~~

17 ~~(1) a person exempt under Section 2 of the Firearm~~
18 ~~Owners Identification Card Act from the requirement of~~
19 ~~having possession of a Firearm Owner's Identification Card~~
20 ~~previously issued in his or her name by the Illinois State~~
21 ~~Police in order to acquire or possess a firearm or firearm~~
22 ~~ammunition;~~

23 ~~(2) a common carrier under subsection (i) of Section~~
24 ~~24-2 of this Code; or~~

25 ~~(3) a non-resident who may lawfully possess a firearm~~
26 ~~in his or her resident state.~~

1 (b) Sentence.

2 (1) Firearms trafficking is a Class 1 felony for which
3 the person, if sentenced to a term of imprisonment, shall
4 be sentenced to not less than 4 years and not more than 20
5 years.

6 (2) Firearms trafficking by a person who has been
7 previously convicted of firearms trafficking, gunrunning,
8 or a felony offense for the unlawful sale, delivery, or
9 transfer of a firearm or firearm ammunition in this State
10 or another jurisdiction is a Class X felony.

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

12 (720 ILCS 5/24-4.1)

13 Sec. 24-4.1. Report of lost or stolen firearms.

14 (a) If a person ~~who possesses a valid Firearm Owner's~~
15 ~~Identification Card and~~ who possesses or acquires a firearm
16 thereafter loses the firearm, or if the firearm is stolen from
17 the person, the person must report the loss or theft to the
18 local law enforcement agency within 72 hours after obtaining
19 knowledge of the loss or theft.

20 (b) A law enforcement agency having jurisdiction shall
21 take a written report and shall, as soon as practical, enter
22 the firearm's serial number as stolen into the Law Enforcement
23 Agencies Data System (LEADS).

24 (c) A person shall not be in violation of this Section if:

25 (1) the failure to report is due to an act of God, act

1 of war, or inability of a law enforcement agency to
2 receive the report;

3 (2) the person is hospitalized, in a coma, or is
4 otherwise seriously physically or mentally impaired as to
5 prevent the person from reporting; or

6 (3) the person's designee makes a report if the person
7 is unable to make the report.

8 (d) Sentence. A person who violates this Section is guilty
9 of a petty offense for a first violation. A second or
10 subsequent violation of this Section is a Class A misdemeanor.
11 (Source: P.A. 98-508, eff. 8-19-13.)

12 (720 ILCS 5/24-4.5 new)

13 Sec. 24-4.5. Dial up system.

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

24 (b) Upon receiving a request from a federally licensed
25 firearm dealer, gun show promoter, or gun show vendor, the

1 Illinois State Police shall immediately approve, or within the
2 time period established by Section 24-3 of this Code regarding
3 the delivery of firearms, stun guns, and tasers notify the
4 inquiring dealer, gun show promoter, or gun show vendor of any
5 objection that would disqualify the transferee from acquiring
6 or possessing a firearm, stun gun, or taser. In conducting the
7 inquiry, the Illinois State Police shall initiate and complete
8 an automated search of its criminal history record information
9 files and those of the Federal Bureau of Investigation,
10 including the National Instant Criminal Background Check
11 System, and of the files of the Department of Human Services
12 relating to mental health and developmental disabilities to
13 obtain any felony conviction or patient hospitalization
14 information which would disqualify a person from obtaining a
15 firearm.

16 (c) If receipt of a firearm would not violate Section 24-3
17 of this Code or federal law, the Illinois State Police shall:

18 (1) assign a unique identification number to the
19 transfer; and

20 (2) provide the licensee, gun show promoter, or gun
21 show vendor with the number.

22 (d) Approvals issued by the Illinois State Police for the
23 purchase of a firearm are valid for 30 days from the date of
24 issue.

25 (e) (1) The Illinois State Police must act as the Illinois
26 Point of Contact for the National Instant Criminal Background

1 Check System.

2 (2) The Illinois State Police and the Department of Human
3 Services shall, in accordance with State and federal law
4 regarding confidentiality, enter into a memorandum of
5 understanding with the Federal Bureau of Investigation for the
6 purpose of implementing the National Instant Criminal
7 Background Check System in the State. The Department of State
8 Police shall report the name, date of birth, and physical
9 description of any person prohibited from possessing a firearm
10 under this Code or 18 U.S.C. 922(g) and (n) to the National
11 Instant Criminal Background Check System Index, Denied Persons
12 Files.

13 (f) The Illinois State Police shall adopt rules not
14 inconsistent with this Section to implement this system.

15 (720 ILCS 5/24-5.1)

16 Sec. 24-5.1. Serialization of unfinished frames or
17 receivers; prohibition on unserialized firearms; exceptions;
18 penalties.

19 (a) In this Section:

20 "Bona fide supplier" means an established business entity
21 engaged in the development and sale of firearms parts to one or
22 more federal firearms manufacturers or federal firearms
23 importers.

24 "Federal firearms dealer" means a licensed manufacturer
25 pursuant to 18 U.S.C. 921(a)(11).

1 "Federal firearms importer" means a licensed importer
2 pursuant to 18 U.S.C. 921(a)(9).

3 "Federal firearms manufacturer" means a licensed
4 manufacturer pursuant to 18 U.S.C. 921(a)(10).

5 "Frame or receiver" means a part of a firearm that, when
6 the complete weapon is assembled, is visible from the exterior
7 and provides housing or a structure designed to hold or
8 integrate one or more fire control components, even if pins or
9 other attachments are required to connect those components to
10 the housing or structure. For models of firearms in which
11 multiple parts provide such housing or structure, the part or
12 parts that the Director of the federal Bureau of Alcohol,
13 Tobacco, Firearms and Explosives has determined are a frame or
14 receiver constitute the frame or receiver. For purposes of
15 this definition, "fire control component" means a component
16 necessary for the firearm to initiate, complete, or continue
17 the firing sequence, including any of the following: hammer,
18 bolt, bolt carrier, breechblock, cylinder, trigger mechanism,
19 firing pin, striker, or slide rails.

20 "Security exemplar" means an object to be fabricated at
21 the direction of the United States Attorney General that is
22 (1) constructed of 3.7 ounces of material type 17-4 PH
23 stainless steel in a shape resembling a handgun and (2)
24 suitable for testing and calibrating metal detectors.

25 "Three-dimensional printer" means a computer or
26 computer-drive machine capable of producing a

1 three-dimensional object from a digital model.

2 "Undetectable firearm" means (1) a firearm constructed
3 entirely of non-metal substances; (2) a firearm that, after
4 removal of all parts but the major components of the firearm,
5 is not detectable by walk-through metal detectors calibrated
6 and operated to detect the security exemplar; or (3) a firearm
7 that includes a major component of a firearm, which, if
8 subject to the types of detection devices commonly used at
9 airports for security screening, would not generate an image
10 that accurately depicts the shape of the component.
11 "Undetectable firearm" does not include a firearm subject to
12 the provisions of 18 U.S.C. 922(p) (3) through (6).

13 "Unfinished frame or receiver" means any forging, casting,
14 printing, extrusion, machined body, or similar article that:

15 (1) has reached a stage in manufacture where it may
16 readily be completed, assembled, or converted to be a
17 functional firearm; or

18 (2) is marketed or sold to the public to become or be
19 used as the frame or receiver of a functional firearm once
20 completed, assembled, or converted.

21 "Unserialized" means lacking a serial number imprinted by:

22 (1) a federal firearms manufacturer, federal firearms
23 importer, federal firearms dealer, or other federal
24 licensee authorized to provide marking services, pursuant
25 to a requirement under federal law; or

26 (2) a federal firearms dealer or other federal

1 licensee authorized to provide marking services pursuant
2 to subsection (f) of this Section.

3 (b) It is unlawful for any person to knowingly sell, offer
4 to sell, or transfer an unserialized unfinished frame or
5 receiver or unserialized firearm, including those produced
6 using a three-dimensional printer, unless the party purchasing
7 or receiving the unfinished frame or receiver or unserialized
8 firearm is a federal firearms importer, federal firearms
9 manufacturer, or federal firearms dealer.

10 (c) Beginning 180 days after the effective date of this
11 amendatory Act of the 102nd General Assembly, it is unlawful
12 for any person to knowingly possess, transport, or receive an
13 unfinished frame or receiver, unless:

14 (1) the party possessing or receiving the unfinished
15 frame or receiver is a federal firearms importer or
16 federal firearms manufacturer;

17 (2) the unfinished frame or receiver is possessed or
18 transported by a person for transfer to a federal firearms
19 importer or federal firearms manufacturer; or

20 (3) the unfinished frame or receiver has been
21 imprinted with a serial number issued by a federal
22 firearms importer or federal firearms manufacturer in
23 compliance with subsection (f) of this Section.

24 (d) Beginning 180 days after the effective date of this
25 amendatory Act of the 102nd General Assembly, unless the party
26 receiving the firearm is a federal firearms importer or

1 federal firearms manufacturer, it is unlawful for any person
2 to knowingly possess, purchase, transport, or receive a
3 firearm that is not imprinted with a serial number by (1) a
4 federal firearms importer or federal firearms manufacturer in
5 compliance with all federal laws and regulations regulating
6 the manufacture and import of firearms or (2) a federal
7 firearms manufacturer, federal firearms dealer, or other
8 federal licensee authorized to provide marking services in
9 compliance with the unserialized firearm serialization process
10 under subsection (f) of this Section.

11 (e) Any firearm or unfinished frame or receiver
12 manufactured using a three-dimensional printer must also be
13 serialized in accordance with the requirements of subsection
14 (f) within 30 days after the effective date of this amendatory
15 Act of the 102nd General Assembly, or prior to reaching a stage
16 of manufacture where it may be readily completed, assembled,
17 or converted to be a functional firearm.

18 (f) Unserialized unfinished frames or receivers and
19 unserialized firearms serialized pursuant to this Section
20 shall be serialized in compliance with all of the following:

21 (1) An unserialized unfinished frame or receiver and
22 unserialized firearm shall be serialized by a federally
23 licensed firearms dealer or other federal licensee
24 authorized to provide marking services with the licensee's
25 abbreviated federal firearms license number as a prefix
26 (which is the first 3 and last 5 digits) followed by a

1 hyphen, and then followed by a number as a suffix, such as
2 12345678-(number). The serial number or numbers must be
3 placed in a manner that accords with the requirements
4 under federal law for affixing serial numbers to firearms,
5 including the requirements that the serial number or
6 numbers be at the minimum size and depth, and not
7 susceptible to being readily obliterated, altered, or
8 removed, and the licensee must retain records that accord
9 with the requirements under federal law in the case of the
10 sale of a firearm. The imprinting of any serial number
11 upon a undetectable firearm must be done on a steel plaque
12 in compliance with 18 U.S.C. 922(p).

13 (2) Every federally licensed firearms dealer or other
14 federal licensee that engraves, casts, stamps, or
15 otherwise conspicuously and permanently places a unique
16 serial number pursuant to this Section shall maintain a
17 record of such indefinitely. Licensees subject to the
18 Firearm Dealer License Certification Act shall make all
19 records accessible for inspection upon the request of the
20 Illinois State Police or a law enforcement agency in
21 accordance with Section 5-35 of the Firearm Dealer License
22 Certification Act.

23 (3) Every federally licensed firearms dealer or other
24 federal licensee that engraves, casts, stamps, or
25 otherwise conspicuously and permanently places a unique
26 serial number pursuant to this Section shall record it at

1 the time of every transaction involving the transfer of a
2 firearm, rifle, shotgun, finished frame or receiver, or
3 unfinished frame or receiver that has been so marked in
4 compliance with the federal guidelines set forth in 27 CFR
5 478.124.

6 (4) (Blank). ~~Every federally licensed firearms dealer~~
7 ~~or other federal licensee that engraves, casts, stamps, or~~
8 ~~otherwise conspicuously and permanently places a unique~~
9 ~~serial number pursuant to this Section shall review and~~
10 ~~confirm the validity of the owner's Firearm Owner's~~
11 ~~Identification Card issued under the Firearm Owners~~
12 ~~Identification Card Act prior to returning the firearm to~~
13 ~~the owner.~~

14 (g) Within 30 days after the effective date of this
15 amendatory Act of the 102nd General Assembly, the Director of
16 the Illinois State Police shall issue a public notice
17 regarding the provisions of this Section. The notice shall
18 include posting on the Illinois State Police website and may
19 include written notification or any other means of
20 communication statewide to all Illinois-based federal firearms
21 manufacturers, federal firearms dealers, or other federal
22 licensees authorized to provide marking services in compliance
23 with the serialization process in subsection (f) in order to
24 educate the public.

25 (h) Exceptions. This Section does not apply to an
26 unserialized unfinished frame or receiver or an unserialized

1 firearm that:

2 (1) has been rendered permanently inoperable;

3 (2) is an antique firearm, as defined in 18 U.S.C.
4 921(a)(16);

5 (3) was manufactured prior to October 22, 1968;

6 (4) is an unfinished frame or receiver and is
7 possessed by a bona fide supplier exclusively for transfer
8 to a federal firearms manufacturer or federal firearms
9 importer, or is possessed by a federal firearms
10 manufacturer or federal firearms importer in compliance
11 with all federal laws and regulations regulating the
12 manufacture and import of firearms; except this exemption
13 does not apply if an unfinished frame or receiver is
14 possessed for transfer or is transferred to a person other
15 than a federal firearms manufacturer or federal firearms
16 importer; or

17 (5) is possessed by a person who received the
18 unserialized unfinished frame or receiver or unserialized
19 firearm through inheritance, and is not otherwise
20 prohibited from possessing the unserialized unfinished
21 frame or receiver or unserialized firearm, for a period
22 not exceeding 30 days after inheriting the unserialized
23 unfinished frame or receiver or unserialized firearm.

24 (i) Penalties.

25 (1) A person who violates subsection (c) or (d) is
26 guilty of a Class A misdemeanor for a first violation and

1 is guilty of a Class 3 felony for a second or subsequent
2 violation.

3 (2) A person who violates subsection (b) is guilty of
4 a Class 4 felony for a first violation and is guilty of a
5 Class 2 felony for a second or subsequent violation.

6 (Source: P.A. 102-889, eff. 5-18-22.)

7 (720 ILCS 5/24-9)

8 Sec. 24-9. Firearms; Child Protection.

9 (a) Except as provided in subsection (c), it is unlawful
10 for any person to store or leave, within premises under his or
11 her control, a firearm if the person knows or has reason to
12 believe that a minor under the age of 14 years ~~who does not~~
13 ~~have a Firearm Owners Identification Card~~ is likely to gain
14 access to the firearm without the lawful permission of the
15 person possessing the firearm, minor's parent, guardian, or
16 person having charge of the minor, and the minor causes death
17 or great bodily harm with the firearm, unless the firearm is:

18 (1) secured by a device or mechanism, other than the
19 firearm safety, designed to render a firearm temporarily
20 inoperable; or

21 (2) placed in a securely locked box or container; or

22 (3) placed in some other location that a reasonable
23 person would believe to be secure from a minor under the
24 age of 14 years.

25 (b) Sentence. A person who violates this Section is guilty

1 of a Class C misdemeanor and shall be fined not less than
2 \$1,000. A second or subsequent violation of this Section is a
3 Class A misdemeanor.

4 (c) Subsection (a) does not apply:

5 (1) if the minor under 14 years of age gains access to
6 a firearm and uses it in a lawful act of self-defense or
7 defense of another; or

8 (2) to any firearm obtained by a minor under the age of
9 14 because of an unlawful entry of the premises by the
10 minor or another person.

11 (d) (Blank). ~~For the purposes of this Section, "firearm"~~
12 ~~has the meaning ascribed to it in Section 1.1 of the Firearm~~
13 ~~Owners Identification Card Act.~~

14 (Source: P.A. 91-18, eff. 1-1-00.)

15 Section 80. The Methamphetamine Control and Community
16 Protection Act is amended by changing Section 10 as follows:

17 (720 ILCS 646/10)

18 Sec. 10. Definitions. As used in this Act:

19 "Anhydrous ammonia" has the meaning provided in subsection
20 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

21 "Anhydrous ammonia equipment" means all items used to
22 store, hold, contain, handle, transfer, transport, or apply
23 anhydrous ammonia for lawful purposes.

24 "Booby trap" means any device designed to cause physical

1 injury when triggered by an act of a person approaching,
2 entering, or moving through a structure, a vehicle, or any
3 location where methamphetamine has been manufactured, is being
4 manufactured, or is intended to be manufactured.

5 "Deliver" or "delivery" has the meaning provided in
6 subsection (h) of Section 102 of the Illinois Controlled
7 Substances Act.

8 "Director" means the Director of the Illinois State Police
9 or the Director's designated agents.

10 "Dispose" or "disposal" means to abandon, discharge,
11 release, deposit, inject, dump, spill, leak, or place
12 methamphetamine waste onto or into any land, water, or well of
13 any type so that the waste has the potential to enter the
14 environment, be emitted into the air, or be discharged into
15 the soil or any waters, including groundwater.

16 "Emergency response" means the act of collecting evidence
17 from or securing a methamphetamine laboratory site,
18 methamphetamine waste site or other methamphetamine-related
19 site and cleaning up the site, whether these actions are
20 performed by public entities or private contractors paid by
21 public entities.

22 "Emergency service provider" means a local, State, or
23 federal peace officer, firefighter, emergency medical
24 technician-ambulance, emergency medical
25 technician-intermediate, emergency medical
26 technician-paramedic, ambulance driver, or other medical or

1 first aid personnel rendering aid, or any agent or designee of
2 the foregoing.

3 "Finished methamphetamine" means methamphetamine in a form
4 commonly used for personal consumption.

5 "Firearm" has the meaning provided in Section 2-7.5 of the
6 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~
7 ~~Card Act.~~

8 "Manufacture" means to produce, prepare, compound,
9 convert, process, synthesize, concentrate, purify, separate,
10 extract, or package any methamphetamine, methamphetamine
11 precursor, methamphetamine manufacturing catalyst,
12 methamphetamine manufacturing reagent, methamphetamine
13 manufacturing solvent, or any substance containing any of the
14 foregoing.

15 "Methamphetamine" means the chemical methamphetamine (a
16 Schedule II controlled substance under the Illinois Controlled
17 Substances Act) or any salt, optical isomer, salt of optical
18 isomer, or analog thereof, with the exception of
19 3,4-Methylenedioxymethamphetamine (MDMA) or any other
20 scheduled substance with a separate listing under the Illinois
21 Controlled Substances Act.

22 "Methamphetamine manufacturing catalyst" means any
23 substance that has been used, is being used, or is intended to
24 be used to activate, accelerate, extend, or improve a chemical
25 reaction involved in the manufacture of methamphetamine.

26 "Methamphetamine manufacturing environment" means a

1 structure or vehicle in which:

2 (1) methamphetamine is being or has been manufactured;

3 (2) chemicals that are being used, have been used, or
4 are intended to be used to manufacture methamphetamine are
5 stored;

6 (3) methamphetamine manufacturing materials that have
7 been used to manufacture methamphetamine are stored; or

8 (4) methamphetamine manufacturing waste is stored.

9 "Methamphetamine manufacturing material" means any
10 methamphetamine precursor, substance containing any
11 methamphetamine precursor, methamphetamine manufacturing
12 catalyst, substance containing any methamphetamine
13 manufacturing catalyst, methamphetamine manufacturing
14 reagent, substance containing any methamphetamine
15 manufacturing reagent, methamphetamine manufacturing solvent,
16 substance containing any methamphetamine manufacturing
17 solvent, or any other chemical, substance, ingredient,
18 equipment, apparatus, or item that is being used, has been
19 used, or is intended to be used in the manufacture of
20 methamphetamine.

21 "Methamphetamine manufacturing reagent" means any
22 substance other than a methamphetamine manufacturing catalyst
23 that has been used, is being used, or is intended to be used to
24 react with and chemically alter any methamphetamine precursor.

25 "Methamphetamine manufacturing solvent" means any
26 substance that has been used, is being used, or is intended to

1 be used as a medium in which any methamphetamine precursor,
2 methamphetamine manufacturing catalyst, methamphetamine
3 manufacturing reagent, or any substance containing any of the
4 foregoing is dissolved, diluted, or washed during any part of
5 the methamphetamine manufacturing process.

6 "Methamphetamine manufacturing waste" means any chemical,
7 substance, ingredient, equipment, apparatus, or item that is
8 left over from, results from, or is produced by the process of
9 manufacturing methamphetamine, other than finished
10 methamphetamine.

11 "Methamphetamine precursor" means ephedrine,
12 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
13 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
14 isomer, or salt of an optical isomer of any of these chemicals.

15 "Multi-unit dwelling" means a unified structure used or
16 intended for use as a habitation, home, or residence that
17 contains 2 or more condominiums, apartments, hotel rooms,
18 motel rooms, or other living units.

19 "Package" means an item marked for retail sale that is not
20 designed to be further broken down or subdivided for the
21 purpose of retail sale.

22 "Participate" or "participation" in the manufacture of
23 methamphetamine means to produce, prepare, compound, convert,
24 process, synthesize, concentrate, purify, separate, extract,
25 or package any methamphetamine, methamphetamine precursor,
26 methamphetamine manufacturing catalyst, methamphetamine

1 manufacturing reagent, methamphetamine manufacturing solvent,
2 or any substance containing any of the foregoing, or to assist
3 in any of these actions, or to attempt to take any of these
4 actions, regardless of whether this action or these actions
5 result in the production of finished methamphetamine.

6 "Person with a disability" means a person who suffers from
7 a permanent physical or mental impairment resulting from
8 disease, injury, functional disorder, or congenital condition
9 which renders the person incapable of adequately providing for
10 his or her own health and personal care.

11 "Procure" means to purchase, steal, gather, or otherwise
12 obtain, by legal or illegal means, or to cause another to take
13 such action.

14 "Second or subsequent offense" means an offense under this
15 Act committed by an offender who previously committed an
16 offense under this Act, the Illinois Controlled Substances
17 Act, the Cannabis Control Act, or another Act of this State,
18 another state, or the United States relating to
19 methamphetamine, cannabis, or any other controlled substance.

20 "Standard dosage form", as used in relation to any
21 methamphetamine precursor, means that the methamphetamine
22 precursor is contained in a pill, tablet, capsule, caplet, gel
23 cap, or liquid cap that has been manufactured by a lawful
24 entity and contains a standard quantity of methamphetamine
25 precursor.

26 "Unauthorized container", as used in relation to anhydrous

1 ammonia, means any container that is not designed for the
2 specific and sole purpose of holding, storing, transporting,
3 or applying anhydrous ammonia. "Unauthorized container"
4 includes, but is not limited to, any propane tank, fire
5 extinguisher, oxygen cylinder, gasoline can, food or beverage
6 cooler, or compressed gas cylinder used in dispensing fountain
7 drinks. "Unauthorized container" does not encompass anhydrous
8 ammonia manufacturing plants, refrigeration systems where
9 anhydrous ammonia is used solely as a refrigerant, anhydrous
10 ammonia transportation pipelines, anhydrous ammonia tankers,
11 or anhydrous ammonia barges.

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

13 Section 85. The Code of Criminal Procedure of 1963 is
14 amended by changing Sections 102-7.1, 110-10, 112A-5.5,
15 112A-11.1, 112A-11.2, 112A-14, 112A-14.7, and 112A-17.5 as
16 follows:

17 (725 ILCS 5/102-7.1)

18 Sec. 102-7.1. "Category A offense". "Category A offense"
19 means a Class 1 felony, Class 2 felony, Class X felony, first
20 degree murder, a violation of Section 11-204 of the Illinois
21 Vehicle Code, a second or subsequent violation of Section
22 11-501 of the Illinois Vehicle Code, a violation of subsection
23 (d) of Section 11-501 of the Illinois Vehicle Code, a
24 violation of Section 11-401 of the Illinois Vehicle Code if

1 the crash results in injury and the person failed to report the
2 crash within 30 minutes, a violation of Section 9-3, 9-3.4,
3 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5, 11-25,
4 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5, 12-6,
5 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5, 24-3,
6 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a second or
7 subsequent violation of 12-3.2 or 12-3.4 of the Criminal Code
8 of 2012, a violation of paragraph (5) or (6) of subsection (b)
9 of Section 10-9 of the Criminal Code of 2012, a violation of
10 subsection (b) or (c) or paragraph (1) or (2) of subsection (a)
11 of Section 11-1.50 of the Criminal Code of 2012, a violation of
12 Section 12-7 of the Criminal Code of 2012 if the defendant
13 inflicts bodily harm on the victim to obtain a confession,
14 statement, or information, a violation of Section 12-7.5 of
15 the Criminal Code of 2012 if the action results in bodily harm,
16 a violation of paragraph (3) of subsection (b) of Section 17-2
17 of the Criminal Code of 2012, a violation of subdivision
18 (a)(7)(ii) of Section 24-1 of the Criminal Code of 2012, a
19 violation of paragraph (6) of subsection (a) of Section 24-1
20 of the Criminal Code of 2012, a first violation of Section
21 24-1.6 of the Criminal Code of 2012 by a person 18 years of age
22 or older where the factors listed in both items (A) and (C) or
23 both items (A-5) and (C) of paragraph (3) of subsection (a) of
24 Section 24-1.6 of the Criminal Code of 2012 are present, a
25 Class 3 felony violation of paragraph (1) of subsection (a) of
26 Section 2 of the Firearm Owners Identification Card Act

1 committed before the effective date of this amendatory Act of
2 the 103rd General Assembly, or a violation of Section 10 of the
3 Sex Offender Registration Act.

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

5 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

6 Sec. 110-10. Conditions of pretrial release.

7 (a) If a person is released prior to conviction, the
8 conditions of pretrial release shall be that he or she will:

9 (1) Appear to answer the charge in the court having
10 jurisdiction on a day certain and thereafter as ordered by
11 the court until discharged or final order of the court;

12 (2) Submit himself or herself to the orders and
13 process of the court;

14 (3) (Blank);

15 (4) Not violate any criminal statute of any
16 jurisdiction;

17 (5) At a time and place designated by the court,
18 surrender all firearms in his or her possession to a law
19 enforcement officer designated by the court to take
20 custody of and impound the firearms ~~and physically~~
21 ~~surrender his or her Firearm Owner's Identification Card~~
22 to the clerk of the circuit court when the offense the
23 person has been charged with is a forcible felony,
24 stalking, aggravated stalking, domestic battery, any
25 violation of the Illinois Controlled Substances Act, the

1 Methamphetamine Control and Community Protection Act, or
2 the Cannabis Control Act that is classified as a Class 2 or
3 greater felony, or any felony violation of Article 24 of
4 the Criminal Code of 1961 or the Criminal Code of 2012; the
5 court may, however, forgo the imposition of this condition
6 when the circumstances of the case clearly do not warrant
7 it or when its imposition would be impractical; ~~if the~~
8 ~~Firearm Owner's Identification Card is confiscated, the~~
9 ~~clerk of the circuit court shall mail the confiscated card~~
10 ~~to the Illinois State Police;~~ all legally possessed
11 firearms shall be returned to the person upon the charges
12 being dismissed, or if the person is found not guilty,
13 unless the finding of not guilty is by reason of insanity;
14 and

15 (6) At a time and place designated by the court,
16 submit to a psychological evaluation when the person has
17 been charged with a violation of item (4) of subsection
18 (a) of Section 24-1 of the Criminal Code of 1961 or the
19 Criminal Code of 2012 and that violation occurred in a
20 school or in any conveyance owned, leased, or contracted
21 by a school to transport students to or from school or a
22 school-related activity, or on any public way within 1,000
23 feet of real property comprising any school.

24 Psychological evaluations ordered pursuant to this Section
25 shall be completed promptly and made available to the State,
26 the defendant, and the court. As a further condition of

1 pretrial release under these circumstances, the court shall
2 order the defendant to refrain from entering upon the property
3 of the school, including any conveyance owned, leased, or
4 contracted by a school to transport students to or from school
5 or a school-related activity, or on any public way within
6 1,000 feet of real property comprising any school. Upon
7 receipt of the psychological evaluation, either the State or
8 the defendant may request a change in the conditions of
9 pretrial release, pursuant to Section 110-6 of this Code. The
10 court may change the conditions of pretrial release to include
11 a requirement that the defendant follow the recommendations of
12 the psychological evaluation, including undergoing psychiatric
13 treatment. The conclusions of the psychological evaluation and
14 any statements elicited from the defendant during its
15 administration are not admissible as evidence of guilt during
16 the course of any trial on the charged offense, unless the
17 defendant places his or her mental competency in issue.

18 (b) Additional conditions of release shall be set only
19 when it is determined that they are necessary to ensure the
20 defendant's appearance in court, ensure the defendant does not
21 commit any criminal offense, ensure the defendant complies
22 with all conditions of pretrial release, prevent the
23 defendant's unlawful interference with the orderly
24 administration of justice, or ensure compliance with the rules
25 and procedures of problem solving courts. However, conditions
26 shall include the least restrictive means and be

1 individualized. Conditions shall not mandate rehabilitative
2 services unless directly tied to the risk of pretrial
3 misconduct. Conditions of supervision shall not include
4 punitive measures such as community service work or
5 restitution. Conditions may include the following:

6 (0.05) Not depart this State without leave of the
7 court;

8 (1) Report to or appear in person before such person
9 or agency as the court may direct;

10 (2) Refrain from possessing a firearm or other
11 dangerous weapon;

12 (3) Refrain from approaching or communicating with
13 particular persons or classes of persons;

14 (4) Refrain from going to certain described geographic
15 areas or premises;

16 (5) Be placed under direct supervision of the Pretrial
17 Services Agency, Probation Department or Court Services
18 Department in a pretrial home supervision capacity with or
19 without the use of an approved electronic monitoring
20 device subject to Article 8A of Chapter V of the Unified
21 Code of Corrections;

22 (6) For persons charged with violating Section 11-501
23 of the Illinois Vehicle Code, refrain from operating a
24 motor vehicle not equipped with an ignition interlock
25 device, as defined in Section 1-129.1 of the Illinois
26 Vehicle Code, pursuant to the rules promulgated by the

1 Secretary of State for the installation of ignition
2 interlock devices. Under this condition the court may
3 allow a defendant who is not self-employed to operate a
4 vehicle owned by the defendant's employer that is not
5 equipped with an ignition interlock device in the course
6 and scope of the defendant's employment;

7 (7) Comply with the terms and conditions of an order
8 of protection issued by the court under the Illinois
9 Domestic Violence Act of 1986 or an order of protection
10 issued by the court of another state, tribe, or United
11 States territory;

12 (8) Sign a written admonishment requiring that he or
13 she comply with the provisions of Section 110-12 regarding
14 any change in his or her address. The defendant's address
15 shall at all times remain a matter of record with the clerk
16 of the court; and

17 (9) Such other reasonable conditions as the court may
18 impose, so long as these conditions are the least
19 restrictive means to achieve the goals listed in
20 subsection (b), are individualized, and are in accordance
21 with national best practices as detailed in the Pretrial
22 Supervision Standards of the Supreme Court.

23 The defendant shall receive verbal and written
24 notification of conditions of pretrial release and future
25 court dates, including the date, time, and location of court.

26 (c) When a person is charged with an offense under Section

1 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
2 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, involving a victim who is a minor under
4 18 years of age living in the same household with the defendant
5 at the time of the offense, in releasing the defendant, the
6 judge shall impose conditions to restrict the defendant's
7 access to the victim which may include, but are not limited to
8 conditions that he will:

9 1. Vacate the household.

10 2. Make payment of temporary support to his
11 dependents.

12 3. Refrain from contact or communication with the
13 child victim, except as ordered by the court.

14 (d) When a person is charged with a criminal offense and
15 the victim is a family or household member as defined in
16 Article 112A, conditions shall be imposed at the time of the
17 defendant's release that restrict the defendant's access to
18 the victim. Unless provided otherwise by the court, the
19 restrictions shall include requirements that the defendant do
20 the following:

21 (1) refrain from contact or communication with the
22 victim for a minimum period of 72 hours following the
23 defendant's release; and

24 (2) refrain from entering or remaining at the victim's
25 residence for a minimum period of 72 hours following the
26 defendant's release.

1 (e) Local law enforcement agencies shall develop
2 standardized pretrial release forms for use in cases involving
3 family or household members as defined in Article 112A,
4 including specific conditions of pretrial release as provided
5 in subsection (d). Failure of any law enforcement department
6 to develop or use those forms shall in no way limit the
7 applicability and enforcement of subsections (d) and (f).

8 (f) If the defendant is released after conviction
9 following appeal or other post-conviction proceeding, the
10 conditions of the pretrial release shall be that he will, in
11 addition to the conditions set forth in subsections (a) and
12 (b) hereof:

13 (1) Duly prosecute his appeal;

14 (2) Appear at such time and place as the court may
15 direct;

16 (3) Not depart this State without leave of the court;

17 (4) Comply with such other reasonable conditions as
18 the court may impose; and

19 (5) If the judgment is affirmed or the cause reversed
20 and remanded for a new trial, forthwith surrender to the
21 officer from whose custody he was released.

22 (g) Upon a finding of guilty for any felony offense, the
23 defendant shall physically surrender, at a time and place
24 designated by the court, any and all firearms in his or her
25 possession ~~and his or her Firearm Owner's Identification Card~~
26 as a condition of being released pending sentencing.

1 (Source: P.A. 101-138, eff. 1-1-20; 101-652, eff. 1-1-23;
2 102-1104, eff. 1-1-23.)

3 (725 ILCS 5/112A-5.5)

4 Sec. 112A-5.5. Time for filing petition; service on
5 respondent, hearing on petition, and default orders.

6 (a) A petition for a protective order may be filed at any
7 time, in person or online, after a criminal charge or
8 delinquency petition is filed and before the charge or
9 delinquency petition is dismissed, the defendant or juvenile
10 is acquitted, or the defendant or juvenile completes service
11 of his or her sentence.

12 (b) The request for an ex parte protective order may be
13 considered without notice to the respondent under Section
14 112A-17.5 of this Code.

15 (c) A summons shall be issued and served for a protective
16 order. The summons may be served by delivery to the respondent
17 personally in open court in the criminal or juvenile
18 delinquency proceeding, in the form prescribed by subsection
19 (d) of Supreme Court Rule 101, except that it shall require the
20 respondent to answer or appear within 7 days. Attachments to
21 the summons shall include the petition for protective order,
22 supporting affidavits, if any, and any ex parte protective
23 order that has been issued.

24 (d) The summons shall be served by the sheriff or other law
25 enforcement officer at the earliest time available and shall

1 take precedence over any other summons, except those of a
2 similar emergency nature. Attachments to the summons shall
3 include the petition for protective order, supporting
4 affidavits, if any, and any ex parte protective order that has
5 been issued. Special process servers may be appointed at any
6 time and their designation shall not affect the
7 responsibilities and authority of the sheriff or other
8 official process servers. In a county with a population over
9 3,000,000, a special process server may not be appointed if
10 the protective order grants the surrender of a child,~~the~~
11 ~~surrender of a firearm or Firearm Owner's Identification Card,~~
12 or the exclusive possession of a shared residence.

13 (e) If the respondent is not served within 30 days of the
14 filing of the petition, the court shall schedule a court
15 proceeding on the issue of service. Either the petitioner, the
16 petitioner's counsel, or the State's Attorney shall appear and
17 the court shall either order continued attempts at personal
18 service or shall order service by publication, in accordance
19 with Sections 2-203, 2-206, and 2-207 of the Code of Civil
20 Procedure.

21 (f) The request for a final protective order can be
22 considered at any court proceeding in the delinquency or
23 criminal case after service of the petition. If the petitioner
24 has not been provided notice of the court proceeding at least
25 10 days in advance of the proceeding, the court shall schedule
26 a hearing on the petition and provide notice to the

1 petitioner.

2 (f-5) A court in a county with a population above 250,000
3 shall offer the option of a remote hearing to a petitioner for
4 a protective order. The court has the discretion to grant or
5 deny the request for a remote hearing. Each court shall
6 determine the procedure for a remote hearing. The petitioner
7 and respondent may appear remotely or in person.

8 The court shall issue and publish a court order, standing
9 order, or local rule detailing information about the process
10 for requesting and participating in a remote court appearance.
11 The court order, standing order, or local rule shall be
12 published on the court's website and posted on signs
13 throughout the courthouse, including in the clerk's office.
14 The sign shall be written in plain language and include
15 information about the availability of remote court appearances
16 and the process for requesting a remote hearing.

17 (g) Default orders.

18 (1) A final domestic violence order of protection may
19 be entered by default:

20 (A) for any of the remedies sought in the
21 petition, if the respondent has been served with
22 documents under subsection (b) or (c) of this Section
23 and if the respondent fails to appear on the specified
24 return date or any subsequent hearing date agreed to
25 by the petitioner and respondent or set by the court;
26 or

1 (B) for any of the remedies provided under
2 paragraph (1), (2), (3), (5), (6), (7), (8), (9),
3 (10), (11), (14), (15), (17), or (18) of subsection
4 (b) of Section 112A-14 of this Code, or if the
5 respondent fails to answer or appear in accordance
6 with the date set in the publication notice or the
7 return date indicated on the service of a household
8 member.

9 (2) A final civil no contact order may be entered by
10 default for any of the remedies provided in Section
11 112A-14.5 of this Code, if the respondent has been served
12 with documents under subsection (b) or (c) of this
13 Section, and if the respondent fails to answer or appear
14 in accordance with the date set in the publication notice
15 or the return date indicated on the service of a household
16 member.

17 (3) A final stalking no contact order may be entered
18 by default for any of the remedies provided by Section
19 112A-14.7 of this Code, if the respondent has been served
20 with documents under subsection (b) or (c) of this Section
21 and if the respondent fails to answer or appear in
22 accordance with the date set in the publication notice or
23 the return date indicated on the service of a household
24 member.

25 (Source: P.A. 102-853, eff. 1-1-23; 103-154, eff. 6-30-23.)

1 (725 ILCS 5/112A-11.1)

2 Sec. 112A-11.1. Procedure for determining whether certain
3 misdemeanor crimes are crimes of domestic violence for
4 purposes of federal law.

5 (a) When a defendant has been charged with a violation of
6 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the
7 Criminal Code of 1961 or the Criminal Code of 2012, the State
8 may, at arraignment or no later than 45 days after
9 arraignment, for the purpose of notification to the Illinois
10 State Police ~~Firearm Owner's Identification Card Office~~, serve
11 on the defendant and file with the court a notice alleging that
12 conviction of the offense would subject the defendant to the
13 prohibitions of 18 U.S.C. 922(g)(9) because of the
14 relationship between the defendant and the alleged victim and
15 the nature of the alleged offense.

16 (b) The notice shall include the name of the person
17 alleged to be the victim of the crime and shall specify the
18 nature of the alleged relationship as set forth in 18 U.S.C.
19 921(a)(33)(A)(ii). It shall also specify the element of the
20 charged offense which requires the use or attempted use of
21 physical force, or the threatened use of a deadly weapon, as
22 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include
23 notice that the defendant is entitled to a hearing on the
24 allegation contained in the notice and that if the allegation
25 is sustained, that determination and conviction shall be
26 reported to the Illinois State Police ~~Firearm Owner's~~

1 ~~Identification Card Office.~~

2 (c) After having been notified as provided in subsection
3 (b) of this Section, the defendant may stipulate or admit,
4 orally on the record or in writing, that conviction of the
5 offense would subject the defendant to the prohibitions of 18
6 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.
7 922(g)(9) shall be deemed established for purposes of Section
8 112A-11.2. If the defendant denies the applicability of 18
9 U.S.C. 922(g)(9) as alleged in the notice served by the State,
10 or stands mute with respect to that allegation, then the State
11 shall bear the burden to prove beyond a reasonable doubt that
12 the offense is one to which the prohibitions of 18 U.S.C.
13 922(g)(9) apply. The court may consider reliable hearsay
14 evidence submitted by either party provided that it is
15 relevant to the determination of the allegation. Facts
16 previously proven at trial or elicited at the time of entry of
17 a plea of guilty shall be deemed established beyond a
18 reasonable doubt and shall not be relitigated. At the
19 conclusion of the hearing, or upon a stipulation or admission,
20 as applicable, the court shall make a specific written
21 determination with respect to the allegation.

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

23 (725 ILCS 5/112A-11.2)

24 Sec. 112A-11.2. Notification to the Illinois State Police
25 ~~Firearm Owner's Identification Card Office~~ of determinations

1 in certain misdemeanor cases. Upon judgment of conviction of a
2 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
3 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
4 2012 when the defendant has been determined, under Section
5 112A-11.1, to be subject to the prohibitions of 18 U.S.C.
6 922(g)(9), the circuit court clerk shall include notification
7 and a copy of the written determination in a report of the
8 conviction to the Illinois State Police ~~Firearm Owner's~~
9 ~~Identification Card Office~~ to enable the office to report that
10 determination to the Federal Bureau of Investigation and
11 assist the Bureau in identifying persons prohibited from
12 purchasing and possessing a firearm pursuant to the provisions
13 of 18 U.S.C. 922.

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

15 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

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

18 (a) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 If the respondent is charged with abuse (as defined in
12 Section 112A-3 of this Code) of a minor child, there shall
13 be a rebuttable presumption that awarding temporary
14 significant decision-making responsibility to respondent
15 would not be in the child's best interest.

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

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

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

1 household members;

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

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

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

1 acknowledging accountability to the court.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 (14.5) Prohibition of firearm possession.

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

9 (B) Any firearms in the possession of the
10 respondent, except as provided in subparagraph (C) of
11 this paragraph (14.5), shall be ordered by the court
12 to be turned over to a person who is not prohibited
13 under State or federal law from possessing firearms
14 ~~with a valid Firearm Owner's Identification Card for~~
15 ~~safekeeping. The court shall issue an order that the~~
16 ~~respondent comply with Section 9.5 of the Firearm~~
17 ~~Owners Identification Card Act.~~

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

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

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

25 (16) Order for payment of shelter services. Order
26 respondent to reimburse a shelter providing temporary

1 housing and counseling services to the petitioner for the
2 cost of the services, as certified by the shelter and
3 deemed reasonable by the court.

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

13 (18) Telephone services.

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

1 her custody, uses. The clerk of the court shall serve
2 the order on the wireless telephone service provider's
3 agent for service of process provided to the Illinois
4 Commerce Commission. The order shall contain all of
5 the following:

6 (i) The name and billing telephone number of
7 the account holder including the name of the
8 wireless telephone service provider that serves
9 the account.

10 (ii) Each telephone number that will be
11 transferred.

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

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

23 (i) The account holder named in the order has
24 terminated the account.

25 (ii) A difference in network technology would
26 prevent or impair the functionality of a device on

1 a network if the transfer occurs.

2 (iii) The transfer would cause a geographic or
3 other limitation on network or service provision
4 to the petitioner.

5 (iv) Another technological or operational
6 issue would prevent or impair the use of the
7 telephone number if the transfer occurs.

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

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

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

24 (F) All wireless service providers that provide
25 services to residential customers shall provide to the
26 Illinois Commerce Commission the name and address of

1 an agent for service of orders entered under this
2 paragraph (18). Any change in status of the registered
3 agent must be reported to the Illinois Commerce
4 Commission within 30 days of such change.

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

12 (c) Relevant factors; findings.

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

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

25 (ii) the danger that any minor child will be
26 abused or neglected or improperly relocated from the

1 jurisdiction, improperly concealed within the State,
2 or improperly separated from the child's primary
3 caretaker.

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

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

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

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

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

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

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

26 (iii) Whether it is necessary to grant the

1 requested relief in order to protect petitioner or
2 other alleged abused persons.

3 (4) (Blank).

4 (5) Never married parties. No rights or
5 responsibilities for a minor child born outside of
6 marriage attach to a putative father until a father and
7 child relationship has been established under the Illinois
8 Parentage Act of 1984, the Illinois Parentage Act of 2015,
9 the Illinois Public Aid Code, Section 12 of the Vital
10 Records Act, the Juvenile Court Act of 1987, the Probate
11 Act of 1975, the Uniform Interstate Family Support Act,
12 the Expedited Child Support Act of 1990, any judicial,
13 administrative, or other act of another state or
14 territory, any other statute of this State, or by any
15 foreign nation establishing the father and child
16 relationship, any other proceeding substantially in
17 conformity with the federal Personal Responsibility and
18 Work Opportunity Reconciliation Act of 1996, or when both
19 parties appeared in open court or at an administrative
20 hearing acknowledging under oath or admitting by
21 affirmation the existence of a father and child
22 relationship. Absent such an adjudication, no putative
23 father shall be granted temporary allocation of parental
24 responsibilities, including parenting time with the minor
25 child, or physical care and possession of the minor child,
26 nor shall an order of payment for support of the minor

1 child be entered.

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

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

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

16 (2) respondent was voluntarily intoxicated;

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

21 (4) petitioner did not act in self-defense or defense
22 of another;

23 (5) petitioner left the residence or household to
24 avoid further abuse by respondent;

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

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

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

7 (725 ILCS 5/112A-14.7)

8 Sec. 112A-14.7. Stalking no contact order; remedies.

9 (a) The court may order any of the remedies listed in this
10 Section. The remedies listed in this Section shall be in
11 addition to other civil or criminal remedies available to
12 petitioner. A stalking no contact order shall order one or
13 more of the following:

14 (1) prohibit the respondent from threatening to commit
15 or committing stalking;

16 (2) order the respondent not to have any contact with
17 the petitioner or a third person specifically named by the
18 court;

19 (3) prohibit the respondent from knowingly coming
20 within, or knowingly remaining within a specified distance
21 of the petitioner or the petitioner's residence, school,
22 daycare, or place of employment, or any specified place
23 frequented by the petitioner; however, the court may order
24 the respondent to stay away from the respondent's own
25 residence, school, or place of employment only if the

1 respondent has been provided actual notice of the
2 opportunity to appear and be heard on the petition;

3 (4) prohibit the respondent from ~~possessing a Firearm~~
4 ~~Owners Identification Card,~~ or possessing or buying
5 firearms; and

6 (5) order other injunctive relief the court determines
7 to be necessary to protect the petitioner or third party
8 specifically named by the court.

9 (b) When the petitioner and the respondent attend the same
10 public, private, or non-public elementary, middle, or high
11 school, the court when issuing a stalking no contact order and
12 providing relief shall consider the severity of the act, any
13 continuing physical danger or emotional distress to the
14 petitioner, the educational rights guaranteed to the
15 petitioner and respondent under federal and State law, the
16 availability of a transfer of the respondent to another
17 school, a change of placement or a change of program of the
18 respondent, the expense, difficulty, and educational
19 disruption that would be caused by a transfer of the
20 respondent to another school, and any other relevant facts of
21 the case. The court may order that the respondent not attend
22 the public, private, or non-public elementary, middle, or high
23 school attended by the petitioner, order that the respondent
24 accept a change of placement or program, as determined by the
25 school district or private or non-public school, or place
26 restrictions on the respondent's movements within the school

1 attended by the petitioner. The respondent bears the burden of
2 proving by a preponderance of the evidence that a transfer,
3 change of placement, or change of program of the respondent is
4 not available. The respondent also bears the burden of
5 production with respect to the expense, difficulty, and
6 educational disruption that would be caused by a transfer of
7 the respondent to another school. A transfer, change of
8 placement, or change of program is not unavailable to the
9 respondent solely on the ground that the respondent does not
10 agree with the school district's or private or non-public
11 school's transfer, change of placement, or change of program
12 or solely on the ground that the respondent fails or refuses to
13 consent to or otherwise does not take an action required to
14 effectuate a transfer, change of placement, or change of
15 program. When a court orders a respondent to stay away from the
16 public, private, or non-public school attended by the
17 petitioner and the respondent requests a transfer to another
18 attendance center within the respondent's school district or
19 private or non-public school, the school district or private
20 or non-public school shall have sole discretion to determine
21 the attendance center to which the respondent is transferred.
22 If the court order results in a transfer of the minor
23 respondent to another attendance center, a change in the
24 respondent's placement, or a change of the respondent's
25 program, the parents, guardian, or legal custodian of the
26 respondent is responsible for transportation and other costs

1 associated with the transfer or change.

2 (c) The court may order the parents, guardian, or legal
3 custodian of a minor respondent to take certain actions or to
4 refrain from taking certain actions to ensure that the
5 respondent complies with the order. If the court orders a
6 transfer of the respondent to another school, the parents,
7 guardian, or legal custodian of the respondent are responsible
8 for transportation and other costs associated with the change
9 of school by the respondent.

10 (d) The court shall not hold a school district or private
11 or non-public school or any of its employees in civil or
12 criminal contempt unless the school district or private or
13 non-public school has been allowed to intervene.

14 (e) The court may hold the parents, guardian, or legal
15 custodian of a minor respondent in civil or criminal contempt
16 for a violation of any provision of any order entered under
17 this Article for conduct of the minor respondent in violation
18 of this Article if the parents, guardian, or legal custodian
19 directed, encouraged, or assisted the respondent minor in the
20 conduct.

21 (f) Monetary damages are not recoverable as a remedy.

22 (g) If the stalking no contact order prohibits the
23 respondent from ~~possessing a Firearm Owner's Identification~~
24 ~~Card,~~ ~~or~~ possessing or buying firearms; the court shall
25 confiscate the respondent's firearms and firearm ammunition
26 ~~Firearm Owner's Identification Card and immediately return the~~

1 ~~card to the Illinois State Police Firearm Owner's~~
2 ~~Identification Card Office.~~

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

4 (725 ILCS 5/112A-17.5)

5 Sec. 112A-17.5. Ex parte protective orders.

6 (a) The petitioner may request expedited consideration of
7 the petition for an ex parte protective order. The court shall
8 consider the request on an expedited basis without requiring
9 the respondent's presence or requiring notice to the
10 respondent.

11 (b) Issuance of ex parte protective orders in cases
12 involving domestic violence. An ex parte domestic violence
13 order of protection shall be issued if petitioner satisfies
14 the requirements of this subsection (b) for one or more of the
15 requested remedies. For each remedy requested, petitioner
16 shall establish that:

17 (1) the court has jurisdiction under Section 112A-9 of
18 this Code;

19 (2) the requirements of subsection (a) of Section
20 112A-11.5 of this Code are satisfied; and

21 (3) there is good cause to grant the remedy,
22 regardless of prior service of process or notice upon the
23 respondent, because:

24 (A) for the remedy of prohibition of abuse
25 described in paragraph (1) of subsection (b) of

1 Section 112A-14 of this Code; stay away order and
2 additional prohibitions described in paragraph (3) of
3 subsection (b) of Section 112A-14 of this Code;
4 removal or concealment of minor child described in
5 paragraph (8) of subsection (b) of Section 112A-14 of
6 this Code; order to appear described in paragraph (9)
7 of subsection (b) of Section 112A-14 of this Code;
8 physical care and possession of the minor child
9 described in paragraph (5) of subsection (b) of
10 Section 112A-14 of this Code; protection of property
11 described in paragraph (11) of subsection (b) of
12 Section 112A-14 of this Code; prohibition of entry
13 described in paragraph (14) of subsection (b) of
14 Section 112A-14 of this Code; prohibition of firearm
15 possession described in paragraph (14.5) of subsection
16 (b) of Section 112A-14 of this Code; prohibition of
17 access to records described in paragraph (15) of
18 subsection (b) of Section 112A-14 of this Code;
19 injunctive relief described in paragraph (16) of
20 subsection (b) of Section 112A-14 of this Code; and
21 telephone services described in paragraph (18) of
22 subsection (b) of Section 112A-14 of this Code, the
23 harm which that remedy is intended to prevent would be
24 likely to occur if the respondent were given any prior
25 notice, or greater notice than was actually given, of
26 the petitioner's efforts to obtain judicial relief;

1 (B) for the remedy of grant of exclusive
2 possession of residence described in paragraph (2) of
3 subsection (b) of Section 112A-14 of this Code; the
4 immediate danger of further abuse of the petitioner by
5 the respondent, if the petitioner chooses or had
6 chosen to remain in the residence or household while
7 the respondent was given any prior notice or greater
8 notice than was actually given of the petitioner's
9 efforts to obtain judicial relief outweighs the
10 hardships to the respondent of an emergency order
11 granting the petitioner exclusive possession of the
12 residence or household; and the remedy shall not be
13 denied because the petitioner has or could obtain
14 temporary shelter elsewhere while prior notice is
15 given to the respondent, unless the hardship to the
16 respondent from exclusion from the home substantially
17 outweigh the hardship to the petitioner; or

18 (C) for the remedy of possession of personal
19 property described in paragraph (10) of subsection (b)
20 of Section 112A-14 of this Code; improper disposition
21 of the personal property would be likely to occur if
22 the respondent were given any prior notice, or greater
23 notice than was actually given, of the petitioner's
24 efforts to obtain judicial relief or the petitioner
25 has an immediate and pressing need for the possession
26 of that property.

1 An ex parte domestic violence order of protection may not
2 include the counseling, custody, or payment of support or
3 monetary compensation remedies provided by paragraphs (4),
4 (12), (13), and (16) of subsection (b) of Section 112A-14 of
5 this Code.

6 (c) Issuance of ex parte civil no contact order in cases
7 involving sexual offenses. An ex parte civil no contact order
8 shall be issued if the petitioner establishes that:

9 (1) the court has jurisdiction under Section 112A-9 of
10 this Code;

11 (2) the requirements of subsection (a) of Section
12 112A-11.5 of this Code are satisfied; and

13 (3) there is good cause to grant the remedy,
14 regardless of prior service of process or of notice upon
15 the respondent, because the harm which that remedy is
16 intended to prevent would be likely to occur if the
17 respondent were given any prior notice, or greater notice
18 than was actually given, of the petitioner's efforts to
19 obtain judicial relief.

20 The court may order any of the remedies under Section
21 112A-14.5 of this Code.

22 (d) Issuance of ex parte stalking no contact order in
23 cases involving stalking offenses. An ex parte stalking no
24 contact order shall be issued if the petitioner establishes
25 that:

26 (1) the court has jurisdiction under Section 112A-9 of

1 this Code;

2 (2) the requirements of subsection (a) of Section
3 112A-11.5 of this Code are satisfied; and

4 (3) there is good cause to grant the remedy,
5 regardless of prior service of process or of notice upon
6 the respondent, because the harm which that remedy is
7 intended to prevent would be likely to occur if the
8 respondent were given any prior notice, or greater notice
9 than was actually given, of the petitioner's efforts to
10 obtain judicial relief.

11 The court may order any of the remedies under Section
12 112A-14.7 of this Code.

13 (e) Issuance of ex parte protective orders on court
14 holidays and evenings.

15 When the court is unavailable at the close of business,
16 the petitioner may file a petition for an ex parte protective
17 order before any available circuit judge or associate judge
18 who may grant relief under this Article. If the judge finds
19 that petitioner has satisfied the prerequisites in subsection
20 (b), (c), or (d) of this Section, the judge shall issue an ex
21 parte protective order.

22 The chief judge of the circuit court may designate for
23 each county in the circuit at least one judge to be reasonably
24 available to issue orally, by telephone, by facsimile, or
25 otherwise, an ex parte protective order at all times, whether
26 or not the court is in session.

1 The judge who issued the order under this Section shall
2 promptly communicate or convey the order to the sheriff to
3 facilitate the entry of the order into the Law Enforcement
4 Agencies Data System by the Illinois State Police under
5 Section 112A-28 of this Code. Any order issued under this
6 Section and any documentation in support of it shall be
7 certified on the next court day to the appropriate court. The
8 clerk of that court shall immediately assign a case number,
9 file the petition, order, and other documents with the court
10 and enter the order of record and file it with the sheriff for
11 service under subsection (f) of this Section. Failure to
12 comply with the requirements of this subsection (e) shall not
13 affect the validity of the order.

14 (f) Service of ex parte protective order on respondent.

15 (1) If an ex parte protective order is entered at the
16 time a summons or arrest warrant is issued for the
17 criminal charge, the petition for the protective order,
18 any supporting affidavits, if any, and the ex parte
19 protective order that has been issued shall be served with
20 the summons or arrest warrant. The enforcement of a
21 protective order under Section 112A-23 of this Code shall
22 not be affected by the lack of service or delivery,
23 provided the requirements of subsection (a) of Section
24 112A-23 of this Code are otherwise met.

25 (2) If an ex parte protective order is entered after a
26 summons or arrest warrant is issued and before the

1 respondent makes an initial appearance in the criminal
2 case, the summons shall be in the form prescribed by
3 subsection (d) of Supreme Court Rule 101, except that it
4 shall require respondent to answer or appear within 7 days
5 and shall be accompanied by the petition for the
6 protective order, any supporting affidavits, if any, and
7 the ex parte protective order that has been issued.

8 (3) If an ex parte protective order is entered after
9 the respondent has been served notice of a petition for a
10 final protective order and the respondent has requested a
11 continuance to respond to the petition, the ex parte
12 protective order shall be served: (A) in open court if the
13 respondent is present at the proceeding at which the order
14 was entered; or (B) by summons in the form prescribed by
15 subsection (d) of Supreme Court Rule 101.

16 (4) No fee shall be charged for service of summons.

17 (5) The summons shall be served by the sheriff or
18 other law enforcement officer at the earliest time and
19 shall take precedence over other summonses except those of
20 a similar emergency nature. Special process servers may be
21 appointed at any time, and their designation shall not
22 affect the responsibilities and authority of the sheriff
23 or other official process servers. In a county with a
24 population over 3,000,000, a special process server may
25 not be appointed if an ex parte protective order grants
26 the surrender of a child, ~~the surrender of a firearm or~~

1 ~~Firearm Owner's Identification Card,~~ or the exclusive
2 possession of a shared residence. Process may be served in
3 court.

4 (g) Upon 7 days' notice to the petitioner, or a shorter
5 notice period as the court may prescribe, a respondent subject
6 to an ex parte protective order may appear and petition the
7 court to re-hear the petition. Any petition to re-hear shall
8 be verified and shall allege the following:

9 (1) that respondent did not receive prior notice of
10 the initial hearing in which the ex parte protective order
11 was entered under Section 112A-17.5 of this Code; and

12 (2) that respondent had a meritorious defense to the
13 order or any of its remedies or that the order or any of
14 its remedies was not authorized under this Article.

15 The verified petition and affidavit shall set forth the
16 evidence of the meritorious defense that will be presented at
17 a hearing. If the court finds that the evidence presented at
18 the hearing on the petition establishes a meritorious defense
19 by a preponderance of the evidence, the court may decide to
20 vacate the protective order or modify the remedies.

21 (h) If the ex parte protective order granted petitioner
22 exclusive possession of the residence and the petition of
23 respondent seeks to re-open or vacate that grant, the court
24 shall set a date for hearing within 14 days on all issues
25 relating to exclusive possession. Under no circumstances shall
26 a court continue a hearing concerning exclusive possession

1 beyond the 14th day except by agreement of the petitioner and
2 the respondent. Other issues raised by the pleadings may be
3 consolidated for the hearing if the petitioner, the
4 respondent, and the court do not object.

5 (i) Duration of ex parte protective order. An ex parte
6 order shall remain in effect until the court considers the
7 request for a final protective order after notice has been
8 served on the respondent or a default final protective order
9 is entered, whichever occurs first. If a court date is
10 scheduled for the issuance of a default protective order and
11 the petitioner fails to personally appear or appear through
12 counsel or the prosecuting attorney, the petition shall be
13 dismissed and the ex parte order terminated.

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

15 Section 90. The Unified Code of Corrections is amended by
16 changing Sections 3-2-10.5, 3-2-13, 5-5-3, 5-5-3.2, and 5-6-3
17 as follows:

18 (730 ILCS 5/3-2-10.5)

19 Sec. 3-2-10.5. Retiring security employees and parole
20 agents; purchase of service firearm and badge. The Director
21 shall establish a program to allow a security employee or
22 parole agent of the Department who is honorably retiring in
23 good standing to purchase either one or both of the following:

24 (1) any badge previously issued to the security employee or

1 parole agent by the Department; or (2) ~~if the security~~
2 ~~employee or parole agent has a currently valid Firearm Owner's~~
3 ~~Identification Card,~~ the service firearm issued or previously
4 issued to the security employee or parole agent by the
5 Department. The badge must be permanently and conspicuously
6 marked in such a manner that the individual who possesses the
7 badge is not mistaken for an actively serving law enforcement
8 officer. The cost of the firearm shall be the replacement
9 value of the firearm and not the firearm's fair market value.

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

11 (730 ILCS 5/3-2-13)

12 Sec. 3-2-13. Possession of a Firearm Owner's
13 Identification Card. The Department of Corrections shall not
14 make possession of a Firearm Owner's Identification Card a
15 condition of continued employment as a Department employee
16 authorized to possess firearms if the employee's Firearm
17 Owner's Identification Card is revoked or seized because the
18 employee has been a patient of a mental health facility and the
19 employee has not been determined to pose a clear and present
20 danger to himself, herself, or others as determined by a
21 physician, clinical psychologist, or qualified examiner.
22 Nothing in ~~is~~ this Section shall otherwise impair the
23 Department's ability to determine an employee's fitness for
24 duty. A collective bargaining agreement already in effect on
25 this issue on January 1, 2022 (the effective date of Public Act

1 ~~102-645) this amendatory Act of the 102nd General Assembly~~
2 ~~cannot be modified, but on or after the effective date of this~~
3 ~~amendatory Act of the 102nd General Assembly, the Department~~
4 ~~cannot require a Firearm Owner's Identification Card as a~~
5 ~~condition of continued employment in a collective bargaining~~
6 ~~agreement.~~ The Department shall document if and why an
7 employee has been determined to pose a clear and present
8 danger. In this Section, "mental health facility" and
9 "qualified examiner" have the meanings provided in the Mental
10 Health and Developmental Disabilities Code.

11 (Source: P.A. 102-645, eff. 1-1-22; revised 4-6-23.)

12 (730 ILCS 5/5-5-3)

13 Sec. 5-5-3. Disposition.

14 (a) (Blank).

15 (b) (Blank).

16 (c) (1) (Blank).

17 (2) A period of probation, a term of periodic imprisonment
18 or conditional discharge shall not be imposed for the
19 following offenses. The court shall sentence the offender to
20 not less than the minimum term of imprisonment set forth in
21 this Code for the following offenses, and may order a fine or
22 restitution or both in conjunction with such term of
23 imprisonment:

24 (A) First degree murder.

25 (B) Attempted first degree murder.

1 (C) A Class X felony.

2 (D) A violation of Section 401.1 or 407 of the
3 Illinois Controlled Substances Act, or a violation of
4 subdivision (c)(1.5) of Section 401 of that Act which
5 relates to more than 5 grams of a substance containing
6 fentanyl or an analog thereof.

7 (D-5) A violation of subdivision (c)(1) of Section 401
8 of the Illinois Controlled Substances Act which relates to
9 3 or more grams of a substance containing heroin or an
10 analog thereof.

11 (E) (Blank).

12 (F) A Class 1 or greater felony if the offender had
13 been convicted of a Class 1 or greater felony, including
14 any state or federal conviction for an offense that
15 contained, at the time it was committed, the same elements
16 as an offense now (the date of the offense committed after
17 the prior Class 1 or greater felony) classified as a Class
18 1 or greater felony, within 10 years of the date on which
19 the offender committed the offense for which he or she is
20 being sentenced, except as otherwise provided in Section
21 40-10 of the Substance Use Disorder Act.

22 (F-3) A Class 2 or greater felony sex offense or
23 felony firearm offense if the offender had been convicted
24 of a Class 2 or greater felony, including any state or
25 federal conviction for an offense that contained, at the
26 time it was committed, the same elements as an offense now

1 (the date of the offense committed after the prior Class 2
2 or greater felony) classified as a Class 2 or greater
3 felony, within 10 years of the date on which the offender
4 committed the offense for which he or she is being
5 sentenced, except as otherwise provided in Section 40-10
6 of the Substance Use Disorder Act.

7 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6
8 of the Criminal Code of 1961 or the Criminal Code of 2012
9 for which imprisonment is prescribed in those Sections.

10 (G) Residential burglary, except as otherwise provided
11 in Section 40-10 of the Substance Use Disorder Act.

12 (H) Criminal sexual assault.

13 (I) Aggravated battery of a senior citizen as
14 described in Section 12-4.6 or subdivision (a)(4) of
15 Section 12-3.05 of the Criminal Code of 1961 or the
16 Criminal Code of 2012.

17 (J) A forcible felony if the offense was related to
18 the activities of an organized gang.

19 Before July 1, 1994, for the purposes of this
20 paragraph, "organized gang" means an association of 5 or
21 more persons, with an established hierarchy, that
22 encourages members of the association to perpetrate crimes
23 or provides support to the members of the association who
24 do commit crimes.

25 Beginning July 1, 1994, for the purposes of this
26 paragraph, "organized gang" has the meaning ascribed to it

1 in Section 10 of the Illinois Streetgang Terrorism Omnibus
2 Prevention Act.

3 (K) Vehicular hijacking.

4 (L) A second or subsequent conviction for the offense
5 of hate crime when the underlying offense upon which the
6 hate crime is based is felony aggravated assault or felony
7 mob action.

8 (M) A second or subsequent conviction for the offense
9 of institutional vandalism if the damage to the property
10 exceeds \$300.

11 (N) A Class 3 felony violation of paragraph (1) of
12 subsection (a) of Section 2 of the Firearm Owners
13 Identification Card Act committed before the effective
14 date of this amendatory Act of the 103rd General Assembly.

15 (O) A violation of Section 12-6.1 or 12-6.5 of the
16 Criminal Code of 1961 or the Criminal Code of 2012.

17 (P) A violation of paragraph (1), (2), (3), (4), (5),
18 or (7) of subsection (a) of Section 11-20.1 of the
19 Criminal Code of 1961 or the Criminal Code of 2012.

20 (P-5) A violation of paragraph (6) of subsection (a)
21 of Section 11-20.1 of the Criminal Code of 1961 or the
22 Criminal Code of 2012 if the victim is a household or
23 family member of the defendant.

24 (Q) A violation of subsection (b) or (b-5) of Section
25 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
26 Code of 1961 or the Criminal Code of 2012.

1 (R) A violation of Section 24-3A of the Criminal Code
2 of 1961 or the Criminal Code of 2012.

3 (S) (Blank).

4 (T) (Blank).

5 (U) A second or subsequent violation of Section 6-303
6 of the Illinois Vehicle Code committed while his or her
7 driver's license, permit, or privilege was revoked because
8 of a violation of Section 9-3 of the Criminal Code of 1961
9 or the Criminal Code of 2012, relating to the offense of
10 reckless homicide, or a similar provision of a law of
11 another state.

12 (V) A violation of paragraph (4) of subsection (c) of
13 Section 11-20.1B or paragraph (4) of subsection (c) of
14 Section 11-20.3 of the Criminal Code of 1961, or paragraph
15 (6) of subsection (a) of Section 11-20.1 of the Criminal
16 Code of 2012 when the victim is under 13 years of age and
17 the defendant has previously been convicted under the laws
18 of this State or any other state of the offense of child
19 pornography, aggravated child pornography, aggravated
20 criminal sexual abuse, aggravated criminal sexual assault,
21 predatory criminal sexual assault of a child, or any of
22 the offenses formerly known as rape, deviate sexual
23 assault, indecent liberties with a child, or aggravated
24 indecent liberties with a child where the victim was under
25 the age of 18 years or an offense that is substantially
26 equivalent to those offenses.

1 (W) A violation of Section 24-3.5 of the Criminal Code
2 of 1961 or the Criminal Code of 2012.

3 (X) A violation of subsection (a) of Section 31-1a of
4 the Criminal Code of 1961 or the Criminal Code of 2012.

5 (Y) A conviction for unlawful possession of a firearm
6 by a street gang member when the firearm was loaded or
7 contained firearm ammunition.

8 (Z) A Class 1 felony committed while he or she was
9 serving a term of probation or conditional discharge for a
10 felony.

11 (AA) Theft of property exceeding \$500,000 and not
12 exceeding \$1,000,000 in value.

13 (BB) Laundering of criminally derived property of a
14 value exceeding \$500,000.

15 (CC) Knowingly selling, offering for sale, holding for
16 sale, or using 2,000 or more counterfeit items or
17 counterfeit items having a retail value in the aggregate
18 of \$500,000 or more.

19 (DD) A conviction for aggravated assault under
20 paragraph (6) of subsection (c) of Section 12-2 of the
21 Criminal Code of 1961 or the Criminal Code of 2012 if the
22 firearm is aimed toward the person against whom the
23 firearm is being used.

24 (EE) A conviction for a violation of paragraph (2) of
25 subsection (a) of Section 24-3B of the Criminal Code of
26 2012.

1 (3) (Blank).

2 (4) A minimum term of imprisonment of not less than 10
3 consecutive days or 30 days of community service shall be
4 imposed for a violation of paragraph (c) of Section 6-303 of
5 the Illinois Vehicle Code.

6 (4.1) (Blank).

7 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
8 this subsection (c), a minimum of 100 hours of community
9 service shall be imposed for a second violation of Section
10 6-303 of the Illinois Vehicle Code.

11 (4.3) A minimum term of imprisonment of 30 days or 300
12 hours of community service, as determined by the court, shall
13 be imposed for a second violation of subsection (c) of Section
14 6-303 of the Illinois Vehicle Code.

15 (4.4) Except as provided in paragraphs (4.5), (4.6), and
16 (4.9) of this subsection (c), a minimum term of imprisonment
17 of 30 days or 300 hours of community service, as determined by
18 the court, shall be imposed for a third or subsequent
19 violation of Section 6-303 of the Illinois Vehicle Code. The
20 court may give credit toward the fulfillment of community
21 service hours for participation in activities and treatment as
22 determined by court services.

23 (4.5) A minimum term of imprisonment of 30 days shall be
24 imposed for a third violation of subsection (c) of Section
25 6-303 of the Illinois Vehicle Code.

26 (4.6) Except as provided in paragraph (4.10) of this

1 subsection (c), a minimum term of imprisonment of 180 days
2 shall be imposed for a fourth or subsequent violation of
3 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

4 (4.7) A minimum term of imprisonment of not less than 30
5 consecutive days, or 300 hours of community service, shall be
6 imposed for a violation of subsection (a-5) of Section 6-303
7 of the Illinois Vehicle Code, as provided in subsection (b-5)
8 of that Section.

9 (4.8) A mandatory prison sentence shall be imposed for a
10 second violation of subsection (a-5) of Section 6-303 of the
11 Illinois Vehicle Code, as provided in subsection (c-5) of that
12 Section. The person's driving privileges shall be revoked for
13 a period of not less than 5 years from the date of his or her
14 release from prison.

15 (4.9) A mandatory prison sentence of not less than 4 and
16 not more than 15 years shall be imposed for a third violation
17 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
18 Code, as provided in subsection (d-2.5) of that Section. The
19 person's driving privileges shall be revoked for the remainder
20 of his or her life.

21 (4.10) A mandatory prison sentence for a Class 1 felony
22 shall be imposed, and the person shall be eligible for an
23 extended term sentence, for a fourth or subsequent violation
24 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
25 Code, as provided in subsection (d-3.5) of that Section. The
26 person's driving privileges shall be revoked for the remainder

1 of his or her life.

2 (5) The court may sentence a corporation or unincorporated
3 association convicted of any offense to:

4 (A) a period of conditional discharge;

5 (B) a fine;

6 (C) make restitution to the victim under Section 5-5-6
7 of this Code.

8 (5.1) In addition to any other penalties imposed, and
9 except as provided in paragraph (5.2) or (5.3), a person
10 convicted of violating subsection (c) of Section 11-907 of the
11 Illinois Vehicle Code shall have his or her driver's license,
12 permit, or privileges suspended for at least 90 days but not
13 more than one year, if the violation resulted in damage to the
14 property of another person.

15 (5.2) In addition to any other penalties imposed, and
16 except as provided in paragraph (5.3), a person convicted of
17 violating subsection (c) of Section 11-907 of the Illinois
18 Vehicle Code shall have his or her driver's license, permit,
19 or privileges suspended for at least 180 days but not more than
20 2 years, if the violation resulted in injury to another
21 person.

22 (5.3) In addition to any other penalties imposed, a person
23 convicted of violating subsection (c) of Section 11-907 of the
24 Illinois Vehicle Code shall have his or her driver's license,
25 permit, or privileges suspended for 2 years, if the violation
26 resulted in the death of another person.

1 (5.4) In addition to any other penalties imposed, a person
2 convicted of violating Section 3-707 of the Illinois Vehicle
3 Code shall have his or her driver's license, permit, or
4 privileges suspended for 3 months and until he or she has paid
5 a reinstatement fee of \$100.

6 (5.5) In addition to any other penalties imposed, a person
7 convicted of violating Section 3-707 of the Illinois Vehicle
8 Code during a period in which his or her driver's license,
9 permit, or privileges were suspended for a previous violation
10 of that Section shall have his or her driver's license,
11 permit, or privileges suspended for an additional 6 months
12 after the expiration of the original 3-month suspension and
13 until he or she has paid a reinstatement fee of \$100.

14 (6) (Blank).

15 (7) (Blank).

16 (8) (Blank).

17 (9) A defendant convicted of a second or subsequent
18 offense of ritualized abuse of a child may be sentenced to a
19 term of natural life imprisonment.

20 (10) (Blank).

21 (11) The court shall impose a minimum fine of \$1,000 for a
22 first offense and \$2,000 for a second or subsequent offense
23 upon a person convicted of or placed on supervision for
24 battery when the individual harmed was a sports official or
25 coach at any level of competition and the act causing harm to
26 the sports official or coach occurred within an athletic

1 facility or within the immediate vicinity of the athletic
2 facility at which the sports official or coach was an active
3 participant of the athletic contest held at the athletic
4 facility. For the purposes of this paragraph (11), "sports
5 official" means a person at an athletic contest who enforces
6 the rules of the contest, such as an umpire or referee;
7 "athletic facility" means an indoor or outdoor playing field
8 or recreational area where sports activities are conducted;
9 and "coach" means a person recognized as a coach by the
10 sanctioning authority that conducted the sporting event.

11 (12) A person may not receive a disposition of court
12 supervision for a violation of Section 5-16 of the Boat
13 Registration and Safety Act if that person has previously
14 received a disposition of court supervision for a violation of
15 that Section.

16 (13) A person convicted of or placed on court supervision
17 for an assault or aggravated assault when the victim and the
18 offender are family or household members as defined in Section
19 103 of the Illinois Domestic Violence Act of 1986 or convicted
20 of domestic battery or aggravated domestic battery may be
21 required to attend a Partner Abuse Intervention Program under
22 protocols set forth by the Illinois Department of Human
23 Services under such terms and conditions imposed by the court.
24 The costs of such classes shall be paid by the offender.

25 (d) In any case in which a sentence originally imposed is
26 vacated, the case shall be remanded to the trial court. The

1 trial court shall hold a hearing under Section 5-4-1 of this
2 Code which may include evidence of the defendant's life, moral
3 character and occupation during the time since the original
4 sentence was passed. The trial court shall then impose
5 sentence upon the defendant. The trial court may impose any
6 sentence which could have been imposed at the original trial
7 subject to Section 5-5-4 of this Code. If a sentence is vacated
8 on appeal or on collateral attack due to the failure of the
9 trier of fact at trial to determine beyond a reasonable doubt
10 the existence of a fact (other than a prior conviction)
11 necessary to increase the punishment for the offense beyond
12 the statutory maximum otherwise applicable, either the
13 defendant may be re-sentenced to a term within the range
14 otherwise provided or, if the State files notice of its
15 intention to again seek the extended sentence, the defendant
16 shall be afforded a new trial.

17 (e) In cases where prosecution for aggravated criminal
18 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
19 Code of 1961 or the Criminal Code of 2012 results in conviction
20 of a defendant who was a family member of the victim at the
21 time of the commission of the offense, the court shall
22 consider the safety and welfare of the victim and may impose a
23 sentence of probation only where:

24 (1) the court finds (A) or (B) or both are
25 appropriate:

26 (A) the defendant is willing to undergo a court

1 approved counseling program for a minimum duration of
2 2 years; or

3 (B) the defendant is willing to participate in a
4 court approved plan, including, but not limited to,
5 the defendant's:

6 (i) removal from the household;

7 (ii) restricted contact with the victim;

8 (iii) continued financial support of the
9 family;

10 (iv) restitution for harm done to the victim;

11 and

12 (v) compliance with any other measures that
13 the court may deem appropriate; and

14 (2) the court orders the defendant to pay for the
15 victim's counseling services, to the extent that the court
16 finds, after considering the defendant's income and
17 assets, that the defendant is financially capable of
18 paying for such services, if the victim was under 18 years
19 of age at the time the offense was committed and requires
20 counseling as a result of the offense.

21 Probation may be revoked or modified pursuant to Section
22 5-6-4; except where the court determines at the hearing that
23 the defendant violated a condition of his or her probation
24 restricting contact with the victim or other family members or
25 commits another offense with the victim or other family
26 members, the court shall revoke the defendant's probation and

1 impose a term of imprisonment.

2 For the purposes of this Section, "family member" and
3 "victim" shall have the meanings ascribed to them in Section
4 11-0.1 of the Criminal Code of 2012.

5 (f) (Blank).

6 (g) Whenever a defendant is convicted of an offense under
7 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
8 11-14.3, 11-14.4 except for an offense that involves keeping a
9 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
10 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
11 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, the defendant shall undergo medical
13 testing to determine whether the defendant has any sexually
14 transmissible disease, including a test for infection with
15 human immunodeficiency virus (HIV) or any other identified
16 causative agent of acquired immunodeficiency syndrome (AIDS).
17 Any such medical test shall be performed only by appropriately
18 licensed medical practitioners and may include an analysis of
19 any bodily fluids as well as an examination of the defendant's
20 person. Except as otherwise provided by law, the results of
21 such test shall be kept strictly confidential by all medical
22 personnel involved in the testing and must be personally
23 delivered in a sealed envelope to the judge of the court in
24 which the conviction was entered for the judge's inspection in
25 camera. Acting in accordance with the best interests of the
26 victim and the public, the judge shall have the discretion to

1 determine to whom, if anyone, the results of the testing may be
2 revealed. The court shall notify the defendant of the test
3 results. The court shall also notify the victim if requested
4 by the victim, and if the victim is under the age of 15 and if
5 requested by the victim's parents or legal guardian, the court
6 shall notify the victim's parents or legal guardian of the
7 test results. The court shall provide information on the
8 availability of HIV testing and counseling at Department of
9 Public Health facilities to all parties to whom the results of
10 the testing are revealed and shall direct the State's Attorney
11 to provide the information to the victim when possible. The
12 court shall order that the cost of any such test shall be paid
13 by the county and may be taxed as costs against the convicted
14 defendant.

15 (g-5) When an inmate is tested for an airborne
16 communicable disease, as determined by the Illinois Department
17 of Public Health, including, but not limited to, tuberculosis,
18 the results of the test shall be personally delivered by the
19 warden or his or her designee in a sealed envelope to the judge
20 of the court in which the inmate must appear for the judge's
21 inspection in camera if requested by the judge. Acting in
22 accordance with the best interests of those in the courtroom,
23 the judge shall have the discretion to determine what if any
24 precautions need to be taken to prevent transmission of the
25 disease in the courtroom.

26 (h) Whenever a defendant is convicted of an offense under

1 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
2 defendant shall undergo medical testing to determine whether
3 the defendant has been exposed to human immunodeficiency virus
4 (HIV) or any other identified causative agent of acquired
5 immunodeficiency syndrome (AIDS). Except as otherwise provided
6 by law, the results of such test shall be kept strictly
7 confidential by all medical personnel involved in the testing
8 and must be personally delivered in a sealed envelope to the
9 judge of the court in which the conviction was entered for the
10 judge's inspection in camera. Acting in accordance with the
11 best interests of the public, the judge shall have the
12 discretion to determine to whom, if anyone, the results of the
13 testing may be revealed. The court shall notify the defendant
14 of a positive test showing an infection with the human
15 immunodeficiency virus (HIV). The court shall provide
16 information on the availability of HIV testing and counseling
17 at Department of Public Health facilities to all parties to
18 whom the results of the testing are revealed and shall direct
19 the State's Attorney to provide the information to the victim
20 when possible. The court shall order that the cost of any such
21 test shall be paid by the county and may be taxed as costs
22 against the convicted defendant.

23 (i) All fines and penalties imposed under this Section for
24 any violation of Chapters 3, 4, 6, and 11 of the Illinois
25 Vehicle Code, or a similar provision of a local ordinance, and
26 any violation of the Child Passenger Protection Act, or a

1 similar provision of a local ordinance, shall be collected and
2 disbursed by the circuit clerk as provided under the Criminal
3 and Traffic Assessment Act.

4 (j) In cases when prosecution for any violation of Section
5 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
6 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
7 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
8 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
9 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
10 Code of 2012, any violation of the Illinois Controlled
11 Substances Act, any violation of the Cannabis Control Act, or
12 any violation of the Methamphetamine Control and Community
13 Protection Act results in conviction, a disposition of court
14 supervision, or an order of probation granted under Section 10
15 of the Cannabis Control Act, Section 410 of the Illinois
16 Controlled Substances Act, or Section 70 of the
17 Methamphetamine Control and Community Protection Act of a
18 defendant, the court shall determine whether the defendant is
19 employed by a facility or center as defined under the Child
20 Care Act of 1969, a public or private elementary or secondary
21 school, or otherwise works with children under 18 years of age
22 on a daily basis. When a defendant is so employed, the court
23 shall order the Clerk of the Court to send a copy of the
24 judgment of conviction or order of supervision or probation to
25 the defendant's employer by certified mail. If the employer of
26 the defendant is a school, the Clerk of the Court shall direct

1 the mailing of a copy of the judgment of conviction or order of
2 supervision or probation to the appropriate regional
3 superintendent of schools. The regional superintendent of
4 schools shall notify the State Board of Education of any
5 notification under this subsection.

6 (j-5) A defendant at least 17 years of age who is convicted
7 of a felony and who has not been previously convicted of a
8 misdemeanor or felony and who is sentenced to a term of
9 imprisonment in the Illinois Department of Corrections shall
10 as a condition of his or her sentence be required by the court
11 to attend educational courses designed to prepare the
12 defendant for a high school diploma and to work toward a high
13 school diploma or to work toward passing high school
14 equivalency testing or to work toward completing a vocational
15 training program offered by the Department of Corrections. If
16 a defendant fails to complete the educational training
17 required by his or her sentence during the term of
18 incarceration, the Prisoner Review Board shall, as a condition
19 of mandatory supervised release, require the defendant, at his
20 or her own expense, to pursue a course of study toward a high
21 school diploma or passage of high school equivalency testing.
22 The Prisoner Review Board shall revoke the mandatory
23 supervised release of a defendant who wilfully fails to comply
24 with this subsection (j-5) upon his or her release from
25 confinement in a penal institution while serving a mandatory
26 supervised release term; however, the inability of the

1 defendant after making a good faith effort to obtain financial
2 aid or pay for the educational training shall not be deemed a
3 wilful failure to comply. The Prisoner Review Board shall
4 recommit the defendant whose mandatory supervised release term
5 has been revoked under this subsection (j-5) as provided in
6 Section 3-3-9. This subsection (j-5) does not apply to a
7 defendant who has a high school diploma or has successfully
8 passed high school equivalency testing. This subsection (j-5)
9 does not apply to a defendant who is determined by the court to
10 be a person with a developmental disability or otherwise
11 mentally incapable of completing the educational or vocational
12 program.

13 (k) (Blank).

14 (l) (A) Except as provided in paragraph (C) of subsection
15 (l), whenever a defendant, who is not a citizen or national of
16 the United States, is convicted of any felony or misdemeanor
17 offense, the court after sentencing the defendant may, upon
18 motion of the State's Attorney, hold sentence in abeyance and
19 remand the defendant to the custody of the Attorney General of
20 the United States or his or her designated agent to be deported
21 when:

22 (1) a final order of deportation has been issued
23 against the defendant pursuant to proceedings under the
24 Immigration and Nationality Act, and

25 (2) the deportation of the defendant would not
26 deprecate the seriousness of the defendant's conduct and

1 would not be inconsistent with the ends of justice.

2 Otherwise, the defendant shall be sentenced as provided in
3 this Chapter V.

4 (B) If the defendant has already been sentenced for a
5 felony or misdemeanor offense, or has been placed on probation
6 under Section 10 of the Cannabis Control Act, Section 410 of
7 the Illinois Controlled Substances Act, or Section 70 of the
8 Methamphetamine Control and Community Protection Act, the
9 court may, upon motion of the State's Attorney to suspend the
10 sentence imposed, commit the defendant to the custody of the
11 Attorney General of the United States or his or her designated
12 agent when:

13 (1) a final order of deportation has been issued
14 against the defendant pursuant to proceedings under the
15 Immigration and Nationality Act, and

16 (2) the deportation of the defendant would not
17 deprecate the seriousness of the defendant's conduct and
18 would not be inconsistent with the ends of justice.

19 (C) This subsection (1) does not apply to offenders who
20 are subject to the provisions of paragraph (2) of subsection
21 (a) of Section 3-6-3.

22 (D) Upon motion of the State's Attorney, if a defendant
23 sentenced under this Section returns to the jurisdiction of
24 the United States, the defendant shall be recommitted to the
25 custody of the county from which he or she was sentenced.
26 Thereafter, the defendant shall be brought before the

1 sentencing court, which may impose any sentence that was
2 available under Section 5-5-3 at the time of initial
3 sentencing. In addition, the defendant shall not be eligible
4 for additional earned sentence credit as provided under
5 Section 3-6-3.

6 (m) A person convicted of criminal defacement of property
7 under Section 21-1.3 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, in which the property damage exceeds
9 \$300 and the property damaged is a school building, shall be
10 ordered to perform community service that may include cleanup,
11 removal, or painting over the defacement.

12 (n) The court may sentence a person convicted of a
13 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
14 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
15 of 1961 or the Criminal Code of 2012 (i) to an impact
16 incarceration program if the person is otherwise eligible for
17 that program under Section 5-8-1.1, (ii) to community service,
18 or (iii) if the person has a substance use disorder, as defined
19 in the Substance Use Disorder Act, to a treatment program
20 licensed under that Act.

21 (o) Whenever a person is convicted of a sex offense as
22 defined in Section 2 of the Sex Offender Registration Act, the
23 defendant's driver's license or permit shall be subject to
24 renewal on an annual basis in accordance with the provisions
25 of license renewal established by the Secretary of State.

26 (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;

1 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.
2 1-1-24.)

3 (730 ILCS 5/5-5-3.2)

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 a crash in violation of subsection (b) of
7 Section 11-401 of the Illinois Vehicle Code and the crash
8 resulted in the death of a person and at the time of the
9 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; 102-982, eff. 7-1-23.)

19 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

20 Sec. 5-6-3. Conditions of probation and of conditional
21 discharge.

22 (a) The conditions of probation and of conditional
23 discharge shall be that the person:

24 (1) not violate any criminal statute of any
25 jurisdiction;

1 (2) report to or appear in person before such person
2 or agency as directed by the court. To comply with the
3 provisions of this paragraph (2), in lieu of requiring the
4 person on probation or conditional discharge to appear in
5 person for the required reporting or meetings, the officer
6 may utilize technology, including cellular and other
7 electronic communication devices or platforms, that allow
8 for communication between the supervised person and the
9 officer in accordance with standards and guidelines
10 established by the Administrative Office of the Illinois
11 Courts;

12 (3) refrain from possessing a firearm or other
13 dangerous weapon where the offense is a felony or, if a
14 misdemeanor, the offense involved the intentional or
15 knowing infliction of bodily harm or threat of bodily
16 harm;

17 (4) not leave the State without the consent of the
18 court or, in circumstances in which the reason for the
19 absence is of such an emergency nature that prior consent
20 by the court is not possible, without the prior
21 notification and approval of the person's probation
22 officer. Transfer of a person's probation or conditional
23 discharge supervision to another state is subject to
24 acceptance by the other state pursuant to the Interstate
25 Compact for Adult Offender Supervision;

26 (5) permit the probation officer to visit him at his

1 home or elsewhere to the extent necessary to discharge his
2 duties;

3 (6) perform no less than 30 hours of community service
4 and not more than 120 hours of community service, if
5 community service is available in the jurisdiction and is
6 funded and approved by the county board where the offense
7 was committed, where the offense was related to or in
8 furtherance of the criminal activities of an organized
9 gang and was motivated by the offender's membership in or
10 allegiance to an organized gang. The community service
11 shall include, but not be limited to, the cleanup and
12 repair of any damage caused by a violation of Section
13 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
14 2012 and similar damage to property located within the
15 municipality or county in which the violation occurred.
16 When possible and reasonable, the community service should
17 be performed in the offender's neighborhood. For purposes
18 of this Section, "organized gang" has the meaning ascribed
19 to it in Section 10 of the Illinois Streetgang Terrorism
20 Omnibus Prevention Act. The court may give credit toward
21 the fulfillment of community service hours for
22 participation in activities and treatment as determined by
23 court services. Community service shall not interfere with
24 the school hours, school-related activities, or work
25 commitments of the minor or the minor's parent, guardian,
26 or legal custodian;

1 (7) if he or she is at least 17 years of age and has
2 been sentenced to probation or conditional discharge for a
3 misdemeanor or felony in a county of 3,000,000 or more
4 inhabitants and has not been previously convicted of a
5 misdemeanor or felony, may be required by the sentencing
6 court to attend educational courses designed to prepare
7 the defendant for a high school diploma and to work toward
8 a high school diploma or to work toward passing high
9 school equivalency testing or to work toward completing a
10 vocational training program approved by the court. The
11 person on probation or conditional discharge must attend a
12 public institution of education to obtain the educational
13 or vocational training required by this paragraph (7). The
14 court shall revoke the probation or conditional discharge
15 of a person who willfully fails to comply with this
16 paragraph (7). The person on probation or conditional
17 discharge shall be required to pay for the cost of the
18 educational courses or high school equivalency testing if
19 a fee is charged for those courses or testing. The court
20 shall resentence the offender whose probation or
21 conditional discharge has been revoked as provided in
22 Section 5-6-4. This paragraph (7) does not apply to a
23 person who has a high school diploma or has successfully
24 passed high school equivalency testing. This paragraph (7)
25 does not apply to a person who is determined by the court
26 to be a person with a developmental disability or

1 otherwise mentally incapable of completing the educational
2 or vocational program;

3 (8) if convicted of possession of a substance
4 prohibited by the Cannabis Control Act, the Illinois
5 Controlled Substances Act, or the Methamphetamine Control
6 and Community Protection Act after a previous conviction
7 or disposition of supervision for possession of a
8 substance prohibited by the Cannabis Control Act or
9 Illinois Controlled Substances Act or after a sentence of
10 probation under Section 10 of the Cannabis Control Act,
11 Section 410 of the Illinois Controlled Substances Act, or
12 Section 70 of the Methamphetamine Control and Community
13 Protection Act and upon a finding by the court that the
14 person is addicted, undergo treatment at a substance abuse
15 program approved by the court;

16 (8.5) if convicted of a felony sex offense as defined
17 in the Sex Offender Management Board Act, the person shall
18 undergo and successfully complete sex offender treatment
19 by a treatment provider approved by the Board and
20 conducted in conformance with the standards developed
21 under the Sex Offender Management Board Act;

22 (8.6) if convicted of a sex offense as defined in the
23 Sex Offender Management Board Act, refrain from residing
24 at the same address or in the same condominium unit or
25 apartment unit or in the same condominium complex or
26 apartment complex with another person he or she knows or

1 reasonably should know is a convicted sex offender or has
2 been placed on supervision for a sex offense; the
3 provisions of this paragraph do not apply to a person
4 convicted of a sex offense who is placed in a Department of
5 Corrections licensed transitional housing facility for sex
6 offenders;

7 (8.7) if convicted for an offense committed on or
8 after June 1, 2008 (the effective date of Public Act
9 95-464) that would qualify the accused as a child sex
10 offender as defined in Section 11-9.3 or 11-9.4 of the
11 Criminal Code of 1961 or the Criminal Code of 2012,
12 refrain from communicating with or contacting, by means of
13 the Internet, a person who is not related to the accused
14 and whom the accused reasonably believes to be under 18
15 years of age; for purposes of this paragraph (8.7),
16 "Internet" has the meaning ascribed to it in Section
17 16-0.1 of the Criminal Code of 2012; and a person is not
18 related to the accused if the person is not: (i) the
19 spouse, brother, or sister of the accused; (ii) a
20 descendant of the accused; (iii) a first or second cousin
21 of the accused; or (iv) a step-child or adopted child of
22 the accused;

23 (8.8) if convicted for an offense under Section 11-6,
24 11-9.1, 11-14.4 that involves soliciting for a juvenile
25 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
26 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 or any attempt to commit any of these offenses, committed
2 on or after June 1, 2009 (the effective date of Public Act
3 95-983):

4 (i) not access or use a computer or any other
5 device with Internet capability without the prior
6 written approval of the offender's probation officer,
7 except in connection with the offender's employment or
8 search for employment with the prior approval of the
9 offender's probation officer;

10 (ii) submit to periodic unannounced examinations
11 of the offender's computer or any other device with
12 Internet capability by the offender's probation
13 officer, a law enforcement officer, or assigned
14 computer or information technology specialist,
15 including the retrieval and copying of all data from
16 the computer or device and any internal or external
17 peripherals and removal of such information,
18 equipment, or device to conduct a more thorough
19 inspection;

20 (iii) submit to the installation on the offender's
21 computer or device with Internet capability, at the
22 offender's expense, of one or more hardware or
23 software systems to monitor the Internet use; and

24 (iv) submit to any other appropriate restrictions
25 concerning the offender's use of or access to a
26 computer or any other device with Internet capability

1 imposed by the offender's probation officer;

2 (8.9) if convicted of a sex offense as defined in the
3 Sex Offender Registration Act committed on or after
4 January 1, 2010 (the effective date of Public Act 96-262),
5 refrain from accessing or using a social networking
6 website as defined in Section 17-0.5 of the Criminal Code
7 of 2012;

8 (9) if convicted of a felony or of any misdemeanor
9 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
10 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
11 2012 that was determined, pursuant to Section 112A-11.1 of
12 the Code of Criminal Procedure of 1963, to trigger the
13 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
14 at a time and place designated by the court, ~~his or her~~
15 ~~Firearm Owner's Identification Card~~ and any and all
16 firearms in his or her possession. ~~The Court shall return~~
17 ~~to the Illinois State Police Firearm Owner's~~
18 ~~Identification Card Office the person's Firearm Owner's~~
19 ~~Identification Card;~~

20 (10) if convicted of a sex offense as defined in
21 subsection (a-5) of Section 3-1-2 of this Code, unless the
22 offender is a parent or guardian of the person under 18
23 years of age present in the home and no non-familial
24 minors are present, not participate in a holiday event
25 involving children under 18 years of age, such as
26 distributing candy or other items to children on

1 Halloween, wearing a Santa Claus costume on or preceding
2 Christmas, being employed as a department store Santa
3 Claus, or wearing an Easter Bunny costume on or preceding
4 Easter;

5 (11) if convicted of a sex offense as defined in
6 Section 2 of the Sex Offender Registration Act committed
7 on or after January 1, 2010 (the effective date of Public
8 Act 96-362) that requires the person to register as a sex
9 offender under that Act, may not knowingly use any
10 computer scrub software on any computer that the sex
11 offender uses;

12 (12) if convicted of a violation of the
13 Methamphetamine Control and Community Protection Act, the
14 Methamphetamine Precursor Control Act, or a
15 methamphetamine related offense:

16 (A) prohibited from purchasing, possessing, or
17 having under his or her control any product containing
18 pseudoephedrine unless prescribed by a physician; and

19 (B) prohibited from purchasing, possessing, or
20 having under his or her control any product containing
21 ammonium nitrate; and

22 (13) if convicted of a hate crime involving the
23 protected class identified in subsection (a) of Section
24 12-7.1 of the Criminal Code of 2012 that gave rise to the
25 offense the offender committed, perform public or
26 community service of no less than 200 hours and enroll in

1 an educational program discouraging hate crimes that
2 includes racial, ethnic, and cultural sensitivity training
3 ordered by the court.

4 (b) The Court may in addition to other reasonable
5 conditions relating to the nature of the offense or the
6 rehabilitation of the defendant as determined for each
7 defendant in the proper discretion of the Court require that
8 the person:

9 (1) serve a term of periodic imprisonment under
10 Article 7 for a period not to exceed that specified in
11 paragraph (d) of Section 5-7-1;

12 (2) pay a fine and costs;

13 (3) work or pursue a course of study or vocational
14 training;

15 (4) undergo medical, psychological or psychiatric
16 treatment; or treatment for drug addiction or alcoholism;

17 (5) attend or reside in a facility established for the
18 instruction or residence of defendants on probation;

19 (6) support his dependents;

20 (7) and in addition, if a minor:

21 (i) reside with his parents or in a foster home;

22 (ii) attend school;

23 (iii) attend a non-residential program for youth;

24 (iv) provide nonfinancial contributions to his own
25 support at home or in a foster home;

26 (v) with the consent of the superintendent of the

1 facility, attend an educational program at a facility
2 other than the school in which the offense was
3 committed if he or she is convicted of a crime of
4 violence as defined in Section 2 of the Crime Victims
5 Compensation Act committed in a school, on the real
6 property comprising a school, or within 1,000 feet of
7 the real property comprising a school;

8 (8) make restitution as provided in Section 5-5-6 of
9 this Code;

10 (9) perform some reasonable public or community
11 service;

12 (10) serve a term of home confinement. In addition to
13 any other applicable condition of probation or conditional
14 discharge, the conditions of home confinement shall be
15 that the offender:

16 (i) remain within the interior premises of the
17 place designated for his confinement during the hours
18 designated by the court;

19 (ii) admit any person or agent designated by the
20 court into the offender's place of confinement at any
21 time for purposes of verifying the offender's
22 compliance with the conditions of his confinement; and

23 (iii) if further deemed necessary by the court or
24 the probation or court services department ~~Probation~~
25 ~~or Court Services Department~~, be placed on an approved
26 electronic monitoring device, subject to Article 8A of

1 Chapter V;

2 (iv) for persons convicted of any alcohol,
3 cannabis or controlled substance violation who are
4 placed on an approved monitoring device as a condition
5 of probation or conditional discharge, the court shall
6 impose a reasonable fee for each day of the use of the
7 device, as established by the county board in
8 subsection (g) of this Section, unless after
9 determining the inability of the offender to pay the
10 fee, the court assesses a lesser fee or no fee as the
11 case may be. This fee shall be imposed in addition to
12 the fees imposed under subsections (g) and (i) of this
13 Section. The fee shall be collected by the clerk of the
14 circuit court, except as provided in an administrative
15 order of the Chief Judge of the circuit court. The
16 clerk of the circuit court shall pay all monies
17 collected from this fee to the county treasurer for
18 deposit in the substance abuse services fund under
19 Section 5-1086.1 of the Counties Code, except as
20 provided in an administrative order of the Chief Judge
21 of the circuit court.

22 The Chief Judge of the circuit court of the county
23 may by administrative order establish a program for
24 electronic monitoring of offenders, in which a vendor
25 supplies and monitors the operation of the electronic
26 monitoring device, and collects the fees on behalf of

1 the county. The program shall include provisions for
2 indigent offenders and the collection of unpaid fees.
3 The program shall not unduly burden the offender and
4 shall be subject to review by the Chief Judge.

5 The Chief Judge of the circuit court may suspend
6 any additional charges or fees for late payment,
7 interest, or damage to any device; and

8 (v) for persons convicted of offenses other than
9 those referenced in clause (iv) above and who are
10 placed on an approved monitoring device as a condition
11 of probation or conditional discharge, the court shall
12 impose a reasonable fee for each day of the use of the
13 device, as established by the county board in
14 subsection (g) of this Section, unless after
15 determining the inability of the defendant to pay the
16 fee, the court assesses a lesser fee or no fee as the
17 case may be. This fee shall be imposed in addition to
18 the fees imposed under subsections (g) and (i) of this
19 Section. The fee shall be collected by the clerk of the
20 circuit court, except as provided in an administrative
21 order of the Chief Judge of the circuit court. The
22 clerk of the circuit court shall pay all monies
23 collected from this fee to the county treasurer who
24 shall use the monies collected to defray the costs of
25 corrections. The county treasurer shall deposit the
26 fee collected in the probation and court services

1 fund. The Chief Judge of the circuit court of the
2 county may by administrative order establish a program
3 for electronic monitoring of offenders, in which a
4 vendor supplies and monitors the operation of the
5 electronic monitoring device, and collects the fees on
6 behalf of the county. The program shall include
7 provisions for indigent offenders and the collection
8 of unpaid fees. The program shall not unduly burden
9 the offender and shall be subject to review by the
10 Chief Judge.

11 The Chief Judge of the circuit court may suspend
12 any additional charges or fees for late payment,
13 interest, or damage to any device.

14 (11) comply with the terms and conditions of an order
15 of protection issued by the court pursuant to the Illinois
16 Domestic Violence Act of 1986, as now or hereafter
17 amended, or an order of protection issued by the court of
18 another state, tribe, or United States territory. A copy
19 of the order of protection shall be transmitted to the
20 probation officer or agency having responsibility for the
21 case;

22 (12) reimburse any "local anti-crime program" as
23 defined in Section 7 of the Anti-Crime Advisory Council
24 Act for any reasonable expenses incurred by the program on
25 the offender's case, not to exceed the maximum amount of
26 the fine authorized for the offense for which the

1 defendant was sentenced;

2 (13) contribute a reasonable sum of money, not to
3 exceed the maximum amount of the fine authorized for the
4 offense for which the defendant was sentenced, (i) to a
5 "local anti-crime program", as defined in Section 7 of the
6 Anti-Crime Advisory Council Act, or (ii) for offenses
7 under the jurisdiction of the Department of Natural
8 Resources, to the fund established by the Department of
9 Natural Resources for the purchase of evidence for
10 investigation purposes and to conduct investigations as
11 outlined in Section 805-105 of the Department of Natural
12 Resources (Conservation) Law;

13 (14) refrain from entering into a designated
14 geographic area except upon such terms as the court finds
15 appropriate. Such terms may include consideration of the
16 purpose of the entry, the time of day, other persons
17 accompanying the defendant, and advance approval by a
18 probation officer, if the defendant has been placed on
19 probation or advance approval by the court, if the
20 defendant was placed on conditional discharge;

21 (15) refrain from having any contact, directly or
22 indirectly, with certain specified persons or particular
23 types of persons, including, but not limited to, members
24 of street gangs and drug users or dealers;

25 (16) refrain from having in his or her body the
26 presence of any illicit drug prohibited by the Illinois

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

6 (17) if convicted for an offense committed on or after
7 June 1, 2008 (the effective date of Public Act 95-464)
8 that would qualify the accused as a child sex offender as
9 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
10 of 1961 or the Criminal Code of 2012, refrain from
11 communicating with or contacting, by means of the
12 Internet, a person who is related to the accused and whom
13 the accused reasonably believes to be under 18 years of
14 age; for purposes of this paragraph (17), "Internet" has
15 the meaning ascribed to it in Section 16-0.1 of the
16 Criminal Code of 2012; and a person is related to the
17 accused if the person is: (i) the spouse, brother, or
18 sister of the accused; (ii) a descendant of the accused;
19 (iii) a first or second cousin of the accused; or (iv) a
20 step-child or adopted child of the accused;

21 (18) if convicted for an offense committed on or after
22 June 1, 2009 (the effective date of Public Act 95-983)
23 that would qualify as a sex offense as defined in the Sex
24 Offender Registration Act:

25 (i) not access or use a computer or any other
26 device with Internet capability without the prior

1 written approval of the offender's probation officer,
2 except in connection with the offender's employment or
3 search for employment with the prior approval of the
4 offender's probation officer;

5 (ii) submit to periodic unannounced examinations
6 of the offender's computer or any other device with
7 Internet capability by the offender's probation
8 officer, a law enforcement officer, or assigned
9 computer or information technology specialist,
10 including the retrieval and copying of all data from
11 the computer or device and any internal or external
12 peripherals and removal of such information,
13 equipment, or device to conduct a more thorough
14 inspection;

15 (iii) submit to the installation on the offender's
16 computer or device with Internet capability, at the
17 subject's expense, of one or more hardware or software
18 systems to monitor the Internet use; and

19 (iv) submit to any other appropriate restrictions
20 concerning the offender's use of or access to a
21 computer or any other device with Internet capability
22 imposed by the offender's probation officer; and

23 (19) refrain from possessing a firearm or other
24 dangerous weapon where the offense is a misdemeanor that
25 did not involve the intentional or knowing infliction of
26 bodily harm or threat of bodily harm.

1 (c) The court may as a condition of probation or of
2 conditional discharge require that a person under 18 years of
3 age found guilty of any alcohol, cannabis or controlled
4 substance violation, refrain from acquiring a driver's license
5 during the period of probation or conditional discharge. If
6 such person is in possession of a permit or license, the court
7 may require that the minor refrain from driving or operating
8 any motor vehicle during the period of probation or
9 conditional discharge, except as may be necessary in the
10 course of the minor's lawful employment.

11 (d) An offender sentenced to probation or to conditional
12 discharge shall be given a certificate setting forth the
13 conditions thereof.

14 (e) Except where the offender has committed a fourth or
15 subsequent violation of subsection (c) of Section 6-303 of the
16 Illinois Vehicle Code, the court shall not require as a
17 condition of the sentence of probation or conditional
18 discharge that the offender be committed to a period of
19 imprisonment in excess of 6 months. This 6-month limit shall
20 not include periods of confinement given pursuant to a
21 sentence of county impact incarceration under Section 5-8-1.2.

22 Persons committed to imprisonment as a condition of
23 probation or conditional discharge shall not be committed to
24 the Department of Corrections.

25 (f) The court may combine a sentence of periodic
26 imprisonment under Article 7 or a sentence to a county impact

1 incarceration program under Article 8 with a sentence of
2 probation or conditional discharge.

3 (g) An offender sentenced to probation or to conditional
4 discharge and who during the term of either undergoes
5 mandatory drug or alcohol testing, or both, or is assigned to
6 be placed on an approved electronic monitoring device, shall
7 be ordered to pay all costs incidental to such mandatory drug
8 or alcohol testing, or both, and all costs incidental to such
9 approved electronic monitoring in accordance with the
10 defendant's ability to pay those costs. The county board with
11 the concurrence of the Chief Judge of the judicial circuit in
12 which the county is located shall establish reasonable fees
13 for the cost of maintenance, testing, and incidental expenses
14 related to the mandatory drug or alcohol testing, or both, and
15 all costs incidental to approved electronic monitoring,
16 involved in a successful probation program for the county. The
17 concurrence of the Chief Judge shall be in the form of an
18 administrative order. The fees shall be collected by the clerk
19 of the circuit court, except as provided in an administrative
20 order of the Chief Judge of the circuit court. The clerk of the
21 circuit court shall pay all moneys collected from these fees
22 to the county treasurer who shall use the moneys collected to
23 defray the costs of drug testing, alcohol testing, and
24 electronic monitoring. The county treasurer shall deposit the
25 fees collected in the county working cash fund under Section
26 6-27001 or Section 6-29002 of the Counties Code, as the case

1 may be. The Chief Judge of the circuit court of the county may
2 by administrative order establish a program for electronic
3 monitoring of offenders, in which a vendor supplies and
4 monitors the operation of the electronic monitoring device,
5 and collects the fees on behalf of the county. The program
6 shall include provisions for indigent offenders and the
7 collection of unpaid fees. The program shall not unduly burden
8 the offender and shall be subject to review by the Chief Judge.
9 A person shall not be assessed costs or fees for mandatory
10 testing for drugs, alcohol, or both, if the person is an
11 indigent person as defined in paragraph (2) of subsection (a)
12 of Section 5-105 of the Code of Civil Procedure.

13 The Chief Judge of the circuit court may suspend any
14 additional charges or fees for late payment, interest, or
15 damage to any device.

16 (h) Jurisdiction over an offender may be transferred from
17 the sentencing court to the court of another circuit with the
18 concurrence of both courts. Further transfers or retransfers
19 of jurisdiction are also authorized in the same manner. The
20 court to which jurisdiction has been transferred shall have
21 the same powers as the sentencing court. The probation
22 department within the circuit to which jurisdiction has been
23 transferred, or which has agreed to provide supervision, may
24 impose probation fees upon receiving the transferred offender,
25 as provided in subsection (i). For all transfer cases, as
26 defined in Section 9b of the Probation and Probation Officers

1 Act, the probation department from the original sentencing
2 court shall retain all probation fees collected prior to the
3 transfer. After the transfer, all probation fees shall be paid
4 to the probation department within the circuit to which
5 jurisdiction has been transferred.

6 (i) The court shall impose upon an offender sentenced to
7 probation after January 1, 1989 or to conditional discharge
8 after January 1, 1992 or to community service under the
9 supervision of a probation or court services department after
10 January 1, 2004, as a condition of such probation or
11 conditional discharge or supervised community service, a fee
12 of \$50 for each month of probation or conditional discharge
13 supervision or supervised community service ordered by the
14 court, unless after determining the inability of the person
15 sentenced to probation or conditional discharge or supervised
16 community service to pay the fee, the court assesses a lesser
17 fee. The court may not impose the fee on a minor who is placed
18 in the guardianship or custody of the Department of Children
19 and Family Services under the Juvenile Court Act of 1987 while
20 the minor is in placement. The fee shall be imposed only upon
21 an offender who is actively supervised by the probation and
22 court services department. The fee shall be collected by the
23 clerk of the circuit court. The clerk of the circuit court
24 shall pay all monies collected from this fee to the county
25 treasurer for deposit in the probation and court services fund
26 under Section 15.1 of the Probation and Probation Officers

1 Act.

2 A circuit court may not impose a probation fee under this
3 subsection (i) in excess of \$25 per month unless the circuit
4 court has adopted, by administrative order issued by the Chief
5 Judge ~~chief judge~~, a standard probation fee guide determining
6 an offender's ability to pay. Of the amount collected as a
7 probation fee, up to \$5 of that fee collected per month may be
8 used to provide services to crime victims and their families.

9 The Court may only waive probation fees based on an
10 offender's ability to pay. The probation department may
11 re-evaluate an offender's ability to pay every 6 months, and,
12 with the approval of the Director of Court Services or the
13 Chief Probation Officer, adjust the monthly fee amount. An
14 offender may elect to pay probation fees due in a lump sum. Any
15 offender that has been assigned to the supervision of a
16 probation department, or has been transferred either under
17 subsection (h) of this Section or under any interstate
18 compact, shall be required to pay probation fees to the
19 department supervising the offender, based on the offender's
20 ability to pay.

21 Public Act 93-970 deletes the \$10 increase in the fee
22 under this subsection that was imposed by Public Act 93-616.
23 This deletion is intended to control over any other Act of the
24 93rd General Assembly that retains or incorporates that fee
25 increase.

26 (i-5) In addition to the fees imposed under subsection (i)

1 of this Section, in the case of an offender convicted of a
2 felony sex offense (as defined in the Sex Offender Management
3 Board Act) or an offense that the court or probation
4 department has determined to be sexually motivated (as defined
5 in the Sex Offender Management Board Act), the court or the
6 probation department shall assess additional fees to pay for
7 all costs of treatment, assessment, evaluation for risk and
8 treatment, and monitoring the offender, based on that
9 offender's ability to pay those costs either as they occur or
10 under a payment plan.

11 (j) All fines and costs imposed under this Section for any
12 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
13 Code, or a similar provision of a local ordinance, and any
14 violation of the Child Passenger Protection Act, or a similar
15 provision of a local ordinance, shall be collected and
16 disbursed by the circuit clerk as provided under the Criminal
17 and Traffic Assessment Act.

18 (k) Any offender who is sentenced to probation or
19 conditional discharge for a felony sex offense as defined in
20 the Sex Offender Management Board Act or any offense that the
21 court or probation department has determined to be sexually
22 motivated as defined in the Sex Offender Management Board Act
23 shall be required to refrain from any contact, directly or
24 indirectly, with any persons specified by the court and shall
25 be available for all evaluations and treatment programs
26 required by the court or the probation department.

1 (1) The court may order an offender who is sentenced to
2 probation or conditional discharge for a violation of an order
3 of protection be placed under electronic surveillance as
4 provided in Section 5-8A-7 of this Code.

5 (m) Except for restitution, and assessments issued for
6 adjudications under Section 5-125 of the Juvenile Court Act of
7 1987, fines and assessments, such as fees or administrative
8 costs, authorized under this Section shall not be ordered or
9 imposed on a minor subject to Article III, IV, or V of the
10 Juvenile Court Act of 1987, or a minor under the age of 18
11 transferred to adult court or excluded from juvenile court
12 jurisdiction under Article V of the Juvenile Court Act of
13 1987, or the minor's parent, guardian, or legal custodian.

14 (n) ~~(m)~~ A person on probation, conditional discharge, or
15 supervision shall not be ordered to refrain from having
16 cannabis or alcohol in his or her body unless:

17 (1) the person is under 21 years old;

18 (2) the person was sentenced to probation, conditional
19 discharge, or supervision for an offense which had as an
20 element of the offense the presence of an intoxicating
21 compound in the person's body;

22 (3) the person is participating in a problem-solving
23 court certified by the Illinois Supreme Court;

24 (4) the person has undergone a validated clinical
25 assessment and the clinical treatment plan includes
26 alcohol or cannabis testing; or

1 (5) a court ordered evaluation recommends that the
2 person refrain from using alcohol or cannabis, provided
3 the evaluation is a validated clinical assessment and the
4 recommendation originates from a clinical treatment plan.

5 If the court has made findings that alcohol use was a
6 contributing factor in the commission of the underlying
7 offense, the court may order a person on probation,
8 conditional discharge, or supervision to refrain from having
9 alcohol in his or her body during the time between sentencing
10 and the completion of a validated clinical assessment,
11 provided that such order shall not exceed 30 days and shall be
12 terminated if the clinical treatment plan does not recommend
13 abstinence or testing, or both.

14 In this subsection (n) ~~(m)~~, "validated clinical
15 assessment" and "clinical treatment plan" have the meanings
16 ascribed to them in Section 10 of the Drug Court Treatment Act.

17 In any instance in which the court orders testing for
18 cannabis or alcohol, the court shall state the reasonable
19 relation the condition has to the person's crime for which the
20 person was placed on probation, conditional discharge, or
21 supervision.

22 (o) ~~(n)~~ A person on probation, conditional discharge, or
23 supervision shall not be ordered to refrain from use or
24 consumption of any substance lawfully prescribed by a medical
25 provider or authorized by the Compassionate Use of Medical
26 Cannabis Program Act, except where use is prohibited in

1 paragraph (3) or (4) of subsection (n) ~~(m)~~.

2 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21;
3 103-271, eff. 1-1-24; 103-379, eff. 7-28-23; 103-391, eff.
4 1-1-24; revised 8-28-23.)

5 Section 95. The Stalking No Contact Order Act is amended
6 by changing Section 80 as follows:

7 (740 ILCS 21/80)

8 Sec. 80. Stalking no contact orders; remedies.

9 (a) If the court finds that the petitioner has been a
10 victim of stalking, a stalking no contact order shall issue;
11 provided that the petitioner must also satisfy the
12 requirements of Section 95 on emergency orders or Section 100
13 on plenary orders. The petitioner shall not be denied a
14 stalking no contact order because the petitioner or the
15 respondent is a minor. The court, when determining whether or
16 not to issue a stalking no contact order, may not require
17 physical injury on the person of the petitioner. Modification
18 and extension of prior stalking no contact orders shall be in
19 accordance with this Act.

20 (b) A stalking no contact order shall order one or more of
21 the following:

22 (1) prohibit the respondent from threatening to commit
23 or committing stalking;

24 (2) order the respondent not to have any contact with

1 the petitioner or a third person specifically named by the
2 court;

3 (3) prohibit the respondent from knowingly coming
4 within, or knowingly remaining within a specified distance
5 of the petitioner or the petitioner's residence, school,
6 daycare, or place of employment, or any specified place
7 frequented by the petitioner; however, the court may order
8 the respondent to stay away from the respondent's own
9 residence, school, or place of employment only if the
10 respondent has been provided actual notice of the
11 opportunity to appear and be heard on the petition;

12 (4) prohibit the respondent from ~~possessing a Firearm~~
13 ~~Owners Identification Card, or~~ possessing or buying
14 firearms; and

15 (5) order other injunctive relief the court determines
16 to be necessary to protect the petitioner or third party
17 specifically named by the court.

18 (b-5) When the petitioner and the respondent attend the
19 same public, private, or non-public elementary, middle, or
20 high school, the court when issuing a stalking no contact
21 order and providing relief shall consider the severity of the
22 act, any continuing physical danger or emotional distress to
23 the petitioner, the educational rights guaranteed to the
24 petitioner and respondent under federal and State law, the
25 availability of a transfer of the respondent to another
26 school, a change of placement or a change of program of the

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

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

11 (b-6) The court may order the parents, guardian, or legal
12 custodian of a minor respondent to take certain actions or to
13 refrain from taking certain actions to ensure that the
14 respondent complies with the order. In the event the court
15 orders a transfer of the respondent to another school, the
16 parents, guardian, or legal custodian of the respondent are
17 responsible for transportation and other costs associated with
18 the change of school by the respondent.

19 (b-7) The court shall not hold a school district or
20 private or non-public school or any of its employees in civil
21 or criminal contempt unless the school district or private or
22 non-public school has been allowed to intervene.

23 (b-8) The court may hold the parents, guardian, or legal
24 custodian of a minor respondent in civil or criminal contempt
25 for a violation of any provision of any order entered under
26 this Act for conduct of the minor respondent in violation of

1 this Act if the parents, guardian, or legal custodian
2 directed, encouraged, or assisted the respondent minor in such
3 conduct.

4 (c) The court may award the petitioner costs and attorneys
5 fees if a stalking no contact order is granted.

6 (d) Monetary damages are not recoverable as a remedy.

7 (e) If the stalking no contact order prohibits the
8 respondent from ~~possessing a Firearm Owner's Identification~~
9 ~~Card, or~~ possessing or buying firearms; the court shall
10 confiscate the respondent's firearms ~~Firearm Owner's~~
11 ~~Identification Card and immediately return the card to the~~
12 ~~Illinois State Police Firearm Owner's Identification Card~~
13 ~~Office.~~

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

15 Section 100. The Mental Health and Developmental
16 Disabilities Confidentiality Act is amended by changing
17 Section 12 as follows:

18 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

19 Sec. 12. (a) If the United States Secret Service or the
20 Illinois State Police requests information from a mental
21 health or developmental disability facility, as defined in
22 Section 1-107 and 1-114 of the Mental Health and Developmental
23 Disabilities Code, relating to a specific recipient and the
24 facility director determines that disclosure of such

1 information may be necessary to protect the life of, or to
2 prevent the infliction of great bodily harm to, a public
3 official, or a person under the protection of the United
4 States Secret Service, only the following information may be
5 disclosed: the recipient's name, address, and age and the date
6 of any admission to or discharge from a facility; and any
7 information which would indicate whether or not the recipient
8 has a history of violence or presents a danger of violence to
9 the person under protection. Any information so disclosed
10 shall be used for investigative purposes only and shall not be
11 publicly disseminated. Any person participating in good faith
12 in the disclosure of such information in accordance with this
13 provision shall have immunity from any liability, civil,
14 criminal or otherwise, if such information is disclosed
15 relying upon the representation of an officer of the United
16 States Secret Service or the Illinois State Police that a
17 person is under the protection of the United States Secret
18 Service or is a public official.

19 For the purpose of this subsection (a), the term "public
20 official" means the Governor, Lieutenant Governor, Attorney
21 General, Secretary of State, State Comptroller, State
22 Treasurer, member of the General Assembly, member of the
23 United States Congress, Judge of the United States as defined
24 in 28 U.S.C. 451, Justice of the United States as defined in 28
25 U.S.C. 451, United States Magistrate Judge as defined in 28
26 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or

1 Supreme, Appellate, Circuit, or Associate Judge of the State
2 of Illinois. The term shall also include the spouse, child or
3 children of a public official.

4 (b) The Department of Human Services (acting as successor
5 to the Department of Mental Health and Developmental
6 Disabilities) and all public or private hospitals and mental
7 health facilities are required, as hereafter described in this
8 subsection, to furnish the Illinois State Police only such
9 information as may be required for the sole purpose of
10 determining whether an individual who may be or may have been a
11 patient is disqualified because of that status from receiving
12 or retaining a firearm under paragraph (4) of subsection (a)
13 of Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~
14 ~~Identification Card or falls within the federal prohibitors~~
15 ~~under subsection (e), (f), (g), (r), (s), or (t) of Section 8~~
16 ~~of the Firearm Owners Identification Card Act~~, or falls within
17 the federal prohibitors in 18 U.S.C. 922(g) and (n). All
18 physicians, clinical psychologists, or qualified examiners at
19 public or private mental health facilities or parts thereof as
20 defined in this subsection shall, in the form and manner
21 required by the Department, provide notice directly to the
22 Department of Human Services, or to his or her employer who
23 shall then report to the Department, within 24 hours after
24 determining that a person poses a clear and present danger to
25 himself, herself, or others, or within 7 days after a person 14
26 years or older is determined to be a person with a

1 developmental disability by a physician, clinical
2 psychologist, or qualified examiner as described in this
3 subsection (b) Section 1.1 of the Firearm Owners
4 ~~Identification Card Act~~. If a person is a patient as described
5 in clause (2)(A) (1) of the definition of "patient" in this
6 subsection Section 1.1 of the Firearm Owners Identification
7 ~~Card Act~~, this information shall be furnished within 7 days
8 after admission to a public or private hospital or mental
9 health facility or the provision of services. Any such
10 information disclosed under this subsection shall remain
11 privileged and confidential, and shall not be redisclosed,
12 except as required by clause (e)(2) of Section 24-4.5 of the
13 Criminal Code of 2012 subsection (e) of Section 3.1 of the
14 ~~Firearm Owners Identification Card Act~~, nor utilized for any
15 other purpose. The method of requiring the providing of such
16 information shall guarantee that no information is released
17 beyond what is necessary for this purpose. In addition, the
18 information disclosed shall be provided by the Department
19 within the time period established by Section 24-3 of the
20 Criminal Code of 2012 regarding the delivery of firearms. The
21 method used shall be sufficient to provide the necessary
22 information within the prescribed time period, which may
23 include periodically providing lists to the Department of
24 Human Services or any public or private hospital or mental
25 health facility of ~~Firearm Owner's Identification Card~~
26 applicants for firearm purchases on which the Department or

1 hospital shall indicate the identities of those individuals
2 who are to its knowledge disqualified from having a firearm
3 ~~Firearm Owner's Identification Card~~ for reasons described
4 herein. The Department may provide for a centralized source of
5 information for the State on this subject under its
6 jurisdiction. The identity of the person reporting under this
7 subsection shall not be disclosed to the subject of the
8 report. For the purposes of this subsection, the physician,
9 clinical psychologist, or qualified examiner making the
10 determination and his or her employer shall not be held
11 criminally, civilly, or professionally liable for making or
12 not making the notification required under this subsection,
13 except for willful or wanton misconduct.

14 Any person, institution, or agency, under this Act,
15 participating in good faith in the reporting or disclosure of
16 records and communications otherwise in accordance with this
17 provision or with rules, regulations or guidelines issued by
18 the Department shall have immunity from any liability, civil,
19 criminal or otherwise, that might result by reason of the
20 action. For the purpose of any proceeding, civil or criminal,
21 arising out of a report or disclosure in accordance with this
22 provision, the good faith of any person, institution, or
23 agency so reporting or disclosing shall be presumed. The full
24 extent of the immunity provided in this subsection (b) shall
25 apply to any person, institution or agency that fails to make a
26 report or disclosure in the good faith belief that the report

1 or disclosure would violate federal regulations governing the
2 confidentiality of alcohol and drug abuse patient records
3 implementing 42 U.S.C. 290dd-3 and 290ee-3.

4 For purposes of this subsection (b) only, the following
5 terms shall have the meaning prescribed:

6 (1) (Blank).

7 (1.3) "Clear and present danger" has the meaning as
8 defined in Section 6-103.3 of the Mental Health and
9 Developmental Disabilities Code ~~1.1 of the Firearm Owners~~
10 ~~Identification Card Act.~~

11 (1.5) "Person with a developmental disability" has the
12 meaning as defined in Section 6-103.3 of the Mental Health
13 and Developmental Disabilities Code ~~1.1 of the Firearm~~
14 ~~Owners Identification Card Act.~~

15 (2) "Patient" means (A) a person who voluntarily
16 receives mental health treatment as an in-patient or
17 resident of any public or private mental health facility,
18 unless the treatment was solely for an alcohol abuse
19 disorder and no other secondary substance abuse disorder
20 or mental illness; or (B) a person who voluntarily
21 receives mental health treatment as an out-patient or is
22 provided services by a public or private mental health
23 facility, and who poses a clear and present danger to
24 himself, herself, or to others ~~has the meaning as defined~~
25 ~~in Section 1.1 of the Firearm Owners Identification Card~~
26 ~~Act.~~

1 (3) "Mental health facility" means any licensed
2 private hospital or hospital affiliate, institution, or
3 facility, or part thereof, and any facility, or part
4 thereof, operated by the State or a political subdivision
5 thereof which provide treatment of persons with mental
6 illness and includes all hospitals, institutions, clinics,
7 evaluation facilities, mental health centers, colleges,
8 universities, long-term care facilities, and nursing
9 homes, or parts thereof, which provide treatment of
10 persons with mental illness whether or not the primary
11 purpose is to provide treatment of persons with mental
12 illness ~~has the meaning as defined in Section 1.1 of the~~
13 ~~Firearm Owners Identification Card Act.~~

14 (c) Upon the request of a peace officer who takes a person
15 into custody and transports such person to a mental health or
16 developmental disability facility pursuant to Section 3-606 or
17 4-404 of the Mental Health and Developmental Disabilities Code
18 or who transports a person from such facility, a facility
19 director shall furnish said peace officer the name, address,
20 age and name of the nearest relative of the person transported
21 to or from the mental health or developmental disability
22 facility. In no case shall the facility director disclose to
23 the peace officer any information relating to the diagnosis,
24 treatment or evaluation of the person's mental or physical
25 health.

26 For the purposes of this subsection (c), the terms "mental

1 health or developmental disability facility", "peace officer"
2 and "facility director" shall have the meanings ascribed to
3 them in the Mental Health and Developmental Disabilities Code.

4 (d) Upon the request of a peace officer or prosecuting
5 authority who is conducting a bona fide investigation of a
6 criminal offense, or attempting to apprehend a fugitive from
7 justice, a facility director may disclose whether a person is
8 present at the facility. Upon request of a peace officer or
9 prosecuting authority who has a valid forcible felony warrant
10 issued, a facility director shall disclose: (1) whether the
11 person who is the subject of the warrant is present at the
12 facility and (2) the date of that person's discharge or future
13 discharge from the facility. The requesting peace officer or
14 prosecuting authority must furnish a case number and the
15 purpose of the investigation or an outstanding arrest warrant
16 at the time of the request. Any person, institution, or agency
17 participating in good faith in disclosing such information in
18 accordance with this subsection (d) is immune from any
19 liability, civil, criminal or otherwise, that might result by
20 reason of the action.

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

22 Section 105. The Illinois Domestic Violence Act of 1986 is
23 amended by changing Sections 210 and 214 as follows:

24 (750 ILCS 60/210) (from Ch. 40, par. 2312-10)

1 Sec. 210. Process.

2 (a) Summons. Any action for an order of protection,
3 whether commenced alone or in conjunction with another
4 proceeding, is a distinct cause of action and requires that a
5 separate summons be issued and served, except that in pending
6 cases the following methods may be used:

7 (1) By delivery of the summons to respondent
8 personally in open court in pending civil or criminal
9 cases.

10 (2) By notice in accordance with Section 210.1 in
11 civil cases in which the defendant has filed a general
12 appearance.

13 The summons shall be in the form prescribed by Supreme
14 Court Rule 101(d), except that it shall require respondent to
15 answer or appear within 7 days. Attachments to the summons or
16 notice shall include the petition for order of protection and
17 supporting affidavits, if any, and any emergency order of
18 protection that has been issued. The enforcement of an order
19 of protection under Section 223 shall not be affected by the
20 lack of service, delivery, or notice, provided the
21 requirements of subsection (d) of that Section are otherwise
22 met.

23 (b) Blank.

24 (c) Expedited service. The summons shall be served by the
25 sheriff or other law enforcement officer at the earliest time
26 and shall take precedence over other summonses except those of

1 a similar emergency nature. Special process servers may be
2 appointed at any time, and their designation shall not affect
3 the responsibilities and authority of the sheriff or other
4 official process servers. In counties with a population over
5 3,000,000, a special process server may not be appointed if
6 the order of protection grants the surrender of a child, the
7 surrender of a firearm ~~or firearm owners identification card,~~
8 or the exclusive possession of a shared residence.

9 (d) Remedies requiring actual notice. The counseling,
10 payment of support, payment of shelter services, and payment
11 of losses remedies provided by paragraphs 4, 12, 13, and 16 of
12 subsection (b) of Section 214 may be granted only if
13 respondent has been personally served with process, has
14 answered or has made a general appearance.

15 (e) Remedies upon constructive notice. Service of process
16 on a member of respondent's household or by publication shall
17 be adequate for the remedies provided by paragraphs 1, 2, 3, 5,
18 6, 7, 8, 9, 10, 11, 14, 15, and 17 of subsection (b) of Section
19 214, but only if: (i) petitioner has made all reasonable
20 efforts to accomplish actual service of process personally
21 upon respondent, but respondent cannot be found to effect such
22 service and (ii) petitioner files an affidavit or presents
23 sworn testimony as to those efforts.

24 (f) Default. A plenary order of protection may be entered
25 by default as follows:

26 (1) For any of the remedies sought in the petition, if

1 respondent has been served or given notice in accordance
2 with subsection (a) and if respondent then fails to appear
3 as directed or fails to appear on any subsequent
4 appearance or hearing date agreed to by the parties or set
5 by the court; or

6 (2) For any of the remedies provided in accordance
7 with subsection (e), if respondent fails to answer or
8 appear in accordance with the date set in the publication
9 notice or the return date indicated on the service of a
10 household member.

11 (g) Emergency orders. If an order is granted under
12 subsection (c) of Section 217, the court shall immediately
13 file a certified copy of the order with the sheriff or other
14 law enforcement official charged with maintaining Department
15 of State Police records.

16 (Source: P.A. 101-508, eff. 1-1-20.)

17 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

18 Sec. 214. Order of protection; remedies.

19 (a) Issuance of order. If the court finds that petitioner
20 has been abused by a family or household member or that
21 petitioner is a high-risk adult who has been abused,
22 neglected, or exploited, as defined in this Act, an order of
23 protection prohibiting the abuse, neglect, or exploitation
24 shall issue; provided that petitioner must also satisfy the
25 requirements of one of the following Sections, as appropriate:

1 Section 217 on emergency orders, Section 218 on interim
2 orders, or Section 219 on plenary orders. Petitioner shall not
3 be denied an order of protection because petitioner or
4 respondent is a minor. The court, when determining whether or
5 not to issue an order of protection, shall not require
6 physical manifestations of abuse on the person of the victim.
7 Modification and extension of prior orders of protection shall
8 be in accordance with this Act.

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

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

25 (2) Grant of exclusive possession of residence.
26 Prohibit respondent from entering or remaining in any

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

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

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

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

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

19 (3) Stay away order and additional prohibitions. Order
20 respondent to stay away from petitioner or any other
21 person protected by the order of protection, or prohibit
22 respondent from entering or remaining present at
23 petitioner's school, place of employment, or other
24 specified places at times when petitioner is present, or
25 both, if reasonable, given the balance of hardships.
26 Hardships need not be balanced for the court to enter a

1 stay away order or prohibit entry if respondent has no
2 right to enter the premises.

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

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

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

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

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

24 (4) Counseling. Require or recommend the respondent to
25 undergo counseling for a specified duration with a social
26 worker, psychologist, clinical psychologist,

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

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

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

25 (6) Temporary allocation of parental responsibilities:
26 significant decision-making. Award temporary

1 decision-making responsibility to petitioner in accordance
2 with this Section, the Illinois Marriage and Dissolution
3 of Marriage Act, the Illinois Parentage Act of 2015, and
4 this State's Uniform Child-Custody Jurisdiction and
5 Enforcement Act.

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

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

1 Marriage Act. If the court grants parenting time, the
2 order shall specify dates and times for the parenting time
3 to take place or other specific parameters or conditions
4 that are appropriate. No order for parenting time shall
5 refer merely to the term "reasonable parenting time".

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

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

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

24 (9) Order to appear. Order the respondent to appear in
25 court, alone or with a minor child, to prevent abuse,
26 neglect, removal or concealment of the child, to return

1 the child to the custody or care of the petitioner or to
2 permit any court-ordered interview or examination of the
3 child or the respondent.

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

8 (i) petitioner, but not respondent, owns the
9 property; or

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

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

21 No order under this provision shall affect title to
22 property.

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

1 if:

2 (i) petitioner, but not respondent, owns the
3 property; or

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

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

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

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

25 (12) Order for payment of support. Order respondent to
26 pay temporary support for the petitioner or any child in

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

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

25 (i) Losses affecting family needs. If a party is
26 entitled to seek maintenance, child support or

1 property distribution from the other party under the
2 Illinois Marriage and Dissolution of Marriage Act, as
3 now or hereafter amended, the court may order
4 respondent to reimburse petitioner's actual losses, to
5 the extent that such reimbursement would be
6 "appropriate temporary relief", as authorized by
7 subsection (a) (3) of Section 501 of that Act.

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

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

20 (14.5) Prohibition of firearm possession.

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

24 (1) was issued after a hearing of which such
25 person received actual notice, and at which such
26 person had an opportunity to participate;

1 (2) restrains such person from harassing,
2 stalking, or threatening an intimate partner of
3 such person or child of such intimate partner or
4 person, or engaging in other conduct that would
5 place an intimate partner in reasonable fear of
6 bodily injury to the partner or child; and

7 (3) (i) includes a finding that such person
8 represents a credible threat to the physical
9 safety of such intimate partner or child; or (ii)
10 by its terms explicitly prohibits the use,
11 attempted use, or threatened use of physical force
12 against such intimate partner or child that would
13 reasonably be expected to cause bodily injury.

14 ~~Any Firearm Owner's Identification Card in the~~
15 ~~possession of the respondent, except as provided in~~
16 ~~subsection (b), shall be ordered by the court to be~~
17 ~~turned over to the local law enforcement agency. The~~
18 ~~local law enforcement agency shall immediately mail~~
19 ~~the card to the Illinois State Police Firearm Owner's~~
20 ~~Identification Card Office for safekeeping. The court~~
21 shall issue a warrant for seizure of any firearm in the
22 possession of the respondent, to be kept by the local
23 law enforcement agency for safekeeping, except as
24 provided in subsection (b). The period of safekeeping
25 shall be for the duration of the order of protection.
26 The firearm or firearms ~~and Firearm Owner's~~

1 ~~Identification Card, if unexpired,~~ shall at the
2 respondent's request, be returned to the respondent at
3 the end of the order of protection. It is the
4 respondent's responsibility to notify the Illinois
5 State Police ~~Firearm Owner's Identification Card~~
6 ~~Office.~~

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

16 (c) Upon expiration of the period of safekeeping,
17 if the firearms ~~or Firearm Owner's Identification Card~~
18 cannot be returned to respondent because respondent
19 cannot be located, fails to respond to requests to
20 retrieve the firearms, or is not lawfully eligible to
21 possess a firearm, upon petition from the local law
22 enforcement agency, the court may order the local law
23 enforcement agency to destroy the firearms, use the
24 firearms for training purposes, or for any other
25 application as deemed appropriate by the local law
26 enforcement agency; or that the firearms be turned

1 over to a third party who is lawfully eligible to
2 possess firearms, and who does not reside with
3 respondent.

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

14 (16) Order for payment of shelter services. Order
15 respondent to reimburse a shelter providing temporary
16 housing and counseling services to the petitioner for the
17 cost of the services, as certified by the shelter and
18 deemed reasonable by the court.

19 (17) Order for injunctive relief. Enter injunctive
20 relief necessary or appropriate to prevent further abuse
21 of a family or household member or further abuse, neglect,
22 or exploitation of a high-risk adult with disabilities or
23 to effectuate one of the granted remedies, if supported by
24 the balance of hardships. If the harm to be prevented by
25 the injunction is abuse or any other harm that one of the
26 remedies listed in paragraphs (1) through (16) of this

1 subsection is designed to prevent, no further evidence is
2 necessary that the harm is an irreparable injury.

3 (18) Telephone services.

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

22 (i) The name and billing telephone number of
23 the account holder including the name of the
24 wireless telephone service provider that serves
25 the account.

26 (ii) Each telephone number that will be

1 transferred.

2 (iii) A statement that the provider transfers
3 to the petitioner all financial responsibility for
4 and right to the use of any telephone number
5 transferred under this paragraph.

6 (B) A wireless telephone service provider shall
7 terminate the respondent's use of, and shall transfer
8 to the petitioner use of, the telephone number or
9 numbers indicated in subparagraph (A) of this
10 paragraph unless it notifies the petitioner, within 72
11 hours after it receives the order, that one of the
12 following applies:

13 (i) The account holder named in the order has
14 terminated the account.

15 (ii) A difference in network technology would
16 prevent or impair the functionality of a device on
17 a network if the transfer occurs.

18 (iii) The transfer would cause a geographic or
19 other limitation on network or service provision
20 to the petitioner.

21 (iv) Another technological or operational
22 issue would prevent or impair the use of the
23 telephone number if the transfer occurs.

24 (C) The petitioner assumes all financial
25 responsibility for and right to the use of any
26 telephone number transferred under this paragraph. In

1 this paragraph, "financial responsibility" includes
2 monthly service costs and costs associated with any
3 mobile device associated with the number.

4 (D) A wireless telephone service provider may
5 apply to the petitioner its routine and customary
6 requirements for establishing an account or
7 transferring a number, including requiring the
8 petitioner to provide proof of identification,
9 financial information, and customer preferences.

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

14 (F) All wireless service providers that provide
15 services to residential customers shall provide to the
16 Illinois Commerce Commission the name and address of
17 an agent for service of orders entered under this
18 paragraph (18). Any change in status of the registered
19 agent must be reported to the Illinois Commerce
20 Commission within 30 days of such change.

21 (G) The Illinois Commerce Commission shall
22 maintain the list of registered agents for service for
23 each wireless telephone service provider on the
24 Commission's website. The Commission may consult with
25 wireless telephone service providers and the Circuit
26 Court Clerks on the manner in which this information

1 is provided and displayed.

2 (c) Relevant factors; findings.

3 (1) In determining whether to grant a specific remedy,
4 other than payment of support, the court shall consider
5 relevant factors, including but not limited to the
6 following:

7 (i) the nature, frequency, severity, pattern and
8 consequences of the respondent's past abuse, neglect
9 or exploitation of the petitioner or any family or
10 household member, including the concealment of his or
11 her location in order to evade service of process or
12 notice, and the likelihood of danger of future abuse,
13 neglect, or exploitation to petitioner or any member
14 of petitioner's or respondent's family or household;
15 and

16 (ii) the danger that any minor child will be
17 abused or neglected or improperly relocated from the
18 jurisdiction, improperly concealed within the State or
19 improperly separated from the child's primary
20 caretaker.

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

25 (i) availability, accessibility, cost, safety,
26 adequacy, location and other characteristics of

1 alternate housing for each party and any minor child
2 or dependent adult in the party's care;

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

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

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

11 (i) That the court has considered the applicable
12 relevant factors described in paragraphs (1) and (2)
13 of this subsection.

14 (ii) Whether the conduct or actions of respondent,
15 unless prohibited, will likely cause irreparable harm
16 or continued abuse.

17 (iii) Whether it is necessary to grant the
18 requested relief in order to protect petitioner or
19 other alleged abused persons.

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

25 When a verified petition for an emergency order of
26 protection in accordance with the requirements of Sections

1 203 and 217 is presented to the court, the court shall
2 examine petitioner on oath or affirmation. An emergency
3 order of protection shall be issued by the court if it
4 appears from the contents of the petition and the
5 examination of petitioner that the averments are
6 sufficient to indicate abuse by respondent and to support
7 the granting of relief under the issuance of the emergency
8 order of protection.

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 Revised Uniform Reciprocal Enforcement of
17 Support Act, the Uniform Interstate Family Support Act,
18 the Expedited Child Support Act of 1990, any judicial,
19 administrative, or other act of another state or
20 territory, any other Illinois statute, or by any foreign
21 nation establishing the father and child relationship, any
22 other proceeding substantially in conformity with the
23 Personal Responsibility and Work Opportunity
24 Reconciliation Act of 1996 (Pub. L. 104-193), or where
25 both parties appeared in open court or at an
26 administrative hearing acknowledging under oath or

1 admitting by affirmation the existence of a father and
2 child relationship. Absent such an adjudication, finding,
3 or acknowledgment, no putative father shall be granted
4 temporary allocation of parental responsibilities,
5 including parenting time with the minor child, or physical
6 care and possession of the minor child, nor shall an order
7 of payment for support of the minor child be entered.

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

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

19 (1) Respondent has cause for any use of force, unless
20 that cause satisfies the standards for justifiable use of
21 force provided by Article 7 of the Criminal Code of 2012;

22 (2) Respondent was voluntarily intoxicated;

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

1 (4) Petitioner did not act in self-defense or defense
2 of another;

3 (5) Petitioner left the residence or household to
4 avoid further abuse, neglect, or exploitation by
5 respondent;

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

9 (7) Conduct by any family or household member excused
10 the abuse, neglect, or exploitation by respondent, unless
11 that same conduct would have excused such abuse, neglect,
12 or exploitation if the parties had not been family or
13 household members.

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

15 Section 110. The Revised Uniform Unclaimed Property Act is
16 amended by changing Section 15-705 as follows:

17 (765 ILCS 1026/15-705)

18 Sec. 15-705. Exceptions to the sale of tangible property.
19 The administrator shall dispose of tangible property
20 identified by this Section in accordance with this Section.

21 (a) Military medals or decorations. The administrator may
22 not sell a medal or decoration awarded for military service in
23 the armed forces of the United States. Instead, the
24 administrator, with the consent of the respective organization

1 under paragraph (1), agency under paragraph (2), or entity
2 under paragraph (3), may deliver a medal or decoration to be
3 held in custody for the owner, to:

4 (1) a military veterans organization qualified under
5 Section 501(c)(19) of the Internal Revenue Code;

6 (2) the agency that awarded the medal or decoration;
7 or

8 (3) a governmental entity.

9 After delivery, the administrator is not responsible for
10 the safekeeping of the medal or decoration.

11 (b) Property with historical value. Property that the
12 administrator reasonably believes may have historical value
13 may be, at his or her discretion, loaned to an accredited
14 museum in the United States where it will be kept until such
15 time as the administrator orders it to be returned to his or
16 her custody.

17 (c) Human remains. If human remains are delivered to the
18 administrator under this Act, the administrator shall deliver
19 those human remains to the coroner of the county in which the
20 human remains were abandoned for disposition under Section
21 3-3034 of the Counties Code. The only human remains that may be
22 delivered to the administrator under this Act and that the
23 administrator may receive are those that are reported and
24 delivered as contents of a safe deposit box.

25 (d) Evidence in a criminal investigation. Property that
26 may have been used in the commission of a crime or that may

1 assist in the investigation of a crime, as determined after
2 consulting with the Illinois State Police, shall be delivered
3 to the Illinois State Police or other appropriate law
4 enforcement authority to allow law enforcement to determine
5 whether a criminal investigation should take place. Any such
6 property delivered to a law enforcement authority shall be
7 held in accordance with existing statutes and rules related to
8 the gathering, retention, and release of evidence.

9 (e) Firearms.

10 (1) The administrator, in cooperation with the
11 Illinois State Police, shall develop a procedure to
12 determine whether a firearm delivered to the administrator
13 under this Act has been stolen or used in the commission of
14 a crime. The Illinois State Police shall determine the
15 appropriate disposition of a firearm that has been stolen
16 or used in the commission of a crime. The administrator
17 shall attempt to return a firearm that has not been stolen
18 or used in the commission of a crime to the rightful owner
19 if the Illinois State Police determines that the owner may
20 lawfully possess the firearm.

21 (2) If the administrator is unable to return a firearm
22 to its owner, the administrator shall transfer custody of
23 the firearm to the Illinois State Police. Legal title to a
24 firearm transferred to the Illinois State Police under
25 this subsection (e) is vested in the Illinois State Police
26 by operation of law if:

1 (i) the administrator cannot locate the owner of
2 the firearm;

3 (ii) the owner of the firearm may not lawfully
4 possess the firearm;

5 (iii) the apparent owner does not respond to
6 notice published under Section 15-503 of this Act; or

7 (iv) the apparent owner responds to notice
8 published under Section 15-502 and states that he or
9 she no longer claims an interest in the firearm.

10 (3) With respect to a firearm whose title is
11 transferred to the Illinois State Police under this
12 subsection (e), the Illinois State Police may:

13 (i) retain the firearm for use by the crime
14 laboratory system, for training purposes, or for any
15 other application as deemed appropriate by the
16 Department;

17 (ii) transfer the firearm to the Illinois State
18 Museum if the firearm has historical value; or

19 (iii) destroy the firearm if it is not retained
20 pursuant to subparagraph (i) or transferred pursuant
21 to subparagraph (ii).

22 As used in this subsection, "firearm" has the meaning
23 provided in Section 2-7.5 of the Criminal Code of 2012 ~~the~~
24 ~~Firearm Owners Identification Card Act.~~

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

1 Section 115. The Consumer Fraud and Deceptive Business
2 Practices Act is amended by renumbering and changing Section
3 2BBBB as added by Public Act 103-559, as follows:

4 (815 ILCS 505/2DDDD)

5 Sec. 2DDDD ~~2BBBB~~. Sale and marketing of firearms.

6 (a) As used in this Section:

7 "Firearm" has the meaning set forth in Section 2-7.5 of
8 the Criminal Code of 2012 ~~1.1 of the Firearm Owners~~
9 ~~Identification Card Act.~~

10 "Firearm accessory" means an attachment or device designed
11 or adapted to be inserted into, affixed onto, or used in
12 conjunction with a firearm that is designed, intended, or
13 functions to alter or enhance (i) the firing capabilities of a
14 firearm, frame, or receiver, (ii) the lethality of the
15 firearm, or (iii) a shooter's ability to hold and use a
16 firearm.

17 "Firearm ammunition" has the meaning set forth in Section
18 2-7.1 of the Criminal Code of 2012 ~~1.1 of the Firearm Owners~~
19 ~~Identification Card Act.~~

20 "Firearm industry member" means a person, firm,
21 corporation, company, partnership, society, joint stock
22 company, or any other entity or association engaged in the
23 design, manufacture, distribution, importation, marketing,
24 wholesale, or retail sale of firearm-related products,
25 including sales by mail, telephone, or Internet or in-person

1 sales.

2 "Firearm-related product" means a firearm, firearm
3 ammunition, a firearm precursor part, a firearm component, or
4 a firearm accessory that meets any of the following
5 conditions:

6 (1) the item is sold, made, or distributed in
7 Illinois;

8 (2) the item is intended to be sold or distributed in
9 Illinois; or

10 (3) the item is or was possessed in Illinois, and it
11 was reasonably foreseeable that the item would be
12 possessed in Illinois.

13 "Straw purchaser" means a person who (i) knowingly
14 purchases or attempts to purchase a firearm-related product
15 with intent to deliver that firearm-related product to another
16 person who is prohibited by federal or State law from
17 possessing a firearm-related product or (ii) intentionally
18 provides false or misleading information on a Bureau of
19 Alcohol, Tobacco, Firearms and Explosives firearms transaction
20 record form to purchase a firearm-related product with the
21 intent to deliver that firearm-related product to another
22 person.

23 "Unlawful paramilitary or private militia" means a group
24 of armed individuals, organized privately, in violation of the
25 Military Code of Illinois and Section 2 of Article XII of the
26 Illinois Constitution.

1 (b) It is an unlawful practice within the meaning of this
2 Act for any firearm industry member, through the sale,
3 manufacturing, importing, or marketing of a firearm-related
4 product, to do any of the following:

5 (1) Knowingly create, maintain, or contribute to a
6 condition in Illinois that endangers the safety or health
7 of the public by conduct either unlawful in itself or
8 unreasonable under all circumstances, including failing to
9 establish or utilize reasonable controls. Reasonable
10 controls include reasonable procedures, safeguards, and
11 business practices that are designed to:

12 (A) prevent the sale or distribution of a
13 firearm-related product to a straw purchaser, a person
14 prohibited by law from possessing a firearm, or a
15 person who the firearm industry member has reasonable
16 cause to believe is at substantial risk of using a
17 firearm-related product to harm themselves or another
18 individual or of possessing or using a firearm-related
19 product unlawfully;

20 (B) prevent the loss or theft of a firearm-related
21 product from the firearm industry member; or

22 (C) comply with all provisions of applicable
23 local, State, and federal law, and do not otherwise
24 promote the unlawful manufacture, sale, possession,
25 marketing, or use of a firearm-related product.

26 (2) Advertise, market, or promote a firearm-related

1 product in a manner that reasonably appears to support,
2 recommend, or encourage individuals to engage in unlawful
3 paramilitary or private militia activity in Illinois, or
4 individuals who are not in the National Guard, United
5 States armed forces reserves, United States armed forces,
6 or any duly authorized military organization to use a
7 firearm-related product for a military-related purpose in
8 Illinois.

9 (3) Except as otherwise provided, advertise, market,
10 promote, design, or sell any firearm-related product in a
11 manner that reasonably appears to support, recommend, or
12 encourage persons under 18 years of age to unlawfully
13 purchase or possess or use a firearm-related product in
14 Illinois.

15 (A) In determining whether the conduct of a
16 firearm industry member, as described in this
17 paragraph, reasonably appears to support, recommend,
18 or encourage persons under 18 years of age to
19 unlawfully purchase a firearm-related product, a court
20 shall consider the totality of the circumstances,
21 including, but not limited to, whether the marketing,
22 advertising promotion, design, or sale:

23 (i) uses caricatures that reasonably appear to
24 be minors or cartoon characters;

25 (ii) offers brand name merchandise for minors,
26 including, but not limited to, clothing, toys,

1 games, or stuffed animals, that promotes a firearm
2 industry member or firearm-related product;

3 (iii) offers firearm-related products in
4 sizes, colors, or designs that are specifically
5 designed to be used by, or appeal to, minors;

6 (iv) is part of a marketing, advertising, or
7 promotion campaign designed with the intent to
8 appeal to minors;

9 (v) uses images or depictions of minors in
10 advertising or marketing, or promotion materials,
11 to depict the use of firearm-related products; or

12 (vi) is placed in a publication created for
13 the purpose of reaching an audience that is
14 predominantly composed of minors and not intended
15 for a more general audience composed of adults.

16 (B) This paragraph does not apply to
17 communications or promotional materials regarding
18 lawful recreational activity with a firearm, such as,
19 but not limited to, practice shooting at targets on
20 established public or private target ranges or
21 hunting, trapping, or fishing in accordance with the
22 Wildlife Code or the Fish and Aquatic Life Code.

23 (4) Otherwise engage in unfair methods of competition
24 or unfair or deceptive acts or practices declared unlawful
25 under Section 2 of this Act.

26 (c) Paragraphs (2), (3), and (4) of subsection (b) are

1 declarative of existing law and shall not be construed as new
2 enactments. The provisions of these paragraphs shall apply to
3 all actions commenced or pending on or after August 14, 2023
4 (the effective date of Public Act 103-559) ~~this amendatory Act~~
5 ~~of the 103rd General Assembly.~~

6 (d) The provisions of this Section are severable under
7 Section 1.31 of the Statute on Statutes.

8 (Source: P.A. 103-559, eff. 8-14-23; revised 9-26-23.)

9 Section 195. No acceleration or delay. Where this Act
10 makes changes in a statute that is represented in this Act by
11 text that is not yet or no longer in effect (for example, a
12 Section represented by multiple versions), the use of that
13 text does not accelerate or delay the taking effect of (i) the
14 changes made by this Act or (ii) provisions derived from any
15 other Public Act.

16 Section 999. Effective date. This Act takes effect upon
17 becoming law.

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