

HB4327



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4327

Introduced 1/16/2024, by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

See Index

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

LRB103 34892 RLC 64759 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 5. 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 10. The Freedom of Information Act is amended by
10 changing Section 7.5 as follows:

11 (5 ILCS 140/7.5)

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

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

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

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

1 Procedures Board or its staff relating to applications it
2 has received.

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

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

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

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

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

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

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

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

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

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

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

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

26 (p) Security portions of system safety program plans,

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

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

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

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

16 (t) All identified or deidentified health information
17 in the form of health data or medical records contained
18 in, stored in, submitted to, transferred by, or released
19 from the Illinois Health Information Exchange, and
20 identified or deidentified health information in the form
21 of health data and medical records of the Illinois Health
22 Information Exchange in the possession of the Illinois
23 Health Information Exchange Office due to its
24 administration of the Illinois Health Information
25 Exchange. The terms "identified" and "deidentified" shall
26 be given the same meaning as in the Health Insurance

1 Portability and Accountability Act of 1996, Public Law
2 104-191, or any subsequent amendments thereto, and any
3 regulations promulgated thereunder.

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

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

18 (v-5) Records of the Firearm Owner's Identification
19 Card Review Board that were ~~are~~ exempted from disclosure
20 under Section 10 of the Firearm Owners Identification Card
21 Act before the effective date of this amendatory Act of
22 the 103rd General Assembly.

23 (w) Personally identifiable information which is
24 exempted from disclosure under subsection (g) of Section
25 19.1 of the Toll Highway Act.

26 (x) Information which is exempted from disclosure

1 under Section 5-1014.3 of the Counties Code or Section
2 8-11-21 of the Illinois Municipal Code.

3 (y) Confidential information under the Adult
4 Protective Services Act and its predecessor enabling
5 statute, the Elder Abuse and Neglect Act, including
6 information about the identity and administrative finding
7 against any caregiver of a verified and substantiated
8 decision of abuse, neglect, or financial exploitation of
9 an eligible adult maintained in the Registry established
10 under Section 7.5 of the Adult Protective Services Act.

11 (z) Records and information provided to a fatality
12 review team or the Illinois Fatality Review Team Advisory
13 Council under Section 15 of the Adult Protective Services
14 Act.

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

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

19 (cc) Recordings made under the Law Enforcement
20 Officer-Worn Body Camera Act, except to the extent
21 authorized under that Act.

22 (dd) Information that is prohibited from being
23 disclosed under Section 45 of the Condominium and Common
24 Interest Community Ombudsperson Act.

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

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

3 (gg) Information that is prohibited from being
4 disclosed under Section 7-603.5 of the Illinois Vehicle
5 Code.

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

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

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

16 (kk) Information prohibited from disclosure under the
17 Seizure and Forfeiture Reporting Act.

18 (ll) Information the disclosure of which is restricted
19 and exempted under Section 5-30.8 of the Illinois Public
20 Aid Code.

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

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

25 (oo) Communications, notes, records, and reports
26 arising out of a peer support counseling session

1 prohibited from disclosure under the First Responders
2 Suicide Prevention Act.

3 (pp) Names and all identifying information relating to
4 an employee of an emergency services provider or law
5 enforcement agency under the First Responders Suicide
6 Prevention Act.

7 (qq) Information and records held by the Department of
8 Public Health and its authorized representatives collected
9 under the Reproductive Health Act.

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

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

15 (tt) Recordings made under the Children's Advocacy
16 Center Act, except to the extent authorized under that
17 Act.

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

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

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

25 (xx) Information that is exempt from disclosure or
26 information that shall not be made public under the

1 Illinois Insurance Code.

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

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

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

8 (bbb) Information that is prohibited from disclosure
9 by the Illinois Police Training Act and the Illinois State
10 Police Act.

11 (ccc) Records exempt from disclosure under Section
12 2605-304 of the Illinois State Police Law of the Civil
13 Administrative Code of Illinois.

14 (ddd) Information prohibited from being disclosed
15 under Section 35 of the Address Confidentiality for
16 Victims of Domestic Violence, Sexual Assault, Human
17 Trafficking, or Stalking Act.

18 (eee) Information prohibited from being disclosed
19 under subsection (b) of Section 75 of the Domestic
20 Violence Fatality Review Act.

21 (fff) Images from cameras under the Expressway Camera
22 Act. This subsection (fff) is inoperative on and after
23 July 1, 2023.

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

1 (hhh) Information submitted to the Illinois Department
2 ~~of~~ State Police in an affidavit or application for an
3 assault weapon endorsement, assault weapon attachment
4 endorsement, .50 caliber rifle endorsement, or .50 caliber
5 cartridge endorsement ~~under the Firearm Owners~~
6 ~~Identification Card Act.~~

7 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;
8 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.
9 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,
10 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;
11 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.
12 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,
13 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;
14 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.
15 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; revised
16 2-13-23.)

17 Section 15. The Illinois TRUST Act is amended by changing
18 Section 15 as follows:

19 (5 ILCS 805/15)

20 Sec. 15. Prohibition on enforcing federal civil
21 immigration laws.

22 (a) A law enforcement agency or law enforcement official
23 shall not detain or continue to detain any individual solely
24 on the basis of any immigration detainer or civil immigration

1 warrant or otherwise comply with an immigration detainer or
2 civil immigration warrant.

3 (b) A law enforcement agency or law enforcement official
4 shall not stop, arrest, search, detain, or continue to detain
5 a person solely based on an individual's citizenship or
6 immigration status.

7 (c) (Blank).

8 (d) A law enforcement agency or law enforcement official
9 acting in good faith in compliance with this Section who
10 releases a person subject to an immigration detainer or civil
11 immigration warrant shall have immunity from any civil or
12 criminal liability that might otherwise occur as a result of
13 making the release, with the exception of willful or wanton
14 misconduct.

15 (e) A law enforcement agency or law enforcement official
16 may not inquire about or investigate the citizenship or
17 immigration status or place of birth of any individual in the
18 agency or official's custody or who has otherwise been stopped
19 or detained by the agency or official. Nothing in this
20 subsection shall be construed to limit the ability of a law
21 enforcement agency or law enforcement official, pursuant to
22 State or federal law, to notify a person in the law enforcement
23 agency's custody about that person's right to communicate with
24 consular officers from that person's country of nationality,
25 or facilitate such communication, in accordance with the
26 Vienna Convention on Consular Relations or other bilateral

1 agreements. Nothing in this subsection shall be construed to
2 limit the ability of a law enforcement agency or law
3 enforcement official to request evidence of citizenship or
4 immigration status pursuant to the ~~Firearm Owners~~
5 ~~Identification Card Act~~, the Firearm Concealed Carry Act,
6 Article 24 of the Criminal Code of 2012, or 18 United States
7 Code Sections 921 through 931.

8 (f) Unless otherwise limited by federal law, a law
9 enforcement agency or law enforcement official may not deny
10 services, benefits, privileges, or opportunities to an
11 individual in custody or under probation status, including,
12 but not limited to, eligibility for or placement in a lower
13 custody classification, educational, rehabilitative, or
14 diversionary programs, on the basis of the individual's
15 citizenship or immigration status, the issuance of an
16 immigration detainer or civil immigration warrant against the
17 individual, or the individual being in immigration removal
18 proceedings.

19 (g) (1) No law enforcement agency, law enforcement
20 official, or any unit of State or local government may enter
21 into or renew any contract, intergovernmental service
22 agreement, or any other agreement to house or detain
23 individuals for federal civil immigration violations.

24 (2) Any law enforcement agency, law enforcement official,
25 or unit of State or local government with an existing
26 contract, intergovernmental agreement, or other agreement,

1 whether in whole or in part, that is utilized to house or
2 detain individuals for civil immigration violations shall
3 exercise the termination provision in the agreement as applied
4 to housing or detaining individuals for civil immigration
5 violations no later than January 1, 2022.

6 (h) Unless presented with a federal criminal warrant, or
7 otherwise required by federal law, a law enforcement agency or
8 official may not:

9 (1) participate, support, or assist in any capacity
10 with an immigration agent's enforcement operations,
11 including any collateral assistance such as coordinating
12 an arrest in a courthouse or other public facility,
13 providing use of any equipment, transporting any
14 individuals, or establishing a security or traffic
15 perimeter surrounding such operations, or any other
16 on-site support;

17 (2) give any immigration agent access, including by
18 telephone, to any individual who is in that agency's
19 custody;

20 (3) transfer any person into an immigration agent's
21 custody;

22 (4) permit immigration agents use of agency facilities
23 or equipment, including any agency electronic databases
24 not available to the public, for investigative interviews
25 or other investigative or immigration enforcement purpose;

26 (5) enter into or maintain any agreement regarding

1 direct access to any electronic database or other
2 data-sharing platform maintained by any law enforcement
3 agency, or otherwise provide such direct access to the
4 U.S. Immigration and Customs Enforcement, United States
5 Customs and Border Protection or any other federal entity
6 enforcing civil immigration violations;

7 (6) provide information in response to any immigration
8 agent's inquiry or request for information regarding any
9 individual in the agency's custody; or

10 (7) provide to any immigration agent information not
11 otherwise available to the public relating to an
12 individual's release or contact information, or otherwise
13 facilitate for an immigration agent to apprehend or
14 question an individual for immigration enforcement.

15 (i) Nothing in this Section shall preclude a law
16 enforcement official from otherwise executing that official's
17 duties in investigating violations of criminal law and
18 cooperating in such investigations with federal and other law
19 enforcement agencies (including criminal investigations
20 conducted by federal Homeland Security Investigations (HSI))
21 in order to ensure public safety.

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

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

1 (5 ILCS 830/10-5)

2 Sec. 10-5. Gun trafficking information.

3 (a) The Illinois State Police shall use all reasonable
4 efforts, as allowed by State law and regulations, federal law
5 and regulations, and executed Memoranda of Understanding
6 between Illinois law enforcement agencies and the U.S. Bureau
7 of Alcohol, Tobacco, Firearms and Explosives, in making
8 publicly available, on a regular and ongoing basis, key
9 information related to firearms used in the commission of
10 crimes in this State, including, but not limited to: reports
11 on crimes committed with firearms, locations where the crimes
12 occurred, the number of persons killed or injured in the
13 commission of the crimes, the state where the firearms used
14 originated, the Federal Firearms Licensee that sold the
15 firearm, the type of firearms used, if known, ~~annual~~
16 ~~statistical information concerning Firearm Owner's~~
17 ~~Identification Card~~ and concealed carry license applications,
18 ~~revocations, and compliance with Section 9.5 of the Firearm~~
19 ~~Owners Identification Card Act,~~ the information required in
20 the report or on the Illinois State Police's website under
21 Section 85 of the Firearms Restraining Order Act, and firearm
22 dealer license certification inspections. The Illinois State
23 Police shall make the information available on its website,
24 which may be presented in a dashboard format, in addition to
25 electronically filing a report with the Governor and the
26 General Assembly. The report to the General Assembly shall be

1 filed with the Clerk of the House of Representatives and the
2 Secretary of the Senate in electronic form only, in the manner
3 that the Clerk and the Secretary shall direct.

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

20 (c) Each department, office, division, and agency of this
21 State shall, to the extent not inconsistent with law,
22 cooperate fully with the Illinois State Police and furnish the
23 Illinois State Police with all relevant information and
24 assistance on a timely basis as is necessary to accomplish the
25 purpose of this Act. The Illinois Criminal Justice Information
26 Authority shall submit the information required in subsection

1 (a) of this Section to the Illinois State Police, and any other
2 information as the Illinois State Police may request, to
3 assist the Illinois State Police in carrying out its duties
4 under this Act.

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

7 Section 25. The First Responders Suicide Prevention Act is
8 amended by changing Section 40 as follows:

9 (5 ILCS 840/40)

10 Sec. 40. Task Force recommendations.

11 (a) Task Force members shall recommend that agencies and
12 organizations guarantee access to mental health and wellness
13 services, including, but not limited to, peer support programs
14 and providing ongoing education related to the ever-evolving
15 concept of mental health wellness. These recommendations could
16 be accomplished by:

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

19 (2) Urging health care providers to replace outdated
20 healthcare plans and include more progressive options
21 catering to the needs and disproportionate risks
22 shouldered by our first responders.

23 (3) Allocating funding or resources for public service
24 announcements (PSA) and messaging campaigns aimed at

1 raising awareness of available assistance options.

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

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

10 (1) Assigning, appointing, or designating one member
11 of an agency or organization to attend specialized
12 training(s) sponsored by an accredited agency,
13 association, or organization recognized in their fields of
14 study.

15 (2) Seeking sponsorships or conducting fund-raisers,
16 to host annual or semiannual on-site visits from qualified
17 clinicians or physicians to provide early detection
18 training techniques, or to provide regular access to
19 mental health professionals.

20 (3) Requiring a minimum number of hours of disorders
21 and wellness training be incorporated into reoccurring,
22 annual or biannual training standards, examinations, and
23 curriculums, taking into close consideration respective
24 agency or organization size, frequency, and number of all
25 current federal and state mandatory examinations and
26 trainings expected respectively.

1 (4) Not underestimating the crucial importance of a
2 balanced diet, sleep, mindfulness-based stress reduction
3 techniques, moderate and vigorous intensity activities,
4 and recreational hobbies, which have been scientifically
5 proven to play a major role in brain health and mental
6 wellness.

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

17 (1) Contacting an accredited agency, association, or
18 organization recognized in the field or fields of specific
19 study. Unbeknownst to the majority, many of the agencies
20 and organizations listed above receive grants and
21 allocations to assist communities with the very issues
22 being discussed in this Section.

23 (2) Normalizing help-seeking behaviors for both first
24 responders and their families through regular messaging
25 and peer support outreach, beginning with academy
26 curricula and continuing education throughout individuals'

1 careers.

2 (3) Funding and implementing PSA campaigns that
3 provide clear and concise calls to action about mental
4 health and wellness, resiliency, help-seeking, treatment,
5 and recovery.

6 (4) Promoting and raising awareness of not-for-profit
7 organizations currently available to assist individuals in
8 search of care and treatment. Organizations have intuitive
9 user-friendly sites, most of which have mobile
10 applications, so first responders can access at a moment's
11 notice. However, because of limited funds, these
12 organizations have a challenging time of getting the word
13 out there about their existence.

14 (5) Expanding Family and Medical Leave Act protections
15 for individuals voluntarily seeking preventative
16 treatment.

17 (6) Promoting and ensuring complete patient
18 confidentiality protections.

19 (d) Task Force members shall recommend that agencies and
20 organizations incorporate the following training components
21 into already existing modules and educational curriculums.
22 Doing so could be done by:

23 (1) Bolstering academy and school curricula by
24 requiring depressive disorder training catered to PTSD,
25 substance abuse, and early detection techniques training,
26 taking into close consideration respective agency or

1 organization size, and the frequency and number of all
2 current federal and state mandatory examinations and
3 trainings expected respectively.

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

6 (3) Incorporating a state certificate for peer support
7 training into already existing statewide curriculums and
8 mandatory examinations, annual State Fire Marshal
9 examinations, and physical fitness examinations. The
10 subject matter of the certificate should have an emphasis
11 on mental health and wellness, as well as familiarization
12 with topics ranging from clinical social work, clinical
13 psychology, clinical behaviorist, and clinical psychiatry.

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

19 (5) Recommending comprehensive and evidence-based
20 training on the importance of preventative measures on the
21 topics of sleep, nutrition, mindfulness, and physical
22 movement.

23 (6) (Blank). ~~Law enforcement agencies should provide~~
24 ~~training on the Firearm Owner's Identification Card Act,~~
25 ~~including seeking relief from the Illinois State Police~~
26 ~~under Section 10 of the Firearm Owners Identification Card~~

1 ~~Act and a FOID card being a continued condition of~~
2 ~~employment under Section 7.2 of the Uniform Peace~~
3 ~~Officers' Disciplinary Act.~~

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

5 Section 30. The Department of Natural Resources
6 (Conservation) Law of the Civil Administrative Code of
7 Illinois is amended by changing Section 805-538 as follows:

8 (20 ILCS 805/805-538)

9 Sec. 805-538. Retiring officer; purchase of service
10 firearm and police badge. The Director of Natural Resources
11 shall establish a program to allow a Conservation Police
12 Officer who is honorably retiring in good standing to purchase
13 either one or both of the following: (1) any Department of
14 Natural Resources police badge previously issued to that
15 officer; or (2) ~~if the officer has a currently valid Firearm~~
16 ~~Owner's Identification Card,~~ the service firearm issued or
17 previously issued to the officer by the Department of Natural
18 Resources. The cost of the firearm shall be the replacement
19 value of the firearm and not the firearm's fair market value.

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

21 Section 35. The Department of Revenue Law of the Civil
22 Administrative Code of Illinois is amended by changing Section
23 2505-306 as follows:

1 (20 ILCS 2505/2505-306)

2 Sec. 2505-306. Retiring investigators; purchase of service
3 firearm and badge. The Director shall establish a program to
4 allow a Department investigator who is honorably retiring in
5 good standing to purchase either one or both of the following:
6 (1) any badge previously issued to the investigator by the
7 Department; or (2) ~~if the investigator has a currently valid~~
8 ~~Firearm Owner's Identification Card,~~ the service firearm
9 issued or previously issued to the investigator by the
10 Department. The cost of the firearm shall be the replacement
11 value of the firearm and not the firearm's fair market value.

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

13 Section 40. The Illinois State Police Law of the Civil
14 Administrative Code of Illinois is amended by changing
15 Sections 2605-10, 2605-45, 2605-200, 2605-595, and 2605-605 as
16 follows:

17 (20 ILCS 2605/2605-10) (was 20 ILCS 2605/55a in part)

18 (Text of Section before amendment by P.A. 103-34)

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

20 (a) The Illinois State Police shall exercise the rights,
21 powers, and duties that have been vested in the Illinois State
22 Police by the following:

23 The Illinois State Police Act.

1 The Illinois State Police Radio Act.
2 The Criminal Identification Act.
3 The Illinois Vehicle Code.
4 ~~The Firearm Owners Identification Card Act.~~
5 The Firearm Concealed Carry Act.
6 The Gun Dealer Licensing Act.
7 The Intergovernmental Missing Child Recovery Act of
8 1984.
9 The Intergovernmental Drug Laws Enforcement Act.
10 The Narcotic Control Division Abolition Act.

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

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

14 (Text of Section after amendment by P.A. 103-34)
15 Sec. 2605-10. Powers and duties, generally.

16 (a) The Illinois State Police shall exercise the rights,
17 powers, and duties that have been vested in the Illinois State
18 Police by the following:

19 The Illinois State Police Act.
20 The Illinois State Police Radio Act.
21 The Criminal Identification Act.
22 The Illinois Vehicle Code.
23 ~~The Firearm Owners Identification Card Act.~~
24 The Firearm Concealed Carry Act.
25 The Firearm Dealer License Certification Act.

1 The Intergovernmental Missing Child Recovery Act of
2 1984.

3 The Intergovernmental Drug Laws Enforcement Act.

4 The Narcotic Control Division Abolition Act.

5 The Illinois Uniform Conviction Information Act.

6 The Murderer and Violent Offender Against Youth
7 Registration Act.

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

10 (c) The Illinois State Police shall exercise the rights,
11 powers, and duties vested in the Illinois State Police to
12 implement the following protective service functions for State
13 facilities, State officials, and State employees serving in
14 their official capacity:

15 (1) Utilize subject matter expertise and law
16 enforcement authority to strengthen the protection of
17 State government facilities, State employees, State
18 officials, and State critical infrastructure.

19 (2) Coordinate State, federal, and local law
20 enforcement activities involving the protection of State
21 facilities, officials, and employees.

22 (3) Conduct investigations of criminal threats to
23 State facilities, State critical infrastructure, State
24 officials, and State employees.

25 (4) Train State officials and employees in personal
26 protection, crime prevention, facility occupant emergency

1 planning, and incident management.

2 (5) Establish standard protocols for prevention and
3 response to criminal threats to State facilities, State
4 officials, State employees, and State critical
5 infrastructure, and standard protocols for reporting of
6 suspicious activities.

7 (6) Establish minimum operational standards,
8 qualifications, training, and compliance requirements for
9 State employees and contractors engaged in the protection
10 of State facilities and employees.

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

16 (8) Oversee the planning and implementation of
17 security and law enforcement activities necessary for the
18 protection of major, multi-jurisdictional events
19 implicating potential criminal threats to State officials,
20 State employees, or State-owned, State-leased, or
21 State-operated critical infrastructure or facilities.

22 (9) Oversee and direct the planning and implementation
23 of security and law enforcement activities by the
24 departments and agencies of the State necessary for the
25 protection of State employees, State officials, and
26 State-owned, State-leased, or State-operated critical

1 infrastructure or facilities from criminal activity.

2 (10) Advise the Governor and Homeland Security Advisor
3 on any matters necessary for the effective protection of
4 State facilities, critical infrastructure, officials, and
5 employees from criminal threats.

6 (11) Utilize intergovernmental agreements and
7 administrative rules as needed for the effective,
8 efficient implementation of law enforcement and support
9 activities necessary for the protection of State
10 facilities, State infrastructure, State officials, and
11 State employees.

12 (Source: P.A. 102-538, eff. 8-20-21; 103-34, eff. 1-1-24;
13 revised 9-25-23.)

14 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

15 (Text of Section before amendment by P.A. 103-34)

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

18 (1) Operate and maintain the Law Enforcement Agencies
19 Data System (LEADS), a statewide, computerized
20 telecommunications system designed to provide services,
21 information, and capabilities to the law enforcement and
22 criminal justice community in the State of Illinois. The
23 Director is responsible for establishing policy,
24 procedures, and regulations consistent with State and
25 federal rules, policies, and law by which LEADS operates.

1 The Director shall designate a statewide LEADS
2 Administrator for management of the system. The Director
3 may appoint a LEADS Advisory Policy Board to reflect the
4 needs and desires of the law enforcement and criminal
5 justice community and to make recommendations concerning
6 policies and procedures.

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

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

12 (4) Operate an electronic data processing and computer
13 center for the storage and retrieval of data pertaining to
14 criminal activity.

15 (5) Exercise the rights, powers, and duties vested in
16 the Illinois State Police by the Cannabis Regulation and
17 Tax Act and the Compassionate Use of Medical Cannabis
18 Program Act.

19 (6) (Blank).

20 (6.5) Exercise the rights, powers, and duties vested
21 in the Illinois State Police by ~~the Firearm Owners~~
22 ~~Identification Card Act,~~ the Firearm Concealed Carry Act,
23 and the Firearm Dealer License Certification Act.

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

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

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

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

10 (Text of Section after amendment by P.A. 103-34)

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

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

1 may appoint a LEADS Advisory Policy Board to reflect the
2 needs and desires of the law enforcement and criminal
3 justice community and to make recommendations concerning
4 policies and procedures.

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

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

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

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

17 (6) (Blank).

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

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

1 (8) Exercise the rights, powers, and duties vested by
2 law in the Illinois State Police by the Criminal
3 Identification Act and the Illinois Uniform Conviction
4 Information Act.

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

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

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

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

18 (20 ILCS 2605/2605-200) (was 20 ILCS 2605/55a in part)

19 (Text of Section before amendment by P.A. 103-34)

20 Sec. 2605-200. Investigations of crime; enforcement of
21 laws; records; crime laboratories; personnel.

22 (a) To do the following:

23 (1) Investigate the origins, activities, personnel,
24 and incidents of crime and the ways and means to redress
25 the victims of crimes; study the impact, if any, of

1 legislation relative to the effusion of crime and growing
2 crime rates; and enforce the criminal laws of this State
3 related thereto.

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

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

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

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

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

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

25 (8) Be a central repository for criminal history
26 record information.

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

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

6 (11) Establish general and field crime laboratories.

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

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

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

20 (b) Persons exercising the powers set forth in subsection
21 (a) within the Illinois State Police are conservators of the
22 peace and as such have all the powers possessed by policemen in
23 cities and sheriffs, except that they may exercise those
24 powers anywhere in the State in cooperation with and after
25 contact with the local law enforcement officials. Those
26 persons may use false or fictitious names in the performance

1 of their duties under this Section, upon approval of the
2 Director, and shall not be subject to prosecution under the
3 criminal laws for that use.

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

5 (Text of Section after amendment by P.A. 103-34)

6 Sec. 2605-200. Investigations of crime; enforcement of
7 laws; records; crime laboratories; personnel.

8 (a) To do the following:

9 (1) Investigate the origins, activities, personnel,
10 and incidents of crime and the ways and means to redress
11 the victims of crimes; study the impact, if any, of
12 legislation relative to the effusion of crime and growing
13 crime rates; and enforce the criminal laws of this State
14 related thereto.

15 (2) Enforce all laws regulating the production, sale,
16 prescribing, manufacturing, administering, transporting,
17 having in possession, dispensing, delivering,
18 distributing, or use of controlled substances and
19 cannabis.

20 (3) Employ skilled experts, scientists, technicians,
21 investigators, or otherwise specially qualified persons to
22 aid in preventing or detecting crime, apprehending
23 criminals, or preparing and presenting evidence of
24 violations of the criminal laws of the State.

25 (4) Cooperate with the police of cities, villages, and

1 incorporated towns and with the police officers of any
2 county in enforcing the laws of the State and in making
3 arrests and recovering property.

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

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

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

11 (8) Be a central repository for criminal history
12 record information.

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

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

18 (11) Establish general and field crime laboratories.

19 (12) Register and file for record information that may
20 be required by law for the issuance of ~~firearm owner's~~
21 ~~identification cards under the Firearm Owners~~
22 ~~Identification Card Act and~~ concealed carry licenses under
23 the Firearm Concealed Carry Act.

24 (13) Employ laboratory technicians and other specially
25 qualified persons to aid in the identification of criminal
26 activity and the identification, collection, and recovery

1 of cyber forensics, including, but not limited to, digital
2 evidence, and may employ polygraph operators and forensic
3 anthropologists.

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

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

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

18 (20 ILCS 2605/2605-595)

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

20 (a) There is created in the State treasury a special fund
21 known as the State Police Firearm Services Fund. The Fund
22 shall receive revenue under the Firearm Concealed Carry Act
23 and ~~the Firearm Dealer License Certification Act, and~~
24 ~~Section 5 of the Firearm Owners Identification Card Act.~~ The
25 Fund may also receive revenue from grants, pass-through

1 grants, donations, appropriations, and any other legal source.

2 (a-5) (Blank).

3 (b) The Illinois State Police may use moneys in the Fund to
4 finance any of its lawful purposes, mandates, functions, and
5 duties under ~~the Firearm Owners Identification Card Act~~, the
6 Firearm Dealer License Certification Act~~7~~ and the Firearm
7 Concealed Carry Act, including the cost of sending notices of
8 expiration of ~~Firearm Owner's Identification Cards~~, concealed
9 carry licenses, the prompt and efficient processing of
10 applications under ~~the Firearm Owners Identification Card Act~~
11 ~~and~~ the Firearm Concealed Carry Act, the improved efficiency
12 and reporting of the LEADS and federal NICS law enforcement
13 data systems, and support for investigations required under
14 these Acts and law. Any surplus funds beyond what is needed to
15 comply with the aforementioned purposes shall be used by the
16 Illinois State Police to improve the Law Enforcement Agencies
17 Data System (LEADS) and criminal history background check
18 system.

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

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

24 (20 ILCS 2605/2605-605)

25 Sec. 2605-605. Violent Crime Intelligence Task Force. The

1 Director of the Illinois State Police shall establish a
2 statewide multi-jurisdictional Violent Crime Intelligence Task
3 Force led by the Illinois State Police dedicated to combating
4 gun violence, gun-trafficking, and other violent crime with
5 the primary mission of preservation of life and reducing the
6 occurrence and the fear of crime. The objectives of the Task
7 Force shall include, but not be limited to, reducing and
8 preventing illegal possession and use of firearms,
9 firearm-related homicides, and other violent crimes, and
10 solving firearm-related crimes.

11 (1) The Task Force may develop and acquire information,
12 training, tools, and resources necessary to implement a
13 data-driven approach to policing, with an emphasis on
14 intelligence development.

15 (2) The Task Force may utilize information sharing,
16 partnerships, crime analysis, and evidence-based practices to
17 assist in the reduction of firearm-related shootings,
18 homicides, and gun-trafficking, including, but not limited to,
19 ballistic data, eTrace data, DNA evidence, latent
20 fingerprints, firearm training data, and National Integrated
21 Ballistic Information Network (NIBIN) data. The Task Force may
22 design a model crime gun intelligence strategy which may
23 include, but is not limited to, comprehensive collection and
24 documentation of all ballistic evidence, timely transfer of
25 NIBIN and eTrace leads to an intelligence center, which may
26 include the Division of Criminal Investigation of the Illinois

1 State Police, timely dissemination of intelligence to
2 investigators, investigative follow-up, and coordinated
3 prosecution.

4 (3) The Task Force may recognize and utilize best
5 practices of community policing and may develop potential
6 partnerships with faith-based and community organizations to
7 achieve its goals.

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

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

19 (6) In consultation with the Chief Procurement Officer,
20 the Illinois State Police may obtain contracts for software,
21 commodities, resources, and equipment to assist the Task Force
22 with achieving this Act. Any contracts necessary to support
23 the delivery of necessary software, commodities, resources,
24 and equipment are not subject to the Illinois Procurement
25 Code, except for Sections 20-60, 20-65, 20-70, and 20-160 and
26 Article 50 of that Code, provided that the Chief Procurement

1 Officer may, in writing with justification, waive any
2 certification required under Article 50 of the Illinois
3 Procurement Code.

4 (7) (Blank). ~~The Task Force shall conduct enforcement~~
5 ~~operations against persons whose Firearm Owner's~~
6 ~~Identification Cards have been revoked or suspended and~~
7 ~~persons who fail to comply with the requirements of Section~~
8 ~~9.5 of the Firearm Owners Identification Card Act,~~
9 ~~prioritizing individuals presenting a clear and present danger~~
10 ~~to themselves or to others under paragraph (2) of subsection~~
11 ~~(d) of Section 8.1 of the Firearm Owners Identification Card~~
12 ~~Act.~~

13 (8) The Task Force shall collaborate with local law
14 enforcement agencies to enforce provisions of ~~the Firearm~~
15 ~~Owners Identification Card Act,~~ the Firearm Concealed Carry
16 Act, the Firearm Dealer License Certification Act, and Article
17 24 of the Criminal Code of 2012.

18 (9) To implement this Section, the Director of the
19 Illinois State Police may establish intergovernmental
20 agreements with law enforcement agencies in accordance with
21 the Intergovernmental Cooperation Act.

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

26 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;

1 102-813, eff. 5-13-22.)

2 (20 ILCS 2605/2605-304 rep.)

3 (20 ILCS 2605/2605-610 rep.)

4 Section 45. The Illinois State Police Law of the Civil
5 Administrative Code of Illinois is amended by repealing
6 Sections 2605-304 and 2605-610.

7 Section 50. The Illinois State Police Act is amended by
8 changing Section 17b as follows:

9 (20 ILCS 2610/17b)

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

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

22 Section 55. The Criminal Identification Act is amended by

1 changing Section 2.2 as follows:

2 (20 ILCS 2630/2.2)

3 Sec. 2.2. Notification to the Illinois State Police. Upon
4 judgment of conviction of a violation of Section 12-1, 12-2,
5 12-3, 12-3.2, 12-3.4, or 12-3.5 of the Criminal Code of 1961 or
6 the Criminal Code of 2012 when the defendant has been
7 determined, pursuant to Section 112A-11.1 of the Code of
8 Criminal Procedure of 1963, to be subject to the prohibitions
9 of 18 U.S.C. 922(g) (9), the circuit court clerk shall include
10 notification and a copy of the written determination in a
11 report of the conviction to the Illinois State Police ~~Firearm~~
12 ~~Owner's Identification Card Office~~ to enable the Illinois
13 State Police office to perform its duties under the Firearm
14 Concealed Carry Act and Sections 4 and 8 of the Firearm Owners
15 ~~Identification Card Act and to report that determination to~~
16 ~~the Federal Bureau of Investigation~~ to assist the Federal
17 Bureau of Investigation in identifying persons prohibited from
18 purchasing and possessing a firearm pursuant to the provisions
19 of 18 U.S.C. 922. The written determination described in this
20 Section shall be included in the defendant's record of arrest
21 and conviction in the manner and form prescribed by the
22 Illinois State Police.

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

24 Section 60. The Peace Officer Fire Investigation Act is

1 amended by changing Section 1 as follows:

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

3 Sec. 1. Peace officer status.

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

1 investigation, or first aid, but shall include training in the
2 law relating to the rights of persons suspected of involvement
3 in criminal activities.

4 Any person granted the powers enumerated in this
5 subsection (a) may exercise such powers only during the actual
6 investigation of the cause, origin and circumstances of such
7 fires or explosions that are suspected to be arson or
8 arson-related crimes.

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

1 vehicle and traffic law, traffic control and crash
2 investigation, or first aid, but shall include training in the
3 law relating to the rights of persons suspected of involvement
4 in criminal activities.

5 For purposes of this subsection (b), a "State Fire Marshal
6 Arson Investigator Special Agent" does not include any fire
7 investigator, fireman, police officer, or other employee of
8 the federal government; any fire investigator, fireman, police
9 officer, or other employee of any unit of local government; or
10 any fire investigator, fireman, police officer, or other
11 employee of the State of Illinois other than an employee of the
12 Office of the State Fire Marshal assigned to investigate
13 arson.

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

1 State Fire Marshal determines that a shield or distinctive
2 identification is needed by the employee to carry out his or
3 her responsibilities.

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

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

19 Section 65. The Illinois Criminal Justice Information Act
20 is amended by changing Section 7.9 as follows:

21 (20 ILCS 3930/7.9)

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

23 Sec. 7.9. Firearm Prohibitors and Records Improvement Task
24 Force.

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

8 (b) The Firearm Prohibitors and Records Improvement Task
9 Force is created to identify and research all available
10 grants, resources, and revenue that may be applied for and
11 used by all entities responsible for reporting federal and
12 State firearm prohibitors to the Illinois State Police and the
13 National Instant Criminal Background Check System. These ~~Under~~
14 ~~the Firearm Owners Identification Card Act~~, these reporting
15 entities include, but are not limited to, hospitals, courts,
16 law enforcement and corrections. The Task Force shall identify
17 weaknesses in reporting and recommend a strategy to direct
18 resources and revenue to ensuring reporting is reliable,
19 accurate, and timely. The Task Force shall inventory all
20 statutorily mandated firearm and gun violence related data
21 collection and reporting requirements, along with the agency
22 responsible for collecting that data, and identify gaps in
23 those requirements. The Task Force shall submit a coordinated
24 application with and through the Illinois Criminal Justice
25 Information Authority for federal funds from the National
26 Criminal History Improvement Program and the NICS Acts Record

1 Improvement Program. The Firearm Prohibitors and Records
2 Improvement Task Force shall be comprised of the following
3 members, all of whom shall serve without compensation:

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

6 (2) the Director of the Illinois State Police, or his
7 or her designee;

8 (3) the Secretary of Human Services, or his or her
9 designee;

10 (4) the Director of Corrections, or his or her
11 designee;

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

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

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

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

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

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

23 (11) a representative of an association representing
24 hospitals appointed by the Speaker of the House of
25 Representatives;

26 (12) a representative of an association representing

1 counties appointed by the President of the Senate; and

2 (13) a representative of an association representing
3 municipalities appointed by the Speaker of the House of
4 Representatives.

5 (c) The Illinois Criminal Justice Information Authority
6 shall provide administrative and other support to the Task
7 Force. The Illinois State Police Division of Justice Services
8 shall also provide support to the Illinois Criminal Justice
9 Information Authority and the Task Force.

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

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

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

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

25 Section 70. The State Finance Act is amended by changing

1 Sections 6z-99 and 6z-127 as follows:

2 (30 ILCS 105/6z-99)

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

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

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

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

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

6 (30 ILCS 105/6z-127)

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

8 (a) The State Police Revocation Enforcement Fund is
9 established as a special fund in the State treasury. This Fund
10 is established to receive moneys ~~from the Firearm Owners~~
11 ~~Identification Card Act~~ to enforce ~~that Act,~~ the Firearm
12 Concealed Carry Act, Article 24 of the Criminal Code of 2012,
13 and other firearm offenses. The Fund may also receive revenue
14 from grants, donations, appropriations, and any other legal
15 source.

16 (b) The Illinois State Police may use moneys from the Fund
17 to establish task forces and, if necessary, include other law
18 enforcement agencies, under intergovernmental contracts
19 written and executed in conformity with the Intergovernmental
20 Cooperation Act.

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

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

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

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

11 (Source: P.A. 102-237, eff. 1-1-22; 102-813, eff. 5-13-22;
12 103-34, eff. 6-9-23.)

13 Section 75. The Illinois Procurement Code is amended by
14 changing Section 1-10 as follows:

15 (30 ILCS 500/1-10)

16 Sec. 1-10. Application.

17 (a) This Code applies only to procurements for which
18 bidders, offerors, potential contractors, or contractors were
19 first solicited on or after July 1, 1998. This Code shall not
20 be construed to affect or impair any contract, or any
21 provision of a contract, entered into based on a solicitation
22 prior to the implementation date of this Code as described in
23 Article 99, including, but not limited to, any covenant
24 entered into with respect to any revenue bonds or similar

1 instruments. All procurements for which contracts are
2 solicited between the effective date of Articles 50 and 99 and
3 July 1, 1998 shall be substantially in accordance with this
4 Code and its intent.

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

8 (1) Contracts between the State and its political
9 subdivisions or other governments, or between State
10 governmental bodies, except as specifically provided in
11 this Code.

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

14 (3) Purchase of care, except as provided in Section
15 5-30.6 of the Illinois Public Aid Code and this Section.

16 (4) Hiring of an individual as an employee and not as
17 an independent contractor, whether pursuant to an
18 employment code or policy or by contract directly with
19 that individual.

20 (5) Collective bargaining contracts.

21 (6) Purchase of real estate, except that notice of
22 this type of contract with a value of more than \$25,000
23 must be published in the Procurement Bulletin within 10
24 calendar days after the deed is recorded in the county of
25 jurisdiction. The notice shall identify the real estate
26 purchased, the names of all parties to the contract, the

1 value of the contract, and the effective date of the
2 contract.

3 (7) Contracts necessary to prepare for anticipated
4 litigation, enforcement actions, or investigations,
5 provided that the chief legal counsel to the Governor
6 shall give his or her prior approval when the procuring
7 agency is one subject to the jurisdiction of the Governor,
8 and provided that the chief legal counsel of any other
9 procuring entity subject to this Code shall give his or
10 her prior approval when the procuring entity is not one
11 subject to the jurisdiction of the Governor.

12 (8) (Blank).

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

15 (10) (Blank).

16 (11) Public-private agreements entered into according
17 to the procurement requirements of Section 20 of the
18 Public-Private Partnerships for Transportation Act and
19 design-build agreements entered into according to the
20 procurement requirements of Section 25 of the
21 Public-Private Partnerships for Transportation Act.

22 (12) (A) Contracts for legal, financial, and other
23 professional and artistic services entered into by the
24 Illinois Finance Authority in which the State of Illinois
25 is not obligated. Such contracts shall be awarded through
26 a competitive process authorized by the members of the

1 Illinois Finance Authority and are subject to Sections
2 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
3 as well as the final approval by the members of the
4 Illinois Finance Authority of the terms of the contract.

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

15 (13) Contracts for services, commodities, and
16 equipment to support the delivery of timely forensic
17 science services in consultation with and subject to the
18 approval of the Chief Procurement Officer as provided in
19 subsection (d) of Section 5-4-3a of the Unified Code of
20 Corrections, except for the requirements of Sections
21 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
22 Code; however, the Chief Procurement Officer may, in
23 writing with justification, waive any certification
24 required under Article 50 of this Code. For any contracts
25 for services which are currently provided by members of a
26 collective bargaining agreement, the applicable terms of

1 the collective bargaining agreement concerning
2 subcontracting shall be followed.

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

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

8 (15) Contracts with a railroad or utility that
9 requires the State to reimburse the railroad or utilities
10 for the relocation of utilities for construction or other
11 public purpose. Contracts included within this paragraph
12 (15) shall include, but not be limited to, those
13 associated with: relocations, crossings, installations,
14 and maintenance. For the purposes of this paragraph (15),
15 "railroad" means any form of non-highway ground
16 transportation that runs on rails or electromagnetic
17 guideways and "utility" means: (1) public utilities as
18 defined in Section 3-105 of the Public Utilities Act, (2)
19 telecommunications carriers as defined in Section 13-202
20 of the Public Utilities Act, (3) electric cooperatives as
21 defined in Section 3.4 of the Electric Supplier Act, (4)
22 telephone or telecommunications cooperatives as defined in
23 Section 13-212 of the Public Utilities Act, (5) rural
24 water or waste water systems with 10,000 connections or
25 less, (6) a holder as defined in Section 21-201 of the
26 Public Utilities Act, and (7) municipalities owning or

1 operating utility systems consisting of public utilities
2 as that term is defined in Section 11-117-2 of the
3 Illinois Municipal Code.

4 (16) Procurement expenditures necessary for the
5 Department of Public Health to provide the delivery of
6 timely newborn screening services in accordance with the
7 Newborn Metabolic Screening Act.

8 (17) Procurement expenditures necessary for the
9 Department of Agriculture, the Department of Financial and
10 Professional Regulation, the Department of Human Services,
11 and the Department of Public Health to implement the
12 Compassionate Use of Medical Cannabis Program and Opioid
13 Alternative Pilot Program requirements and ensure access
14 to medical cannabis for patients with debilitating medical
15 conditions in accordance with the Compassionate Use of
16 Medical Cannabis Program Act.

17 (18) This Code does not apply to any procurements
18 necessary for the Department of Agriculture, the
19 Department of Financial and Professional Regulation, the
20 Department of Human Services, the Department of Commerce
21 and Economic Opportunity, and the Department of Public
22 Health to implement the Cannabis Regulation and Tax Act if
23 the applicable agency has made a good faith determination
24 that it is necessary and appropriate for the expenditure
25 to fall within this exemption and if the process is
26 conducted in a manner substantially in accordance with the

1 requirements of Sections 20-160, 25-60, 30-22, 50-5,
2 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
3 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
4 Section 50-35, compliance applies only to contracts or
5 subcontracts over \$100,000. Notice of each contract
6 entered into under this paragraph (18) that is related to
7 the procurement of goods and services identified in
8 paragraph (1) through (9) of this subsection shall be
9 published in the Procurement Bulletin within 14 calendar
10 days after contract execution. The Chief Procurement
11 Officer shall prescribe the form and content of the
12 notice. Each agency shall provide the Chief Procurement
13 Officer, on a monthly basis, in the form and content
14 prescribed by the Chief Procurement Officer, a report of
15 contracts that are related to the procurement of goods and
16 services identified in this subsection. At a minimum, this
17 report shall include the name of the contractor, a
18 description of the supply or service provided, the total
19 amount of the contract, the term of the contract, and the
20 exception to this Code utilized. A copy of any or all of
21 these contracts shall be made available to the Chief
22 Procurement Officer immediately upon request. The Chief
23 Procurement Officer shall submit a report to the Governor
24 and General Assembly no later than November 1 of each year
25 that includes, at a minimum, an annual summary of the
26 monthly information reported to the Chief Procurement

1 Officer. This exemption becomes inoperative 5 years after
2 June 25, 2019 (the effective date of Public Act 101-27).

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

20 For purposes of this paragraph (19):

21 "Assistive technology devices" means any item, piece
22 of equipment, or product system, whether acquired
23 commercially off the shelf, modified, or customized, that
24 is used to increase, maintain, or improve functional
25 capabilities of individuals with disabilities.

26 "Assistive technology services" means any service that

1 directly assists an individual with a disability in
2 selection, acquisition, or use of an assistive technology
3 device.

4 "Qualified" has the same meaning and use as provided
5 under the federal Americans with Disabilities Act when
6 describing an individual with a disability.

7 (20) Procurement expenditures necessary for the
8 Illinois Commerce Commission to hire third-party
9 facilitators pursuant to Sections 16-105.17 and 16-108.18
10 of the Public Utilities Act or an ombudsman pursuant to
11 Section 16-107.5 of the Public Utilities Act, a
12 facilitator pursuant to Section 16-105.17 of the Public
13 Utilities Act, or a grid auditor pursuant to Section
14 16-105.10 of the Public Utilities Act.

15 (21) Procurement expenditures for the purchase,
16 renewal, and expansion of software, software licenses, or
17 software maintenance agreements that support the efforts
18 of the Illinois State Police to enforce, regulate, and
19 administer ~~the Firearm Owners Identification Card Act,~~ the
20 Firearm Concealed Carry Act, the Firearms Restraining
21 Order Act, the Firearm Dealer License Certification Act,
22 the Law Enforcement Agencies Data System (LEADS), the
23 Uniform Crime Reporting Act, the Criminal Identification
24 Act, the Illinois Uniform Conviction Information Act, and
25 the Gun Trafficking Information Act, or establish or
26 maintain record management systems necessary to conduct

1 human trafficking investigations or gun trafficking or
2 other stolen firearm investigations. This paragraph (21)
3 applies to contracts entered into on or after January 10,
4 2023 (the effective date of Public Act 102-1116) ~~this~~
5 ~~amendatory Act of the 102nd General Assembly~~ and the
6 renewal of contracts that are in effect on January 10,
7 2023 (the effective date of Public Act 102-1116) ~~this~~
8 ~~amendatory Act of the 102nd General Assembly~~.

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

23 (23) ~~(22)~~ Procurements necessary for the Department of
24 Insurance to implement the Illinois Health Benefits
25 Exchange Law if the Department of Insurance has made a
26 good faith determination that it is necessary and

1 appropriate for the expenditure to fall within this
2 exemption. The procurement process shall be conducted in a
3 manner substantially in accordance with the requirements
4 of Sections 20-160 and 25-60 and Article 50 of this Code. A
5 copy of these contracts shall be made available to the
6 Chief Procurement Officer immediately upon request. This
7 paragraph is inoperative 5 years after June 27, 2023 (the
8 effective date of Public Act 103-103) ~~this amendatory Act~~
9 ~~of the 103rd General Assembly.~~

10 Notwithstanding any other provision of law, for contracts
11 with an annual value of more than \$100,000 entered into on or
12 after October 1, 2017 under an exemption provided in any
13 paragraph of this subsection (b), except paragraph (1), (2),
14 or (5), each State agency shall post to the appropriate
15 procurement bulletin the name of the contractor, a description
16 of the supply or service provided, the total amount of the
17 contract, the term of the contract, and the exception to the
18 Code utilized. The chief procurement officer shall submit a
19 report to the Governor and General Assembly no later than
20 November 1 of each year that shall include, at a minimum, an
21 annual summary of the monthly information reported to the
22 chief procurement officer.

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

1 (d) Except for Section 20-160 and Article 50 of this Code,
2 and as expressly required by Section 9.1 of the Illinois
3 Lottery Law, the provisions of this Code do not apply to the
4 procurement process provided for under Section 9.1 of the
5 Illinois Lottery Law.

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

17 (f) (Blank).

18 (g) (Blank).

19 (h) This Code does not apply to the process to procure or
20 contracts entered into in accordance with Sections 11-5.2 and
21 11-5.3 of the Illinois Public Aid Code.

22 (i) Each chief procurement officer may access records
23 necessary to review whether a contract, purchase, or other
24 expenditure is or is not subject to the provisions of this
25 Code, unless such records would be subject to attorney-client
26 privilege.

1 (j) This Code does not apply to the process used by the
2 Capital Development Board to retain an artist or work or works
3 of art as required in Section 14 of the Capital Development
4 Board Act.

5 (k) This Code does not apply to the process to procure
6 contracts, or contracts entered into, by the State Board of
7 Elections or the State Electoral Board for hearing officers
8 appointed pursuant to the Election Code.

9 (l) This Code does not apply to the processes used by the
10 Illinois Student Assistance Commission to procure supplies and
11 services paid for from the private funds of the Illinois
12 Prepaid Tuition Fund. As used in this subsection (l), "private
13 funds" means funds derived from deposits paid into the
14 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

15 (m) This Code shall apply regardless of the source of
16 funds with which contracts are paid, including federal
17 assistance moneys. Except as specifically provided in this
18 Code, this Code shall not apply to procurement expenditures
19 necessary for the Department of Public Health to conduct the
20 Healthy Illinois Survey in accordance with Section 2310-431 of
21 the Department of Public Health Powers and Duties Law of the
22 Civil Administrative Code of Illinois.

23 (Source: P.A. 102-175, eff. 7-29-21; 102-483, eff. 1-1-22;
24 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662, eff.
25 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;
26 102-1116, eff. 1-10-23; 103-8, eff. 6-7-23; 103-103, eff.

1 6-27-23; revised 9-5-23.)

2 Section 80. The Intergovernmental Drug Laws Enforcement
3 Act is amended by changing Section 3 as follows:

4 (30 ILCS 715/3) (from Ch. 56 1/2, par. 1703)

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

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

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

20 (3) Designate a single appropriate elected official of
21 a participating unit of local government to act as the
22 financial officer of the MEG for all participating units
23 of local government and to receive funds for the operation
24 of the MEG.

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

9 (5) Cooperate with the Illinois State Police in order
10 to assure compliance with this Act and to enable the
11 Illinois State Police to fulfill its duties under this
12 Act, and supply the Illinois State Police with all
13 information the Illinois State Police deems necessary
14 therefor.

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

18 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
19 102-813, eff. 5-13-22; 103-34, eff. 6-9-23.)

20 Section 85. The Peace Officer Firearm Training Act is
21 amended by changing Section 1 as follows:

22 (50 ILCS 710/1) (from Ch. 85, par. 515)

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

24 (a) "Peace officer" means (i) any person who by virtue of

1 his office or public employment is vested by law with a primary
2 duty to maintain public order or to make arrests for offenses,
3 whether that duty extends to all offenses or is limited to
4 specific offenses, and who is employed in such capacity by any
5 county or municipality or (ii) any retired law enforcement
6 officers qualified under federal law to carry a concealed
7 weapon.

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

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

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

20 (50 ILCS 725/7.2 rep.)

21 Section 90. The Uniform Peace Officers' Disciplinary Act
22 is amended by repealing Section 7.2.

23 Section 95. The Counties Code is amended by changing
24 Section 3-6042 as follows:

1 (55 ILCS 5/3-6042)

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

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

17 Section 100. The School Code is amended by changing
18 Sections 10-22.6, 10-27.1A and 34-8.05 as follows:

19 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

21 Sec. 10-22.6. Suspension or expulsion of pupils; school
22 searches.

23 (a) To expel pupils guilty of gross disobedience or

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

26 (b) To suspend or by policy to authorize the

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

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

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

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

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

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

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

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

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

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

25 A school district shall create a policy to facilitate the
26 re-engagement of students who are suspended out-of-school,

1 expelled, or returning from an alternative school setting.

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

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

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

24 (d) The board may expel a student for a definite period of
25 time not to exceed 2 calendar years, as determined on a
26 case-by-case basis. A student who is determined to have

1 brought one of the following objects to school, any
2 school-sponsored activity or event, or any activity or event
3 that bears a reasonable relationship to school shall be
4 expelled for a period of not less than one year:

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

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

22 Expulsion or suspension shall be construed in a manner
23 consistent with the federal Individuals with Disabilities
24 Education Act. A student who is subject to suspension or
25 expulsion as provided in this Section may be eligible for a
26 transfer to an alternative school program in accordance with

1 Article 13A of the School Code.

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

19 (e) To maintain order and security in the schools, school
20 authorities may inspect and search places and areas such as
21 lockers, desks, parking lots, and other school property and
22 equipment owned or controlled by the school, as well as
23 personal effects left in those places and areas by students,
24 without notice to or the consent of the student, and without a
25 search warrant. As a matter of public policy, the General
26 Assembly finds that students have no reasonable expectation of

1 privacy in these places and areas or in their personal effects
2 left in these places and areas. School authorities may request
3 the assistance of law enforcement officials for the purpose of
4 conducting inspections and searches of lockers, desks, parking
5 lots, and other school property and equipment owned or
6 controlled by the school for illegal drugs, weapons, or other
7 illegal or dangerous substances or materials, including
8 searches conducted through the use of specially trained dogs.
9 If a search conducted in accordance with this Section produces
10 evidence that the student has violated or is violating either
11 the law, local ordinance, or the school's policies or rules,
12 such evidence may be seized by school authorities, and
13 disciplinary action may be taken. School authorities may also
14 turn over such evidence to law enforcement authorities.

15 (f) Suspension or expulsion may include suspension or
16 expulsion from school and all school activities and a
17 prohibition from being present on school grounds.

18 (g) A school district may adopt a policy providing that if
19 a student is suspended or expelled for any reason from any
20 public or private school in this or any other state, the
21 student must complete the entire term of the suspension or
22 expulsion in an alternative school program under Article 13A
23 of this Code or an alternative learning opportunities program
24 under Article 13B of this Code before being admitted into the
25 school district if there is no threat to the safety of students
26 or staff in the alternative program.

1 (h) School officials shall not advise or encourage
2 students to drop out voluntarily due to behavioral or academic
3 difficulties.

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

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

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

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

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

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

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

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

1 transfer because of the expulsion, except in cases in which
2 such transfer is deemed to cause a threat to the safety of
3 students or staff in the alternative program.

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

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

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

20 (b-5) Among the many possible disciplinary interventions
21 and consequences available to school officials, school
22 exclusions, such as out-of-school suspensions and expulsions,
23 are the most serious. School officials shall limit the number
24 and duration of expulsions and suspensions to the greatest
25 extent practicable, and it is recommended that they use them
26 only for legitimate educational purposes. To ensure that

1 students are not excluded from school unnecessarily, it is
2 recommended that school officials consider forms of
3 non-exclusionary discipline prior to using out-of-school
4 suspensions or expulsions.

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

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

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

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

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

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

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

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

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

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

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

24 (c) A school board must invite a representative from a
25 local mental health agency to consult with the board at the
26 meeting whenever there is evidence that mental illness may be

1 the cause of a student's expulsion or suspension.

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

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

19 (1) A firearm. For the purposes of this Section,
20 "firearm" means any gun, rifle, shotgun, weapon as defined
21 by Section 921 of Title 18 of the United States Code,
22 firearm as defined in Section 2-7.5 ~~1.1 of the Firearm~~
23 ~~Owners Identification Card Act, or firearm as defined in~~
24 ~~Section 24-1~~ of the Criminal Code of 2012. The expulsion
25 period under this subdivision (1) may be modified by the
26 superintendent, and the superintendent's determination may

1 be modified by the board on a case-by-case basis.

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

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

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

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

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

1 disciplinary action may be taken. School authorities may also
2 turn over such evidence to law enforcement authorities.

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

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

20 (h) School officials shall not advise or encourage
21 students to drop out voluntarily due to behavioral or academic
22 difficulties.

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

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

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

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

17 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;
18 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

19 (105 ILCS 5/10-27.1A)

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

21 (a) All school officials, including teachers, school
22 counselors, and support staff, shall immediately notify the
23 office of the principal in the event that they observe any
24 person in possession of a firearm on school grounds; provided
25 that taking such immediate action to notify the office of the

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

21 (b) Upon receiving a report from any school official
22 pursuant to this Section, or from any other person, the
23 principal or his or her designee shall immediately notify a
24 local law enforcement agency. If the person found to be in
25 possession of a firearm on school grounds is a student, the
26 principal or his or her designee shall also immediately notify

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

20 (c) Upon receipt of any written, electronic, or verbal
21 report from any school personnel regarding a verified incident
22 involving a firearm in a school or on school owned or leased
23 property, including any conveyance owned, leased, or used by
24 the school for the transport of students or school personnel,
25 the superintendent or his or her designee shall report all
26 such firearm-related incidents occurring in a school or on

1 school property to the local law enforcement authorities
2 immediately, who shall report to the Illinois State Police in
3 a form, manner, and frequency as prescribed by the Illinois
4 State Police.

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

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

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

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

23 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;
24 102-813, eff. 5-13-22; 103-34, eff. 6-9-23.)

25 (105 ILCS 5/34-8.05)

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

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

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

21 Section 105. The Illinois Explosives Act is amended by
22 changing Section 2005 as follows:

23 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

24 Sec. 2005. Qualifications for licensure.

- 1 (a) No person shall qualify to hold a license who:
- 2 (1) is under 21 years of age;
- 3 (2) has been convicted in any court of a crime
- 4 punishable by imprisonment for a term exceeding one year;
- 5 (3) is under indictment for a crime punishable by
- 6 imprisonment for a term exceeding one year;
- 7 (4) is a fugitive from justice;
- 8 (5) is an unlawful user of or addicted to any
- 9 controlled substance as defined in Section 102 of the
- 10 federal Controlled Substances Act (21 U.S.C. Sec. 802 et
- 11 seq.);
- 12 (6) has been adjudicated a person with a mental
- 13 disability as defined in Section 6-103.1 of the Mental
- 14 Health and Developmental Disabilities Code ~~1.1 of the~~
- 15 ~~Firearm Owners Identification Card Act~~; or
- 16 (7) is not a legal citizen of the United States or
- 17 lawfully admitted for permanent residence.
- 18 (b) A person who has been granted a "relief from
- 19 disabilities" regarding criminal convictions and indictments,
- 20 pursuant to the federal Safe Explosives Act (18 U.S.C. Sec.
- 21 845) may receive a license provided all other qualifications
- 22 under this Act are met.
- 23 (Source: P.A. 101-541, eff. 8-23-19.)

24 Section 110. The Private Detective, Private Alarm, Private

25 Security, and Locksmith Act of 2004 is amended by changing

1 Sections 35-30 and 35-35 as follows:

2 (225 ILCS 447/35-30)

3 (Text of Section before amendment by P.A. 103-309)

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

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

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

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

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

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

25 (4) Has had a license or permanent employee

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

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

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

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

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

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

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

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

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

21 (6) Any dishonorable discharge from the armed services
22 of the United States.

23 (7) Any other information as may be required by any
24 rule of the Department to show the good character,
25 competency, and integrity of the person executing the
26 statement.

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

1 submit verification, on forms provided by the Department and
2 signed by his or her employer, of his or her previous full-time
3 employment as a peace officer.

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

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

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

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

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

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

1 action as may be appropriate.

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

7 The Department may, by rule, prescribe further record
8 requirements.

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

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

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

26 (i) Every employer shall maintain a separate roster of the

1 names of all employees currently working in an armed capacity
2 and submit the roster to the Department on request.

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

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

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

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

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

25 (4) The agency maintains a separate roster of the
26 names of all employees whose applications are currently

1 pending with the Department and submits the roster to the
2 Department on a monthly basis. Rosters are to be
3 maintained by the agency for a period of at least 24
4 months.

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

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

23 An agency may not employ a person in a temporary capacity
24 if it knows or reasonably should have known that the person has
25 been convicted of a crime under the laws of this State, has
26 been convicted in another state of any crime that is a crime

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

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

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

16 (2) the person wears any portion of his or her
17 official uniform, emblem of authority, or equipment while
18 so employed.

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

23 (n) Peace officers shall be exempt from the requirements
24 of this Section relating to permanent employee registration
25 cards. The agency shall remain responsible for any peace
26 officer employed under this exemption, regardless of whether

1 the peace officer is compensated as an employee or as an
2 independent contractor and as further defined by rule.

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

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

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

23 (Text of Section after amendment by P.A. 103-309)

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

25 Sec. 35-30. Employee requirements. All employees of a

1 licensed agency, other than those exempted, shall apply for a
2 permanent employee registration card. The holder of an agency
3 license issued under this Act, known in this Section as
4 "employer", may employ in the conduct of the employer's
5 business employees under the following provisions:

6 (a) No person shall be issued a permanent employee
7 registration card who:

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

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

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

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

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

7 (5) Has been declared incompetent by any court of
8 competent jurisdiction by reason of mental disease or
9 defect and has not been restored.

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

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

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

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

25 (3) That the person has not had a license or employee
26 registration denied, revoked, or suspended under this Act

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

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

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

15 (6) Any dishonorable discharge from the armed services
16 of the United States.

17 (7) Any other information as may be required by any
18 rule of the Department to show the good character,
19 competency, and integrity of the person executing the
20 statement.

21 (c) Each applicant for a permanent employee registration
22 card shall have the applicant's fingerprints submitted to the
23 Illinois State Police in an electronic format that complies
24 with the form and manner for requesting and furnishing
25 criminal history record information as prescribed by the
26 Illinois State Police. These fingerprints shall be checked

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

24 (d) The Department shall issue a permanent employee
25 registration card, in a form the Department prescribes, to all
26 qualified applicants. The holder of a permanent employee

1 registration card shall carry the card at all times while
2 actually engaged in the performance of the duties of the
3 employee's employment. Expiration and requirements for renewal
4 of permanent employee registration cards shall be established
5 by rule of the Department. Possession of a permanent employee
6 registration card does not in any way imply that the holder of
7 the card is employed by an agency unless the permanent
8 employee registration card is accompanied by the employee
9 identification card required by subsection (f) of this
10 Section.

11 (e) Each employer shall maintain a record of each employee
12 that is accessible to the duly authorized representatives of
13 the Department. The record shall contain the following
14 information:

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

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

21 (3) All correspondence or documents relating to the
22 character and integrity of the employee received by the
23 employer from any official source or law enforcement
24 agency.

25 (4) In the case of former employees, the employee
26 identification card of that person issued under subsection

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

23 (5) A copy of the employee's permanent employee
24 registration card or a copy of the Department's "License
25 Lookup" Webpage showing that the employee has been issued
26 a valid permanent employee registration card by the

1 Department.

2 The Department may, by rule, prescribe further record
3 requirements.

4 (f) Every employer shall furnish an employee
5 identification card to each of the employer's employees. This
6 employee identification card shall contain a recent photograph
7 of the employee, the employee's name, the name and agency
8 license number of the employer, the employee's personal
9 description, the signature of the employer, the signature of
10 that employee, the date of issuance, and an employee
11 identification card number.

12 (g) No employer may issue an employee identification card
13 to any person who is not employed by the employer in accordance
14 with this Section or falsely state or represent that a person
15 is or has been in the employer's employ. It is unlawful for an
16 applicant for registered employment to file with the
17 Department the fingerprints of a person other than himself or
18 herself.

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

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

24 (j) No agency may employ any person to perform a licensed
25 activity under this Act unless the person possesses a valid
26 permanent employee registration card or a valid license under

1 this Act, or is exempt pursuant to subsection (n).

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

5 (1) The agency completes in its entirety and submits
6 to the Department an application for a permanent employee
7 registration card, including the required fingerprint
8 receipt and fees.

9 (2) The agency has verification from the Department
10 that the applicant has no record of any criminal
11 conviction pursuant to the criminal history check
12 conducted by the Illinois State Police. The agency shall
13 maintain the verification of the results of the Illinois
14 State Police criminal history check as part of the
15 employee record as required under subsection (e) of this
16 Section.

17 (3) The agency exercises due diligence to ensure that
18 the person is qualified under the requirements of this Act
19 to be issued a permanent employee registration card.

20 (4) The agency maintains a separate roster of the
21 names of all employees whose applications are currently
22 pending with the Department and submits the roster to the
23 Department on a monthly basis. Rosters are to be
24 maintained by the agency for a period of at least 24
25 months.

26 An agency may employ only a permanent employee applicant

1 for which it either submitted a permanent employee application
2 and all required forms and fees or it confirms with the
3 Department that a permanent employee application and all
4 required forms and fees have been submitted by another agency,
5 licensee or the permanent employee and all other requirements
6 of this Section are met.

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

18 An agency may not employ a person in a temporary capacity
19 if it knows or reasonably should have known that the person has
20 been convicted of a crime under the laws of this State, has
21 been convicted in another state of any crime that is a crime
22 under the laws of this State, has been convicted of any crime
23 in a federal court, or has been posted as an unapproved
24 applicant by the Department. Notice by the Department to the
25 agency, via certified mail, personal delivery, electronic
26 mail, or posting on the Department's Internet site accessible

1 to the agency that the person has been convicted of a crime
2 shall be deemed constructive knowledge of the conviction on
3 the part of the agency. The Department may adopt rules to
4 implement this subsection (k).

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

7 (1) the person, while so employed, is being paid by
8 the United States or any political subdivision for the
9 time so employed in addition to any payments the person
10 may receive from the employer; or

11 (2) the person wears any portion of the person's
12 official uniform, emblem of authority, or equipment while
13 so employed.

14 (m) If information is discovered affecting the
15 registration of a person whose fingerprints were submitted
16 under this Section, the Department shall so notify the agency
17 that submitted the fingerprints on behalf of that person.

18 (n) Peace officers shall be exempt from the requirements
19 of this Section relating to permanent employee registration
20 cards. The agency shall remain responsible for any peace
21 officer employed under this exemption, regardless of whether
22 the peace officer is compensated as an employee or as an
23 independent contractor and as further defined by rule.

24 (o) Persons who have no access to confidential or security
25 information, who do not go to a client's or prospective
26 client's residence or place of business, and who otherwise do

1 not provide traditional security services are exempt from
2 employee registration. Examples of exempt employees include,
3 but are not limited to, employees working in the capacity of
4 ushers, directors, ticket takers, cashiers, drivers, and
5 reception personnel. Confidential or security information is
6 that which pertains to employee files, scheduling, client
7 contracts, or technical security and alarm data.

8 (p) An applicant who is 21 years of age or older seeking a
9 religious exemption to the photograph requirement of this
10 Section shall furnish with the application an approved copy of
11 United States Department of the Treasury Internal Revenue
12 Service Form 4029. Regardless of age, an applicant seeking a
13 religious exemption to this photograph requirement shall
14 submit fingerprints in a form and manner prescribed by the
15 Department with the applicant's application in lieu of a
16 photograph.

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

18 (225 ILCS 447/35-35)

19 (Text of Section before amendment by P.A. 103-309)

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

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

22 (a) No person shall perform duties that include the use,
23 carrying, or possession of a firearm in the performance of
24 those duties without complying with the provisions of this
25 Section and having been issued a valid firearm control card by

1 the Department.

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

15 (c) Possession of a valid firearm control card allows a
16 licensee or employee to carry a firearm not otherwise
17 prohibited by law while the licensee or employee is engaged in
18 the performance of his or her duties or while the licensee or
19 employee is commuting directly to or from the licensee's or
20 employee's place or places of employment.

21 (d) The Department shall issue a firearm control card to a
22 person who has passed an approved firearm training course, who
23 is currently licensed or employed by an agency licensed by
24 this Act and has met all the requirements of this Act, and who
25 possesses a valid firearm owner identification card.
26 Application for the firearm control card shall be made by the

1 employer to the Department on forms provided by the
2 Department. The Department shall forward the card to the
3 employer who shall be responsible for its issuance to the
4 licensee or employee. The firearm control card shall be issued
5 by the Department and shall identify the person holding it and
6 the name of the course where the licensee or employee received
7 firearm instruction and shall specify the type of weapon or
8 weapons the person is authorized by the Department to carry
9 and for which the person has been trained.

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

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

26 (g) Notwithstanding any other provision of this Act to the

1 contrary, all requirements relating to firearms control cards
2 do not apply to a peace officer. If an individual ceases to be
3 employed as a peace officer and continues to perform services
4 in an armed capacity under this Act that are licensed
5 activities, then the individual is required to obtain a
6 permanent employee registration card pursuant to Section 35-30
7 of this Act ~~and must possess a valid Firearm Owner's~~
8 ~~Identification Card~~, but is not required to obtain a firearm
9 control card if the individual is otherwise in continuing
10 compliance with the federal Law Enforcement Officers Safety
11 Act of 2004. If an individual elects to carry a firearm
12 pursuant to the federal Law Enforcement Officers Safety Act of
13 2004, then the agency employing the officer is required to
14 submit a notice of that election to the Department along with a
15 fee specified by rule.

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

1 forth in this Act and any rules adopted under this Act. The
2 Department shall, by rule, set the fee for issuance of a
3 temporary firearm control card.

4 (i) The Department shall not issue a firearm control card
5 to a licensed fingerprint vendor or a licensed locksmith or
6 employees of a licensed fingerprint vendor agency or a
7 licensed locksmith agency.

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

9 (Text of Section after amendment by P.A. 103-309)

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

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

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

17 (b) No employer shall employ any person to perform the
18 duties for which licensure or employee registration is
19 required and allow that person to carry a firearm unless that
20 person has complied with all the firearm training requirements
21 of this Section and has been issued a firearm control card.
22 This Act permits only the following to carry firearms while
23 actually engaged in the performance of their duties or while
24 commuting directly to or from their places of employment:
25 persons licensed as private detectives and their registered

1 employees; persons licensed as private security contractors
2 and their registered employees; persons licensed as private
3 alarm contractors and their registered employees; and
4 employees of a registered armed proprietary security force.

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

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

1 and for which the person has been trained.

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

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

19 (g) Notwithstanding any other provision of this Act to the
20 contrary, all requirements relating to firearms control cards
21 do not apply to a peace officer. If an individual ceases to be
22 employed as a peace officer and continues to perform services
23 in an armed capacity under this Act that are licensed
24 activities, then the individual is required to obtain a
25 permanent employee registration card pursuant to Section 35-30
26 of this Act ~~and must possess a valid Firearm Owner's~~

1 ~~Identification Card~~, but is not required to obtain a firearm
2 control card if the individual is otherwise in continuing
3 compliance with the federal Law Enforcement Officers Safety
4 Act of 2004. If an individual elects to carry a firearm
5 pursuant to the federal Law Enforcement Officers Safety Act of
6 2004, then the agency employing the officer shall submit an
7 application to the Department for issuance of a waiver card
8 along with a fee specified by rule.

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

23 (i) The Department shall not issue a firearm control card
24 to a licensed fingerprint vendor or a licensed locksmith or
25 employees of a licensed fingerprint vendor agency or a
26 licensed locksmith agency.

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

2 Section 115. The Illinois Gambling Act is amended by
3 changing Section 5.4 as follows:

4 (230 ILCS 10/5.4)

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

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

20 Section 120. The Mental Health and Developmental
21 Disabilities Code is amended by changing Sections 1-106,
22 1-116, 6-103.1, 6-103.2, and 6-103.3 as follows:

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

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

25 (405 ILCS 5/1-116) (from Ch. 91 1/2, par. 1-116)

1 Sec. 1-116. Intellectual disability. "Intellectual
2 disability" means a disorder with onset during the
3 developmental period (before the individual reaches age 22),
4 that includes both intellectual and adaptive deficits in
5 conceptual, social and practical domains. The following 3
6 criteria must be met: (1) deficits in intellectual functions
7 such as reasoning, problem solving, planning, abstract
8 thinking, judgment, academic learning, and learning from
9 experience confirmed by both clinical assessment and
10 individualized, standardized intelligence testing (generally
11 indicated with an IQ score of about 70 or below), (2) deficits
12 in adaptive functioning that result in failure to meet
13 developmental and sociocultural standards for personal
14 independence and social responsibility. Without ongoing
15 support, the adaptive deficits limit functioning in one or
16 more activities of daily life, such as communication, social
17 participation, and independent living, across multiple
18 environments, such as home, school, work, and community, and
19 (3) onset of intellectual and adaptive deficits during the
20 developmental period. ~~This definition does not supersede the
21 "intellectual disability" definition in Section 1.1 of the
22 Firearm Owners Identification Card Act which is required to be
23 applied under that Act for the purpose of mandatory reporting.~~
24 (Source: P.A. 102-972, eff. 1-1-23.)

25 (405 ILCS 5/6-103.1)

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

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

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

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

1 (3.5) is guilty but mentally ill, as provided in
2 Section 5-2-6 of the Unified Code of Corrections;

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

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

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

10 (7) is a sexually dangerous person under the Sexually
11 Dangerous Persons Act;

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

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

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

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

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

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

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

2 (405 ILCS 5/6-103.2)

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

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

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

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

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

25 "Determined to be a person with a developmental disability
26 by a physician, clinical psychologist, or qualified examiner"

1 means in the professional opinion of the physician, clinical
2 psychologist, or qualified examiner, a person is diagnosed,
3 assessed, or evaluated as having a developmental disability.

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

5 (405 ILCS 5/6-103.3)

6 Sec. 6-103.3. Clear and present danger; notice. If a
7 person is determined to pose a clear and present danger to
8 himself, herself, or to others by a physician, clinical
9 psychologist, or qualified examiner, whether employed by the
10 State, by any public or private mental health facility or part
11 thereof, or by a law enforcement official or a school
12 administrator, then the physician, clinical psychologist,
13 qualified examiner shall notify the Department of Human
14 Services and a law enforcement official or school
15 administrator shall notify the Illinois State Police, within
16 24 hours of making the determination that the person poses a
17 clear and present danger. The Department of Human Services
18 shall immediately update its records and information relating
19 to mental health and developmental disabilities, and if
20 appropriate, shall notify the Illinois State Police in a form
21 and manner prescribed by the Illinois State Police.
22 Information disclosed under this Section shall remain
23 privileged and confidential, and shall not be redisclosed,
24 except as required under paragraph (2) of subsection (e) of
25 Section 24-4.5 of the Criminal Code of 2012 ~~subsection (e) of~~

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

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

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

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

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

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

5 "Physician", "clinical psychologist", and "qualified
6 examiner" have the meanings ascribed to them in the Mental
7 Health and Developmental Disabilities Code ~~has the meaning~~
8 ~~ascribed to it in Section 1.1 of the Firearm Owners~~
9 ~~Identification Card Act.~~

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

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

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

20 Section 125. The Lead Poisoning Prevention Act is amended
21 by changing Section 2 as follows:

22 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

24 "Child care facility" means any structure used by a child

1 care provider licensed by the Department of Children and
2 Family Services or public or private school structure
3 frequented by children 6 years of age or younger.

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

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

12 "Department" means the Department of Public Health.

13 "Director" means the Director of Public Health.

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

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

19 "Exposed surface" means any interior or exterior surface
20 of a regulated facility.

21 "High risk area" means an area in the State determined by
22 the Department to be high risk for lead exposure for children 6
23 years of age or younger. The Department may consider, but is
24 not limited to, the following factors to determine a high risk
25 area: age and condition (using Department of Housing and Urban
26 Development definitions of "slum" and "blighted") of housing,

1 proximity to highway traffic or heavy local traffic or both,
2 percentage of housing determined as rental or vacant,
3 proximity to industry using lead, established incidence of
4 elevated blood lead levels in children, percentage of
5 population living below 200% of federal poverty guidelines,
6 and number of children residing in the area who are 6 years of
7 age or younger.

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

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

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

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

23 "Lead activities" means the conduct of any lead services,
24 including, lead inspection, lead risk assessment, lead
25 mitigation, or lead abatement work or supervision in a
26 regulated facility.

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

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

23 "Lead hazard screen" means a lead risk assessment that
24 involves limited dust and paint sampling for lead-bearing
25 substances and lead hazards. This service is used as a
26 screening tool designed to determine if further lead

1 investigative services are required for the regulated
2 facility.

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

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

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

14 "Lead poisoning" means having an elevated blood lead
15 level.

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

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

1 lead-bearing substances; and to conduct compliance
2 investigations.

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

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

10 "Owner" means any person, who alone, jointly, or severally
11 with others:

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

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

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

23 "Regulated facility" means a residential building or child
24 care facility.

25 "Residential building" means any room, group of rooms, or
26 other interior areas of a structure designed or used for human

1 habitation; common areas accessible by inhabitants; and the
2 surrounding property or structures.

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

4 (430 ILCS 65/Act rep.)

5 Section 130. The Firearm Owners Identification Card Act is
6 repealed.

7 Section 135. The Firearm Concealed Carry Act is amended by
8 changing Sections 25, 30, 40, 66, 70, 80, and 105 as follows:

9 (430 ILCS 66/25)

10 Sec. 25. Qualifications for a license.

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

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

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

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

23 (A) a misdemeanor involving the use or threat of

1 physical force or violence to any person within the 5
2 years preceding the date of the license application;
3 or

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

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

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

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

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

20 (430 ILCS 66/30)

21 Sec. 30. Contents of license application.

22 (a) The license application shall be in writing, under
23 penalty of perjury, on a standard form adopted by the Illinois
24 State Police and shall be accompanied by the documentation
25 required in this Section and the applicable fee. Each

1 application form shall include the following statement printed
2 in bold type: "Warning: Entering false information on this
3 form is punishable as perjury under Section 32-2 of the
4 Criminal Code of 2012."

5 (b) The application shall contain the following:

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

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

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

1 ~~Act;~~

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

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

11 (A) a felony;

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

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

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

25 (7) written consent for the Illinois State Police to
26 review and use the applicant's Illinois digital driver's

1 license or Illinois identification card photograph and
2 signature;

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

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

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

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

20 (430 ILCS 66/40)

21 Sec. 40. Non-resident license applications.

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

25 (b) The Illinois State Police shall by rule allow for

1 non-resident license applications from any state or territory
2 of the United States with laws related to firearm ownership,
3 possession, and carrying, that are substantially similar to
4 the requirements to obtain a license under this Act.

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

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

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

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

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

23 (C) understands Illinois laws pertaining to the
24 possession and transport of firearms; and

25 (D) acknowledges that the applicant is subject to
26 the jurisdiction of the Illinois State Police and

1 Illinois courts for any violation of this Act;

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

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

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

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

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

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

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

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

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

12 (430 ILCS 66/66)

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

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

1 (430 ILCS 66/70)

2 Sec. 70. Violations.

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

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

1 license to the Illinois State Police.

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

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

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

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

26 (f) A licensee convicted or found guilty of a violation of

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

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

1 suspended, or denied constitutes a sufficient basis for the
2 arrest of that person for violation of this subsection. A
3 violation of this subsection is a Class A misdemeanor.

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

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

21 (h-5) (Blank). ~~If the Firearm Owner's Identification Card~~
22 ~~of a licensee under this Act expires during the term of the~~
23 ~~license issued under this Act, the license and the Firearm~~
24 ~~Owner's Identification Card remain valid, and the Illinois~~
25 ~~State Police may automatically renew the licensee's Firearm~~
26 ~~Owner's Identification Card as provided in subsection (c) of~~

1 ~~Section 5 of the Firearm Owners Identification Card Act.~~

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

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

12 (430 ILCS 66/80)

13 Sec. 80. Certified firearms instructors.

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

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

25 (c) A person seeking to become a certified firearms

1 instructor shall:

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

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

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

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

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

15 (2) have at least one of the following valid firearms
16 instructor certifications:

17 (A) certification from a law enforcement agency;

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

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

23 (D) certification from an entity approved by the
24 Illinois State Police that offers firearm instructor
25 education and training in the use and safety of
26 firearms.

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

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

8 (430 ILCS 66/105)

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

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

24 Section 140. The Firearms Restraining Order Act is amended

1 by changing Sections 35 and 40 as follows:

2 (430 ILCS 67/35)

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

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

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

1 resources, if appropriate. The petitioner shall attest to
2 having provided the notice in the filed affidavit or verified
3 pleading. If, after making a good faith effort, the petitioner
4 is unable to provide notice to any or all intimate partners,
5 the affidavit or verified pleading should describe what
6 efforts were made.

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

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

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

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

26 (f-5) If the court issues an emergency firearms

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

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

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

25 (2) the respondent to comply with ~~Section 9.5 of the~~
26 ~~Firearm Owners Identification Card Act and~~ subsection (g)

1 of Section 70 of the Firearm Concealed Carry Act.

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

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

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

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

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

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

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

26 (i) In accordance with subsection (e) of this Section, the

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

9 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
10 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.
11 5-13-22.)

12 (430 ILCS 67/40)

13 Sec. 40. Plenary orders.

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

1 for an additional period of up to one year in accordance with
2 Section 45 of this Act.

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

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

24 (d) Upon receipt of a petition for a plenary firearms
25 restraining order, the court shall order a hearing within 30
26 days.

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

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

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

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

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

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

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

25 (7) A pattern of violent acts or violent threats,
26 including, but not limited to, threats of violence or acts

1 of violence by the respondent directed toward himself,
2 herself, or another.

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

10 (g) If the court finds that there is clear and convincing
11 evidence to issue a plenary firearms restraining order, the
12 court shall issue a firearms restraining order that shall be
13 in effect for up to one year, but not less than 6 months,
14 subject to renewal under Section 45 of this Act or termination
15 under that Section.

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

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

6 (h) A plenary firearms restraining order shall require:

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

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

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

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

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

1 the respondent or to anyone residing in the same residence as
2 the respondent.

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

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

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

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

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

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

23 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
24 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.
25 5-13-22; 102-1116, eff. 1-10-23.)

1 Section 145. The Firearm Dealer License Certification Act
2 is amended by changing Sections 5-20, 5-25, 5-40, and 5-85 as
3 follows:

4 (430 ILCS 68/5-20)

5 Sec. 5-20. Additional licensee requirements.

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

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

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

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

20 ~~(B) sell or transfer your firearm to someone else~~
21 ~~without receiving approval for the transfer from the~~
22 ~~Illinois State Police, or~~

23 (B) ~~(C)~~ fail to report the loss or theft of your
24 firearm to local law enforcement within 72 hours."

25 This sign shall be created by the Illinois State Police and

1 made available for printing or downloading from the Illinois
2 State Police's website.

3 (c) No retail location established after the effective
4 date of this Act shall be located within 500 feet of any
5 school, pre-school, or day care facility in existence at its
6 location before the retail location is established as measured
7 from the nearest corner of the building holding the retail
8 location to the corner of the school, pre-school, or day care
9 facility building nearest the retail location at the time the
10 retail location seeks licensure.

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

12 (430 ILCS 68/5-25)

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

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

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

24 (3) transfers of firearms among immediate family or
25 household members, as "immediate family or household

1 member" is defined in Section 3-2.7-10 of the Unified Code
2 of Corrections, provided that both the transferor and
3 transferee are not prohibited from possessing a firearm
4 under federal or State law ~~have a currently valid Firearm~~
5 ~~Owner's Identification Card; however, this paragraph (3)~~
6 ~~does not limit the familial gift exemption under paragraph~~
7 ~~(2) of subsection (a 15) of Section 3 of the Firearm~~
8 ~~Owners Identification Card Act;~~

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

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

17 (6) transfers of firearms that have been rendered
18 permanently inoperable to a nonprofit historical society,
19 museum, or institutional collection;

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

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

26 (9) transfers of curios and relics, as defined under

1 federal law, between collectors licensed under subsection
2 (b) of Section 923 of the federal Gun Control Act of 1968;

3 (10) transfers by a person or entity licensed as an
4 auctioneer under the Auction License Act;

5 (10.5) transfers of firearms to a resident registered
6 competitor or attendee or non-resident registered
7 competitor or attendee by a licensed federal firearms
8 dealer under Section 923 of the federal Gun Control Act of
9 1968 at a competitive shooting event held at the World
10 Shooting and Recreational Complex that is sanctioned by a
11 national governing body; or

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

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

19 (430 ILCS 68/5-40)

20 Sec. 5-40. Qualifications for operation.

21 (a) Each certified licensee shall submit with each
22 application for certification or renewal an affidavit to the
23 Illinois State Police stating that each owner, employee, or
24 other agent of the certified licensee who sells or conducts
25 transfers of firearms for the certified licensee is at least

1 21 years of age, ~~has a currently valid Firearm Owner's~~
2 ~~Identification Card~~ and, for a renewal, has completed the
3 training required under Section 5-30. The affidavit must also
4 contain the name ~~and Firearm Owner's Identification Card~~
5 ~~number~~ of each owner, employee, or other agent who sells or
6 conducts transfers of firearms for the certified licensee. If
7 an owner, employee, or other agent of the certified licensee
8 is not otherwise a resident of this State, the certified
9 licensee shall submit an affidavit stating that the owner,
10 employee, or other agent has undergone a background check and
11 is not prohibited from owning or possessing firearms.

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

21 (c) If a certified licensee has a license, certificate, or
22 permit to sell, lease, transfer, purchase, or possess firearms
23 issued by the federal government or the government of any
24 state revoked or suspended for good cause within the preceding
25 4 years, the Illinois State Police may consider revoking or
26 suspending the certified licenses in this State. In making a

1 determination of whether or not to revoke or suspend a
2 certified license in this State, the Illinois State Police
3 shall consider the number of retail locations the certified
4 licensee or any related person or entity operates in this
5 State or in other states under the same or different business
6 names, and the severity of the infraction in the state in which
7 a license was revoked or suspended.

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

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

12 (430 ILCS 68/5-85)

13 Sec. 5-85. Disciplinary sanctions.

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

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

25 (2) A pattern of practice or other behavior which

1 demonstrates incapacity or incompetency to practice under
2 this Act.

3 (3) Aiding or assisting another person in violating
4 any provision of this Act or rules adopted under this Act.

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

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

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

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

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

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

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

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

3 (10) A finding by the Illinois State Police that the
4 licensee, after having his or her certified license placed
5 on probationary status, has violated the terms of
6 probation.

7 (11) A fraudulent or material misstatement in the
8 completion of an affirmative obligation or inquiry by law
9 enforcement.

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

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

14 Section 150. The Wildlife Code is amended by changing
15 Sections 3.2 and 3.2a as follows:

16 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

17 Sec. 3.2. Hunting license; application; instruction.
18 Before the Department or any county, city, village, township,
19 incorporated town clerk or his duly designated agent or any
20 other person authorized or designated by the Department to
21 issue hunting licenses shall issue a hunting license to any
22 person, the person shall file his application with the
23 Department or other party authorized to issue licenses on a
24 form provided by the Department and further give definite

1 proof of identity and place of legal residence. Each clerk
2 designating agents to issue licenses and stamps shall furnish
3 the Department, within 10 days following the appointment, the
4 names and mailing addresses of the agents. Each clerk or his
5 duly designated agent shall be authorized to sell licenses and
6 stamps only within the territorial area for which he was
7 elected or appointed. No duly designated agent is authorized
8 to furnish licenses or stamps for issuance by any other
9 business establishment. Each application shall be executed and
10 sworn to and shall set forth the name and description of the
11 applicant and place of residence.

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

24 The Department of Natural Resources shall authorize
25 personnel of the Department or certified volunteer instructors
26 to conduct courses, of not less than 10 hours in length, in

1 firearms and hunter safety, which may include training in bow
2 and arrow safety, at regularly specified intervals throughout
3 the State. Persons successfully completing the course shall
4 receive a certificate of competency. The Department of Natural
5 Resources may further cooperate with any reputable association
6 or organization in establishing courses if the organization
7 has as one of its objectives the promotion of safety in the
8 handling of firearms or bow and arrow.

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

24 The fee for a hunting license to hunt all species for a
25 resident of Illinois is \$12. For residents age 65 or older,
26 and, commencing with the 2012 license year, resident veterans

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

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

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

26 Each applicant for a State Migratory Waterfowl Stamp,

1 regardless of his residence or other condition, shall pay a
2 fee of \$15 and shall receive a stamp. The fee for a State
3 Migratory Waterfowl Stamp shall be waived for residents over
4 75 years of age. Except as provided under Section 20-45 of the
5 Fish and Aquatic Life Code, the stamp shall be signed by the
6 person or affixed to his license or permit in a space
7 designated by the Department for that purpose.

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

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

19 The fees for State Pheasant Stamps and State Furbearer
20 Stamps shall be waived for residents over 75 years of age.

21 The Department shall furnish the holders of hunting
22 licenses and stamps with an insignia as evidence of possession
23 of license, or license and stamp, as the Department may
24 consider advisable. The insignia shall be exhibited and used
25 as the Department may order.

26 All other hunting licenses and all State stamps shall

1 expire upon March 31 of each year.

2 Every person holding any license, permit, or stamp issued
3 under the provisions of this Act shall have it in his
4 possession for immediate presentation for inspection to the
5 officers and authorized employees of the Department, any
6 sheriff, deputy sheriff, or any other peace officer making a
7 demand for it. This provision shall not apply to Department
8 owned or managed sites where it is required that all hunters
9 deposit their license or ~~permit, or Firearm Owner's~~
10 ~~Identification Card~~ at the check station upon entering the
11 hunting areas.

12 For the purposes of this Section, "acceptable
13 verification" means official documentation from the Department
14 of Defense or the appropriate Major Command showing
15 mobilization dates or service abroad dates, including: (i) a
16 DD-214, (ii) a letter from the Illinois Department of Military
17 Affairs for members of the Illinois National Guard, (iii) a
18 letter from the Regional Reserve Command for members of the
19 Armed Forces Reserve, (iv) a letter from the Major Command
20 covering Illinois for active duty members, (v) personnel
21 records for mobilized State employees, and (vi) any other
22 documentation that the Department, by administrative rule,
23 deems acceptable to establish dates of mobilization or service
24 abroad.

25 For the purposes of this Section, the term "service
26 abroad" means active duty service outside of the 50 United

1 States and the District of Columbia, and includes all active
2 duty service in territories and possessions of the United
3 States.

4 (Source: P.A. 101-81, eff. 7-12-19; 102-780, eff. 5-13-22.)

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

6 Sec. 3.2a. Every person holding any license, permit or
7 stamp issued under the provisions hereof shall have it in his
8 possession for immediate presentation for inspection to the
9 officers and authorized employees of the Department, any
10 sheriff, deputy sheriff or any other peace officer making a
11 demand for it. This provision shall not apply to Department
12 owned or managed sites where it is required that all hunters
13 deposit their license or ~~7~~ permit ~~or Firearm Owner's~~
14 ~~Identification Card~~ at the check station upon entering the
15 hunting areas.

16 (Source: P.A. 85-152.)

17 Section 155. The Illinois Vehicle Code is amended by
18 changing Section 2-116 as follows:

19 (625 ILCS 5/2-116) (from Ch. 95 1/2, par. 2-116)

20 Sec. 2-116. Secretary of State Department of Police.

21 (a) The Secretary of State and the officers, inspectors,
22 and investigators appointed by him shall cooperate with the
23 Illinois State Police and the sheriffs and police in enforcing

1 the laws regulating the operation of vehicles and the use of
2 the highways.

3 (b) The Secretary of State may provide training and
4 education for members of his office in traffic regulation, the
5 promotion of traffic safety and the enforcement of laws vested
6 in the Secretary of State for administration and enforcement
7 regulating the operation of vehicles and the use of the
8 highways.

9 (c) The Secretary of State may provide distinctive
10 uniforms and badges for officers, inspectors and investigators
11 employed in the administration of laws relating to the
12 operation of vehicles and the use of the highways and vesting
13 the administration and enforcement of such laws in the
14 Secretary of State.

15 (c-5) The Director of the Secretary of State Department of
16 Police shall establish a program to allow a Secretary of State
17 Police officer, inspector, or investigator who is honorably
18 retiring in good standing to purchase either one or both of the
19 following: (1) any Secretary of State Department of Police
20 badge previously issued to that officer, inspector, or
21 investigator; or (2) ~~if the officer, inspector, or~~
22 ~~investigator has a currently valid Firearm Owner's~~
23 ~~Identification Card,~~ the service firearm issued or previously
24 issued to the officer, inspector, or investigator by the
25 Secretary of State Department of Police. The cost of the
26 firearm shall be the replacement value of the firearm and not

1 the firearm's fair market value.

2 (d) The Secretary of State Department of Police is
3 authorized to:

4 (1) investigate the origins, activities, persons, and
5 incidents of crime and the ways and means, if any, to
6 redress the victims of crimes, and study the impact, if
7 any, of legislation relative to the criminal laws of this
8 State related thereto and conduct any other investigations
9 as may be provided by law;

10 (2) employ skilled experts, technicians,
11 investigators, special agents, or otherwise specially
12 qualified persons to aid in preventing or detecting crime,
13 apprehending criminals, or preparing and presenting
14 evidence of violations of the criminal laws of the State;

15 (3) cooperate with the police of cities, villages, and
16 incorporated towns, and with the police officers of any
17 county, in enforcing the laws of the State and in making
18 arrests;

19 (4) provide, as may be required by law, assistance to
20 local law enforcement agencies through training,
21 management, and consultant services for local law
22 enforcement agencies, pertaining to law enforcement
23 activities;

24 (5) exercise the rights, powers, and duties which have
25 been vested in it by the Secretary of State Act and this
26 Code; and

1 (6) enforce and administer any other laws in relation
2 to law enforcement as may be vested in the Secretary of
3 State Department of Police.

4 Persons within the Secretary of State Department of Police
5 who exercise these powers are conservators of the peace and
6 have all the powers possessed by policemen in municipalities
7 and sheriffs, and may exercise these powers anywhere in the
8 State in cooperation with local law enforcement officials.
9 These persons may use false or fictitious names in the
10 performance of their duties under this Section, upon approval
11 of the Director of Police-Secretary of State, and shall not be
12 subject to prosecution under the criminal laws for that use.

13 (e) The Secretary of State Department of Police may
14 charge, collect, and receive fees or moneys equivalent to the
15 cost of providing its personnel, equipment, and services to
16 governmental agencies when explicitly requested by a
17 governmental agency and according to an intergovernmental
18 agreement or memorandums of understanding as provided by this
19 Section, including but not limited to fees or moneys
20 equivalent to the cost of providing training to other
21 governmental agencies on terms and conditions that in the
22 judgment of the Director of Police-Secretary of State are in
23 the best interest of the Secretary of State. All fees received
24 by the Secretary of State Police Department under this Act
25 shall be deposited in a special fund in the State Treasury to
26 be known as the Secretary of State Police Services Fund. The

1 money deposited in the Secretary of State Police Services Fund
2 shall be appropriated to the Secretary of State Department of
3 Police as provided for in subsection (g).

4 (f) The Secretary of State Department of Police may apply
5 for grants or contracts and receive, expend, allocate, or
6 disburse moneys made available by public or private entities,
7 including, but not limited to, contracts, bequests, grants, or
8 receiving equipment from corporations, foundations, or public
9 or private institutions of higher learning.

10 (g) The Secretary of State Police Services Fund is hereby
11 created as a special fund in the State Treasury. All moneys
12 received under this Section by the Secretary of State
13 Department of Police shall be deposited into the Secretary of
14 State Police Services Fund to be appropriated to the Secretary
15 of State Department of Police for purposes as indicated by the
16 grantor or contractor or, in the case of moneys bequeathed or
17 granted for no specific purpose, for any purpose as deemed
18 appropriate by the Director of Police-Secretary of State in
19 administering the responsibilities of the Secretary of State
20 Department of Police.

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

22 Section 160. The Criminal Code of 2012 is amended by
23 changing Sections 2-7.1, 2-7.5, 12-3.05, 16-0.1, 17-30, 24-1,
24 24-1.1, 24-1.6, 24-1.8, 24-1.9, 24-1.10, 24-2, 24-3, 24-3.1,
25 24-3.2, 24-3.4, 24-3.5, 24-3B, 24-4.1, 24-5.1, and 24-9 and

1 adding Section 24-4.5 as follows:

2 (720 ILCS 5/2-7.1)

3 Sec. 2-7.1. Firearm ~~"Firearm"~~ and ~~"firearm~~ ammunition".
4 "Firearm ~~"Firearm"~~ and ~~"firearm~~ ammunition" means any
5 self-contained cartridge or shotgun shell, by whatever name
6 known, which is designed to be used or adaptable to use in a
7 firearm; excluding, however:

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

12 (2) any ammunition designed exclusively for use with a
13 stud or rivet driver or other similar industrial ammunition
14 ~~have the meanings ascribed to them in Section 1.1 of the~~
15 ~~Firearm Owners Identification Card Act.~~

16 (Source: P.A. 91-544, eff. 1-1-00.)

17 (720 ILCS 5/2-7.5)

18 Sec. 2-7.5. "Firearm". Except as otherwise provided in a
19 specific Section, "firearm" means any device, by whatever name
20 known, which is designed to expel a projectile or projectiles
21 by the action of an explosion, expansion of gas or escape of
22 gas; excluding, however:

23 (1) any pneumatic gun, spring gun, paint ball gun, or B-B
24 gun which expels a single globular projectile not exceeding

1 .18 inch in diameter or which has a maximum muzzle velocity of
2 less than 700 feet per second;

3 (1.1) any pneumatic gun, spring gun, paint ball gun, or
4 B-B gun which expels breakable paint balls containing washable
5 marking colors;

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

9 (3) any device used exclusively for the firing of stud
10 cartridges, explosive rivets, or similar industrial
11 ammunition; and

12 (4) an antique firearm (other than a machine-gun) which,
13 although designed as a weapon, the Illinois State Police finds
14 by reason of the date of its manufacture, value, design, and
15 other characteristics is primarily a collector's item and is
16 not likely to be used as a weapon ~~has the meaning ascribed to~~
17 ~~it in Section 1.1 of the Firearm Owners Identification Card~~
18 ~~Act.~~

19 (Source: P.A. 95-331, eff. 8-21-07.)

20 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

21 (Text of Section before amendment by P.A. 103-51)

22 Sec. 12-3.05. Aggravated battery.

23 (a) Offense based on injury. A person commits aggravated
24 battery when, in committing a battery, other than by the
25 discharge of a firearm, he or she knowingly does any of the

1 following:

2 (1) Causes great bodily harm or permanent disability
3 or disfigurement.

4 (2) Causes severe and permanent disability, great
5 bodily harm, or disfigurement by means of a caustic or
6 flammable substance, a poisonous gas, a deadly biological
7 or chemical contaminant or agent, a radioactive substance,
8 or a bomb or explosive compound.

9 (3) Causes great bodily harm or permanent disability
10 or disfigurement to an individual whom the person knows to
11 be a peace officer, community policing volunteer, fireman,
12 private security officer, correctional institution
13 employee, or Department of Human Services employee
14 supervising or controlling sexually dangerous persons or
15 sexually violent persons:

16 (i) performing his or her official duties;

17 (ii) battered to prevent performance of his or her
18 official duties; or

19 (iii) battered in retaliation for performing his
20 or her official duties.

21 (4) Causes great bodily harm or permanent disability
22 or disfigurement to an individual 60 years of age or
23 older.

24 (5) Strangles another individual.

25 (b) Offense based on injury to a child or person with an
26 intellectual disability. A person who is at least 18 years of

1 age commits aggravated battery when, in committing a battery,
2 he or she knowingly and without legal justification by any
3 means:

4 (1) causes great bodily harm or permanent disability
5 or disfigurement to any child under the age of 13 years, or
6 to any person with a severe or profound intellectual
7 disability; or

8 (2) causes bodily harm or disability or disfigurement
9 to any child under the age of 13 years or to any person
10 with a severe or profound intellectual disability.

11 (c) Offense based on location of conduct. A person commits
12 aggravated battery when, in committing a battery, other than
13 by the discharge of a firearm, he or she is or the person
14 battered is on or about a public way, public property, a public
15 place of accommodation or amusement, a sports venue, or a
16 domestic violence shelter, or in a church, synagogue, mosque,
17 or other building, structure, or place used for religious
18 worship.

19 (d) Offense based on status of victim. A person commits
20 aggravated battery when, in committing a battery, other than
21 by discharge of a firearm, he or she knows the individual
22 battered to be any of the following:

23 (1) A person 60 years of age or older.

24 (2) A person who is pregnant or has a physical
25 disability.

26 (3) A teacher or school employee upon school grounds

1 or grounds adjacent to a school or in any part of a
2 building used for school purposes.

3 (4) A peace officer, community policing volunteer,
4 fireman, private security officer, correctional
5 institution employee, or Department of Human Services
6 employee supervising or controlling sexually dangerous
7 persons or sexually violent persons:

8 (i) performing his or her official duties;

9 (ii) battered to prevent performance of his or her
10 official duties; or

11 (iii) battered in retaliation for performing his
12 or her official duties.

13 (5) A judge, emergency management worker, emergency
14 medical services personnel, or utility worker:

15 (i) performing his or her official duties;

16 (ii) battered to prevent performance of his or her
17 official duties; or

18 (iii) battered in retaliation for performing his
19 or her official duties.

20 (6) An officer or employee of the State of Illinois, a
21 unit of local government, or a school district, while
22 performing his or her official duties.

23 (7) A transit employee performing his or her official
24 duties, or a transit passenger.

25 (8) A taxi driver on duty.

26 (9) A merchant who detains the person for an alleged

1 commission of retail theft under Section 16-26 of this
2 Code and the person without legal justification by any
3 means causes bodily harm to the merchant.

4 (10) A person authorized to serve process under
5 Section 2-202 of the Code of Civil Procedure or a special
6 process server appointed by the circuit court while that
7 individual is in the performance of his or her duties as a
8 process server.

9 (11) A nurse while in the performance of his or her
10 duties as a nurse.

11 (12) A merchant: (i) while performing his or her
12 duties, including, but not limited to, relaying directions
13 for healthcare or safety from his or her supervisor or
14 employer or relaying health or safety guidelines,
15 recommendations, regulations, or rules from a federal,
16 State, or local public health agency; and (ii) during a
17 disaster declared by the Governor, or a state of emergency
18 declared by the mayor of the municipality in which the
19 merchant is located, due to a public health emergency and
20 for a period of 6 months after such declaration.

21 (e) Offense based on use of a firearm. A person commits
22 aggravated battery when, in committing a battery, he or she
23 knowingly does any of the following:

24 (1) Discharges a firearm, other than a machine gun or
25 a firearm equipped with a silencer, and causes any injury
26 to another person.

1 (2) Discharges a firearm, other than a machine gun or
2 a firearm equipped with a silencer, and causes any injury
3 to a person he or she knows to be a peace officer,
4 community policing volunteer, person summoned by a police
5 officer, fireman, private security officer, correctional
6 institution employee, or emergency management worker:

7 (i) performing his or her official duties;

8 (ii) battered to prevent performance of his or her
9 official duties; or

10 (iii) battered in retaliation for performing his
11 or her official duties.

12 (3) Discharges a firearm, other than a machine gun or
13 a firearm equipped with a silencer, and causes any injury
14 to a person he or she knows to be emergency medical
15 services personnel:

16 (i) performing his or her official duties;

17 (ii) battered to prevent performance of his or her
18 official duties; or

19 (iii) battered in retaliation for performing his
20 or her official duties.

21 (4) Discharges a firearm and causes any injury to a
22 person he or she knows to be a teacher, a student in a
23 school, or a school employee, and the teacher, student, or
24 employee is upon school grounds or grounds adjacent to a
25 school or in any part of a building used for school
26 purposes.

1 (5) Discharges a machine gun or a firearm equipped
2 with a silencer, and causes any injury to another person.

3 (6) Discharges a machine gun or a firearm equipped
4 with a silencer, and causes any injury to a person he or
5 she knows to be a peace officer, community policing
6 volunteer, person summoned by a police officer, fireman,
7 private security officer, correctional institution
8 employee or emergency management worker:

9 (i) performing his or her official duties;

10 (ii) battered to prevent performance of his or her
11 official duties; or

12 (iii) battered in retaliation for performing his
13 or her official duties.

14 (7) Discharges a machine gun or a firearm equipped
15 with a silencer, and causes any injury to a person he or
16 she knows to be emergency medical services personnel:

17 (i) performing his or her official duties;

18 (ii) battered to prevent performance of his or her
19 official duties; or

20 (iii) battered in retaliation for performing his
21 or her official duties.

22 (8) Discharges a machine gun or a firearm equipped
23 with a silencer, and causes any injury to a person he or
24 she knows to be a teacher, or a student in a school, or a
25 school employee, and the teacher, student, or employee is
26 upon school grounds or grounds adjacent to a school or in

1 any part of a building used for school purposes.

2 (f) Offense based on use of a weapon or device. A person
3 commits aggravated battery when, in committing a battery, he
4 or she does any of the following:

5 (1) Uses a deadly weapon other than by discharge of a
6 firearm, or uses an air rifle as defined in Section
7 24.8-0.1 of this Code.

8 (2) Wears a hood, robe, or mask to conceal his or her
9 identity.

10 (3) Knowingly and without lawful justification shines
11 or flashes a laser gunsight or other laser device attached
12 to a firearm, or used in concert with a firearm, so that
13 the laser beam strikes upon or against the person of
14 another.

15 (4) Knowingly video or audio records the offense with
16 the intent to disseminate the recording.

17 (g) Offense based on certain conduct. A person commits
18 aggravated battery when, other than by discharge of a firearm,
19 he or she does any of the following:

20 (1) Violates Section 401 of the Illinois Controlled
21 Substances Act by unlawfully delivering a controlled
22 substance to another and any user experiences great bodily
23 harm or permanent disability as a result of the injection,
24 inhalation, or ingestion of any amount of the controlled
25 substance.

26 (2) Knowingly administers to an individual or causes

1 him or her to take, without his or her consent or by threat
2 or deception, and for other than medical purposes, any
3 intoxicating, poisonous, stupefying, narcotic,
4 anesthetic, or controlled substance, or gives to another
5 person any food containing any substance or object
6 intended to cause physical injury if eaten.

7 (3) Knowingly causes or attempts to cause a
8 correctional institution employee or Department of Human
9 Services employee to come into contact with blood, seminal
10 fluid, urine, or feces by throwing, tossing, or expelling
11 the fluid or material, and the person is an inmate of a
12 penal institution or is a sexually dangerous person or
13 sexually violent person in the custody of the Department
14 of Human Services.

15 (h) Sentence. Unless otherwise provided, aggravated
16 battery is a Class 3 felony.

17 Aggravated battery as defined in subdivision (a)(4),
18 (d)(4), or (g)(3) is a Class 2 felony.

19 Aggravated battery as defined in subdivision (a)(3) or
20 (g)(1) is a Class 1 felony.

21 Aggravated battery as defined in subdivision (a)(1) is a
22 Class 1 felony when the aggravated battery was intentional and
23 involved the infliction of torture, as defined in paragraph
24 (14) of subsection (b) of Section 9-1 of this Code, as the
25 infliction of or subjection to extreme physical pain,
26 motivated by an intent to increase or prolong the pain,

1 suffering, or agony of the victim.

2 Aggravated battery as defined in subdivision (a)(1) is a
3 Class 2 felony when the person causes great bodily harm or
4 permanent disability to an individual whom the person knows to
5 be a member of a congregation engaged in prayer or other
6 religious activities at a church, synagogue, mosque, or other
7 building, structure, or place used for religious worship.

8 Aggravated battery under subdivision (a)(5) is a Class 1
9 felony if:

10 (A) the person used or attempted to use a dangerous
11 instrument while committing the offense;

12 (B) the person caused great bodily harm or permanent
13 disability or disfigurement to the other person while
14 committing the offense; or

15 (C) the person has been previously convicted of a
16 violation of subdivision (a)(5) under the laws of this
17 State or laws similar to subdivision (a)(5) of any other
18 state.

19 Aggravated battery as defined in subdivision (e)(1) is a
20 Class X felony.

21 Aggravated battery as defined in subdivision (a)(2) is a
22 Class X felony for which a person shall be sentenced to a term
23 of imprisonment of a minimum of 6 years and a maximum of 45
24 years.

25 Aggravated battery as defined in subdivision (e)(5) is a
26 Class X felony for which a person shall be sentenced to a term

1 of imprisonment of a minimum of 12 years and a maximum of 45
2 years.

3 Aggravated battery as defined in subdivision (e)(2),
4 (e)(3), or (e)(4) is a Class X felony for which a person shall
5 be sentenced to a term of imprisonment of a minimum of 15 years
6 and a maximum of 60 years.

7 Aggravated battery as defined in subdivision (e)(6),
8 (e)(7), or (e)(8) is a Class X felony for which a person shall
9 be sentenced to a term of imprisonment of a minimum of 20 years
10 and a maximum of 60 years.

11 Aggravated battery as defined in subdivision (b)(1) is a
12 Class X felony, except that:

13 (1) if the person committed the offense while armed
14 with a firearm, 15 years shall be added to the term of
15 imprisonment imposed by the court;

16 (2) if, during the commission of the offense, the
17 person personally discharged a firearm, 20 years shall be
18 added to the term of imprisonment imposed by the court;

19 (3) if, during the commission of the offense, the
20 person personally discharged a firearm that proximately
21 caused great bodily harm, permanent disability, permanent
22 disfigurement, or death to another person, 25 years or up
23 to a term of natural life shall be added to the term of
24 imprisonment imposed by the court.

25 (i) Definitions. In this Section:

26 "Building or other structure used to provide shelter" has

1 the meaning ascribed to "shelter" in Section 1 of the Domestic
2 Violence Shelters Act.

3 "Domestic violence" has the meaning ascribed to it in
4 Section 103 of the Illinois Domestic Violence Act of 1986.

5 "Domestic violence shelter" means any building or other
6 structure used to provide shelter or other services to victims
7 or to the dependent children of victims of domestic violence
8 pursuant to the Illinois Domestic Violence Act of 1986 or the
9 Domestic Violence Shelters Act, or any place within 500 feet
10 of such a building or other structure in the case of a person
11 who is going to or from such a building or other structure.

12 "Firearm" has the meaning provided under Section 2-7.5 of
13 the Criminal Code of 2012 ~~1.1 of the Firearm Owners~~
14 ~~Identification Card Act~~, and does not include an air rifle as
15 defined by Section 24.8-0.1 of this Code.

16 "Machine gun" has the meaning ascribed to it in Section
17 24-1 of this Code.

18 "Merchant" has the meaning ascribed to it in Section
19 16-0.1 of this Code.

20 "Strangle" means intentionally impeding the normal
21 breathing or circulation of the blood of an individual by
22 applying pressure on the throat or neck of that individual or
23 by blocking the nose or mouth of that individual.

24 (Source: P.A. 101-223, eff. 1-1-20; 101-651, eff. 8-7-20.)

25 (Text of Section after amendment by P.A. 103-51)

1 Sec. 12-3.05. Aggravated battery.

2 (a) Offense based on injury. A person commits aggravated
3 battery when, in committing a battery, other than by the
4 discharge of a firearm, he or she knowingly does any of the
5 following:

6 (1) Causes great bodily harm or permanent disability
7 or disfigurement.

8 (2) Causes severe and permanent disability, great
9 bodily harm, or disfigurement by means of a caustic or
10 flammable substance, a poisonous gas, a deadly biological
11 or chemical contaminant or agent, a radioactive substance,
12 or a bomb or explosive compound.

13 (3) Causes great bodily harm or permanent disability
14 or disfigurement to an individual whom the person knows to
15 be a peace officer, community policing volunteer, fireman,
16 private security officer, correctional institution
17 employee, or Department of Human Services employee
18 supervising or controlling sexually dangerous persons or
19 sexually violent persons:

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 (4) Causes great bodily harm or permanent disability
26 or disfigurement to an individual 60 years of age or

1 older.

2 (5) Strangles another individual.

3 (b) Offense based on injury to a child or person with an
4 intellectual disability. A person who is at least 18 years of
5 age commits aggravated battery when, in committing a battery,
6 he or she knowingly and without legal justification by any
7 means:

8 (1) causes great bodily harm or permanent disability
9 or disfigurement to any child under the age of 13 years, or
10 to any person with a severe or profound intellectual
11 disability; or

12 (2) causes bodily harm or disability or disfigurement
13 to any child under the age of 13 years or to any person
14 with a severe or profound intellectual disability.

15 (c) Offense based on location of conduct. A person commits
16 aggravated battery when, in committing a battery, other than
17 by the discharge of a firearm, he or she is or the person
18 battered is on or about a public way, public property, a public
19 place of accommodation or amusement, a sports venue, or a
20 domestic violence shelter, or in a church, synagogue, mosque,
21 or other building, structure, or place used for religious
22 worship.

23 (d) Offense based on status of victim. A person commits
24 aggravated battery when, in committing a battery, other than
25 by discharge of a firearm, he or she knows the individual
26 battered to be any of the following:

1 (1) A person 60 years of age or older.

2 (2) A person who is pregnant or has a physical
3 disability.

4 (3) A teacher or school employee upon school grounds
5 or grounds adjacent to a school or in any part of a
6 building used for school purposes.

7 (4) A peace officer, community policing volunteer,
8 fireman, private security officer, correctional
9 institution employee, or Department of Human Services
10 employee supervising or controlling sexually dangerous
11 persons or sexually violent persons:

12 (i) performing his or her official duties;

13 (ii) battered to prevent performance of his or her
14 official duties; or

15 (iii) battered in retaliation for performing his
16 or her official duties.

17 (5) A judge, emergency management worker, emergency
18 medical services personnel, or utility worker:

19 (i) performing his or her official duties;

20 (ii) battered to prevent performance of his or her
21 official duties; or

22 (iii) battered in retaliation for performing his
23 or her official duties.

24 (6) An officer or employee of the State of Illinois, a
25 unit of local government, or a school district, while
26 performing his or her official duties.

1 (7) A transit employee performing his or her official
2 duties, or a transit passenger.

3 (8) A taxi driver on duty.

4 (9) A merchant who detains the person for an alleged
5 commission of retail theft under Section 16-26 of this
6 Code and the person without legal justification by any
7 means causes bodily harm to the merchant.

8 (10) A person authorized to serve process under
9 Section 2-202 of the Code of Civil Procedure or a special
10 process server appointed by the circuit court while that
11 individual is in the performance of his or her duties as a
12 process server.

13 (11) A nurse while in the performance of his or her
14 duties as a nurse.

15 (12) A merchant: (i) while performing his or her
16 duties, including, but not limited to, relaying directions
17 for healthcare or safety from his or her supervisor or
18 employer or relaying health or safety guidelines,
19 recommendations, regulations, or rules from a federal,
20 State, or local public health agency; and (ii) during a
21 disaster declared by the Governor, or a state of emergency
22 declared by the mayor of the municipality in which the
23 merchant is located, due to a public health emergency and
24 for a period of 6 months after such declaration.

25 (e) Offense based on use of a firearm. A person commits
26 aggravated battery when, in committing a battery, he or she

1 knowingly does any of the following:

2 (1) Discharges a firearm, other than a machine gun or
3 a firearm equipped with a silencer, and causes any injury
4 to another person.

5 (2) Discharges a firearm, other than a machine gun or
6 a firearm equipped with a silencer, and causes any injury
7 to a person he or she knows to be a peace officer,
8 community policing volunteer, person summoned by a police
9 officer, fireman, private security officer, correctional
10 institution employee, or emergency management worker:

11 (i) performing his or her official duties;

12 (ii) battered to prevent performance of his or her
13 official duties; or

14 (iii) battered in retaliation for performing his
15 or her official duties.

16 (3) Discharges a firearm, other than a machine gun or
17 a firearm equipped with a silencer, and causes any injury
18 to a person he or she knows to be emergency medical
19 services personnel:

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 (4) Discharges a firearm and causes any injury to a
26 person he or she knows to be a teacher, a student in a

1 school, or a school employee, and the teacher, student, or
2 employee is upon school grounds or grounds adjacent to a
3 school or in any part of a building used for school
4 purposes.

5 (5) Discharges a machine gun or a firearm equipped
6 with a silencer, and causes any injury to another person.

7 (6) Discharges a machine gun or a firearm equipped
8 with a silencer, and causes any injury to a person he or
9 she knows to be a peace officer, community policing
10 volunteer, person summoned by a police officer, fireman,
11 private security officer, correctional institution
12 employee or emergency management worker:

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 (7) Discharges a machine gun or a firearm equipped
19 with a silencer, and causes any injury to a person he or
20 she knows to be emergency medical 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 (8) Discharges a machine gun or a firearm equipped

1 with a silencer, and causes any injury to a person he or
2 she knows to be a teacher, or a student in a school, or a
3 school employee, and the teacher, student, or employee is
4 upon school grounds or grounds adjacent to a school or in
5 any part of a building used for school purposes.

6 (f) Offense based on use of a weapon or device. A person
7 commits aggravated battery when, in committing a battery, he
8 or she does any of the following:

9 (1) Uses a deadly weapon other than by discharge of a
10 firearm, or uses an air rifle as defined in Section
11 24.8-0.1 of this Code.

12 (2) Wears a hood, robe, or mask to conceal his or her
13 identity.

14 (3) Knowingly and without lawful justification shines
15 or flashes a laser gunsight or other laser device attached
16 to a firearm, or used in concert with a firearm, so that
17 the laser beam strikes upon or against the person of
18 another.

19 (4) Knowingly video or audio records the offense with
20 the intent to disseminate the recording.

21 (g) Offense based on certain conduct. A person commits
22 aggravated battery when, other than by discharge of a firearm,
23 he or she does any of the following:

24 (1) Violates Section 401 of the Illinois Controlled
25 Substances Act by unlawfully delivering a controlled
26 substance to another and any user experiences great bodily

1 harm or permanent disability as a result of the injection,
2 inhalation, or ingestion of any amount of the controlled
3 substance.

4 (2) Knowingly administers to an individual or causes
5 him or her to take, without his or her consent or by threat
6 or deception, and for other than medical purposes, any
7 intoxicating, poisonous, stupefying, narcotic,
8 anesthetic, or controlled substance, or gives to another
9 person any food containing any substance or object
10 intended to cause physical injury if eaten.

11 (3) Knowingly causes or attempts to cause a
12 correctional institution employee or Department of Human
13 Services employee to come into contact with blood, seminal
14 fluid, urine, or feces by throwing, tossing, or expelling
15 the fluid or material, and the person is an inmate of a
16 penal institution or is a sexually dangerous person or
17 sexually violent person in the custody of the Department
18 of Human Services.

19 (h) Sentence. Unless otherwise provided, aggravated
20 battery is a Class 3 felony.

21 Aggravated battery as defined in subdivision (a)(4),
22 (d)(4), or (g)(3) is a Class 2 felony.

23 Aggravated battery as defined in subdivision (a)(3) or
24 (g)(1) is a Class 1 felony.

25 Aggravated battery as defined in subdivision (a)(1) is a
26 Class 1 felony when the aggravated battery was intentional and

1 involved the infliction of torture, as defined in paragraph
2 (10) of subsection (b-5) of Section 5-8-1 of the Unified Code
3 of Corrections, as the infliction of or subjection to extreme
4 physical pain, motivated by an intent to increase or prolong
5 the pain, suffering, or agony of the victim.

6 Aggravated battery as defined in subdivision (a)(1) is a
7 Class 2 felony when the person causes great bodily harm or
8 permanent disability to an individual whom the person knows to
9 be a member of a congregation engaged in prayer or other
10 religious activities at a church, synagogue, mosque, or other
11 building, structure, or place used for religious worship.

12 Aggravated battery under subdivision (a)(5) is a Class 1
13 felony if:

14 (A) the person used or attempted to use a dangerous
15 instrument while committing the offense;

16 (B) the person caused great bodily harm or permanent
17 disability or disfigurement to the other person while
18 committing the offense; or

19 (C) the person has been previously convicted of a
20 violation of subdivision (a)(5) under the laws of this
21 State or laws similar to subdivision (a)(5) of any other
22 state.

23 Aggravated battery as defined in subdivision (e)(1) is a
24 Class X felony.

25 Aggravated battery as defined in subdivision (a)(2) is a
26 Class X felony for which a person shall be sentenced to a term

1 of imprisonment of a minimum of 6 years and a maximum of 45
2 years.

3 Aggravated battery as defined in subdivision (e)(5) is a
4 Class X felony for which a person shall be sentenced to a term
5 of imprisonment of a minimum of 12 years and a maximum of 45
6 years.

7 Aggravated battery as defined in subdivision (e)(2),
8 (e)(3), or (e)(4) is a Class X felony for which a person shall
9 be sentenced to a term of imprisonment of a minimum of 15 years
10 and a maximum of 60 years.

11 Aggravated battery as defined in subdivision (e)(6),
12 (e)(7), or (e)(8) is a Class X felony for which a person shall
13 be sentenced to a term of imprisonment of a minimum of 20 years
14 and a maximum of 60 years.

15 Aggravated battery as defined in subdivision (b)(1) is a
16 Class X felony, except that:

17 (1) if the person committed the offense while armed
18 with a firearm, 15 years shall be added to the term of
19 imprisonment imposed by the court;

20 (2) if, during the commission of the offense, the
21 person personally discharged a firearm, 20 years shall be
22 added to the term of imprisonment imposed by the court;

23 (3) if, during the commission of the offense, the
24 person personally discharged a firearm that proximately
25 caused great bodily harm, permanent disability, permanent
26 disfigurement, or death to another person, 25 years or up

1 to a term of natural life shall be added to the term of
2 imprisonment imposed by the court.

3 (i) Definitions. In this Section:

4 "Building or other structure used to provide shelter" has
5 the meaning ascribed to "shelter" in Section 1 of the Domestic
6 Violence Shelters Act.

7 "Domestic violence" has the meaning ascribed to it in
8 Section 103 of the Illinois Domestic Violence Act of 1986.

9 "Domestic violence shelter" means any building or other
10 structure used to provide shelter or other services to victims
11 or to the dependent children of victims of domestic violence
12 pursuant to the Illinois Domestic Violence Act of 1986 or the
13 Domestic Violence Shelters Act, or any place within 500 feet
14 of such a building or other structure in the case of a person
15 who is going to or from such a building or other structure.

16 "Firearm" has the meaning provided under 2-7.5 of this
17 Code ~~Section 1.1 of the Firearm Owners Identification Card~~
18 ~~Act~~, and does not include an air rifle as defined by Section
19 24.8-0.1 of this Code.

20 "Machine gun" has the meaning ascribed to it in Section
21 24-1 of this Code.

22 "Merchant" has the meaning ascribed to it in Section
23 16-0.1 of this Code.

24 "Strangle" means intentionally impeding the normal
25 breathing or circulation of the blood of an individual by
26 applying pressure on the throat or neck of that individual or

1 by blocking the nose or mouth of that individual.

2 (Source: P.A. 103-51, eff. 1-1-24.)

3 (720 ILCS 5/16-0.1)

4 Sec. 16-0.1. Definitions. In this Article, unless the
5 context clearly requires otherwise, the following terms are
6 defined as indicated:

7 "Access" means to use, instruct, communicate with, store
8 data in, retrieve or intercept data from, or otherwise utilize
9 any services of a computer.

10 "Coin-operated machine" includes any automatic vending
11 machine or any part thereof, parking meter, coin telephone,
12 coin-operated transit turnstile, transit fare box, coin
13 laundry machine, coin dry cleaning machine, amusement machine,
14 music machine, vending machine dispensing goods or services,
15 or money changer.

16 "Communication device" means any type of instrument,
17 device, machine, or equipment which is capable of
18 transmitting, acquiring, decrypting, or receiving any
19 telephonic, electronic, data, Internet access, audio, video,
20 microwave, or radio transmissions, signals, communications, or
21 services, including the receipt, acquisition, transmission, or
22 decryption of all such communications, transmissions, signals,
23 or services provided by or through any cable television, fiber
24 optic, telephone, satellite, microwave, radio, Internet-based,
25 data transmission, or wireless distribution network, system or

1 facility; or any part, accessory, or component thereof,
2 including any computer circuit, security module, smart card,
3 software, computer chip, electronic mechanism or other
4 component, accessory or part of any communication device which
5 is capable of facilitating the transmission, decryption,
6 acquisition or reception of all such communications,
7 transmissions, signals, or services.

8 "Communication service" means any service lawfully
9 provided for a charge or compensation to facilitate the lawful
10 origination, transmission, emission, or reception of signs,
11 signals, data, writings, images, and sounds or intelligence of
12 any nature by telephone, including cellular telephones or a
13 wire, wireless, radio, electromagnetic, photo-electronic or
14 photo-optical system; and also any service lawfully provided
15 by any radio, telephone, cable television, fiber optic,
16 satellite, microwave, Internet-based or wireless distribution
17 network, system, facility or technology, including, but not
18 limited to, any and all electronic, data, video, audio,
19 Internet access, telephonic, microwave and radio
20 communications, transmissions, signals and services, and any
21 such communications, transmissions, signals and services
22 lawfully provided directly or indirectly by or through any of
23 those networks, systems, facilities or technologies.

24 "Communication service provider" means: (1) any person or
25 entity providing any communication service, whether directly
26 or indirectly, as a reseller, including, but not limited to, a

1 cellular, paging or other wireless communications company or
2 other person or entity which, for a fee, supplies the
3 facility, cell site, mobile telephone switching office or
4 other equipment or communication service; (2) any person or
5 entity owning or operating any cable television, fiber optic,
6 satellite, telephone, wireless, microwave, radio, data
7 transmission or Internet-based distribution network, system or
8 facility; and (3) any person or entity providing any
9 communication service directly or indirectly by or through any
10 such distribution system, network or facility.

11 "Computer" means a device that accepts, processes, stores,
12 retrieves or outputs data, and includes but is not limited to
13 auxiliary storage and telecommunications devices connected to
14 computers.

15 "Continuing course of conduct" means a series of acts, and
16 the accompanying mental state necessary for the crime in
17 question, irrespective of whether the series of acts are
18 continuous or intermittent.

19 "Delivery container" means any bakery basket of wire or
20 plastic used to transport or store bread or bakery products,
21 any dairy case of wire or plastic used to transport or store
22 dairy products, and any dolly or cart of 2 or 4 wheels used to
23 transport or store any bakery or dairy product.

24 "Document-making implement" means any implement,
25 impression, template, computer file, computer disc, electronic
26 device, computer hardware, computer software, instrument, or

1 device that is used to make a real or fictitious or fraudulent
2 personal identification document.

3 "Financial transaction device" means any of the following:

4 (1) An electronic funds transfer card.

5 (2) A credit card.

6 (3) A debit card.

7 (4) A point-of-sale card.

8 (5) Any instrument, device, card, plate, code, account
9 number, personal identification number, or a record or
10 copy of a code, account number, or personal identification
11 number or other means of access to a credit account or
12 deposit account, or a driver's license or State
13 identification card used to access a proprietary account,
14 other than access originated solely by a paper instrument,
15 that can be used alone or in conjunction with another
16 access device, for any of the following purposes:

17 (A) Obtaining money, cash refund or credit
18 account, credit, goods, services, or any other thing
19 of value.

20 (B) Certifying or guaranteeing to a person or
21 business the availability to the device holder of
22 funds on deposit to honor a draft or check payable to
23 the order of that person or business.

24 (C) Providing the device holder access to a
25 deposit account for the purpose of making deposits,
26 withdrawing funds, transferring funds between deposit

1 accounts, obtaining information pertaining to a
2 deposit account, or making an electronic funds
3 transfer.

4 "Full retail value" means the merchant's stated or
5 advertised price of the merchandise. "Full retail value"
6 includes the aggregate value of property obtained from retail
7 thefts committed by the same person as part of a continuing
8 course of conduct from one or more mercantile establishments
9 in a single transaction or in separate transactions over a
10 period of one year.

11 "Internet" means an interactive computer service or system
12 or an information service, system, or access software provider
13 that provides or enables computer access by multiple users to
14 a computer server, and includes, but is not limited to, an
15 information service, system, or access software provider that
16 provides access to a network system commonly known as the
17 Internet, or any comparable system or service and also
18 includes, but is not limited to, a World Wide Web page,
19 newsgroup, message board, mailing list, or chat area on any
20 interactive computer service or system or other online
21 service.

22 "Library card" means a card or plate issued by a library
23 facility for purposes of identifying the person to whom the
24 library card was issued as authorized to borrow library
25 material, subject to all limitations and conditions imposed on
26 the borrowing by the library facility issuing such card.

1 "Library facility" includes any public library or museum,
2 or any library or museum of an educational, historical or
3 eleemosynary institution, organization or society.

4 "Library material" includes any book, plate, picture,
5 photograph, engraving, painting, sculpture, statue, artifact,
6 drawing, map, newspaper, pamphlet, broadside, magazine,
7 manuscript, document, letter, microfilm, sound recording,
8 audiovisual material, magnetic or other tape, electronic data
9 processing record or other documentary, written or printed
10 material regardless of physical form or characteristics, or
11 any part thereof, belonging to, or on loan to or otherwise in
12 the custody of a library facility.

13 "Manufacture or assembly of an unlawful access device"
14 means to make, produce or assemble an unlawful access device
15 or to modify, alter, program or re-program any instrument,
16 device, machine, equipment or software so that it is capable
17 of defeating or circumventing any technology, device or
18 software used by the provider, owner or licensee of a
19 communication service or of any data, audio or video programs
20 or transmissions to protect any such communication, data,
21 audio or video services, programs or transmissions from
22 unauthorized access, acquisition, disclosure, receipt,
23 decryption, communication, transmission or re-transmission.

24 "Manufacture or assembly of an unlawful communication
25 device" means to make, produce or assemble an unlawful
26 communication or wireless device or to modify, alter, program

1 or reprogram a communication or wireless device to be capable
2 of acquiring, disrupting, receiving, transmitting, decrypting,
3 or facilitating the acquisition, disruption, receipt,
4 transmission or decryption of, a communication service without
5 the express consent or express authorization of the
6 communication service provider, or to knowingly assist others
7 in those activities.

8 "Master sound recording" means the original physical
9 object on which a given set of sounds were first recorded and
10 which the original object from which all subsequent sound
11 recordings embodying the same set of sounds are directly or
12 indirectly derived.

13 "Merchandise" means any item of tangible personal
14 property, including motor fuel.

15 "Merchant" means an owner or operator of any retail
16 mercantile establishment or any agent, employee, lessee,
17 consignee, officer, director, franchisee, or independent
18 contractor of the owner or operator. "Merchant" also means a
19 person who receives from an authorized user of a payment card,
20 or someone the person believes to be an authorized user, a
21 payment card or information from a payment card, or what the
22 person believes to be a payment card or information from a
23 payment card, as the instrument for obtaining, purchasing or
24 receiving goods, services, money, or anything else of value
25 from the person.

26 "Motor fuel" means a liquid, regardless of its properties,

1 used to propel a vehicle, including gasoline and diesel.

2 "Online" means the use of any electronic or wireless
3 device to access the Internet.

4 "Payment card" means a credit card, charge card, debit
5 card, or any other card that is issued to an authorized card
6 user and that allows the user to obtain, purchase, or receive
7 goods, services, money, or anything else of value from a
8 merchant.

9 "Person with a disability" means a person who suffers from
10 a physical or mental impairment resulting from disease,
11 injury, functional disorder or congenital condition that
12 impairs the individual's mental or physical ability to
13 independently manage his or her property or financial
14 resources, or both.

15 "Personal identification document" means a birth
16 certificate, a driver's license, a State identification card,
17 a public, government, or private employment identification
18 card, a social security card, a license issued under the
19 Firearm Concealed Carry Act ~~firearm owner's identification~~
20 ~~card~~, a credit card, a debit card, or a passport issued to or
21 on behalf of a person other than the offender, or any document
22 made or issued, or falsely purported to have been made or
23 issued, by or under the authority of the United States
24 Government, the State of Illinois, or any other state
25 political subdivision of any state, or any other governmental
26 or quasi-governmental organization that is of a type intended

1 for the purpose of identification of an individual, or any
2 such document made or altered in a manner that it falsely
3 purports to have been made on behalf of or issued to another
4 person or by the authority of one who did not give that
5 authority.

6 "Personal identifying information" means any of the
7 following information:

8 (1) A person's name.

9 (2) A person's address.

10 (3) A person's date of birth.

11 (4) A person's telephone number.

12 (5) A person's driver's license number or State of
13 Illinois identification card as assigned by the Secretary
14 of State of the State of Illinois or a similar agency of
15 another state.

16 (6) A person's social security number.

17 (7) A person's public, private, or government
18 employer, place of employment, or employment
19 identification number.

20 (8) The maiden name of a person's mother.

21 (9) The number assigned to a person's depository
22 account, savings account, or brokerage account.

23 (10) The number assigned to a person's credit or debit
24 card, commonly known as a "Visa Card", "MasterCard",
25 "American Express Card", "Discover Card", or other similar
26 cards whether issued by a financial institution,

1 corporation, or business entity.

2 (11) Personal identification numbers.

3 (12) Electronic identification numbers.

4 (13) Digital signals.

5 (14) User names, passwords, and any other word,
6 number, character or combination of the same usable in
7 whole or part to access information relating to a specific
8 individual, or to the actions taken, communications made
9 or received, or other activities or transactions of a
10 specific individual.

11 (15) Any other numbers or information which can be
12 used to access a person's financial resources, or to
13 identify a specific individual, or the actions taken,
14 communications made or received, or other activities or
15 transactions of a specific individual.

16 "Premises of a retail mercantile establishment" includes,
17 but is not limited to, the retail mercantile establishment;
18 any common use areas in shopping centers; and all parking
19 areas set aside by a merchant or on behalf of a merchant for
20 the parking of vehicles for the convenience of the patrons of
21 such retail mercantile establishment.

22 "Public water, gas, or power supply, or other public
23 services" mean any service subject to regulation by the
24 Illinois Commerce Commission; any service furnished by a
25 public utility that is owned and operated by any political
26 subdivision, public institution of higher education or

1 municipal corporation of this State; any service furnished by
2 any public utility that is owned by such political
3 subdivision, public institution of higher education, or
4 municipal corporation and operated by any of its lessees or
5 operating agents; any service furnished by an electric
6 cooperative as defined in Section 3.4 of the Electric Supplier
7 Act; or wireless service or other service regulated by the
8 Federal Communications Commission.

9 "Publish" means to communicate or disseminate information
10 to any one or more persons, either orally, in person, or by
11 telephone, radio or television or in writing of any kind,
12 including, without limitation, a letter or memorandum,
13 circular or handbill, newspaper or magazine article or book.

14 "Radio frequency identification device" means any
15 implement, computer file, computer disc, electronic device,
16 computer hardware, computer software, or instrument that is
17 used to activate, read, receive, or decode information stored
18 on a RFID tag or transponder attached to a personal
19 identification document.

20 "RFID tag or transponder" means a chip or device that
21 contains personal identifying information from which the
22 personal identifying information can be read or decoded by
23 another device emitting a radio frequency that activates or
24 powers a radio frequency emission response from the chip or
25 transponder.

26 "Reencoder" means an electronic device that places encoded

1 information from the magnetic strip or stripe of a payment
2 card onto the magnetic strip or stripe of a different payment
3 card.

4 "Retail mercantile establishment" means any place where
5 merchandise is displayed, held, stored or offered for sale to
6 the public.

7 "Scanning device" means a scanner, reader, or any other
8 electronic device that is used to access, read, scan, obtain,
9 memorize, or store, temporarily or permanently, information
10 encoded on the magnetic strip or stripe of a payment card.

11 "Shopping cart" means those push carts of the type or
12 types which are commonly provided by grocery stores, drug
13 stores or other retail mercantile establishments for the use
14 of the public in transporting commodities in stores and
15 markets and, incidentally, from the stores to a place outside
16 the store.

17 "Sound or audio visual recording" means any sound or audio
18 visual phonograph record, disc, pre-recorded tape, film, wire,
19 magnetic tape or other object, device or medium, now known or
20 hereafter invented, by which sounds or images may be
21 reproduced with or without the use of any additional machine,
22 equipment or device.

23 "Stored value card" means any card, gift card, instrument,
24 or device issued with or without fee for the use of the
25 cardholder to obtain money, goods, services, or anything else
26 of value. Stored value cards include, but are not limited to,

1 cards issued for use as a stored value card or gift card, and
2 an account identification number or symbol used to identify a
3 stored value card. "Stored value card" does not include a
4 prepaid card usable at multiple, unaffiliated merchants or at
5 automated teller machines, or both. "Stored value card" shall
6 only apply to Section 16-25.1 of this Act.

7 "Theft detection device remover" means any tool or device
8 specifically designed and intended to be used to remove any
9 theft detection device from any merchandise.

10 "Under-ring" means to cause the cash register or other
11 sales recording device to reflect less than the full retail
12 value of the merchandise.

13 "Unidentified sound or audio visual recording" means a
14 sound or audio visual recording without the actual name and
15 full and correct street address of the manufacturer, and the
16 name of the actual performers or groups prominently and
17 legibly printed on the outside cover or jacket and on the label
18 of such sound or audio visual recording.

19 "Unlawful access device" means any type of instrument,
20 device, machine, equipment, technology, or software which is
21 primarily possessed, used, designed, assembled, manufactured,
22 sold, distributed or offered, promoted or advertised for the
23 purpose of defeating or circumventing any technology, device
24 or software, or any component or part thereof, used by the
25 provider, owner or licensee of any communication service or of
26 any data, audio or video programs or transmissions to protect

1 any such communication, audio or video services, programs or
2 transmissions from unauthorized access, acquisition, receipt,
3 decryption, disclosure, communication, transmission or
4 re-transmission.

5 "Unlawful communication device" means any electronic
6 serial number, mobile identification number, personal
7 identification number or any communication or wireless device
8 that is capable of acquiring or facilitating the acquisition
9 of a communication service without the express consent or
10 express authorization of the communication service provider,
11 or that has been altered, modified, programmed or
12 reprogrammed, alone or in conjunction with another
13 communication or wireless device or other equipment, to so
14 acquire or facilitate the unauthorized acquisition of a
15 communication service. "Unlawful communication device" also
16 means:

17 (1) any phone altered to obtain service without the
18 express consent or express authorization of the
19 communication service provider, tumbler phone, counterfeit
20 or clone phone, tumbler microchip, counterfeit or clone
21 microchip, scanning receiver of wireless communication
22 service or other instrument capable of disguising its
23 identity or location or of gaining unauthorized access to
24 a communications or wireless system operated by a
25 communication service provider; and

26 (2) any communication or wireless device which is

1 capable of, or has been altered, designed, modified,
2 programmed or reprogrammed, alone or in conjunction with
3 another communication or wireless device or devices, so as
4 to be capable of, facilitating the disruption,
5 acquisition, receipt, transmission or decryption of a
6 communication service without the express consent or
7 express authorization of the communication service
8 provider, including, but not limited to, any device,
9 technology, product, service, equipment, computer software
10 or component or part thereof, primarily distributed, sold,
11 designed, assembled, manufactured, modified, programmed,
12 reprogrammed or used for the purpose of providing the
13 unauthorized receipt of, transmission of, disruption of,
14 decryption of, access to or acquisition of any
15 communication service provided by any communication
16 service provider.

17 "Vehicle" means a motor vehicle, motorcycle, or farm
18 implement that is self-propelled and that uses motor fuel for
19 propulsion.

20 "Wireless device" includes any type of instrument, device,
21 machine, or equipment that is capable of transmitting or
22 receiving telephonic, electronic or radio communications, or
23 any part of such instrument, device, machine, or equipment, or
24 any computer circuit, computer chip, electronic mechanism, or
25 other component that is capable of facilitating the
26 transmission or reception of telephonic, electronic, or radio

1 communications.

2 (Source: P.A. 102-757, eff. 5-13-22.)

3 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

4 Sec. 17-30. Defaced, altered, or removed manufacturer or
5 owner identification number.

6 (a) Unlawful sale of household appliances. A person
7 commits unlawful sale of household appliances when he or she
8 knowingly, with the intent to defraud or deceive another,
9 keeps for sale, within any commercial context, any household
10 appliance with a missing, defaced, obliterated, or otherwise
11 altered manufacturer's identification number.

12 (b) Construction equipment identification defacement. A
13 person commits construction equipment identification
14 defacement when he or she knowingly changes, alters, removes,
15 mutilates, or obliterates a permanently affixed serial number,
16 product identification number, part number, component
17 identification number, owner-applied identification, or other
18 mark of identification attached to or stamped, inscribed,
19 molded, or etched into a machine or other equipment, whether
20 stationary or mobile or self-propelled, or a part of such
21 machine or equipment, used in the construction, maintenance,
22 or demolition of buildings, structures, bridges, tunnels,
23 sewers, utility pipes or lines, ditches or open cuts, roads,
24 highways, dams, airports, or waterways or in material handling
25 for such projects.

1 The trier of fact may infer that the defendant has
2 knowingly changed, altered, removed, or obliterated the serial
3 number, product identification number, part number, component
4 identification number, owner-applied identification number, or
5 other mark of identification, if the defendant was in
6 possession of any machine or other equipment or a part of such
7 machine or equipment used in the construction, maintenance, or
8 demolition of buildings, structures, bridges, tunnels, sewers,
9 utility pipes or lines, ditches or open cuts, roads, highways,
10 dams, airports, or waterways or in material handling for such
11 projects upon which any such serial number, product
12 identification number, part number, component identification
13 number, owner-applied identification number, or other mark of
14 identification has been changed, altered, removed, or
15 obliterated.

16 (c) Defacement of manufacturer's serial number or
17 identification mark. A person commits defacement of a
18 manufacturer's serial number or identification mark when he or
19 she knowingly removes, alters, defaces, covers, or destroys
20 the manufacturer's serial number or any other manufacturer's
21 number or distinguishing identification mark upon any machine
22 or other article of merchandise, other than a motor vehicle as
23 defined in Section 1-146 of the Illinois Vehicle Code or a
24 firearm ~~as defined in the Firearm Owners Identification Card~~
25 ~~Act~~, with the intent of concealing or destroying the identity
26 of such machine or other article of merchandise.

1 (d) Sentence.

2 (1) A violation of subsection (a) of this Section is a
3 Class 4 felony if the value of the appliance or appliances
4 exceeds \$1,000 and a Class B misdemeanor if the value of
5 the appliance or appliances is \$1,000 or less.

6 (2) A violation of subsection (b) of this Section is a
7 Class A misdemeanor.

8 (3) A violation of subsection (c) of this Section is a
9 Class B misdemeanor.

10 (e) No liability shall be imposed upon any person for the
11 unintentional failure to comply with subsection (a).

12 (f) Definitions. In this Section:

13 "Commercial context" means a continuing business
14 enterprise conducted for profit by any person whose primary
15 business is the wholesale or retail marketing of household
16 appliances, or a significant portion of whose business or
17 inventory consists of household appliances kept or sold on a
18 wholesale or retail basis.

19 "Household appliance" means any gas or electric device or
20 machine marketed for use as home entertainment or for
21 facilitating or expediting household tasks or chores. The term
22 shall include but not necessarily be limited to refrigerators,
23 freezers, ranges, radios, television sets, vacuum cleaners,
24 toasters, dishwashers, and other similar household items.

25 "Manufacturer's identification number" means any serial
26 number or other similar numerical or alphabetical designation

1 imprinted upon or attached to or placed, stamped, or otherwise
2 imprinted upon or attached to a household appliance or item by
3 the manufacturer for purposes of identifying a particular
4 appliance or item individually or by lot number.

5 (Source: P.A. 96-1551, eff. 7-1-11.)

6 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

7 Sec. 24-1. Unlawful use of weapons.

8 (a) A person commits the offense of unlawful use of
9 weapons when he knowingly:

10 (1) Sells, manufactures, purchases, possesses or
11 carries any bludgeon, black-jack, slung-shot, sand-club,
12 sand-bag, metal knuckles or other knuckle weapon
13 regardless of its composition, throwing star, or any
14 knife, commonly referred to as a switchblade knife, which
15 has a blade that opens automatically by hand pressure
16 applied to a button, spring or other device in the handle
17 of the knife, or a ballistic knife, which is a device that
18 propels a knifelike blade as a projectile by means of a
19 coil spring, elastic material or compressed gas; or

20 (2) Carries or possesses with intent to use the same
21 unlawfully against another, a dagger, dirk, billy,
22 dangerous knife, razor, stiletto, broken bottle or other
23 piece of glass, stun gun or taser or any other dangerous or
24 deadly weapon or instrument of like character; or

25 (2.5) Carries or possesses with intent to use the same

1 unlawfully against another, any firearm in a church,
2 synagogue, mosque, or other building, structure, or place
3 used for religious worship; or

4 (3) Carries on or about his person or in any vehicle, a
5 tear gas gun projector or bomb or any object containing
6 noxious liquid gas or substance, other than an object
7 containing a non-lethal noxious liquid gas or substance
8 designed solely for personal defense carried by a person
9 18 years of age or older; or

10 (4) Carries or possesses in any vehicle or concealed
11 on or about his person except when on his land or in his
12 own abode, legal dwelling, or fixed place of business, or
13 on the land or in the legal dwelling of another person as
14 an invitee with that person's permission, any pistol,
15 revolver, stun gun or taser or other firearm, except that
16 this subsection (a)(4) does not apply to or affect
17 transportation of weapons that meet one of the following
18 conditions:

19 (i) are broken down in a non-functioning state; or

20 (ii) are not immediately accessible; or

21 (iii) are unloaded and enclosed in a case, firearm
22 carrying box, shipping box, or other container by a
23 person eligible under State and federal law to possess
24 a firearm ~~who has been issued a currently valid~~
25 ~~Firearm Owner's Identification Card~~; or

26 (iv) are carried or possessed in accordance with

1 the Firearm Concealed Carry Act by a person who has
2 been issued a currently valid license under the
3 Firearm Concealed Carry Act; or

4 (5) Sets a spring gun; or

5 (6) Possesses any device or attachment of any kind
6 designed, used or intended for use in silencing the report
7 of any firearm; or

8 (7) Sells, manufactures, purchases, possesses or
9 carries:

10 (i) a machine gun, which shall be defined for the
11 purposes of this subsection as any weapon, which
12 shoots, is designed to shoot, or can be readily
13 restored to shoot, automatically more than one shot
14 without manually reloading by a single function of the
15 trigger, including the frame or receiver of any such
16 weapon, or sells, manufactures, purchases, possesses,
17 or carries any combination of parts designed or
18 intended for use in converting any weapon into a
19 machine gun, or any combination or parts from which a
20 machine gun can be assembled if such parts are in the
21 possession or under the control of a person;

22 (ii) any rifle having one or more barrels less
23 than 16 inches in length or a shotgun having one or
24 more barrels less than 18 inches in length or any
25 weapon made from a rifle or shotgun, whether by
26 alteration, modification, or otherwise, if such a

1 weapon as modified has an overall length of less than
2 26 inches; or

3 (iii) any bomb, bomb-shell, grenade, bottle or
4 other container containing an explosive substance of
5 over one-quarter ounce for like purposes, such as, but
6 not limited to, black powder bombs and Molotov
7 cocktails or artillery projectiles; or

8 (8) Carries or possesses any firearm, stun gun or
9 taser or other deadly weapon in any place which is
10 licensed to sell intoxicating beverages, or at any public
11 gathering held pursuant to a license issued by any
12 governmental body or any public gathering at which an
13 admission is charged, excluding a place where a showing,
14 demonstration or lecture involving the exhibition of
15 unloaded firearms is conducted.

16 This subsection (a) (8) does not apply to any auction
17 or raffle of a firearm held pursuant to a license or permit
18 issued by a governmental body, nor does it apply to
19 persons engaged in firearm safety training courses; or

20 (9) Carries or possesses in a vehicle or on or about
21 his or her person any pistol, revolver, stun gun or taser
22 or firearm or ballistic knife, when he or she is hooded,
23 robed or masked in such manner as to conceal his or her
24 identity; or

25 (10) Carries or possesses on or about his or her
26 person, upon any public street, alley, or other public

1 lands within the corporate limits of a city, village, or
2 incorporated town, except when an invitee thereon or
3 therein, for the purpose of the display of such weapon or
4 the lawful commerce in weapons, or except when on his land
5 or in his or her own abode, legal dwelling, or fixed place
6 of business, or on the land or in the legal dwelling of
7 another person as an invitee with that person's
8 permission, any pistol, revolver, stun gun, or taser or
9 other firearm, except that this subsection (a)(10) does
10 not apply to or affect transportation of weapons that meet
11 one of the following conditions:

12 (i) are broken down in a non-functioning state; or

13 (ii) are not immediately accessible; or

14 (iii) are unloaded and enclosed in a case, firearm
15 carrying box, shipping box, or other container by a
16 person eligible under State and federal law to possess
17 a firearm ~~who has been issued a currently valid~~
18 ~~Firearm Owner's Identification Card; or~~

19 (iv) are carried or possessed in accordance with
20 the Firearm Concealed Carry Act by a person who has
21 been issued a currently valid license under the
22 Firearm Concealed Carry Act.

23 A "stun gun or taser", as used in this paragraph (a)
24 means (i) any device which is powered by electrical
25 charging units, such as, batteries, and which fires one or
26 several barbs attached to a length of wire and which, upon

1 hitting a human, can send out a current capable of
2 disrupting the person's nervous system in such a manner as
3 to render him incapable of normal functioning or (ii) any
4 device which is powered by electrical charging units, such
5 as batteries, and which, upon contact with a human or
6 clothing worn by a human, can send out current capable of
7 disrupting the person's nervous system in such a manner as
8 to render him incapable of normal functioning; or

9 (11) Sells, manufactures, delivers, imports,
10 possesses, or purchases any assault weapon attachment or
11 .50 caliber cartridge in violation of Section 24-1.9 or
12 any explosive bullet. For purposes of this paragraph (a)
13 "explosive bullet" means the projectile portion of an
14 ammunition cartridge which contains or carries an
15 explosive charge which will explode upon contact with the
16 flesh of a human or an animal. "Cartridge" means a tubular
17 metal case having a projectile affixed at the front
18 thereof and a cap or primer at the rear end thereof, with
19 the propellant contained in such tube between the
20 projectile and the cap; or

21 (12) (Blank); or

22 (13) Carries or possesses on or about his or her
23 person while in a building occupied by a unit of
24 government, a billy club, other weapon of like character,
25 or other instrument of like character intended for use as
26 a weapon. For the purposes of this Section, "billy club"

1 means a short stick or club commonly carried by police
2 officers which is either telescopic or constructed of a
3 solid piece of wood or other man-made material; or

4 (14) Manufactures, possesses, sells, or offers to
5 sell, purchase, manufacture, import, transfer, or use any
6 device, part, kit, tool, accessory, or combination of
7 parts that is designed to and functions to increase the
8 rate of fire of a semiautomatic firearm above the standard
9 rate of fire for semiautomatic firearms that is not
10 equipped with that device, part, or combination of parts;
11 or

12 (15) Carries or possesses any assault weapon or .50
13 caliber rifle in violation of Section 24-1.9; or

14 (16) Manufactures, sells, delivers, imports, or
15 purchases any assault weapon or .50 caliber rifle in
16 violation of Section 24-1.9.

17 (b) Sentence. A person convicted of a violation of
18 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
19 subsection 24-1(a)(11), subsection 24-1(a)(13), or 24-1(a)(15)
20 commits a Class A misdemeanor. A person convicted of a
21 violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a
22 Class 4 felony; a person convicted of a violation of
23 subsection 24-1(a)(6), 24-1(a)(7)(ii), 24-1(a)(7)(iii), or
24 24-1(a)(16) commits a Class 3 felony. A person convicted of a
25 violation of subsection 24-1(a)(7)(i) commits a Class 2 felony
26 and shall be sentenced to a term of imprisonment of not less

1 than 3 years and not more than 7 years, unless the weapon is
2 possessed in the passenger compartment of a motor vehicle as
3 defined in Section 1-146 of the Illinois Vehicle Code, or on
4 the person, while the weapon is loaded, in which case it shall
5 be a Class X felony. A person convicted of a second or
6 subsequent violation of subsection 24-1(a)(4), 24-1(a)(8),
7 24-1(a)(9), 24-1(a)(10), or 24-1(a)(15) commits a Class 3
8 felony. A person convicted of a violation of subsection
9 24-1(a)(2.5) or 24-1(a)(14) commits a Class 2 felony. The
10 possession of each weapon or device in violation of this
11 Section constitutes a single and separate violation.

12 (c) Violations in specific places.

13 (1) A person who violates subsection 24-1(a)(6) or
14 24-1(a)(7) in any school, regardless of the time of day or
15 the time of year, in residential property owned, operated
16 or managed by a public housing agency or leased by a public
17 housing agency as part of a scattered site or mixed-income
18 development, in a public park, in a courthouse, on the
19 real property comprising any school, regardless of the
20 time of day or the time of year, on residential property
21 owned, operated or managed by a public housing agency or
22 leased by a public housing agency as part of a scattered
23 site or mixed-income development, on the real property
24 comprising any public park, on the real property
25 comprising any courthouse, in any conveyance owned, leased
26 or contracted by a school to transport students to or from

1 school or a school related activity, in any conveyance
2 owned, leased, or contracted by a public transportation
3 agency, or on any public way within 1,000 feet of the real
4 property comprising any school, public park, courthouse,
5 public transportation facility, or residential property
6 owned, operated, or managed by a public housing agency or
7 leased by a public housing agency as part of a scattered
8 site or mixed-income development commits a Class 2 felony
9 and shall be sentenced to a term of imprisonment of not
10 less than 3 years and not more than 7 years.

11 (1.5) A person who violates subsection 24-1(a)(4),
12 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
13 the time of day or the time of year, in residential
14 property owned, operated, or managed by a public housing
15 agency or leased by a public housing agency as part of a
16 scattered site or mixed-income development, in a public
17 park, in a courthouse, on the real property comprising any
18 school, regardless of the time of day or the time of year,
19 on residential property owned, operated, or managed by a
20 public housing agency or leased by a public housing agency
21 as part of a scattered site or mixed-income development,
22 on the real property comprising any public park, on the
23 real property comprising any courthouse, in any conveyance
24 owned, leased, or contracted by a school to transport
25 students to or from school or a school related activity,
26 in any conveyance owned, leased, or contracted by a public

1 transportation agency, or on any public way within 1,000
2 feet of the real property comprising any school, public
3 park, courthouse, public transportation facility, or
4 residential property owned, operated, or managed by a
5 public housing agency or leased by a public housing agency
6 as part of a scattered site or mixed-income development
7 commits a Class 3 felony.

8 (2) A person who violates subsection 24-1(a)(1),
9 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
10 time of day or the time of year, in residential property
11 owned, operated or managed by a public housing agency or
12 leased by a public housing agency as part of a scattered
13 site or mixed-income development, in a public park, in a
14 courthouse, on the real property comprising any school,
15 regardless of the time of day or the time of year, on
16 residential property owned, operated or managed by a
17 public housing agency or leased by a public housing agency
18 as part of a scattered site or mixed-income development,
19 on the real property comprising any public park, on the
20 real property comprising any courthouse, in any conveyance
21 owned, leased or contracted by a school to transport
22 students to or from school or a school related activity,
23 in any conveyance owned, leased, or contracted by a public
24 transportation agency, or on any public way within 1,000
25 feet of the real property comprising any school, public
26 park, courthouse, public transportation facility, or

1 residential property owned, operated, or managed by a
2 public housing agency or leased by a public housing agency
3 as part of a scattered site or mixed-income development
4 commits a Class 4 felony. "Courthouse" means any building
5 that is used by the Circuit, Appellate, or Supreme Court
6 of this State for the conduct of official business.

7 (3) Paragraphs (1), (1.5), and (2) of this subsection
8 (c) shall not apply to law enforcement officers or
9 security officers of such school, college, or university
10 or to students carrying or possessing firearms for use in
11 training courses, parades, hunting, target shooting on
12 school ranges, or otherwise with the consent of school
13 authorities and which firearms are transported unloaded
14 enclosed in a suitable case, box, or transportation
15 package.

16 (4) For the purposes of this subsection (c), "school"
17 means any public or private elementary or secondary
18 school, community college, college, or university.

19 (5) For the purposes of this subsection (c), "public
20 transportation agency" means a public or private agency
21 that provides for the transportation or conveyance of
22 persons by means available to the general public, except
23 for transportation by automobiles not used for conveyance
24 of the general public as passengers; and "public
25 transportation facility" means a terminal or other place
26 where one may obtain public transportation.

1 (d) The presence in an automobile other than a public
2 omnibus of any weapon, instrument or substance referred to in
3 subsection (a) (7) is prima facie evidence that it is in the
4 possession of, and is being carried by, all persons occupying
5 such automobile at the time such weapon, instrument or
6 substance is found, except under the following circumstances:
7 (i) if such weapon, instrument or instrumentality is found
8 upon the person of one of the occupants therein; or (ii) if
9 such weapon, instrument or substance is found in an automobile
10 operated for hire by a duly licensed driver in the due, lawful
11 and proper pursuit of his or her trade, then such presumption
12 shall not apply to the driver.

13 (e) Exemptions.

14 (1) Crossbows, Common or Compound bows and Underwater
15 Spearguns are exempted from the definition of ballistic
16 knife as defined in paragraph (1) of subsection (a) of
17 this Section.

18 (2) The provision of paragraph (1) of subsection (a)
19 of this Section prohibiting the sale, manufacture,
20 purchase, possession, or carrying of any knife, commonly
21 referred to as a switchblade knife, which has a blade that
22 opens automatically by hand pressure applied to a button,
23 spring or other device in the handle of the knife, does not
24 apply to a person eligible under State and federal law to
25 possess a firearm ~~who possesses a currently valid Firearm~~
26 ~~Owner's Identification Card previously issued in his or~~

1 ~~her name by the Illinois State Police~~ or to a person or an
2 entity engaged in the business of selling or manufacturing
3 switchblade knives.

4 (Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21;
5 102-1116, eff. 1-10-23.)

6 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

7 Sec. 24-1.1. Unlawful use or possession of weapons by
8 felons or persons in the custody of the Department of
9 Corrections facilities.

10 (a) It is unlawful for a person to knowingly possess on or
11 about his person or on his land or in his own abode or fixed
12 place of business any weapon prohibited under Section 24-1 of
13 this Act or any firearm or any firearm ammunition if the person
14 has been convicted of a felony under the laws of this State or
15 any other jurisdiction. This Section shall not apply if the
16 person has been granted relief under this subsection ~~by the~~
17 ~~Director of the Illinois State Police under Section 10 of the~~
18 ~~Firearm Owners Identification Card Act.~~ A person prohibited
19 from possessing a firearm under this subsection (a) may
20 petition the Director of the Illinois State Police for a
21 hearing and relief from the prohibition, unless the
22 prohibition was based upon a forcible felony, stalking,
23 aggravated stalking, domestic battery, any violation of the
24 Illinois Controlled Substances Act, the Methamphetamine
25 Control and Community Protection Act, or the Cannabis Control

1 Act that is classified as a Class 2 or greater felony, any
2 felony violation of Article 24 of the Criminal Code of 1961 or
3 the Criminal Code of 2012, or any adjudication as a delinquent
4 minor for the commission of an offense that if committed by an
5 adult would be a felony, in which case the person may petition
6 the circuit court in writing in the county of his or her
7 residence for a hearing and relief from the prohibition. The
8 Director or court may grant the relief if it is established by
9 the petitioner to the court's or Director's satisfaction that:

10 (1) when in the circuit court, the State's Attorney
11 has been served with a written copy of the petition at
12 least 30 days before any hearing in the circuit court and
13 at the hearing the State's Attorney was afforded an
14 opportunity to present evidence and object to the
15 petition;

16 (2) the petitioner has not been convicted of a
17 forcible felony under the laws of this State or any other
18 jurisdiction within 20 years of the filing of the
19 petition, or at least 20 years have passed since the end of
20 any period of imprisonment imposed in relation to that
21 conviction;

22 (3) the circumstances regarding a criminal conviction,
23 where applicable, the petitioner's criminal history and
24 his or her reputation are such that the petitioner will
25 not be likely to act in a manner dangerous to public
26 safety;

1 (4) granting relief would not be contrary to the
2 public interest; and

3 (5) granting relief would not be contrary to federal
4 law.

5 (b) It is unlawful for any person confined in a penal
6 institution, which is a facility of the Illinois Department of
7 Corrections, to possess any weapon prohibited under Section
8 24-1 of this Code or any firearm or firearm ammunition,
9 regardless of the intent with which he possesses it.

10 (c) It shall be an affirmative defense to a violation of
11 subsection (b), that such possession was specifically
12 authorized by rule, regulation, or directive of the Illinois
13 Department of Corrections or order issued pursuant thereto.

14 (d) The defense of necessity is not available to a person
15 who is charged with a violation of subsection (b) of this
16 Section.

17 (e) Sentence. Violation of this Section by a person not
18 confined in a penal institution shall be a Class 3 felony for
19 which the person shall be sentenced to no less than 2 years and
20 no more than 10 years. A second or subsequent violation of this
21 Section shall be a Class 2 felony for which the person shall be
22 sentenced to a term of imprisonment of not less than 3 years
23 and not more than 14 years, except as provided for in Section
24 5-4.5-110 of the Unified Code of Corrections. Violation of
25 this Section by a person not confined in a penal institution
26 who has been convicted of a forcible felony, a felony

1 violation of Article 24 of this Code ~~or of the Firearm Owners~~
2 ~~Identification Card Act~~, stalking or aggravated stalking, or a
3 Class 2 or greater felony under the Illinois Controlled
4 Substances Act, the Cannabis Control Act, or the
5 Methamphetamine Control and Community Protection Act is a
6 Class 2 felony for which the person shall be sentenced to not
7 less than 3 years and not more than 14 years, except as
8 provided for in Section 5-4.5-110 of the Unified Code of
9 Corrections. Violation of this Section by a person who is on
10 parole or mandatory supervised release is a Class 2 felony for
11 which the person shall be sentenced to not less than 3 years
12 and not more than 14 years, except as provided for in Section
13 5-4.5-110 of the Unified Code of Corrections. Violation of
14 this Section by a person not confined in a penal institution is
15 a Class X felony when the firearm possessed is a machine gun.
16 Any person who violates this Section while confined in a penal
17 institution, which is a facility of the Illinois Department of
18 Corrections, is guilty of a Class 1 felony, if he possesses any
19 weapon prohibited under Section 24-1 of this Code regardless
20 of the intent with which he possesses it, a Class X felony if
21 he possesses any firearm, firearm ammunition or explosive, and
22 a Class X felony for which the offender shall be sentenced to
23 not less than 12 years and not more than 50 years when the
24 firearm possessed is a machine gun. A violation of this
25 Section while wearing or in possession of body armor as
26 defined in Section 33F-1 is a Class X felony punishable by a

1 term of imprisonment of not less than 10 years and not more
2 than 40 years. The possession of each firearm or firearm
3 ammunition in violation of this Section constitutes a single
4 and separate violation.

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

6 (720 ILCS 5/24-1.6)

7 Sec. 24-1.6. Aggravated unlawful use of a weapon.

8 (a) A person commits the offense of aggravated unlawful
9 use of a weapon when he or she knowingly:

10 (1) Carries on or about his or her person or in any
11 vehicle or concealed on or about his or her person except
12 when on his or her land or in his or her abode, legal
13 dwelling, or fixed place of business, or on the land or in
14 the legal dwelling of another person as an invitee with
15 that person's permission, any pistol, revolver, stun gun
16 or taser or other firearm; or

17 (2) Carries or possesses on or about his or her
18 person, upon any public street, alley, or other public
19 lands within the corporate limits of a city, village or
20 incorporated town, except when an invitee thereon or
21 therein, for the purpose of the display of such weapon or
22 the lawful commerce in weapons, or except when on his or
23 her own land or in his or her own abode, legal dwelling, or
24 fixed place of business, or on the land or in the legal
25 dwelling of another person as an invitee with that

1 person's permission, any pistol, revolver, stun gun or
2 taser or other firearm; and

3 (3) One of the following factors is present:

4 (A) the firearm, other than a pistol, revolver, or
5 handgun, possessed was uncased, loaded, and
6 immediately accessible at the time of the offense; or

7 (A-5) the pistol, revolver, or handgun possessed
8 was uncased, loaded, and immediately accessible at the
9 time of the offense and the person possessing the
10 pistol, revolver, or handgun has not been issued a
11 currently valid license under the Firearm Concealed
12 Carry Act; or

13 (B) the firearm, other than a pistol, revolver, or
14 handgun, possessed was uncased, unloaded, and the
15 ammunition for the weapon was immediately accessible
16 at the time of the offense; or

17 (B-5) the pistol, revolver, or handgun possessed
18 was uncased, unloaded, and the ammunition for the
19 weapon was immediately accessible at the time of the
20 offense and the person possessing the pistol,
21 revolver, or handgun has not been issued a currently
22 valid license under the Firearm Concealed Carry Act;
23 or

24 (C) (blank); or ~~the person possessing the firearm~~
25 ~~has not been issued a currently valid Firearm Owner's~~
26 ~~Identification Card; or~~

1 (D) the person possessing the weapon was
2 previously adjudicated a delinquent minor under the
3 Juvenile Court Act of 1987 for an act that if committed
4 by an adult would be a felony; or

5 (E) the person possessing the weapon was engaged
6 in a misdemeanor violation of the Cannabis Control
7 Act, in a misdemeanor violation of the Illinois
8 Controlled Substances Act, or in a misdemeanor
9 violation of the Methamphetamine Control and Community
10 Protection Act; or

11 (F) (blank); or

12 (G) the person possessing the weapon had an order
13 of protection issued against him or her within the
14 previous 2 years; or

15 (H) the person possessing the weapon was engaged
16 in the commission or attempted commission of a
17 misdemeanor involving the use or threat of violence
18 against the person or property of another; or

19 (I) the person possessing the weapon was under 21
20 years of age and in possession of a handgun, unless the
21 person under 21 is engaged in lawful activities under
22 the Wildlife Code or described in subsection
23 24-2(b)(1), (b)(3), or 24-2(f).

24 (a-5) "Handgun" as used in this Section has the meaning
25 given to it in Section 5 of the Firearm Concealed Carry Act.

26 (b) "Stun gun or taser" as used in this Section has the

1 same definition given to it in Section 24-1 of this Code.

2 (c) This Section does not apply to or affect the
3 transportation or possession of weapons that:

4 (i) are broken down in a non-functioning state; or

5 (ii) are not immediately accessible; or

6 (iii) are unloaded and enclosed in a case, firearm
7 carrying box, shipping box, or other container by a person
8 is eligible under State and federal law to possess a
9 firearm ~~who has been issued a currently valid Firearm~~
10 ~~Owner's Identification Card.~~

11 (d) Sentence.

12 (1) Aggravated unlawful use of a weapon is a Class 4
13 felony; a second or subsequent offense is a Class 2 felony
14 for which the person shall be sentenced to a term of
15 imprisonment of not less than 3 years and not more than 7
16 years, except as provided for in Section 5-4.5-110 of the
17 Unified Code of Corrections.

18 (2) (Blank). ~~Except as otherwise provided in~~
19 ~~paragraphs (3) and (4) of this subsection (d), a first~~
20 ~~offense of aggravated unlawful use of a weapon committed~~
21 ~~with a firearm by a person 18 years of age or older where~~
22 ~~the factors listed in both items (A) and (C) or both items~~
23 ~~(A-5) and (C) of paragraph (3) of subsection (a) are~~
24 ~~present is a Class 4 felony, for which the person shall be~~
25 ~~sentenced to a term of imprisonment of not less than one~~
26 ~~year and not more than 3 years.~~

1 (3) Aggravated unlawful use of a weapon by a person
2 who has been previously convicted of a felony in this
3 State or another jurisdiction is a Class 2 felony for
4 which the person shall be sentenced to a term of
5 imprisonment of not less than 3 years and not more than 7
6 years, except as provided for in Section 5-4.5-110 of the
7 Unified Code of Corrections.

8 (4) Aggravated unlawful use of a weapon while wearing
9 or in possession of body armor as defined in Section 33F-1
10 by a person who is prohibited under State or federal law
11 from possessing a firearm ~~has not been issued a valid~~
12 ~~Firearms Owner's Identification Card in accordance with~~
13 ~~Section 5 of the Firearm Owners Identification Card Act~~ is
14 a Class X felony.

15 (e) The possession of each firearm in violation of this
16 Section constitutes a single and separate violation.

17 (Source: P.A. 100-3, eff. 1-1-18; 100-201, eff. 8-18-17.)

18 (720 ILCS 5/24-1.8)

19 Sec. 24-1.8. Unlawful possession of a firearm by a street
20 gang member.

21 (a) A person commits unlawful possession of a firearm by a
22 street gang member when he or she knowingly:

23 (1) possesses, carries, or conceals on or about his or
24 her person a firearm and firearm ammunition while on any
25 street, road, alley, gangway, sidewalk, or any other

1 lands, except when inside his or her own abode or inside
2 his or her fixed place of business, ~~and has not been issued~~
3 ~~a currently valid Firearm Owner's Identification Card~~ and
4 is a member of a street gang; or

5 (2) possesses or carries in any vehicle a firearm and
6 firearm ammunition which are both immediately accessible
7 at the time of the offense while on any street, road,
8 alley, or any other lands, except when inside his or her
9 own abode or garage, ~~and has not been issued a currently~~
10 ~~valid Firearm Owner's Identification Card~~ and is a member
11 of a street gang.

12 (b) Unlawful possession of a firearm by a street gang
13 member is a Class 2 felony for which the person, if sentenced
14 to a term of imprisonment, shall be sentenced to no less than 3
15 years and no more than 10 years. A period of probation, a term
16 of periodic imprisonment or conditional discharge shall not be
17 imposed for the offense of unlawful possession of a firearm by
18 a street gang member when the firearm was loaded or contained
19 firearm ammunition and the court shall sentence the offender
20 to not less than the minimum term of imprisonment authorized
21 for the Class 2 felony.

22 (c) For purposes of this Section:

23 "Street gang" or "gang" has the meaning ascribed to it
24 in Section 10 of the Illinois Streetgang Terrorism Omnibus
25 Prevention Act.

26 "Street gang member" or "gang member" has the meaning

1 ascribed to it in Section 10 of the Illinois Streetgang
2 Terrorism Omnibus Prevention Act.

3 (Source: P.A. 96-829, eff. 12-3-09.)

4 (720 ILCS 5/24-1.9)

5 Sec. 24-1.9. Manufacture, possession, delivery, sale, and
6 purchase of assault weapons, .50 caliber rifles, and .50
7 caliber cartridges.

8 (a) Definitions. In this Section:

9 (1) "Assault weapon" means any of the following, except as
10 provided in subdivision (2) of this subsection:

11 (A) A semiautomatic rifle that has the capacity to
12 accept a detachable magazine or that may be readily
13 modified to accept a detachable magazine, if the firearm
14 has one or more of the following:

15 (i) a pistol grip or thumbhole stock;

16 (ii) any feature capable of functioning as a
17 protruding grip that can be held by the non-trigger
18 hand;

19 (iii) a folding, telescoping, thumbhole, or
20 detachable stock, or a stock that is otherwise
21 foldable or adjustable in a manner that operates to
22 reduce the length, size, or any other dimension, or
23 otherwise enhances the concealability of, the weapon;

24 (iv) a flash suppressor;

25 (v) a grenade launcher;

1 (vi) a shroud attached to the barrel or that
2 partially or completely encircles the barrel, allowing
3 the bearer to hold the firearm with the non-trigger
4 hand without being burned, but excluding a slide that
5 encloses the barrel.

6 (B) A semiautomatic rifle that has a fixed magazine
7 with the capacity to accept more than 10 rounds, except
8 for an attached tubular device designed to accept, and
9 capable of operating only with, .22 caliber rimfire
10 ammunition.

11 (C) A semiautomatic pistol that has the capacity to
12 accept a detachable magazine or that may be readily
13 modified to accept a detachable magazine, if the firearm
14 has one or more of the following:

15 (i) a threaded barrel;

16 (ii) a second pistol grip or another feature
17 capable of functioning as a protruding grip that can
18 be held by the non-trigger hand;

19 (iii) a shroud attached to the barrel or that
20 partially or completely encircles the barrel, allowing
21 the bearer to hold the firearm with the non-trigger
22 hand without being burned, but excluding a slide that
23 encloses the barrel;

24 (iv) a flash suppressor;

25 (v) the capacity to accept a detachable magazine
26 at some location outside of the pistol grip; or

1 (vi) a buffer tube, arm brace, or other part that
2 protrudes horizontally behind the pistol grip and is
3 designed or redesigned to allow or facilitate a
4 firearm to be fired from the shoulder.

5 (D) A semiautomatic pistol that has a fixed magazine
6 with the capacity to accept more than 15 rounds.

7 (E) Any shotgun with a revolving cylinder.

8 (F) A semiautomatic shotgun that has one or more of
9 the following:

10 (i) a pistol grip or thumbhole stock;

11 (ii) any feature capable of functioning as a
12 protruding grip that can be held by the non-trigger
13 hand;

14 (iii) a folding or thumbhole stock;

15 (iv) a grenade launcher;

16 (v) a fixed magazine with the capacity of more
17 than 5 rounds; or

18 (vi) the capacity to accept a detachable magazine.

19 (G) Any semiautomatic firearm that has the capacity to
20 accept a belt ammunition feeding device.

21 (H) Any firearm that has been modified to be operable
22 as an assault weapon as defined in this Section.

23 (I) Any part or combination of parts designed or
24 intended to convert a firearm into an assault weapon,
25 including any combination of parts from which an assault
26 weapon may be readily assembled if those parts are in the

1 possession or under the control of the same person.

2 (J) All of the following rifles, copies, duplicates,
3 variants, or altered facsimiles with the capability of any
4 such weapon:

5 (i) All AK types, including the following:

6 (I) AK, AK47, AK47S, AK-74, AKM, AKS, ARM,
7 MAK90, MISR, NHM90, NHM91, SA85, SA93, Vector Arms
8 AK-47, VEPR, WASR-10, and WUM.

9 (II) IZHMAASH Saiga AK.

10 (III) MAADI AK47 and ARM.

11 (IV) Norinco 56S, 56S2, 84S, and 86S.

12 (V) Poly Technologies AK47 and AKS.

13 (VI) SKS with a detachable magazine.

14 (ii) all AR types, including the following:

15 (I) AR-10.

16 (II) AR-15.

17 (III) Alexander Arms Overmatch Plus 16.

18 (IV) Armalite M15 22LR Carbine.

19 (V) Armalite M15-T.

20 (VI) Barrett REC7.

21 (VII) Beretta AR-70.

22 (VIII) Black Rain Ordnance Recon Scout.

23 (IX) Bushmaster ACR.

24 (X) Bushmaster Carbon 15.

25 (XI) Bushmaster MOE series.

26 (XII) Bushmaster XM15.

- 1 (XIII) Chiappa Firearms MFour rifles.
- 2 (XIV) Colt Match Target rifles.
- 3 (XV) CORE Rifle Systems CORE15 rifles.
- 4 (XVI) Daniel Defense M4A1 rifles.
- 5 (XVII) Devil Dog Arms 15 Series rifles.
- 6 (XVIII) Diamondback DB15 rifles.
- 7 (XIX) DoubleStar AR rifles.
- 8 (XX) DPMS Tactical rifles.
- 9 (XXI) DSA Inc. ZM-4 Carbine.
- 10 (XXII) Heckler & Koch MR556.
- 11 (XXIII) High Standard HSA-15 rifles.
- 12 (XXIV) Jesse James Nomad AR-15 rifle.
- 13 (XXV) Knight's Armament SR-15.
- 14 (XXVI) Lancer L15 rifles.
- 15 (XXVII) MGI Hydra Series rifles.
- 16 (XXVIII) Mossberg MMR Tactical rifles.
- 17 (XXIX) Noreen Firearms BN 36 rifle.
- 18 (XXX) Olympic Arms.
- 19 (XXXI) POF USA P415.
- 20 (XXXII) Precision Firearms AR rifles.
- 21 (XXXIII) Remington R-15 rifles.
- 22 (XXXIV) Rhino Arms AR rifles.
- 23 (XXXV) Rock River Arms LAR-15 or Rock River
24 Arms LAR-47.
- 25 (XXXVI) Sig Sauer SIG516 rifles and MCX
26 rifles.

- 1 (XXXVII) Smith & Wesson M&P15 rifles.
- 2 (XXXVIII) Stag Arms AR rifles.
- 3 (XXXIX) Sturm, Ruger & Co. SR556 and AR-556
4 rifles.
- 5 (XL) Uselton Arms Air-Lite M-4 rifles.
- 6 (XLI) Windham Weaponry AR rifles.
- 7 (XLII) WMD Guns Big Beast.
- 8 (XLIII) Yankee Hill Machine Company, Inc.
9 YHM-15 rifles.
- 10 (iii) Barrett M107A1.
- 11 (iv) Barrett M82A1.
- 12 (v) Beretta CX4 Storm.
- 13 (vi) Calico Liberty Series.
- 14 (vii) CETME Sporter.
- 15 (viii) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and
16 AR 110C.
- 17 (ix) Fabrique Nationale/FN Herstal FAL, LAR, 22
18 FNC, 308 Match, L1A1 Sporter, PS90, SCAR, and FS2000.
- 19 (x) Feather Industries AT-9.
- 20 (xi) Galil Model AR and Model ARM.
- 21 (xii) Hi-Point Carbine.
- 22 (xiii) HK-91, HK-93, HK-94, HK-PSG-1, and HK USC.
- 23 (xiv) IWI TAVOR, Galil ACE rifle.
- 24 (xv) Kel-Tec Sub-2000, SU-16, and RFB.
- 25 (xvi) SIG AMT, SIG PE-57, Sig Sauer SG 550, Sig
26 Sauer SG 551, and SIG MCX.

- 1 (xvii) Springfield Armory SAR-48.
- 2 (xviii) Steyr AUG.
- 3 (xix) Sturm, Ruger & Co. Mini-14 Tactical Rifle
- 4 M-14/20CF.
- 5 (xx) All Thompson rifles, including the following:
- 6 (I) Thompson M1SB.
- 7 (II) Thompson T1100D.
- 8 (III) Thompson T150D.
- 9 (IV) Thompson T1B.
- 10 (V) Thompson T1B100D.
- 11 (VI) Thompson T1B50D.
- 12 (VII) Thompson T1BSB.
- 13 (VIII) Thompson T1-C.
- 14 (IX) Thompson T1D.
- 15 (X) Thompson T1SB.
- 16 (XI) Thompson T5.
- 17 (XII) Thompson T5100D.
- 18 (XIII) Thompson TM1.
- 19 (XIV) Thompson TM1C.
- 20 (xxi) UMAREX UZI rifle.
- 21 (xxii) UZI Mini Carbine, UZI Model A Carbine, and
- 22 UZI Model B Carbine.
- 23 (xxiii) Valmet M62S, M71S, and M78.
- 24 (xxiv) Vector Arms UZI Type.
- 25 (xxv) Weaver Arms Nighthawk.
- 26 (xxvi) Wilkinson Arms Linda Carbine.

1 (K) All of the following pistols, copies, duplicates,
2 variants, or altered facsimiles with the capability of any
3 such weapon thereof:

4 (i) All AK types, including the following:

5 (I) Centurion 39 AK pistol.

6 (II) CZ Scorpion pistol.

7 (III) Draco AK-47 pistol.

8 (IV) HCR AK-47 pistol.

9 (V) IO Inc. Hellpup AK-47 pistol.

10 (VI) Krinkov pistol.

11 (VII) Mini Draco AK-47 pistol.

12 (VIII) PAP M92 pistol.

13 (IX) Yugo Krebs Krink pistol.

14 (ii) All AR types, including the following:

15 (I) American Spirit AR-15 pistol.

16 (II) Bushmaster Carbon 15 pistol.

17 (III) Chiappa Firearms M4 Pistol GEN II.

18 (IV) CORE Rifle Systems CORE15 Roscoe pistol.

19 (V) Daniel Defense MK18 pistol.

20 (VI) DoubleStar Corporation AR pistol.

21 (VII) DPMS AR-15 pistol.

22 (VIII) Jesse James Nomad AR-15 pistol.

23 (IX) Olympic Arms AR-15 pistol.

24 (X) Osprey Armament MK-18 pistol.

25 (XI) POF USA AR pistols.

26 (XII) Rock River Arms LAR 15 pistol.

- 1 (XIII) Uselton Arms Air-Lite M-4 pistol.
- 2 (iii) Calico pistols.
- 3 (iv) DSA SA58 PKP FAL pistol.
- 4 (v) Encom MP-9 and MP-45.
- 5 (vi) Heckler & Koch model SP-89 pistol.
- 6 (vii) Intratec AB-10, TEC-22 Scorpion, TEC-9, and
7 TEC-DC9.
- 8 (viii) IWI Galil Ace pistol, UZI PRO pistol.
- 9 (ix) Kel-Tec PLR 16 pistol.
- 10 (x) All MAC types, including the following:
- 11 (I) MAC-10.
- 12 (II) MAC-11.
- 13 (III) Masterpiece Arms MPA A930 Mini Pistol,
14 MPA460 Pistol, MPA Tactical Pistol, and MPA Mini
15 Tactical Pistol.
- 16 (IV) Military Armament Corp. Ingram M-11.
- 17 (V) Velocity Arms VMAC.
- 18 (xi) Sig Sauer P556 pistol.
- 19 (xii) Sites Spectre.
- 20 (xiii) All Thompson types, including the
21 following:
- 22 (I) Thompson TA510D.
- 23 (II) Thompson TA5.
- 24 (xiv) All UZI types, including Micro-UZI.
- 25 (L) All of the following shotguns, copies, duplicates,
26 variants, or altered facsimiles with the capability of any

1 such weapon thereof:

2 (i) DERYA Anakon MC-1980, Anakon SD12.

3 (ii) Doruk Lethal shotguns.

4 (iii) Franchi LAW-12 and SPAS 12.

5 (iv) All IZHMASH Saiga 12 types, including the
6 following:

7 (I) IZHMASH Saiga 12.

8 (II) IZHMASH Saiga 12S.

9 (III) IZHMASH Saiga 12S EXP-01.

10 (IV) IZHMASH Saiga 12K.

11 (V) IZHMASH Saiga 12K-030.

12 (VI) IZHMASH Saiga 12K-040 Taktika.

13 (v) Streetsweeper.

14 (vi) Striker 12.

15 (2) "Assault weapon" does not include:

16 (A) Any firearm that is an unserviceable firearm or
17 has been made permanently inoperable.

18 (B) An antique firearm or a replica of an antique
19 firearm.

20 (C) A firearm that is manually operated by bolt, pump,
21 lever or slide action, unless the firearm is a shotgun
22 with a revolving cylinder.

23 (D) Any air rifle as defined in Section 24.8-0.1 of
24 this Code.

25 (E) Any handgun, as defined under the Firearm
26 Concealed Carry Act, unless otherwise listed in this

1 Section.

2 (3) "Assault weapon attachment" means any device capable
3 of being attached to a firearm that is specifically designed
4 for making or converting a firearm into any of the firearms
5 listed in paragraph (1) of this subsection (a).

6 (4) "Antique firearm" has the meaning ascribed to it in 18
7 U.S.C. 921(a)(16).

8 (5) ".50 caliber rifle" means a centerfire rifle capable
9 of firing a .50 caliber cartridge. The term does not include
10 any antique firearm, any shotgun including a shotgun that has
11 a rifle barrel, or any muzzle-loader which uses black powder
12 for hunting or historical reenactments.

13 (6) ".50 caliber cartridge" means a cartridge in .50 BMG
14 caliber, either by designation or actual measurement, that is
15 capable of being fired from a centerfire rifle. The term ".50
16 caliber cartridge" does not include any memorabilia or display
17 item that is filled with a permanent inert substance or that is
18 otherwise permanently altered in a manner that prevents ready
19 modification for use as live ammunition or shotgun ammunition
20 with a caliber measurement that is equal to or greater than .50
21 caliber.

22 (7) "Detachable magazine" means an ammunition feeding
23 device that may be removed from a firearm without disassembly
24 of the firearm action, including an ammunition feeding device
25 that may be readily removed from a firearm with the use of a
26 bullet, cartridge, accessory, or other tool, or any other

1 object that functions as a tool, including a bullet or
2 cartridge.

3 (8) "Fixed magazine" means an ammunition feeding device
4 that is permanently attached to a firearm, or contained in and
5 not removable from a firearm, or that is otherwise not a
6 detachable magazine, but does not include an attached tubular
7 device designed to accept, and capable of operating only with,
8 .22 caliber rimfire ammunition.

9 (b) Except as provided in subsections (c), (d), and (e),
10 on or after January 10, 2023 (the effective date of Public Act
11 102-1116) ~~this amendatory Act of the 102nd General Assembly,~~
12 it is unlawful for any person within this State to knowingly
13 manufacture, deliver, sell, import, or purchase or cause to be
14 manufactured, delivered, sold, imported, or purchased by
15 another, an assault weapon, assault weapon attachment, .50
16 caliber rifle, or .50 caliber cartridge.

17 (c) Except as otherwise provided in subsection (d),
18 beginning January 1, 2024, it is unlawful for any person
19 within this State to knowingly possess an assault weapon,
20 assault weapon attachment, .50 caliber rifle, or .50 caliber
21 cartridge.

22 (d) This Section does not apply to a person's possession
23 of an assault weapon, assault weapon attachment, .50 caliber
24 rifle, or .50 caliber cartridge device if the person lawfully
25 possessed that assault weapon, assault weapon attachment, .50
26 caliber rifle, or .50 caliber cartridge prohibited by

1 subsection (c) of this Section, if the person has provided in
2 an endorsement affidavit, prior to January 1, 2024, under oath
3 or affirmation and in the form and manner prescribed by the
4 Illinois State Police, no later than October 1, 2023:

5 (1) the affiant's Firearm Owner's Identification Card
6 number;

7 (2) an affirmation that the affiant: (i) possessed an
8 assault weapon, assault weapon attachment, .50 caliber
9 rifle, or .50 caliber cartridge before January 10, 2023
10 (the effective date of Public Act 102-1116) ~~this~~
11 ~~amendatory Act of the 102nd General Assembly;~~ or (ii)
12 inherited the assault weapon, assault weapon attachment,
13 .50 caliber rifle, or .50 caliber cartridge from a person
14 with an endorsement under this Section or from a person
15 authorized under subdivisions (1) through (5) of
16 subsection (e) to possess the assault weapon, assault
17 weapon attachment, .50 caliber rifle, or .50 caliber
18 cartridge; and

19 (3) the make, model, caliber, and serial number of the
20 .50 caliber rifle or assault weapon or assault weapons
21 listed in paragraphs (J), (K), and (L) of subdivision (1)
22 of subsection (a) of this Section possessed by the affiant
23 prior to January 10, 2023 (the effective date of Public
24 Act 102-1116) ~~this amendatory Act of the 102nd General~~
25 ~~Assembly~~ and any assault weapons identified and published
26 by the Illinois State Police pursuant to this subdivision

1 (3). No later than October 1, 2023, and every October 1
2 thereafter, the Illinois State Police shall, via
3 rulemaking, identify, publish, and make available on its
4 website, the list of assault weapons subject to an
5 endorsement affidavit under this subsection (d). The list
6 shall identify, but is not limited to, the copies,
7 duplicates, variants, and altered facsimiles of the
8 assault weapons identified in paragraphs (J), (K), and (L)
9 of subdivision (1) of subsection (a) of this Section and
10 shall be consistent with the definition of "assault
11 weapon" identified in this Section. The Illinois State
12 Police may adopt emergency rulemaking in accordance with
13 Section 5-45 of the Illinois Administrative Procedure Act.
14 The adoption of emergency rules authorized by Section 5-45
15 of the Illinois Administrative Procedure Act and this
16 paragraph is deemed to be necessary for the public
17 interest, safety, and welfare.

18 The affidavit form shall include the following statement
19 printed in bold type: "Warning: Entering false information on
20 this form is punishable as perjury under Section 32-2 of the
21 Criminal Code of 2012. ~~Entering false information on this form
22 is a violation of the Firearm Owners Identification Card Act."~~

23 In any administrative, civil, or criminal proceeding in
24 this State, a completed endorsement affidavit submitted to the
25 Illinois State Police by a person under this Section creates a
26 rebuttable presumption that the person is entitled to possess

1 and transport the assault weapon, assault weapon attachment,
2 .50 caliber rifle, or .50 caliber cartridge.

3 Beginning 90 days after January 10, 2023 (the effective
4 date of Public Act 102-1116) ~~this amendatory Act of the 102nd~~
5 ~~General Assembly~~, a person authorized under this Section to
6 possess an assault weapon, assault weapon attachment, .50
7 caliber rifle, or .50 caliber cartridge shall possess such
8 items only:

9 (1) on private property owned or immediately
10 controlled by the person;

11 (2) on private property that is not open to the public
12 with the express permission of the person who owns or
13 immediately controls such property;

14 (3) while on the premises of a licensed firearms
15 dealer or gunsmith for the purpose of lawful repair;

16 (4) while engaged in the legal use of the assault
17 weapon, assault weapon attachment, .50 caliber rifle, or
18 .50 caliber cartridge at a properly licensed firing range
19 or sport shooting competition venue; or

20 (5) while traveling to or from these locations,
21 provided that the assault weapon, assault weapon
22 attachment, or .50 caliber rifle is unloaded and the
23 assault weapon, assault weapon attachment, .50 caliber
24 rifle, or .50 caliber cartridge is enclosed in a case,
25 firearm carrying box, shipping box, or other container.

26 Beginning on January 1, 2024, the person with the

1 endorsement for an assault weapon, assault weapon attachment,
2 .50 caliber rifle, or .50 caliber cartridge or a person
3 authorized under subdivisions (1) through (5) of subsection
4 (e) to possess an assault weapon, assault weapon attachment,
5 .50 caliber rifle, or .50 caliber cartridge may transfer the
6 assault weapon, assault weapon attachment, .50 caliber rifle,
7 or .50 caliber cartridge only to an heir, an individual
8 residing in another state maintaining it in another state, or
9 a dealer licensed as a federal firearms dealer under Section
10 923 of the federal Gun Control Act of 1968. Within 10 days
11 after transfer of the weapon except to an heir, the person
12 shall notify the Illinois State Police of the name and address
13 of the transferee ~~and comply with the requirements of~~
14 ~~subsection (b) of Section 3 of the Firearm Owners~~
15 ~~Identification Card Act.~~ The person to whom the weapon or
16 ammunition is transferred shall, within 60 days of the
17 transfer, complete an affidavit required under this Section. A
18 person to whom the weapon is transferred may transfer it only
19 as provided in this subsection.

20 Except as provided in subsection (e) and beginning on
21 January 1, 2024, any person who moves into this State in
22 possession of an assault weapon, assault weapon attachment,
23 .50 caliber rifle, or .50 caliber cartridge shall, within 60
24 days, ~~apply for a Firearm Owners Identification Card and~~
25 complete an endorsement application as outlined in subsection
26 (d).

1 Notwithstanding any other law, information contained in
2 the endorsement affidavit shall be confidential, is exempt
3 from disclosure under the Freedom of Information Act, and
4 shall not be disclosed, except to law enforcement agencies
5 acting in the performance of their duties.

6 (e) The provisions of this Section regarding the purchase
7 or possession of assault weapons, assault weapon attachments,
8 .50 caliber rifles, and .50 cartridges, as well as the
9 provisions of this Section that prohibit causing those items
10 to be purchased or possessed, do not apply to:

11 (1) Peace officers, as defined in Section 2-13 of this
12 Code.

13 (2) Qualified law enforcement officers and qualified
14 retired law enforcement officers as defined in the Law
15 Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B
16 and 926C) and as recognized under Illinois law.

17 (3) Acquisition and possession by a federal, State, or
18 local law enforcement agency for the purpose of equipping
19 the agency's peace officers as defined in paragraph (1) or
20 (2) of this subsection (e).

21 (4) Wardens, superintendents, and keepers of prisons,
22 penitentiaries, jails, and other institutions for the
23 detention of persons accused or convicted of an offense.

24 (5) Members of the Armed Services or Reserve Forces of
25 the United States or the Illinois National Guard, while
26 performing their official duties or while traveling to or

1 from their places of duty.

2 (6) Any company that employs armed security officers
3 in this State at a nuclear energy, storage, weapons, or
4 development site or facility regulated by the federal
5 Nuclear Regulatory Commission and any person employed as
6 an armed security force member at a nuclear energy,
7 storage, weapons, or development site or facility
8 regulated by the federal Nuclear Regulatory Commission who
9 has completed the background screening and training
10 mandated by the rules and regulations of the federal
11 Nuclear Regulatory Commission and while performing
12 official duties.

13 (7) Any private security contractor agency licensed
14 under the Private Detective, Private Alarm, Private
15 Security, Fingerprint Vendor, and Locksmith Act of 2004
16 that employs private security contractors and any private
17 security contractor who is licensed and has been issued a
18 firearm control card under the Private Detective, Private
19 Alarm, Private Security, Fingerprint Vendor, and Locksmith
20 Act of 2004 while performing official duties.

21 The provisions of this Section do not apply to the
22 manufacture, delivery, sale, import, purchase, or possession
23 of an assault weapon, assault weapon attachment, .50 caliber
24 rifle, or .50 caliber cartridge or causing the manufacture,
25 delivery, sale, importation, purchase, or possession of those
26 items:

1 (A) for sale or transfer to persons authorized under
2 subdivisions (1) through (7) of this subsection (e) to
3 possess those items;

4 (B) for sale or transfer to the United States or any
5 department or agency thereof; or

6 (C) for sale or transfer in another state or for
7 export.

8 This Section does not apply to or affect any of the
9 following:

10 (i) Possession of any firearm if that firearm is
11 sanctioned by the International Olympic Committee and by
12 USA Shooting, the national governing body for
13 international shooting competition in the United States,
14 but only when the firearm is in the actual possession of an
15 Olympic target shooting competitor or target shooting
16 coach for the purpose of storage, transporting to and from
17 Olympic target shooting practice or events if the firearm
18 is broken down in a nonfunctioning state, is not
19 immediately accessible, or is unloaded and enclosed in a
20 firearm case, carrying box, shipping box, or other similar
21 portable container designed for the safe transportation of
22 firearms, and when the Olympic target shooting competitor
23 or target shooting coach is engaging in those practices or
24 events. For the purposes of this paragraph (8), "firearm"
25 has the meaning provided in Section 2-7.5 ~~1.1 of the~~
26 ~~Firearm Owners Identification Card Act.~~

1 (ii) Any nonresident who transports, within 24 hours,
2 a weapon for any lawful purpose from any place where the
3 nonresident may lawfully possess and carry that weapon to
4 any other place where the nonresident may lawfully possess
5 and carry that weapon if, during the transportation, the
6 weapon is unloaded, and neither the weapon nor any
7 ammunition being transported is readily accessible or is
8 directly accessible from the passenger compartment of the
9 transporting vehicle. In the case of a vehicle without a
10 compartment separate from the driver's compartment, the
11 weapon or ammunition shall be contained in a locked
12 container other than the glove compartment or console.

13 (iii) Possession of a weapon at an event taking place
14 at the World Shooting and Recreational Complex at Sparta,
15 only while engaged in the legal use of the weapon, or while
16 traveling to or from that location if the weapon is broken
17 down in a nonfunctioning state, is not immediately
18 accessible, or is unloaded and enclosed in a firearm case,
19 carrying box, shipping box, or other similar portable
20 container designed for the safe transportation of
21 firearms.

22 (iv) Possession of a weapon only for hunting use
23 expressly permitted under the Wildlife Code, or while
24 traveling to or from a location authorized for this
25 hunting use under the Wildlife Code if the weapon is
26 broken down in a nonfunctioning state, is not immediately

1 accessible, or is unloaded and enclosed in a firearm case,
2 carrying box, shipping box, or other similar portable
3 container designed for the safe transportation of
4 firearms. By October 1, 2023, the Illinois State Police,
5 in consultation with the Department of Natural Resources,
6 shall adopt rules concerning the list of applicable
7 weapons approved under this subparagraph (iv). The
8 Illinois State Police may adopt emergency rules in
9 accordance with Section 5-45 of the Illinois
10 Administrative Procedure Act. The adoption of emergency
11 rules authorized by Section 5-45 of the Illinois
12 Administrative Procedure Act and this paragraph is deemed
13 to be necessary for the public interest, safety, and
14 welfare.

15 (v) The manufacture, transportation, possession, sale,
16 or rental of blank-firing assault weapons and .50 caliber
17 rifles, or the weapon's respective attachments, to persons
18 authorized or permitted, or both authorized and permitted,
19 to acquire and possess these weapons or attachments for
20 the purpose of rental for use solely as props for a motion
21 picture, television, or video production or entertainment
22 event.

23 Any person not subject to this Section may submit an
24 endorsement affidavit if the person chooses.

25 (f) Any sale or transfer with a background check initiated
26 to the Illinois State Police on or before January 10, 2023 (the

1 effective date of Public Act 102-1116) ~~this amendatory Act of~~
2 ~~the 102nd General Assembly~~ is allowed to be completed after
3 January 10, 2023 ~~the effective date of this amendatory Act~~
4 once an approval is issued by the Illinois State Police and any
5 applicable waiting period under Section 24-3 has expired.

6 (g) The Illinois State Police shall take all steps
7 necessary to carry out the requirements of this Section ~~within~~
8 by October 1, 2023.

9 (h) The Illinois ~~Department of the~~ State Police shall also
10 develop and implement a public notice and public outreach
11 campaign to promote awareness about the provisions of Public
12 Act 102-1116 ~~this amendatory Act of the 102nd General Assembly~~
13 and to increase compliance with this Section.

14 (Source: P.A. 102-1116, eff. 1-10-23; revised 4-6-23.)

15 (720 ILCS 5/24-1.10)

16 Sec. 24-1.10. Manufacture, delivery, sale, and possession
17 of large capacity ammunition feeding devices.

18 (a) In this Section:

19 "Handgun" has the meaning ascribed to it in the Firearm
20 Concealed Carry Act.

21 "Long gun" means a rifle or shotgun.

22 "Large capacity ammunition feeding device" means:

23 (1) a magazine, belt, drum, feed strip, or similar
24 device that has a capacity of, or that can be readily
25 restored or converted to accept, more than 10 rounds of

1 ammunition for long guns and more than 15 rounds of
2 ammunition for handguns; or

3 (2) any combination of parts from which a device
4 described in paragraph (1) can be assembled.

5 "Large capacity ammunition feeding device" does not
6 include an attached tubular device designed to accept, and
7 capable of operating only with, .22 caliber rimfire
8 ammunition. "Large capacity ammunition feeding device" does
9 not include a tubular magazine that is contained in a
10 lever-action firearm or any device that has been made
11 permanently inoperable.

12 (b) Except as provided in subsections (e) and (f), it is
13 unlawful for any person within this State to knowingly
14 manufacture, deliver, sell, purchase, or cause to be
15 manufactured, delivered, sold, or purchased a large capacity
16 ammunition feeding device.

17 (c) Except as provided in subsections (d), (e), and (f),
18 and beginning 90 days after January 10, 2023 (the effective
19 date of Public Act 102-1116) ~~this amendatory Act of the 102nd~~
20 ~~General Assembly~~, it is unlawful to knowingly possess a large
21 capacity ammunition feeding device.

22 (d) Subsection (c) does not apply to a person's possession
23 of a large capacity ammunition feeding device if the person
24 lawfully possessed that large capacity ammunition feeding
25 device before January 10, 2023 (the effective date of Public
26 Act 102-1116) ~~this amendatory Act of the 102nd General~~

1 ~~Assembly~~, provided that the person shall possess such device
2 only:

3 (1) on private property owned or immediately
4 controlled by the person;

5 (2) on private property that is not open to the public
6 with the express permission of the person who owns or
7 immediately controls such property;

8 (3) while on the premises of a licensed firearms
9 dealer or gunsmith for the purpose of lawful repair;

10 (4) while engaged in the legal use of the large
11 capacity ammunition feeding device at a properly licensed
12 firing range or sport shooting competition venue; or

13 (5) while traveling to or from these locations,
14 provided that the large capacity ammunition feeding device
15 is stored unloaded and enclosed in a case, firearm
16 carrying box, shipping box, or other container.

17 A person authorized under this Section to possess a large
18 capacity ammunition feeding device may transfer the large
19 capacity ammunition feeding device only to an heir, an
20 individual residing in another state maintaining it in another
21 state, or a dealer licensed as a federal firearms dealer under
22 Section 923 of the federal Gun Control Act of 1968. Within 10
23 days after transfer of the large capacity ammunition feeding
24 device except to an heir, the person shall notify the Illinois
25 State Police of the name and address of the transferee ~~and~~
26 ~~comply with the requirements of subsection (b) of Section 3 of~~

1 ~~the Firearm Owners Identification Card Act.~~ The person to whom
2 the large capacity ammunition feeding device is transferred
3 shall, within 60 days of the transfer, notify the Illinois
4 State Police of the person's acquisition ~~and comply with the~~
5 ~~requirements of subsection (b) of Section 3 of the Firearm~~
6 ~~Owners Identification Card Act.~~ A person to whom the large
7 capacity ammunition feeding device is transferred may transfer
8 it only as provided in this subsection.

9 ~~Except as provided in subsections (e) and (f) and~~
10 ~~beginning 90 days after the effective date of this amendatory~~
11 ~~Act of the 102nd General Assembly, any person who moves into~~
12 ~~this State in possession of a large capacity ammunition~~
13 ~~feeding device shall, within 60 days, apply for a Firearm~~
14 ~~Owners Identification Card.~~

15 (e) The provisions of this Section regarding the purchase
16 or possession of large capacity ammunition feeding devices, as
17 well as the provisions of this Section that prohibit causing
18 those items to be purchased or possessed, do not apply to:

19 (1) Peace officers as defined in Section 2-13 of this
20 Code.

21 (2) Qualified law enforcement officers and qualified
22 retired law enforcement officers as defined in the Law
23 Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B
24 and 926C) and as recognized under Illinois law.

25 (3) A federal, State, or local law enforcement agency
26 for the purpose of equipping the agency's peace officers

1 as defined in paragraph (1) or (2) of this subsection (e).

2 (4) Wardens, superintendents, and keepers of prisons,
3 penitentiaries, jails, and other institutions for the
4 detention of persons accused or convicted of an offense.

5 (5) Members of the Armed Services or Reserve Forces of
6 the United States or the Illinois National Guard, while
7 performing their official duties or while traveling to or
8 from their places of duty.

9 (6) Any company that employs armed security officers
10 in this State at a nuclear energy, storage, weapons, or
11 development site or facility regulated by the federal
12 Nuclear Regulatory Commission and any person employed as
13 an armed security force member at a nuclear energy,
14 storage, weapons, or development site or facility
15 regulated by the federal Nuclear Regulatory Commission who
16 has completed the background screening and training
17 mandated by the rules and regulations of the federal
18 Nuclear Regulatory Commission and while performing
19 official duties.

20 (7) Any private security contractor agency licensed
21 under the Private Detective, Private Alarm, Private
22 Security, Fingerprint Vendor, and Locksmith Act of 2004
23 that employs private security contractors and any private
24 security contractor who is licensed and has been issued a
25 firearm control card under the Private Detective, Private
26 Alarm, Private Security, Fingerprint Vendor, and Locksmith

1 Act of 2004 while performing official duties.

2 (f) This Section does not apply to or affect any of the
3 following:

4 (1) Manufacture, delivery, sale, importation,
5 purchase, or possession or causing to be manufactured,
6 delivered, sold, imported, purchased, or possessed a large
7 capacity ammunition feeding device:

8 (A) for sale or transfer to persons authorized
9 under subdivisions (1) through (7) of subsection (e)
10 to possess those items;

11 (B) for sale or transfer to the United States or
12 any department or agency thereof; or

13 (C) for sale or transfer in another state or for
14 export.

15 (2) Sale or rental of large capacity ammunition
16 feeding devices for blank-firing assault weapons and .50
17 caliber rifles, to persons authorized or permitted, or
18 both authorized and permitted, to acquire these devices
19 for the purpose of rental for use solely as props for a
20 motion picture, television, or video production or
21 entertainment event.

22 (g) Sentence. A person who knowingly manufactures,
23 delivers, sells, purchases, possesses, or causes to be
24 manufactured, delivered, sold, possessed, or purchased in
25 violation of this Section a large capacity ammunition feeding
26 device capable of holding more than 10 rounds of ammunition

1 for long guns or more than 15 rounds of ammunition for handguns
2 commits a petty offense with a fine of \$1,000 for each
3 violation.

4 (h) The Illinois ~~Department of the~~ State Police shall also
5 develop and implement a public notice and public outreach
6 campaign to promote awareness about the provisions of Public
7 Act 102-1116 ~~this amendatory Act of the 102nd General Assembly~~
8 and to increase compliance with this Section.

9 (Source: P.A. 102-1116, eff. 1-10-23; revised 4-6-23.)

10 (720 ILCS 5/24-2)

11 Sec. 24-2. Exemptions.

12 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
13 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
14 the following:

15 (1) Peace officers, and any person summoned by a peace
16 officer to assist in making arrests or preserving the
17 peace, while actually engaged in assisting such officer.

18 (2) Wardens, superintendents and keepers of prisons,
19 penitentiaries, jails and other institutions for the
20 detention of persons accused or convicted of an offense,
21 while in the performance of their official duty, or while
22 commuting between their homes and places of employment.

23 (3) Members of the Armed Services or Reserve Forces of
24 the United States or the Illinois National Guard or the
25 Reserve Officers Training Corps, while in the performance

1 of their official duty.

2 (4) Special agents employed by a railroad or a public
3 utility to perform police functions, and guards of armored
4 car companies, while actually engaged in the performance
5 of the duties of their employment or commuting between
6 their homes and places of employment; and watchmen while
7 actually engaged in the performance of the duties of their
8 employment.

9 (5) Persons licensed as private security contractors,
10 private detectives, or private alarm contractors, or
11 employed by a private security contractor, private
12 detective, or private alarm contractor agency licensed by
13 the Department of Financial and Professional Regulation,
14 if their duties include the carrying of a weapon under the
15 provisions of the Private Detective, Private Alarm,
16 Private Security, Fingerprint Vendor, and Locksmith Act of
17 2004, while actually engaged in the performance of the
18 duties of their employment or commuting between their
19 homes and places of employment. A person shall be
20 considered eligible for this exemption if he or she has
21 completed the required 20 hours of training for a private
22 security contractor, private detective, or private alarm
23 contractor, or employee of a licensed private security
24 contractor, private detective, or private alarm contractor
25 agency and 28 hours of required firearm training, and has
26 been issued a firearm control card by the Department of

1 Financial and Professional Regulation. Conditions for the
2 renewal of firearm control cards issued under the
3 provisions of this Section shall be the same as for those
4 cards issued under the provisions of the Private
5 Detective, Private Alarm, Private Security, Fingerprint
6 Vendor, and Locksmith Act of 2004. The firearm control
7 card shall be carried by the private security contractor,
8 private detective, or private alarm contractor, or
9 employee of the licensed private security contractor,
10 private detective, or private alarm contractor agency at
11 all times when he or she is in possession of a concealable
12 weapon permitted by his or her firearm control card.

13 (6) Any person regularly employed in a commercial or
14 industrial operation as a security guard for the
15 protection of persons employed and private property
16 related to such commercial or industrial operation, while
17 actually engaged in the performance of his or her duty or
18 traveling between sites or properties belonging to the
19 employer, and who, as a security guard, is a member of a
20 security force registered with the Department of Financial
21 and Professional Regulation; provided that such security
22 guard has successfully completed a course of study,
23 approved by and supervised by the Department of Financial
24 and Professional Regulation, consisting of not less than
25 48 hours of training that includes the theory of law
26 enforcement, liability for acts, and the handling of

1 weapons. A person shall be considered eligible for this
2 exemption if he or she has completed the required 20 hours
3 of training for a security officer and 28 hours of
4 required firearm training, and has been issued a firearm
5 control card by the Department of Financial and
6 Professional Regulation. Conditions for the renewal of
7 firearm control cards issued under the provisions of this
8 Section shall be the same as for those cards issued under
9 the provisions of the Private Detective, Private Alarm,
10 Private Security, Fingerprint Vendor, and Locksmith Act of
11 2004. The firearm control card shall be carried by the
12 security guard at all times when he or she is in possession
13 of a concealable weapon permitted by his or her firearm
14 control card.

15 (7) Agents and investigators of the Illinois
16 Legislative Investigating Commission authorized by the
17 Commission to carry the weapons specified in subsections
18 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
19 any investigation for the Commission.

20 (8) Persons employed by a financial institution as a
21 security guard for the protection of other employees and
22 property related to such financial institution, while
23 actually engaged in the performance of their duties,
24 commuting between their homes and places of employment, or
25 traveling between sites or properties owned or operated by
26 such financial institution, and who, as a security guard,

1 is a member of a security force registered with the
2 Department; provided that any person so employed has
3 successfully completed a course of study, approved by and
4 supervised by the Department of Financial and Professional
5 Regulation, consisting of not less than 48 hours of
6 training which includes theory of law enforcement,
7 liability for acts, and the handling of weapons. A person
8 shall be considered to be eligible for this exemption if
9 he or she has completed the required 20 hours of training
10 for a security officer and 28 hours of required firearm
11 training, and has been issued a firearm control card by
12 the Department of Financial and Professional Regulation.
13 Conditions for renewal of firearm control cards issued
14 under the provisions of this Section shall be the same as
15 for those issued under the provisions of the Private
16 Detective, Private Alarm, Private Security, Fingerprint
17 Vendor, and Locksmith Act of 2004. The firearm control
18 card shall be carried by the security guard at all times
19 when he or she is in possession of a concealable weapon
20 permitted by his or her firearm control card. For purposes
21 of this subsection, "financial institution" means a bank,
22 savings and loan association, credit union or company
23 providing armored car services.

24 (9) Any person employed by an armored car company to
25 drive an armored car, while actually engaged in the
26 performance of his duties.

1 (10) Persons who have been classified as peace
2 officers pursuant to the Peace Officer Fire Investigation
3 Act.

4 (11) Investigators of the Office of the State's
5 Attorneys Appellate Prosecutor authorized by the board of
6 governors of the Office of the State's Attorneys Appellate
7 Prosecutor to carry weapons pursuant to Section 7.06 of
8 the State's Attorneys Appellate Prosecutor's Act.

9 (12) Special investigators appointed by a State's
10 Attorney under Section 3-9005 of the Counties Code.

11 (12.5) Probation officers while in the performance of
12 their duties, or while commuting between their homes,
13 places of employment or specific locations that are part
14 of their assigned duties, with the consent of the chief
15 judge of the circuit for which they are employed, if they
16 have received weapons training according to requirements
17 of the Peace Officer and Probation Officer Firearm
18 Training Act.

19 (13) Court Security Officers while in the performance
20 of their official duties, or while commuting between their
21 homes and places of employment, with the consent of the
22 Sheriff.

23 (13.5) A person employed as an armed security guard at
24 a nuclear energy, storage, weapons or development site or
25 facility regulated by the Nuclear Regulatory Commission
26 who has completed the background screening and training

1 mandated by the rules and regulations of the Nuclear
2 Regulatory Commission.

3 (14) Manufacture, transportation, or sale of weapons
4 to persons authorized under subdivisions (1) through
5 (13.5) of this subsection to possess those weapons.

6 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
7 to or affect any person carrying a concealed pistol, revolver,
8 or handgun and the person has been issued a currently valid
9 license under the Firearm Concealed Carry Act at the time of
10 the commission of the offense.

11 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
12 to or affect a qualified current or retired law enforcement
13 officer or a current or retired deputy, county correctional
14 officer, or correctional officer of the Department of
15 Corrections qualified under the laws of this State or under
16 the federal Law Enforcement Officers Safety Act.

17 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
18 24-1.6 do not apply to or affect any of the following:

19 (1) Members of any club or organization organized for
20 the purpose of practicing shooting at targets upon
21 established target ranges, whether public or private, and
22 patrons of such ranges, while such members or patrons are
23 using their firearms on those target ranges.

24 (2) Duly authorized military or civil organizations
25 while parading, with the special permission of the
26 Governor.

1 (3) Hunters, trappers, or fishermen while engaged in
2 lawful hunting, trapping, or fishing under the provisions
3 of the Wildlife Code or the Fish and Aquatic Life Code.

4 (4) Transportation of weapons that are broken down in
5 a non-functioning state or are not immediately accessible.

6 (5) Carrying or possessing any pistol, revolver, stun
7 gun or taser or other firearm on the land or in the legal
8 dwelling of another person as an invitee with that
9 person's permission.

10 (c) Subsection 24-1(a)(7) does not apply to or affect any
11 of the following:

12 (1) Peace officers while in performance of their
13 official duties.

14 (2) Wardens, superintendents and keepers of prisons,
15 penitentiaries, jails and other institutions for the
16 detention of persons accused or convicted of an offense.

17 (3) Members of the Armed Services or Reserve Forces of
18 the United States or the Illinois National Guard, while in
19 the performance of their official duty.

20 (4) Manufacture, transportation, or sale of machine
21 guns to persons authorized under subdivisions (1) through
22 (3) of this subsection to possess machine guns, if the
23 machine guns are broken down in a non-functioning state or
24 are not immediately accessible.

25 (5) Persons licensed under federal law to manufacture
26 any weapon from which 8 or more shots or bullets can be

1 discharged by a single function of the firing device, or
2 ammunition for such weapons, and actually engaged in the
3 business of manufacturing such weapons or ammunition, but
4 only with respect to activities which are within the
5 lawful scope of such business, such as the manufacture,
6 transportation, or testing of such weapons or ammunition.
7 This exemption does not authorize the general private
8 possession of any weapon from which 8 or more shots or
9 bullets can be discharged by a single function of the
10 firing device, but only such possession and activities as
11 are within the lawful scope of a licensed manufacturing
12 business described in this paragraph.

13 During transportation, such weapons shall be broken
14 down in a non-functioning state or not immediately
15 accessible.

16 (6) The manufacture, transport, testing, delivery,
17 transfer or sale, and all lawful commercial or
18 experimental activities necessary thereto, of rifles,
19 shotguns, and weapons made from rifles or shotguns, or
20 ammunition for such rifles, shotguns or weapons, where
21 engaged in by a person operating as a contractor or
22 subcontractor pursuant to a contract or subcontract for
23 the development and supply of such rifles, shotguns,
24 weapons or ammunition to the United States government or
25 any branch of the Armed Forces of the United States, when
26 such activities are necessary and incident to fulfilling

1 the terms of such contract.

2 The exemption granted under this subdivision (c)(6)
3 shall also apply to any authorized agent of any such
4 contractor or subcontractor who is operating within the
5 scope of his employment, where such activities involving
6 such weapon, weapons or ammunition are necessary and
7 incident to fulfilling the terms of such contract.

8 (7) A person possessing a rifle with a barrel or
9 barrels less than 16 inches in length if: (A) the person
10 has been issued a Curios and Relics license from the U.S.
11 Bureau of Alcohol, Tobacco, Firearms and Explosives; or
12 (B) the person is an active member of a bona fide,
13 nationally recognized military re-enacting group and the
14 modification is required and necessary to accurately
15 portray the weapon for historical re-enactment purposes;
16 the re-enactor is in possession of a valid and current
17 re-enacting group membership credential; and the overall
18 length of the weapon as modified is not less than 26
19 inches.

20 (d) Subsection 24-1(a)(1) does not apply to the purchase,
21 possession or carrying of a black-jack or slung-shot by a
22 peace officer.

23 (e) Subsection 24-1(a)(8) does not apply to any owner,
24 manager or authorized employee of any place specified in that
25 subsection nor to any law enforcement officer.

26 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and

1 Section 24-1.6 do not apply to members of any club or
2 organization organized for the purpose of practicing shooting
3 at targets upon established target ranges, whether public or
4 private, while using their firearms on those target ranges.

5 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
6 to:

7 (1) Members of the Armed Services or Reserve Forces of
8 the United States or the Illinois National Guard, while in
9 the performance of their official duty.

10 (2) Bonafide collectors of antique or surplus military
11 ordnance.

12 (3) Laboratories having a department of forensic
13 ballistics, or specializing in the development of
14 ammunition or explosive ordnance.

15 (4) Commerce, preparation, assembly or possession of
16 explosive bullets by manufacturers of ammunition licensed
17 by the federal government, in connection with the supply
18 of those organizations and persons exempted by subdivision
19 (g)(1) of this Section, or like organizations and persons
20 outside this State, or the transportation of explosive
21 bullets to any organization or person exempted in this
22 Section by a common carrier or by a vehicle owned or leased
23 by an exempted manufacturer.

24 (g-5) Subsection 24-1(a)(6) does not apply to or affect
25 persons licensed under federal law to manufacture any device
26 or attachment of any kind designed, used, or intended for use

1 in silencing the report of any firearm, firearms, or
2 ammunition for those firearms equipped with those devices, and
3 actually engaged in the business of manufacturing those
4 devices, firearms, or ammunition, but only with respect to
5 activities that are within the lawful scope of that business,
6 such as the manufacture, transportation, or testing of those
7 devices, firearms, or ammunition. This exemption does not
8 authorize the general private possession of any device or
9 attachment of any kind designed, used, or intended for use in
10 silencing the report of any firearm, but only such possession
11 and activities as are within the lawful scope of a licensed
12 manufacturing business described in this subsection (g-5).
13 During transportation, these devices shall be detached from
14 any weapon or not immediately accessible.

15 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
16 24-1.6 do not apply to or affect any parole agent or parole
17 supervisor who meets the qualifications and conditions
18 prescribed in Section 3-14-1.5 of the Unified Code of
19 Corrections.

20 (g-7) Subsection 24-1(a)(6) does not apply to a peace
21 officer while serving as a member of a tactical response team
22 or special operations team. A peace officer may not personally
23 own or apply for ownership of a device or attachment of any
24 kind designed, used, or intended for use in silencing the
25 report of any firearm. These devices shall be owned and
26 maintained by lawfully recognized units of government whose

1 duties include the investigation of criminal acts.

2 (g-10) (Blank).

3 (h) An information or indictment based upon a violation of
4 any subsection of this Article need not negative any
5 exemptions contained in this Article. The defendant shall have
6 the burden of proving such an exemption.

7 (i) Nothing in this Article shall prohibit, apply to, or
8 affect the transportation, carrying, or possession, of any
9 pistol or revolver, stun gun, taser, or other firearm
10 consigned to a common carrier operating under license of the
11 State of Illinois or the federal government, where such
12 transportation, carrying, or possession is incident to the
13 lawful transportation in which such common carrier is engaged;
14 and nothing in this Article shall prohibit, apply to, or
15 affect the transportation, carrying, or possession of any
16 pistol, revolver, stun gun, taser, or other firearm, not the
17 subject of and regulated by subsection 24-1(a)(7) or
18 subsection 24-2(c) of this Article, which is unloaded and
19 enclosed in a case, firearm carrying box, shipping box, or
20 other container, by a person eligible under State and federal
21 law to possess a firearm ~~the possessor of a valid Firearm~~
22 ~~Owners Identification Card.~~

23 (Source: P.A. 102-152, eff. 1-1-22; 102-779, eff. 1-1-23;
24 102-837, eff. 5-13-22; 103-154, eff. 6-30-23.)

25 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

1 Sec. 24-3. Unlawful sale or delivery of firearms.

2 (A) A person commits the offense of unlawful sale or
3 delivery of firearms when he or she knowingly does any of the
4 following:

5 (a) Sells or gives any firearm of a size which may be
6 concealed upon the person to any person under 18 years of
7 age.

8 (b) Sells or gives any firearm to a person under 21
9 years of age who has been convicted of a misdemeanor other
10 than a traffic offense or adjudged delinquent.

11 (c) Sells or gives any firearm to any narcotic addict.

12 (d) Sells or gives any firearm to any person who has
13 been convicted of a felony under the laws of this or any
14 other jurisdiction.

15 (e) Sells or gives any firearm to any person who has
16 been a patient in a mental institution within the past 5
17 years. In this subsection (e):

18 "Mental institution" means any hospital,
19 institution, clinic, evaluation facility, mental
20 health center, or part thereof, which is used
21 primarily for the care or treatment of persons with
22 mental illness.

23 "Patient in a mental institution" means the person
24 was admitted, either voluntarily or involuntarily, to
25 a mental institution for mental health treatment,
26 unless the treatment was voluntary and solely for an

1 alcohol abuse disorder and no other secondary
2 substance abuse disorder or mental illness.

3 (f) Sells or gives any firearms to any person who is a
4 person with an intellectual disability.

5 (g) Delivers any firearm, incidental to a sale,
6 without withholding delivery of the firearm for at least
7 72 hours after application for its purchase has been made,
8 or delivers a stun gun or taser, incidental to a sale,
9 without withholding delivery of the stun gun or taser for
10 at least 24 hours after application for its purchase has
11 been made. However, this paragraph (g) does not apply to:

12 (1) the sale of a firearm to a law enforcement officer if
13 the seller of the firearm knows that the person to whom he
14 or she is selling the firearm is a law enforcement officer
15 or the sale of a firearm to a person who desires to
16 purchase a firearm for use in promoting the public
17 interest incident to his or her employment as a bank
18 guard, armed truck guard, or other similar employment; (2)
19 a mail order sale of a firearm from a federally licensed
20 firearms dealer to a nonresident of Illinois under which
21 the firearm is mailed to a federally licensed firearms
22 dealer outside the boundaries of Illinois; (3) (blank);
23 (4) the sale of a firearm to a dealer licensed as a federal
24 firearms dealer under Section 923 of the federal Gun
25 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or
26 sale of any rifle, shotgun, or other long gun to a resident

1 registered competitor or attendee or non-resident
2 registered competitor or attendee by any dealer licensed
3 as a federal firearms dealer under Section 923 of the
4 federal Gun Control Act of 1968 at competitive shooting
5 events held at the World Shooting Complex sanctioned by a
6 national governing body. For purposes of transfers or
7 sales under subparagraph (5) of this paragraph (g), the
8 Department of Natural Resources shall give notice to the
9 Illinois State Police at least 30 calendar days prior to
10 any competitive shooting events at the World Shooting
11 Complex sanctioned by a national governing body. The
12 notification shall be made on a form prescribed by the
13 Illinois State Police. The sanctioning body shall provide
14 a list of all registered competitors and attendees at
15 least 24 hours before the events to the Illinois State
16 Police. Any changes to the list of registered competitors
17 and attendees shall be forwarded to the Illinois State
18 Police as soon as practicable. The Illinois State Police
19 must destroy the list of registered competitors and
20 attendees no later than 30 days after the date of the
21 event. Nothing in this paragraph (g) relieves a federally
22 licensed firearm dealer from the requirements of
23 conducting a NICS background check through the Illinois
24 Point of Contact under 18 U.S.C. 922(t). For purposes of
25 this paragraph (g), "application" means when the buyer and
26 seller reach an agreement to purchase a firearm. For

1 purposes of this paragraph (g), "national governing body"
2 means a group of persons who adopt rules and formulate
3 policy on behalf of a national firearm sporting
4 organization.

5 (h) While holding any license as a dealer, importer,
6 manufacturer or pawnbroker under the federal Gun Control
7 Act of 1968, manufactures, sells or delivers to any
8 unlicensed person a handgun having a barrel, slide, frame
9 or receiver which is a die casting of zinc alloy or any
10 other nonhomogeneous metal which will melt or deform at a
11 temperature of less than 800 degrees Fahrenheit. For
12 purposes of this paragraph, (1) "firearm" has the meaning
13 provided in Section 2-7.5 of the Criminal Code of 2012 ~~is~~
14 ~~defined as in the Firearm Owners Identification Card Act;~~
15 and (2) "handgun" is defined as a firearm designed to be
16 held and fired by the use of a single hand, and includes a
17 combination of parts from which such a firearm can be
18 assembled.

19 (i) Sells or gives a firearm of any size to any person
20 under 18 years of age who is not eligible under State or
21 federal law to possess a firearm ~~does not possess a valid~~
22 ~~Firearm Owner's Identification Card.~~

23 (j) Sells or gives a firearm while engaged in the
24 business of selling firearms at wholesale or retail
25 without being licensed as a federal firearms dealer under
26 Section 923 of the federal Gun Control Act of 1968 (18

1 U.S.C. 923). In this paragraph (j):

2 A person "engaged in the business" means a person who
3 devotes time, attention, and labor to engaging in the
4 activity as a regular course of trade or business with the
5 principal objective of livelihood and profit, but does not
6 include a person who makes occasional repairs of firearms
7 or who occasionally fits special barrels, stocks, or
8 trigger mechanisms to firearms.

9 "With the principal objective of livelihood and
10 profit" means that the intent underlying the sale or
11 disposition of firearms is predominantly one of obtaining
12 livelihood and pecuniary gain, as opposed to other
13 intents, such as improving or liquidating a personal
14 firearms collection; however, proof of profit shall not be
15 required as to a person who engages in the regular and
16 repetitive purchase and disposition of firearms for
17 criminal purposes or terrorism.

18 (k) (Blank). ~~Sells or transfers ownership of a firearm~~
19 ~~to a person who does not display to the seller or~~
20 ~~transferor of the firearm either: (1) a currently valid~~
21 ~~Firearm Owner's Identification Card that has previously~~
22 ~~been issued in the transferee's name by the Illinois State~~
23 ~~Police under the provisions of the Firearm Owners~~
24 ~~Identification Card Act; or (2) a currently valid license~~
25 ~~to carry a concealed firearm that has previously been~~
26 ~~issued in the transferee's name by the Illinois State~~

1 ~~Police under the Firearm Concealed Carry Act. This~~
2 ~~paragraph (k) does not apply to the transfer of a firearm~~
3 ~~to a person who is exempt from the requirement of~~
4 ~~possessing a Firearm Owner's Identification Card under~~
5 ~~Section 2 of the Firearm Owners Identification Card Act.~~
6 ~~For the purposes of this Section, a currently valid~~
7 ~~Firearm Owner's Identification Card or license to carry a~~
8 ~~concealed firearm means receipt of an approval number~~
9 ~~issued in accordance with subsection (a 10) of Section 3~~
10 ~~or Section 3.1 of the Firearm Owners Identification Card~~
11 ~~Act.~~

12 (1) (Blank). ~~In addition to the other requirements~~
13 ~~of this paragraph (k), all persons who are not~~
14 ~~federally licensed firearms dealers must also have~~
15 ~~complied with subsection (a 10) of Section 3 of the~~
16 ~~Firearm Owners Identification Card Act by determining~~
17 ~~the validity of a purchaser's Firearm Owner's~~
18 ~~Identification Card.~~

19 (2) (Blank). ~~All sellers or transferors who have~~
20 ~~complied with the requirements of subparagraph (1) of~~
21 ~~this paragraph (k) shall not be liable for damages in~~
22 ~~any civil action arising from the use or misuse by the~~
23 ~~transferee of the firearm transferred, except for~~
24 ~~willful or wanton misconduct on the part of the seller~~
25 ~~or transferor.~~

26 (1) Not being entitled to the possession of a firearm,

1 delivers the firearm, knowing it to have been stolen or
2 converted. It may be inferred that a person who possesses
3 a firearm with knowledge that its serial number has been
4 removed or altered has knowledge that the firearm is
5 stolen or converted.

6 (B) Paragraph (h) of subsection (A) does not include
7 firearms sold within 6 months after enactment of Public Act
8 78-355 (approved August 21, 1973, effective October 1, 1973),
9 nor is any firearm legally owned or possessed by any citizen or
10 purchased by any citizen within 6 months after the enactment
11 of Public Act 78-355 subject to confiscation or seizure under
12 the provisions of that Public Act. Nothing in Public Act
13 78-355 shall be construed to prohibit the gift or trade of any
14 firearm if that firearm was legally held or acquired within 6
15 months after the enactment of that Public Act.

16 (C) Sentence.

17 (1) Any person convicted of unlawful sale or delivery
18 of firearms in violation of paragraph (c), (e), (f), (g),
19 or (h) of subsection (A) commits a Class 4 felony.

20 (2) Any person convicted of unlawful sale or delivery
21 of firearms in violation of paragraph (b) or (i) of
22 subsection (A) commits a Class 3 felony.

23 (3) Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (a) of subsection
25 (A) commits a Class 2 felony.

26 (4) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (a), (b), or (i) of
2 subsection (A) in any school, on the real property
3 comprising a school, within 1,000 feet of the real
4 property comprising a school, at a school related
5 activity, or on or within 1,000 feet of any conveyance
6 owned, leased, or contracted by a school or school
7 district to transport students to or from school or a
8 school related activity, regardless of the time of day or
9 time of year at which the offense was committed, commits a
10 Class 1 felony. Any person convicted of a second or
11 subsequent violation of unlawful sale or delivery of
12 firearms in violation of paragraph (a), (b), or (i) of
13 subsection (A) in any school, on the real property
14 comprising a school, within 1,000 feet of the real
15 property comprising a school, at a school related
16 activity, or on or within 1,000 feet of any conveyance
17 owned, leased, or contracted by a school or school
18 district to transport students to or from school or a
19 school related activity, regardless of the time of day or
20 time of year at which the offense was committed, commits a
21 Class 1 felony for which the sentence shall be a term of
22 imprisonment of no less than 5 years and no more than 15
23 years.

24 (5) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (a) or (i) of
26 subsection (A) in residential property owned, operated, or

1 managed by a public housing agency or leased by a public
2 housing agency as part of a scattered site or mixed-income
3 development, in a public park, in a courthouse, on
4 residential property owned, operated, or managed by a
5 public housing agency or leased by a public housing agency
6 as part of a scattered site or mixed-income development,
7 on the real property comprising any public park, on the
8 real property comprising any courthouse, or on any public
9 way within 1,000 feet of the real property comprising any
10 public park, courthouse, or residential property owned,
11 operated, or managed by a public housing agency or leased
12 by a public housing agency as part of a scattered site or
13 mixed-income development commits a Class 2 felony.

14 (6) Any person convicted of unlawful sale or delivery
15 of firearms in violation of paragraph (j) of subsection
16 (A) commits a Class A misdemeanor. A second or subsequent
17 violation is a Class 4 felony.

18 (7) ~~(Blank). Any person convicted of unlawful sale or~~
19 ~~delivery of firearms in violation of paragraph (k) of~~
20 ~~subsection (A) commits a Class 4 felony, except that a~~
21 ~~violation of subparagraph (1) of paragraph (k) of~~
22 ~~subsection (A) shall not be punishable as a crime or petty~~
23 ~~offense. A third or subsequent conviction for a violation~~
24 ~~of paragraph (k) of subsection (A) is a Class 1 felony.~~

25 (8) A person 18 years of age or older convicted of
26 unlawful sale or delivery of firearms in violation of

1 paragraph (a) or (i) of subsection (A), when the firearm
2 that was sold or given to another person under 18 years of
3 age was used in the commission of or attempt to commit a
4 forcible felony, shall be fined or imprisoned, or both,
5 not to exceed the maximum provided for the most serious
6 forcible felony so committed or attempted by the person
7 under 18 years of age who was sold or given the firearm.

8 (9) Any person convicted of unlawful sale or delivery
9 of firearms in violation of paragraph (d) of subsection
10 (A) commits a Class 3 felony.

11 (10) Any person convicted of unlawful sale or delivery
12 of firearms in violation of paragraph (l) of subsection
13 (A) commits a Class 2 felony if the delivery is of one
14 firearm. Any person convicted of unlawful sale or delivery
15 of firearms in violation of paragraph (l) of subsection
16 (A) commits a Class 1 felony if the delivery is of not less
17 than 2 and not more than 5 firearms at the same time or
18 within a one-year period. Any person convicted of unlawful
19 sale or delivery of firearms in violation of paragraph (l)
20 of subsection (A) commits a Class X felony for which he or
21 she shall be sentenced to a term of imprisonment of not
22 less than 6 years and not more than 30 years if the
23 delivery is of not less than 6 and not more than 10
24 firearms at the same time or within a 2-year period. Any
25 person convicted of unlawful sale or delivery of firearms
26 in violation of paragraph (l) of subsection (A) commits a

1 Class X felony for which he or she shall be sentenced to a
2 term of imprisonment of not less than 6 years and not more
3 than 40 years if the delivery is of not less than 11 and
4 not more than 20 firearms at the same time or within a
5 3-year period. Any person convicted of unlawful sale or
6 delivery of firearms in violation of paragraph (1) of
7 subsection (A) commits a Class X felony for which he or she
8 shall be sentenced to a term of imprisonment of not less
9 than 6 years and not more than 50 years if the delivery is
10 of not less than 21 and not more than 30 firearms at the
11 same time or within a 4-year period. Any person convicted
12 of unlawful sale or delivery of firearms in violation of
13 paragraph (1) of subsection (A) commits a Class X felony
14 for which he or she shall be sentenced to a term of
15 imprisonment of not less than 6 years and not more than 60
16 years if the delivery is of 31 or more firearms at the same
17 time or within a 5-year period.

18 (D) For purposes of this Section:

19 "School" means a public or private elementary or secondary
20 school, community college, college, or university.

21 "School related activity" means any sporting, social,
22 academic, or other activity for which students' attendance or
23 participation is sponsored, organized, or funded in whole or
24 in part by a school or school district.

25 (E) (Blank). ~~A prosecution for a violation of paragraph~~
26 ~~(k) of subsection (A) of this Section may be commenced within 6~~

1 ~~years after the commission of the offense. A prosecution for a~~
2 ~~violation of this Section other than paragraph (g) of~~
3 ~~subsection (A) of this Section may be commenced within 5 years~~
4 ~~after the commission of the offense defined in the particular~~
5 ~~paragraph.~~

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

8 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

9 Sec. 24-3.1. Unlawful possession of firearms and firearm
10 ammunition.

11 (a) A person commits the offense of unlawful possession of
12 firearms or firearm ammunition when:

13 (1) He is under 18 years of age and has in his
14 possession any firearm of a size which may be concealed
15 upon the person; or

16 (2) He is under 21 years of age, has been convicted of
17 a misdemeanor other than a traffic offense or adjudged
18 delinquent and has any firearms or firearm ammunition in
19 his possession; or

20 (3) He is a narcotic addict and has any firearms or
21 firearm ammunition in his possession; or

22 (4) He has been a patient in a mental institution
23 within the past 5 years and has any firearms or firearm
24 ammunition in his possession. For purposes of this
25 paragraph (4):

1 "Mental institution" means any hospital,
2 institution, clinic, evaluation facility, mental
3 health center, or part thereof, which is used
4 primarily for the care or treatment of persons with
5 mental illness.

6 "Patient in a mental institution" means the person
7 was admitted, either voluntarily or involuntarily, to
8 a mental institution for mental health treatment,
9 unless the treatment was voluntary and solely for an
10 alcohol abuse disorder and no other secondary
11 substance abuse disorder or mental illness; or

12 (5) He is a person with an intellectual disability and
13 has any firearms or firearm ammunition in his possession;
14 or

15 (6) He has in his possession any explosive bullet.

16 For purposes of this paragraph "explosive bullet" means
17 the projectile portion of an ammunition cartridge which
18 contains or carries an explosive charge which will explode
19 upon contact with the flesh of a human or an animal.

20 "Cartridge" means a tubular metal case having a projectile
21 affixed at the front thereof and a cap or primer at the rear
22 end thereof, with the propellant contained in such tube
23 between the projectile and the cap.

24 (a-5) A person prohibited from possessing a firearm under
25 this Section may petition the Director of the Illinois State
26 Police for a hearing and relief from the prohibition, unless

1 the prohibition was based upon a forcible felony, stalking,
2 aggravated stalking, domestic battery, any violation of the
3 Illinois Controlled Substances Act, the Methamphetamine
4 Control and Community Protection Act, or the Cannabis Control
5 Act that is classified as a Class 2 or greater felony, any
6 felony violation of Article 24 of the Criminal Code of 1961 or
7 the Criminal Code of 2012, or any adjudication as a delinquent
8 minor for the commission of an offense that if committed by an
9 adult would be a felony, in which case the person may petition
10 the circuit court in writing in the county of his or her
11 residence for a hearing and relief from the prohibition. The
12 Director or court may grant the relief if it is established by
13 the petitioner to the court's or Director's satisfaction that:

14 (1) when in the circuit court, the State's Attorney
15 has been served with a written copy of the petition at
16 least 30 days before any hearing in the circuit court and
17 at the hearing the State's Attorney was afforded an
18 opportunity to present evidence and object to the
19 petition;

20 (2) the petitioner has not been convicted of a
21 forcible felony under the laws of this State or any other
22 jurisdiction within 20 years of the filing of the
23 petition, or at least 20 years have passed since the end of
24 any period of imprisonment imposed in relation to that
25 conviction;

26 (3) the circumstances regarding a criminal conviction,

1 where applicable, the petitioner's criminal history and
2 his reputation are such that the petitioner will not be
3 likely to act in a manner dangerous to public safety;

4 (4) granting relief would not be contrary to the
5 public interest; and

6 (5) granting relief would not be contrary to federal
7 law.

8 (b) Sentence.

9 Unlawful possession of firearms, other than handguns, and
10 firearm ammunition is a Class A misdemeanor. Unlawful
11 possession of handguns is a Class 4 felony. The possession of
12 each firearm or firearm ammunition in violation of this
13 Section constitutes a single and separate violation.

14 (c) Nothing in paragraph (1) of subsection (a) of this
15 Section prohibits a person under 18 years of age from
16 participating in any lawful recreational activity with a
17 firearm such as, but not limited to, practice shooting at
18 targets upon established public or private target ranges or
19 hunting, trapping, or fishing in accordance with the Wildlife
20 Code or the Fish and Aquatic Life Code.

21 (Source: P.A. 99-143, eff. 7-27-15.)

22 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

23 Sec. 24-3.2. Unlawful discharge of firearm projectiles.

24 (a) A person commits the offense of unlawful discharge of
25 firearm projectiles when he or she knowingly or recklessly

1 uses an armor piercing bullet, dragon's breath shotgun shell,
2 bolo shell, or flechette shell in violation of this Section.

3 For purposes of this Section:

4 "Armor piercing bullet" means any handgun bullet or
5 handgun ammunition with projectiles or projectile cores
6 constructed entirely (excluding the presence of traces of
7 other substances) from tungsten alloys, steel, iron, brass,
8 bronze, beryllium copper or depleted uranium, or fully
9 jacketed bullets larger than 22 caliber whose jacket has a
10 weight of more than 25% of the total weight of the projectile,
11 and excluding those handgun projectiles whose cores are
12 composed of soft materials such as lead or lead alloys, zinc or
13 zinc alloys, frangible projectiles designed primarily for
14 sporting purposes, and any other projectiles or projectile
15 cores that the U. S. Secretary of the Treasury finds to be
16 primarily intended to be used for sporting purposes or
17 industrial purposes or that otherwise does not constitute
18 "armor piercing ammunition" as that term is defined by federal
19 law.

20 "Dragon's breath shotgun shell" means any shotgun shell
21 that contains exothermic pyrophoric mesh metal as the
22 projectile and is designed for the purpose of throwing or
23 spewing a flame or fireball to simulate a flame-thrower.

24 "Bolo shell" means any shell that can be fired in a firearm
25 and expels as projectiles 2 or more metal balls connected by
26 solid metal wire.

1 "Flechette shell" means any shell that can be fired in a
2 firearm and expels 2 or more pieces of fin-stabilized solid
3 metal wire or 2 or more solid dart-type projectiles.

4 (b) A person commits a Class X felony when he or she,
5 knowing that a firearm, ~~as defined in Section 1.1 of the~~
6 ~~Firearm Owners Identification Card Act,~~ is loaded with an
7 armor piercing bullet, dragon's breath shotgun shell, bolo
8 shell, or flechette shell, intentionally or recklessly
9 discharges such firearm and such bullet or shell strikes any
10 other person.

11 (c) Any person who possesses, concealed on or about his or
12 her person, an armor piercing bullet, dragon's breath shotgun
13 shell, bolo shell, or flechette shell and a firearm suitable
14 for the discharge thereof is guilty of a Class 2 felony.

15 (d) This Section does not apply to or affect any of the
16 following:

17 (1) Peace officers;

18 (2) Wardens, superintendents and keepers of prisons,
19 penitentiaries, jails and other institutions for the
20 detention of persons accused or convicted of an offense;

21 (3) Members of the Armed Services or Reserve Forces of
22 the United States or the Illinois National Guard while in
23 the performance of their official duties;

24 (4) Federal officials required to carry firearms,
25 while engaged in the performance of their official duties;

26 (5) United States Marshals, while engaged in the

1 performance of their official duties.

2 (Source: P.A. 92-423, eff. 1-1-02.)

3 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

4 Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

5 (a) It shall be unlawful for any person who holds a license
6 to sell at retail any alcoholic liquor issued by the Illinois
7 Liquor Control Commission or local liquor control commissioner
8 under the Liquor Control Act of 1934 or an agent or employee of
9 the licensee to sell or deliver to any other person a firearm
10 in or on the real property of the establishment where the
11 licensee is licensed to sell alcoholic liquors unless the sale
12 or delivery of the firearm is otherwise lawful under this
13 Article ~~and under the Firearm Owners Identification Card Act.~~

14 (b) Sentence. A violation of subsection (a) of this
15 Section is a Class 4 felony.

16 (Source: P.A. 87-591.)

17 (720 ILCS 5/24-3.5)

18 Sec. 24-3.5. Unlawful purchase of a firearm.

19 (a) For purposes of this Section, "firearms transaction
20 record form" means a form:

21 (1) executed by a transferee of a firearm stating: (i)
22 the transferee's name and address (including county or
23 similar political subdivision); (ii) whether the
24 transferee is a citizen of the United States; (iii) the

1 transferee's State of residence; and (iv) the date and
2 place of birth, height, weight, and race of the
3 transferee; and

4 (2) on which the transferee certifies that he or she
5 is not prohibited by federal law from transporting or
6 shipping a firearm in interstate or foreign commerce or
7 receiving a firearm that has been shipped or transported
8 in interstate or foreign commerce or possessing a firearm
9 in or affecting commerce.

10 (b) A person commits the offense of unlawful purchase of a
11 firearm who knowingly purchases or attempts to purchase a
12 firearm with the intent to deliver that firearm to another
13 person who is prohibited by federal or State law from
14 possessing a firearm.

15 (c) A person commits the offense of unlawful purchase of a
16 firearm when he or she, in purchasing or attempting to
17 purchase a firearm, intentionally provides false or misleading
18 information on a United States Department of the Treasury,
19 Bureau of Alcohol, Tobacco and Firearms firearms transaction
20 record form.

21 (d) Exemption. It is not a violation of subsection (b) of
22 this Section for a person to make a gift or loan of a firearm
23 to a person who is not prohibited by federal or State law from
24 possessing a firearm ~~if the transfer of the firearm is made in~~
25 ~~accordance with Section 3 of the Firearm Owners Identification~~
26 ~~Card Act.~~

1 (e) Sentence.

2 (1) A person who commits the offense of unlawful
3 purchase of a firearm:

4 (A) is guilty of a Class 2 felony for purchasing or
5 attempting to purchase one firearm;

6 (B) is guilty of a Class 1 felony for purchasing or
7 attempting to purchase not less than 2 firearms and
8 not more than 5 firearms at the same time or within a
9 one year period;

10 (C) is guilty of a Class X felony for which the
11 offender shall be sentenced to a term of imprisonment
12 of not less than 9 years and not more than 40 years for
13 purchasing or attempting to purchase not less than 6
14 firearms at the same time or within a 2 year period.

15 (2) In addition to any other penalty that may be
16 imposed for a violation of this Section, the court may
17 sentence a person convicted of a violation of subsection
18 (c) of this Section to a fine not to exceed \$250,000 for
19 each violation.

20 (f) A prosecution for unlawful purchase of a firearm may
21 be commenced within 6 years after the commission of the
22 offense.

23 (Source: P.A. 95-882, eff. 1-1-09.)

24 (720 ILCS 5/24-3B)

25 Sec. 24-3B. Firearms trafficking.

1 (a) A person commits firearms trafficking when he or she
2 is prohibited under federal or State law from possessing a
3 firearm ~~has not been issued a currently valid Firearm Owner's~~
4 ~~Identification Card~~ and knowingly:

5 (1) brings, or causes to be brought, into this State,
6 a firearm or firearm ammunition for the purpose of sale,
7 delivery, or transfer to any other person or with the
8 intent to sell, deliver, or transfer the firearm or
9 firearm ammunition to any other person; or

10 (2) brings, or causes to be brought, into this State,
11 a firearm and firearm ammunition for the purpose of sale,
12 delivery, or transfer to any other person or with the
13 intent to sell, deliver, or transfer the firearm and
14 firearm ammunition to any other person.

15 (a-5) (Blank). ~~This Section does not apply to:~~

16 ~~(1) a person exempt under Section 2 of the Firearm~~
17 ~~Owners Identification Card Act from the requirement of~~
18 ~~having possession of a Firearm Owner's Identification Card~~
19 ~~previously issued in his or her name by the Illinois State~~
20 ~~Police in order to acquire or possess a firearm or firearm~~
21 ~~ammunition;~~

22 ~~(2) a common carrier under subsection (i) of Section~~
23 ~~24-2 of this Code; or~~

24 ~~(3) a non-resident who may lawfully possess a firearm~~
25 ~~in his or her resident state.~~

26 (b) Sentence.

1 (1) Firearms trafficking is a Class 1 felony for which
2 the person, if sentenced to a term of imprisonment, shall
3 be sentenced to not less than 4 years and not more than 20
4 years.

5 (2) Firearms trafficking by a person who has been
6 previously convicted of firearms trafficking, gunrunning,
7 or a felony offense for the unlawful sale, delivery, or
8 transfer of a firearm or firearm ammunition in this State
9 or another jurisdiction is a Class X felony.

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

11 (720 ILCS 5/24-4.1)

12 Sec. 24-4.1. Report of lost or stolen firearms.

13 (a) If a person ~~who possesses a valid Firearm Owner's~~
14 ~~Identification Card and~~ who possesses or acquires a firearm
15 thereafter loses the firearm, or if the firearm is stolen from
16 the person, the person must report the loss or theft to the
17 local law enforcement agency within 72 hours after obtaining
18 knowledge of the loss or theft.

19 (b) A law enforcement agency having jurisdiction shall
20 take a written report and shall, as soon as practical, enter
21 the firearm's serial number as stolen into the Law Enforcement
22 Agencies Data System (LEADS).

23 (c) A person shall not be in violation of this Section if:

24 (1) the failure to report is due to an act of God, act
25 of war, or inability of a law enforcement agency to

1 receive the report;

2 (2) the person is hospitalized, in a coma, or is
3 otherwise seriously physically or mentally impaired as to
4 prevent the person from reporting; or

5 (3) the person's designee makes a report if the person
6 is unable to make the report.

7 (d) Sentence. A person who violates this Section is guilty
8 of a petty offense for a first violation. A second or
9 subsequent violation of this Section is a Class A misdemeanor.
10 (Source: P.A. 98-508, eff. 8-19-13.)

11 (720 ILCS 5/24-4.5 new)

12 Sec. 24-4.5. Dial-up system.

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

22 (b) Upon receiving a request from a federally licensed
23 firearm dealer, gun show promoter, or gun show vendor, the
24 Illinois State Police shall immediately approve, or, within
25 the time period established by Section 24-3 of this Code

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

14 (c) If receipt of a firearm would not violate Section 24-3
15 of this Code or federal law, the Illinois State Police shall:

16 (1) assign a unique identification number to the
17 transfer; and

18 (2) provide the licensee, gun show promoter, or gun
19 show vendor with the number.

20 (d) Approvals issued by the Illinois State Police for the
21 purchase of a firearm are valid for 30 days from the date of
22 issue.

23 (e) (1) The Illinois State Police must act as the Illinois
24 Point of Contact for the National Instant Criminal Background
25 Check System.

26 (2) The Illinois State Police and the Department of Human

1 Services shall, in accordance with State and federal law
2 regarding confidentiality, enter into a memorandum of
3 understanding with the Federal Bureau of Investigation for the
4 purpose of implementing the National Instant Criminal
5 Background Check System in the State. The Department of State
6 Police shall report the name, date of birth, and physical
7 description of any person prohibited from possessing a firearm
8 under this Code or 18 U.S.C. 922(g) and (n) to the National
9 Instant Criminal Background Check System Index, Denied Persons
10 Files.

11 (f) The Illinois State Police shall adopt rules not
12 inconsistent with this Section to implement this system.

13 (720 ILCS 5/24-5.1)

14 Sec. 24-5.1. Serialization of unfinished frames or
15 receivers; prohibition on unserialized firearms; exceptions;
16 penalties.

17 (a) In this Section:

18 "Bona fide supplier" means an established business entity
19 engaged in the development and sale of firearms parts to one or
20 more federal firearms manufacturers or federal firearms
21 importers.

22 "Federal firearms dealer" means a licensed manufacturer
23 pursuant to 18 U.S.C. 921(a)(11).

24 "Federal firearms importer" means a licensed importer
25 pursuant to 18 U.S.C. 921(a)(9).

1 "Federal firearms manufacturer" means a licensed
2 manufacturer pursuant to 18 U.S.C. 921(a)(10).

3 "Frame or receiver" means a part of a firearm that, when
4 the complete weapon is assembled, is visible from the exterior
5 and provides housing or a structure designed to hold or
6 integrate one or more fire control components, even if pins or
7 other attachments are required to connect those components to
8 the housing or structure. For models of firearms in which
9 multiple parts provide such housing or structure, the part or
10 parts that the Director of the federal Bureau of Alcohol,
11 Tobacco, Firearms and Explosives has determined are a frame or
12 receiver constitute the frame or receiver. For purposes of
13 this definition, "fire control component" means a component
14 necessary for the firearm to initiate, complete, or continue
15 the firing sequence, including any of the following: hammer,
16 bolt, bolt carrier, breechblock, cylinder, trigger mechanism,
17 firing pin, striker, or slide rails.

18 "Security exemplar" means an object to be fabricated at
19 the direction of the United States Attorney General that is
20 (1) constructed of 3.7 ounces of material type 17-4 PH
21 stainless steel in a shape resembling a handgun and (2)
22 suitable for testing and calibrating metal detectors.

23 "Three-dimensional printer" means a computer or
24 computer-drive machine capable of producing a
25 three-dimensional object from a digital model.

26 "Undetectable firearm" means (1) a firearm constructed

1 entirely of non-metal substances; (2) a firearm that, after
2 removal of all parts but the major components of the firearm,
3 is not detectable by walk-through metal detectors calibrated
4 and operated to detect the security exemplar; or (3) a firearm
5 that includes a major component of a firearm, which, if
6 subject to the types of detection devices commonly used at
7 airports for security screening, would not generate an image
8 that accurately depicts the shape of the component.
9 "Undetectable firearm" does not include a firearm subject to
10 the provisions of 18 U.S.C. 922(p) (3) through (6).

11 "Unfinished frame or receiver" means any forging, casting,
12 printing, extrusion, machined body, or similar article that:

13 (1) has reached a stage in manufacture where it may
14 readily be completed, assembled, or converted to be a
15 functional firearm; or

16 (2) is marketed or sold to the public to become or be
17 used as the frame or receiver of a functional firearm once
18 completed, assembled, or converted.

19 "Unserialized" means lacking a serial number imprinted by:

20 (1) a federal firearms manufacturer, federal firearms
21 importer, federal firearms dealer, or other federal
22 licensee authorized to provide marking services, pursuant
23 to a requirement under federal law; or

24 (2) a federal firearms dealer or other federal
25 licensee authorized to provide marking services pursuant
26 to subsection (f) of this Section.

1 (b) It is unlawful for any person to knowingly sell, offer
2 to sell, or transfer an unserialized unfinished frame or
3 receiver or unserialized firearm, including those produced
4 using a three-dimensional printer, unless the party purchasing
5 or receiving the unfinished frame or receiver or unserialized
6 firearm is a federal firearms importer, federal firearms
7 manufacturer, or federal firearms dealer.

8 (c) Beginning 180 days after the effective date of this
9 amendatory Act of the 102nd General Assembly, it is unlawful
10 for any person to knowingly possess, transport, or receive an
11 unfinished frame or receiver, unless:

12 (1) the party possessing or receiving the unfinished
13 frame or receiver is a federal firearms importer or
14 federal firearms manufacturer;

15 (2) the unfinished frame or receiver is possessed or
16 transported by a person for transfer to a federal firearms
17 importer or federal firearms manufacturer; or

18 (3) the unfinished frame or receiver has been
19 imprinted with a serial number issued by a federal
20 firearms importer or federal firearms manufacturer in
21 compliance with subsection (f) of this Section.

22 (d) Beginning 180 days after the effective date of this
23 amendatory Act of the 102nd General Assembly, unless the party
24 receiving the firearm is a federal firearms importer or
25 federal firearms manufacturer, it is unlawful for any person
26 to knowingly possess, purchase, transport, or receive a

1 firearm that is not imprinted with a serial number by (1) a
2 federal firearms importer or federal firearms manufacturer in
3 compliance with all federal laws and regulations regulating
4 the manufacture and import of firearms or (2) a federal
5 firearms manufacturer, federal firearms dealer, or other
6 federal licensee authorized to provide marking services in
7 compliance with the unserialized firearm serialization process
8 under subsection (f) of this Section.

9 (e) Any firearm or unfinished frame or receiver
10 manufactured using a three-dimensional printer must also be
11 serialized in accordance with the requirements of subsection
12 (f) within 30 days after the effective date of this amendatory
13 Act of the 102nd General Assembly, or prior to reaching a stage
14 of manufacture where it may be readily completed, assembled,
15 or converted to be a functional firearm.

16 (f) Unserialized unfinished frames or receivers and
17 unserialized firearms serialized pursuant to this Section
18 shall be serialized in compliance with all of the following:

19 (1) An unserialized unfinished frame or receiver and
20 unserialized firearm shall be serialized by a federally
21 licensed firearms dealer or other federal licensee
22 authorized to provide marking services with the licensee's
23 abbreviated federal firearms license number as a prefix
24 (which is the first 3 and last 5 digits) followed by a
25 hyphen, and then followed by a number as a suffix, such as
26 12345678-(number). The serial number or numbers must be

1 placed in a manner that accords with the requirements
2 under federal law for affixing serial numbers to firearms,
3 including the requirements that the serial number or
4 numbers be at the minimum size and depth, and not
5 susceptible to being readily obliterated, altered, or
6 removed, and the licensee must retain records that accord
7 with the requirements under federal law in the case of the
8 sale of a firearm. The imprinting of any serial number
9 upon a undetectable firearm must be done on a steel plaque
10 in compliance with 18 U.S.C. 922(p).

11 (2) Every federally licensed firearms dealer or other
12 federal licensee that engraves, casts, stamps, or
13 otherwise conspicuously and permanently places a unique
14 serial number pursuant to this Section shall maintain a
15 record of such indefinitely. Licensees subject to the
16 Firearm Dealer License Certification Act shall make all
17 records accessible for inspection upon the request of the
18 Illinois State Police or a law enforcement agency in
19 accordance with Section 5-35 of the Firearm Dealer License
20 Certification Act.

21 (3) Every federally licensed firearms dealer or other
22 federal licensee that engraves, casts, stamps, or
23 otherwise conspicuously and permanently places a unique
24 serial number pursuant to this Section shall record it at
25 the time of every transaction involving the transfer of a
26 firearm, rifle, shotgun, finished frame or receiver, or

1 unfinished frame or receiver that has been so marked in
2 compliance with the federal guidelines set forth in 27 CFR
3 478.124.

4 (4) (Blank). ~~Every federally licensed firearms dealer~~
5 ~~or other federal licensee that engraves, casts, stamps, or~~
6 ~~otherwise conspicuously and permanently places a unique~~
7 ~~serial number pursuant to this Section shall review and~~
8 ~~confirm the validity of the owner's Firearm Owner's~~
9 ~~Identification Card issued under the Firearm Owners~~
10 ~~Identification Card Act prior to returning the firearm to~~
11 ~~the owner.~~

12 (g) Within 30 days after the effective date of this
13 amendatory Act of the 102nd General Assembly, the Director of
14 the Illinois State Police shall issue a public notice
15 regarding the provisions of this Section. The notice shall
16 include posting on the Illinois State Police website and may
17 include written notification or any other means of
18 communication statewide to all Illinois-based federal firearms
19 manufacturers, federal firearms dealers, or other federal
20 licensees authorized to provide marking services in compliance
21 with the serialization process in subsection (f) in order to
22 educate the public.

23 (h) Exceptions. This Section does not apply to an
24 unserialized unfinished frame or receiver or an unserialized
25 firearm that:

26 (1) has been rendered permanently inoperable;

1 (2) is an antique firearm, as defined in 18 U.S.C.
2 921(a)(16);

3 (3) was manufactured prior to October 22, 1968;

4 (4) is an unfinished frame or receiver and is
5 possessed by a bona fide supplier exclusively for transfer
6 to a federal firearms manufacturer or federal firearms
7 importer, or is possessed by a federal firearms
8 manufacturer or federal firearms importer in compliance
9 with all federal laws and regulations regulating the
10 manufacture and import of firearms; except this exemption
11 does not apply if an unfinished frame or receiver is
12 possessed for transfer or is transferred to a person other
13 than a federal firearms manufacturer or federal firearms
14 importer; or

15 (5) is possessed by a person who received the
16 unserialized unfinished frame or receiver or unserialized
17 firearm through inheritance, and is not otherwise
18 prohibited from possessing the unserialized unfinished
19 frame or receiver or unserialized firearm, for a period
20 not exceeding 30 days after inheriting the unserialized
21 unfinished frame or receiver or unserialized firearm.

22 (i) Penalties.

23 (1) A person who violates subsection (c) or (d) is
24 guilty of a Class A misdemeanor for a first violation and
25 is guilty of a Class 3 felony for a second or subsequent
26 violation.

1 (2) A person who violates subsection (b) is guilty of
2 a Class 4 felony for a first violation and is guilty of a
3 Class 2 felony for a second or subsequent violation.

4 (Source: P.A. 102-889, eff. 5-18-22.)

5 (720 ILCS 5/24-9)

6 Sec. 24-9. Firearms; Child Protection.

7 (a) Except as provided in subsection (c), it is unlawful
8 for any person to store or leave, within premises under his or
9 her control, a firearm if the person knows or has reason to
10 believe that a minor under the age of 14 years ~~who does not~~
11 ~~have a Firearm Owners Identification Card~~ is likely to gain
12 access to the firearm without the lawful permission of the
13 person possessing the firearm, minor's parent, guardian, or
14 person having charge of the minor, and the minor causes death
15 or great bodily harm with the firearm, unless the firearm is:

16 (1) secured by a device or mechanism, other than the
17 firearm safety, designed to render a firearm temporarily
18 inoperable; or

19 (2) placed in a securely locked box or container; or

20 (3) placed in some other location that a reasonable
21 person would believe to be secure from a minor under the
22 age of 14 years.

23 (b) Sentence. A person who violates this Section is guilty
24 of a Class C misdemeanor and shall be fined not less than
25 \$1,000. A second or subsequent violation of this Section is a

1 Class A misdemeanor.

2 (c) Subsection (a) does not apply:

3 (1) if the minor under 14 years of age gains access to
4 a firearm and uses it in a lawful act of self-defense or
5 defense of another; or

6 (2) to any firearm obtained by a minor under the age of
7 14 because of an unlawful entry of the premises by the
8 minor or another person.

9 (d) (Blank). ~~For the purposes of this Section, "firearm"~~
10 ~~has the meaning ascribed to it in Section 1.1 of the Firearm~~
11 ~~Owners Identification Card Act.~~

12 (Source: P.A. 91-18, eff. 1-1-00.)

13 Section 165. The Methamphetamine Control and Community
14 Protection Act is amended by changing Section 10 as follows:

15 (720 ILCS 646/10)

16 Sec. 10. Definitions. As used in this Act:

17 "Anhydrous ammonia" has the meaning provided in subsection
18 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

19 "Anhydrous ammonia equipment" means all items used to
20 store, hold, contain, handle, transfer, transport, or apply
21 anhydrous ammonia for lawful purposes.

22 "Booby trap" means any device designed to cause physical
23 injury when triggered by an act of a person approaching,
24 entering, or moving through a structure, a vehicle, or any

1 location where methamphetamine has been manufactured, is being
2 manufactured, or is intended to be manufactured.

3 "Deliver" or "delivery" has the meaning provided in
4 subsection (h) of Section 102 of the Illinois Controlled
5 Substances Act.

6 "Director" means the Director of the Illinois State Police
7 or the Director's designated agents.

8 "Dispose" or "disposal" means to abandon, discharge,
9 release, deposit, inject, dump, spill, leak, or place
10 methamphetamine waste onto or into any land, water, or well of
11 any type so that the waste has the potential to enter the
12 environment, be emitted into the air, or be discharged into
13 the soil or any waters, including groundwater.

14 "Emergency response" means the act of collecting evidence
15 from or securing a methamphetamine laboratory site,
16 methamphetamine waste site or other methamphetamine-related
17 site and cleaning up the site, whether these actions are
18 performed by public entities or private contractors paid by
19 public entities.

20 "Emergency service provider" means a local, State, or
21 federal peace officer, firefighter, emergency medical
22 technician-ambulance, emergency medical
23 technician-intermediate, emergency medical
24 technician-paramedic, ambulance driver, or other medical or
25 first aid personnel rendering aid, or any agent or designee of
26 the foregoing.

1 "Finished methamphetamine" means methamphetamine in a form
2 commonly used for personal consumption.

3 "Firearm" has the meaning provided in Section 2-7.5 of the
4 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~
5 ~~Card Act.~~

6 "Manufacture" means to produce, prepare, compound,
7 convert, process, synthesize, concentrate, purify, separate,
8 extract, or package any methamphetamine, methamphetamine
9 precursor, methamphetamine manufacturing catalyst,
10 methamphetamine manufacturing reagent, methamphetamine
11 manufacturing solvent, or any substance containing any of the
12 foregoing.

13 "Methamphetamine" means the chemical methamphetamine (a
14 Schedule II controlled substance under the Illinois Controlled
15 Substances Act) or any salt, optical isomer, salt of optical
16 isomer, or analog thereof, with the exception of
17 3,4-Methylenedioxymethamphetamine (MDMA) or any other
18 scheduled substance with a separate listing under the Illinois
19 Controlled Substances Act.

20 "Methamphetamine manufacturing catalyst" means any
21 substance that has been used, is being used, or is intended to
22 be used to activate, accelerate, extend, or improve a chemical
23 reaction involved in the manufacture of methamphetamine.

24 "Methamphetamine manufacturing environment" means a
25 structure or vehicle in which:

26 (1) methamphetamine is being or has been manufactured;

1 (2) chemicals that are being used, have been used, or
2 are intended to be used to manufacture methamphetamine are
3 stored;

4 (3) methamphetamine manufacturing materials that have
5 been used to manufacture methamphetamine are stored; or

6 (4) methamphetamine manufacturing waste is stored.

7 "Methamphetamine manufacturing material" means any
8 methamphetamine precursor, substance containing any
9 methamphetamine precursor, methamphetamine manufacturing
10 catalyst, substance containing any methamphetamine
11 manufacturing catalyst, methamphetamine manufacturing
12 reagent, substance containing any methamphetamine
13 manufacturing reagent, methamphetamine manufacturing solvent,
14 substance containing any methamphetamine manufacturing
15 solvent, or any other chemical, substance, ingredient,
16 equipment, apparatus, or item that is being used, has been
17 used, or is intended to be used in the manufacture of
18 methamphetamine.

19 "Methamphetamine manufacturing reagent" means any
20 substance other than a methamphetamine manufacturing catalyst
21 that has been used, is being used, or is intended to be used to
22 react with and chemically alter any methamphetamine precursor.

23 "Methamphetamine manufacturing solvent" means any
24 substance that has been used, is being used, or is intended to
25 be used as a medium in which any methamphetamine precursor,
26 methamphetamine manufacturing catalyst, methamphetamine

1 manufacturing reagent, or any substance containing any of the
2 foregoing is dissolved, diluted, or washed during any part of
3 the methamphetamine manufacturing process.

4 "Methamphetamine manufacturing waste" means any chemical,
5 substance, ingredient, equipment, apparatus, or item that is
6 left over from, results from, or is produced by the process of
7 manufacturing methamphetamine, other than finished
8 methamphetamine.

9 "Methamphetamine precursor" means ephedrine,
10 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
11 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
12 isomer, or salt of an optical isomer of any of these chemicals.

13 "Multi-unit dwelling" means a unified structure used or
14 intended for use as a habitation, home, or residence that
15 contains 2 or more condominiums, apartments, hotel rooms,
16 motel rooms, or other living units.

17 "Package" means an item marked for retail sale that is not
18 designed to be further broken down or subdivided for the
19 purpose of retail sale.

20 "Participate" or "participation" in the manufacture of
21 methamphetamine means to produce, prepare, compound, convert,
22 process, synthesize, concentrate, purify, separate, extract,
23 or package any methamphetamine, methamphetamine precursor,
24 methamphetamine manufacturing catalyst, methamphetamine
25 manufacturing reagent, methamphetamine manufacturing solvent,
26 or any substance containing any of the foregoing, or to assist

1 in any of these actions, or to attempt to take any of these
2 actions, regardless of whether this action or these actions
3 result in the production of finished methamphetamine.

4 "Person with a disability" means a person who suffers from
5 a permanent physical or mental impairment resulting from
6 disease, injury, functional disorder, or congenital condition
7 which renders the person incapable of adequately providing for
8 his or her own health and personal care.

9 "Procure" means to purchase, steal, gather, or otherwise
10 obtain, by legal or illegal means, or to cause another to take
11 such action.

12 "Second or subsequent offense" means an offense under this
13 Act committed by an offender who previously committed an
14 offense under this Act, the Illinois Controlled Substances
15 Act, the Cannabis Control Act, or another Act of this State,
16 another state, or the United States relating to
17 methamphetamine, cannabis, or any other controlled substance.

18 "Standard dosage form", as used in relation to any
19 methamphetamine precursor, means that the methamphetamine
20 precursor is contained in a pill, tablet, capsule, caplet, gel
21 cap, or liquid cap that has been manufactured by a lawful
22 entity and contains a standard quantity of methamphetamine
23 precursor.

24 "Unauthorized container", as used in relation to anhydrous
25 ammonia, means any container that is not designed for the
26 specific and sole purpose of holding, storing, transporting,

1 or applying anhydrous ammonia. "Unauthorized container"
2 includes, but is not limited to, any propane tank, fire
3 extinguisher, oxygen cylinder, gasoline can, food or beverage
4 cooler, or compressed gas cylinder used in dispensing fountain
5 drinks. "Unauthorized container" does not encompass anhydrous
6 ammonia manufacturing plants, refrigeration systems where
7 anhydrous ammonia is used solely as a refrigerant, anhydrous
8 ammonia transportation pipelines, anhydrous ammonia tankers,
9 or anhydrous ammonia barges.

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

11 Section 170. The Code of Criminal Procedure of 1963 is
12 amended by changing Sections 102-7.1, 110-10, 112A-5.5,
13 112A-11.1, 112A-11.2, 112A-14, 112A-14.7, and 112A-17.5 as
14 follows:

15 (725 ILCS 5/102-7.1)

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

17 Sec. 102-7.1. "Category A offense". "Category A offense"
18 means a Class 1 felony, Class 2 felony, Class X felony, first
19 degree murder, a violation of Section 11-204 of the Illinois
20 Vehicle Code, a second or subsequent violation of Section
21 11-501 of the Illinois Vehicle Code, a violation of subsection
22 (d) of Section 11-501 of the Illinois Vehicle Code, a
23 violation of Section 11-401 of the Illinois Vehicle Code if
24 the accident results in injury and the person failed to report

1 the accident within 30 minutes, a violation of Section 9-3,
2 9-3.4, 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5,
3 11-25, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5,
4 12-6, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5,
5 24-3, 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a
6 second or subsequent violation of 12-3.2 or 12-3.4 of the
7 Criminal Code of 2012, a violation of paragraph (5) or (6) of
8 subsection (b) of Section 10-9 of the Criminal Code of 2012, a
9 violation of subsection (b) or (c) or paragraph (1) or (2) of
10 subsection (a) of Section 11-1.50 of the Criminal Code of
11 2012, a violation of Section 12-7 of the Criminal Code of 2012
12 if the defendant inflicts bodily harm on the victim to obtain a
13 confession, statement, or information, a violation of Section
14 12-7.5 of the Criminal Code of 2012 if the action results in
15 bodily harm, a violation of paragraph (3) of subsection (b) of
16 Section 17-2 of the Criminal Code of 2012, a violation of
17 subdivision (a)(7)(ii) of Section 24-1 of the Criminal Code of
18 2012, a violation of paragraph (6) of subsection (a) of
19 Section 24-1 of the Criminal Code of 2012, a first violation of
20 Section 24-1.6 of the Criminal Code of 2012 by a person 18
21 years of age or older where the factors listed in both items
22 (A) and (C) or both items (A-5) and (C) of paragraph (3) of
23 subsection (a) of Section 24-1.6 of the Criminal Code of 2012
24 are present, a Class 3 felony violation of paragraph (1) of
25 subsection (a) of Section 2 of the Firearm Owners
26 Identification Card Act committed before the effective date of

1 this amendatory Act of the 103rd General Assembly, or a
2 violation of Section 10 of the Sex Offender Registration Act.
3 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

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

5 Sec. 102-7.1. "Category A offense". "Category A offense"
6 means a Class 1 felony, Class 2 felony, Class X felony, first
7 degree murder, a violation of Section 11-204 of the Illinois
8 Vehicle Code, a second or subsequent violation of Section
9 11-501 of the Illinois Vehicle Code, a violation of subsection
10 (d) of Section 11-501 of the Illinois Vehicle Code, a
11 violation of Section 11-401 of the Illinois Vehicle Code if
12 the crash results in injury and the person failed to report the
13 crash within 30 minutes, a violation of Section 9-3, 9-3.4,
14 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5, 11-25,
15 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5, 12-6,
16 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5, 24-3,
17 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a second or
18 subsequent violation of 12-3.2 or 12-3.4 of the Criminal Code
19 of 2012, a violation of paragraph (5) or (6) of subsection (b)
20 of Section 10-9 of the Criminal Code of 2012, a violation of
21 subsection (b) or (c) or paragraph (1) or (2) of subsection (a)
22 of Section 11-1.50 of the Criminal Code of 2012, a violation of
23 Section 12-7 of the Criminal Code of 2012 if the defendant
24 inflicts bodily harm on the victim to obtain a confession,
25 statement, or information, a violation of Section 12-7.5 of

1 the Criminal Code of 2012 if the action results in bodily harm,
2 a violation of paragraph (3) of subsection (b) of Section 17-2
3 of the Criminal Code of 2012, a violation of subdivision
4 (a)(7)(ii) of Section 24-1 of the Criminal Code of 2012, a
5 violation of paragraph (6) of subsection (a) of Section 24-1
6 of the Criminal Code of 2012, a first violation of Section
7 24-1.6 of the Criminal Code of 2012 by a person 18 years of age
8 or older where the factors listed in both items (A) and (C) or
9 both items (A-5) and (C) of paragraph (3) of subsection (a) of
10 Section 24-1.6 of the Criminal Code of 2012 are present, a
11 Class 3 felony violation of paragraph (1) of subsection (a) of
12 Section 2 of the Firearm Owners Identification Card Act
13 committed before the effective date of this amendatory Act of
14 the 103rd General Assembly, or a violation of Section 10 of the
15 Sex Offender Registration Act.

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

17 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

18 Sec. 110-10. Conditions of pretrial release.

19 (a) If a person is released prior to conviction, the
20 conditions of pretrial release shall be that he or she will:

21 (1) Appear to answer the charge in the court having
22 jurisdiction on a day certain and thereafter as ordered by
23 the court until discharged or final order of the court;

24 (2) Submit himself or herself to the orders and
25 process of the court;

1 (3) (Blank);

2 (4) Not violate any criminal statute of any
3 jurisdiction;

4 (5) At a time and place designated by the court,
5 surrender all firearms in his or her possession to a law
6 enforcement officer designated by the court to take
7 custody of and impound the firearms ~~and physically~~
8 ~~surrender his or her Firearm Owner's Identification Card~~
9 to the clerk of the circuit court when the offense the
10 person has been charged with is a forcible felony,
11 stalking, aggravated stalking, domestic battery, any
12 violation of the Illinois Controlled Substances Act, the
13 Methamphetamine Control and Community Protection Act, or
14 the Cannabis Control Act that is classified as a Class 2 or
15 greater felony, or any felony violation of Article 24 of
16 the Criminal Code of 1961 or the Criminal Code of 2012; the
17 court may, however, forgo the imposition of this condition
18 when the circumstances of the case clearly do not warrant
19 it or when its imposition would be impractical; ~~if the~~
20 ~~Firearm Owner's Identification Card is confiscated, the~~
21 ~~clerk of the circuit court shall mail the confiscated card~~
22 ~~to the Illinois State Police;~~ all legally possessed
23 firearms shall be returned to the person upon the charges
24 being dismissed, or if the person is found not guilty,
25 unless the finding of not guilty is by reason of insanity;
26 and

1 (6) At a time and place designated by the court,
2 submit to a psychological evaluation when the person has
3 been charged with a violation of item (4) of subsection
4 (a) of Section 24-1 of the Criminal Code of 1961 or the
5 Criminal Code of 2012 and that violation occurred in a
6 school or in any conveyance owned, leased, or contracted
7 by a school to transport students to or from school or a
8 school-related activity, or on any public way within 1,000
9 feet of real property comprising any school.

10 Psychological evaluations ordered pursuant to this Section
11 shall be completed promptly and made available to the State,
12 the defendant, and the court. As a further condition of
13 pretrial release under these circumstances, the court shall
14 order the defendant to refrain from entering upon the property
15 of the school, including any conveyance owned, leased, or
16 contracted by a school to transport students to or from school
17 or a school-related activity, or on any public way within
18 1,000 feet of real property comprising any school. Upon
19 receipt of the psychological evaluation, either the State or
20 the defendant may request a change in the conditions of
21 pretrial release, pursuant to Section 110-6 of this Code. The
22 court may change the conditions of pretrial release to include
23 a requirement that the defendant follow the recommendations of
24 the psychological evaluation, including undergoing psychiatric
25 treatment. The conclusions of the psychological evaluation and
26 any statements elicited from the defendant during its

1 administration are not admissible as evidence of guilt during
2 the course of any trial on the charged offense, unless the
3 defendant places his or her mental competency in issue.

4 (b) Additional conditions of release shall be set only
5 when it is determined that they are necessary to ensure the
6 defendant's appearance in court, ensure the defendant does not
7 commit any criminal offense, ensure the defendant complies
8 with all conditions of pretrial release, prevent the
9 defendant's unlawful interference with the orderly
10 administration of justice, or ensure compliance with the rules
11 and procedures of problem solving courts. However, conditions
12 shall include the least restrictive means and be
13 individualized. Conditions shall not mandate rehabilitative
14 services unless directly tied to the risk of pretrial
15 misconduct. Conditions of supervision shall not include
16 punitive measures such as community service work or
17 restitution. Conditions may include the following:

18 (0.05) Not depart this State without leave of the
19 court;

20 (1) Report to or appear in person before such person
21 or agency as the court may direct;

22 (2) Refrain from possessing a firearm or other
23 dangerous weapon;

24 (3) Refrain from approaching or communicating with
25 particular persons or classes of persons;

26 (4) Refrain from going to certain described geographic

1 areas or premises;

2 (5) Be placed under direct supervision of the Pretrial
3 Services Agency, Probation Department or Court Services
4 Department in a pretrial home supervision capacity with or
5 without the use of an approved electronic monitoring
6 device subject to Article 8A of Chapter V of the Unified
7 Code of Corrections;

8 (6) For persons charged with violating Section 11-501
9 of the Illinois Vehicle Code, refrain from operating a
10 motor vehicle not equipped with an ignition interlock
11 device, as defined in Section 1-129.1 of the Illinois
12 Vehicle Code, pursuant to the rules promulgated by the
13 Secretary of State for the installation of ignition
14 interlock devices. Under this condition the court may
15 allow a defendant who is not self-employed to operate a
16 vehicle owned by the defendant's employer that is not
17 equipped with an ignition interlock device in the course
18 and scope of the defendant's employment;

19 (7) Comply with the terms and conditions of an order
20 of protection issued by the court under the Illinois
21 Domestic Violence Act of 1986 or an order of protection
22 issued by the court of another state, tribe, or United
23 States territory;

24 (8) Sign a written admonishment requiring that he or
25 she comply with the provisions of Section 110-12 regarding
26 any change in his or her address. The defendant's address

1 shall at all times remain a matter of record with the clerk
2 of the court; and

3 (9) Such other reasonable conditions as the court may
4 impose, so long as these conditions are the least
5 restrictive means to achieve the goals listed in
6 subsection (b), are individualized, and are in accordance
7 with national best practices as detailed in the Pretrial
8 Supervision Standards of the Supreme Court.

9 The defendant shall receive verbal and written
10 notification of conditions of pretrial release and future
11 court dates, including the date, time, and location of court.

12 (c) When a person is charged with an offense under Section
13 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
14 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, involving a victim who is a minor under
16 18 years of age living in the same household with the defendant
17 at the time of the offense, in releasing the defendant, the
18 judge shall impose conditions to restrict the defendant's
19 access to the victim which may include, but are not limited to
20 conditions that he will:

21 1. Vacate the household.

22 2. Make payment of temporary support to his
23 dependents.

24 3. Refrain from contact or communication with the
25 child victim, except as ordered by the court.

26 (d) When a person is charged with a criminal offense and

1 the victim is a family or household member as defined in
2 Article 112A, conditions shall be imposed at the time of the
3 defendant's release that restrict the defendant's access to
4 the victim. Unless provided otherwise by the court, the
5 restrictions shall include requirements that the defendant do
6 the following:

7 (1) refrain from contact or communication with the
8 victim for a minimum period of 72 hours following the
9 defendant's release; and

10 (2) refrain from entering or remaining at the victim's
11 residence for a minimum period of 72 hours following the
12 defendant's release.

13 (e) Local law enforcement agencies shall develop
14 standardized pretrial release forms for use in cases involving
15 family or household members as defined in Article 112A,
16 including specific conditions of pretrial release as provided
17 in subsection (d). Failure of any law enforcement department
18 to develop or use those forms shall in no way limit the
19 applicability and enforcement of subsections (d) and (f).

20 (f) If the defendant is released after conviction
21 following appeal or other post-conviction proceeding, the
22 conditions of the pretrial release shall be that he will, in
23 addition to the conditions set forth in subsections (a) and
24 (b) hereof:

25 (1) Duly prosecute his appeal;

26 (2) Appear at such time and place as the court may

1 direct;

2 (3) Not depart this State without leave of the court;

3 (4) Comply with such other reasonable conditions as
4 the court may impose; and

5 (5) If the judgment is affirmed or the cause reversed
6 and remanded for a new trial, forthwith surrender to the
7 officer from whose custody he was released.

8 (g) Upon a finding of guilty for any felony offense, the
9 defendant shall physically surrender, at a time and place
10 designated by the court, any and all firearms in his or her
11 possession ~~and his or her Firearm Owner's Identification Card~~
12 as a condition of being released pending sentencing.

13 (Source: P.A. 101-138, eff. 1-1-20; 101-652, eff. 1-1-23;
14 102-1104, eff. 1-1-23.)

15 (725 ILCS 5/112A-5.5)

16 Sec. 112A-5.5. Time for filing petition; service on
17 respondent, hearing on petition, and default orders.

18 (a) A petition for a protective order may be filed at any
19 time, in person or online, after a criminal charge or
20 delinquency petition is filed and before the charge or
21 delinquency petition is dismissed, the defendant or juvenile
22 is acquitted, or the defendant or juvenile completes service
23 of his or her sentence.

24 (b) The request for an ex parte protective order may be
25 considered without notice to the respondent under Section

1 112A-17.5 of this Code.

2 (c) A summons shall be issued and served for a protective
3 order. The summons may be served by delivery to the respondent
4 personally in open court in the criminal or juvenile
5 delinquency proceeding, in the form prescribed by subsection
6 (d) of Supreme Court Rule 101, except that it shall require the
7 respondent to answer or appear within 7 days. Attachments to
8 the summons shall include the petition for protective order,
9 supporting affidavits, if any, and any ex parte protective
10 order that has been issued.

11 (d) The summons shall be served by the sheriff or other law
12 enforcement officer at the earliest time available and shall
13 take precedence over any other summons, except those of a
14 similar emergency nature. Attachments to the summons shall
15 include the petition for protective order, supporting
16 affidavits, if any, and any ex parte protective order that has
17 been issued. Special process servers may be appointed at any
18 time and their designation shall not affect the
19 responsibilities and authority of the sheriff or other
20 official process servers. In a county with a population over
21 3,000,000, a special process server may not be appointed if
22 the protective order grants the surrender of a child, the
23 surrender of a firearm ~~or Firearm Owner's Identification Card,~~
24 or the exclusive possession of a shared residence.

25 (e) If the respondent is not served within 30 days of the
26 filing of the petition, the court shall schedule a court

1 proceeding on the issue of service. Either the petitioner, the
2 petitioner's counsel, or the State's Attorney shall appear and
3 the court shall either order continued attempts at personal
4 service or shall order service by publication, in accordance
5 with Sections 2-203, 2-206, and 2-207 of the Code of Civil
6 Procedure.

7 (f) The request for a final protective order can be
8 considered at any court proceeding in the delinquency or
9 criminal case after service of the petition. If the petitioner
10 has not been provided notice of the court proceeding at least
11 10 days in advance of the proceeding, the court shall schedule
12 a hearing on the petition and provide notice to the
13 petitioner.

14 (f-5) A court in a county with a population above 250,000
15 shall offer the option of a remote hearing to a petitioner for
16 a protective order. The court has the discretion to grant or
17 deny the request for a remote hearing. Each court shall
18 determine the procedure for a remote hearing. The petitioner
19 and respondent may appear remotely or in person.

20 The court shall issue and publish a court order, standing
21 order, or local rule detailing information about the process
22 for requesting and participating in a remote court appearance.
23 The court order, standing order, or local rule shall be
24 published on the court's website and posted on signs
25 throughout the courthouse, including in the clerk's office.
26 The sign shall be written in plain language and include

1 information about the availability of remote court appearances
2 and the process for requesting a remote hearing.

3 (g) Default orders.

4 (1) A final domestic violence order of protection may
5 be entered by default:

6 (A) for any of the remedies sought in the
7 petition, if the respondent has been served with
8 documents under subsection (b) or (c) of this Section
9 and if the respondent fails to appear on the specified
10 return date or any subsequent hearing date agreed to
11 by the petitioner and respondent or set by the court;
12 or

13 (B) for any of the remedies provided under
14 paragraph (1), (2), (3), (5), (6), (7), (8), (9),
15 (10), (11), (14), (15), (17), or (18) of subsection
16 (b) of Section 112A-14 of this Code, or if the
17 respondent fails to answer or appear in accordance
18 with the date set in the publication notice or the
19 return date indicated on the service of a household
20 member.

21 (2) A final civil no contact order may be entered by
22 default for any of the remedies provided in Section
23 112A-14.5 of this Code, if the respondent has been served
24 with documents under subsection (b) or (c) of this
25 Section, and if the respondent fails to answer or appear
26 in accordance with the date set in the publication notice

1 or the return date indicated on the service of a household
2 member.

3 (3) A final stalking no contact order may be entered
4 by default for any of the remedies provided by Section
5 112A-14.7 of this Code, if the respondent has been served
6 with documents under subsection (b) or (c) of this Section
7 and if the respondent fails to answer or appear in
8 accordance with the date set in the publication notice or
9 the return date indicated on the service of a household
10 member.

11 (Source: P.A. 102-853, eff. 1-1-23; 103-154, eff. 6-30-23.)

12 (725 ILCS 5/112A-11.1)

13 Sec. 112A-11.1. Procedure for determining whether certain
14 misdemeanor crimes are crimes of domestic violence for
15 purposes of federal law.

16 (a) When a defendant has been charged with a violation of
17 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the
18 Criminal Code of 1961 or the Criminal Code of 2012, the State
19 may, at arraignment or no later than 45 days after
20 arraignment, for the purpose of notification to the Illinois
21 State Police ~~Firearm Owner's Identification Card Office~~, serve
22 on the defendant and file with the court a notice alleging that
23 conviction of the offense would subject the defendant to the
24 prohibitions of 18 U.S.C. 922(g)(9) because of the
25 relationship between the defendant and the alleged victim and

1 the nature of the alleged offense.

2 (b) The notice shall include the name of the person
3 alleged to be the victim of the crime and shall specify the
4 nature of the alleged relationship as set forth in 18 U.S.C.
5 921(a)(33)(A)(ii). It shall also specify the element of the
6 charged offense which requires the use or attempted use of
7 physical force, or the threatened use of a deadly weapon, as
8 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include
9 notice that the defendant is entitled to a hearing on the
10 allegation contained in the notice and that if the allegation
11 is sustained, that determination and conviction shall be
12 reported to the Illinois State Police ~~Firearm Owner's~~
13 ~~Identification Card Office.~~

14 (c) After having been notified as provided in subsection
15 (b) of this Section, the defendant may stipulate or admit,
16 orally on the record or in writing, that conviction of the
17 offense would subject the defendant to the prohibitions of 18
18 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.
19 922(g)(9) shall be deemed established for purposes of Section
20 112A-11.2. If the defendant denies the applicability of 18
21 U.S.C. 922(g)(9) as alleged in the notice served by the State,
22 or stands mute with respect to that allegation, then the State
23 shall bear the burden to prove beyond a reasonable doubt that
24 the offense is one to which the prohibitions of 18 U.S.C.
25 922(g)(9) apply. The court may consider reliable hearsay
26 evidence submitted by either party provided that it is

1 relevant to the determination of the allegation. Facts
2 previously proven at trial or elicited at the time of entry of
3 a plea of guilty shall be deemed established beyond a
4 reasonable doubt and shall not be relitigated. At the
5 conclusion of the hearing, or upon a stipulation or admission,
6 as applicable, the court shall make a specific written
7 determination with respect to the allegation.

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

9 (725 ILCS 5/112A-11.2)

10 Sec. 112A-11.2. Notification to the Illinois State Police
11 ~~Firearm Owner's Identification Card Office~~ of determinations
12 in certain misdemeanor cases. Upon judgment of conviction of a
13 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
14 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
15 2012 when the defendant has been determined, under Section
16 112A-11.1, to be subject to the prohibitions of 18 U.S.C.
17 922(g)(9), the circuit court clerk shall include notification
18 and a copy of the written determination in a report of the
19 conviction to the Illinois State Police ~~Firearm Owner's~~
20 ~~Identification Card Office~~ to enable the office to report that
21 determination to the Federal Bureau of Investigation and
22 assist the Bureau in identifying persons prohibited from
23 purchasing and possessing a firearm pursuant to the provisions
24 of 18 U.S.C. 922.

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

1 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)
2 Sec. 112A-14. Domestic violence order of protection;
3 remedies.

4 (a) (Blank).

5 (b) The court may order any of the remedies listed in this
6 subsection (b). The remedies listed in this subsection (b)
7 shall be in addition to other civil or criminal remedies
8 available to petitioner.

9 (1) Prohibition of abuse. Prohibit respondent's
10 harassment, interference with personal liberty,
11 intimidation of a dependent, physical abuse, or willful
12 deprivation, as defined in this Article, if such abuse has
13 occurred or otherwise appears likely to occur if not
14 prohibited.

15 (2) Grant of exclusive possession of residence.
16 Prohibit respondent from entering or remaining in any
17 residence, household, or premises of the petitioner,
18 including one owned or leased by respondent, if petitioner
19 has a right to occupancy thereof. The grant of exclusive
20 possession of the residence, household, or premises shall
21 not affect title to real property, nor shall the court be
22 limited by the standard set forth in subsection (c-2) of
23 Section 501 of the Illinois Marriage and Dissolution of
24 Marriage Act.

25 (A) Right to occupancy. A party has a right to

1 occupancy of a residence or household if it is solely
2 or jointly owned or leased by that party, that party's
3 spouse, a person with a legal duty to support that
4 party or a minor child in that party's care, or by any
5 person or entity other than the opposing party that
6 authorizes that party's occupancy (e.g., a domestic
7 violence shelter). Standards set forth in subparagraph
8 (B) shall not preclude equitable relief.

9 (B) Presumption of hardships. If petitioner and
10 respondent each has the right to occupancy of a
11 residence or household, the court shall balance (i)
12 the hardships to respondent and any minor child or
13 dependent adult in respondent's care resulting from
14 entry of this remedy with (ii) the hardships to
15 petitioner and any minor child or dependent adult in
16 petitioner's care resulting from continued exposure to
17 the risk of abuse (should petitioner remain at the
18 residence or household) or from loss of possession of
19 the residence or household (should petitioner leave to
20 avoid the risk of abuse). When determining the balance
21 of hardships, the court shall also take into account
22 the accessibility of the residence or household.
23 Hardships need not be balanced if respondent does not
24 have a right to occupancy.

25 The balance of hardships is presumed to favor
26 possession by petitioner unless the presumption is

1 rebutted by a preponderance of the evidence, showing
2 that the hardships to respondent substantially
3 outweigh the hardships to petitioner and any minor
4 child or dependent adult in petitioner's care. The
5 court, on the request of petitioner or on its own
6 motion, may order respondent to provide suitable,
7 accessible, alternate housing for petitioner instead
8 of excluding respondent from a mutual residence or
9 household.

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

20 (A) If a domestic violence order of protection
21 grants petitioner exclusive possession of the
22 residence, prohibits respondent from entering the
23 residence, or orders respondent to stay away from
24 petitioner or other protected persons, then the court
25 may allow respondent access to the residence to remove
26 items of clothing and personal adornment used

1 exclusively by respondent, medications, and other
2 items as the court directs. The right to access shall
3 be exercised on only one occasion as the court directs
4 and in the presence of an agreed-upon adult third
5 party or law enforcement officer.

6 (B) When the petitioner and the respondent attend
7 the same public, private, or non-public elementary,
8 middle, or high school, the court when issuing a
9 domestic violence order of protection and providing
10 relief shall consider the severity of the act, any
11 continuing physical danger or emotional distress to
12 the petitioner, the educational rights guaranteed to
13 the petitioner and respondent under federal and State
14 law, the availability of a transfer of the respondent
15 to another school, a change of placement or a change of
16 program of the respondent, the expense, difficulty,
17 and educational disruption that would be caused by a
18 transfer of the respondent to another school, and any
19 other relevant facts of the case. The court may order
20 that the respondent not attend the public, private, or
21 non-public elementary, middle, or high school attended
22 by the petitioner, order that the respondent accept a
23 change of placement or change of program, as
24 determined by the school district or private or
25 non-public school, or place restrictions on the
26 respondent's movements within the school attended by

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

1 the respondent's placement, or a change of the
2 respondent's program, the parents, guardian, or legal
3 custodian of the respondent is responsible for
4 transportation and other costs associated with the
5 transfer or change.

6 (C) The court may order the parents, guardian, or
7 legal custodian of a minor respondent to take certain
8 actions or to refrain from taking certain actions to
9 ensure that the respondent complies with the order. If
10 the court orders a transfer of the respondent to
11 another school, the parents, guardian, or legal
12 custodian of the respondent is responsible for
13 transportation and other costs associated with the
14 change of school by the respondent.

15 (4) Counseling. Require or recommend the respondent to
16 undergo counseling for a specified duration with a social
17 worker, psychologist, clinical psychologist,
18 psychiatrist, family service agency, alcohol or substance
19 abuse program, mental health center guidance counselor,
20 agency providing services to elders, program designed for
21 domestic violence abusers, or any other guidance service
22 the court deems appropriate. The court may order the
23 respondent in any intimate partner relationship to report
24 to an Illinois Department of Human Services protocol
25 approved partner abuse intervention program for an
26 assessment and to follow all recommended treatment.

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

11 If the respondent is charged with abuse (as defined in
12 Section 112A-3 of this Code) of a minor child, there shall
13 be a rebuttable presumption that awarding physical care to
14 respondent would not be in the minor child's best
15 interest.

16 (6) Temporary allocation of parental responsibilities
17 and significant decision-making responsibilities. Award
18 temporary significant decision-making responsibility to
19 petitioner in accordance with this Section, the Illinois
20 Marriage and Dissolution of Marriage Act, the Illinois
21 Parentage Act of 2015, and this State's Uniform
22 Child-Custody Jurisdiction and Enforcement Act.

23 If the respondent is charged with abuse (as defined in
24 Section 112A-3 of this Code) of a minor child, there shall
25 be a rebuttable presumption that awarding temporary
26 significant decision-making responsibility to respondent

1 would not be in the child's best interest.

2 (7) Parenting time. Determine the parenting time, if
3 any, of respondent in any case in which the court awards
4 physical care or temporary significant decision-making
5 responsibility of a minor child to petitioner. The court
6 shall restrict or deny respondent's parenting time with a
7 minor child if the court finds that respondent has done or
8 is likely to do any of the following:

9 (i) abuse or endanger the minor child during
10 parenting time;

11 (ii) use the parenting time as an opportunity to
12 abuse or harass petitioner or petitioner's family or
13 household members;

14 (iii) improperly conceal or detain the minor
15 child; or

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

18 The court shall not be limited by the standards set
19 forth in Section 603.10 of the Illinois Marriage and
20 Dissolution of Marriage Act. If the court grants parenting
21 time, the order shall specify dates and times for the
22 parenting time to take place or other specific parameters
23 or conditions that are appropriate. No order for parenting
24 time shall refer merely to the term "reasonable parenting
25 time". Petitioner may deny respondent access to the minor
26 child if, when respondent arrives for parenting time,

1 respondent is under the influence of drugs or alcohol and
2 constitutes a threat to the safety and well-being of
3 petitioner or petitioner's minor children or is behaving
4 in a violent or abusive manner. If necessary to protect
5 any member of petitioner's family or household from future
6 abuse, respondent shall be prohibited from coming to
7 petitioner's residence to meet the minor child for
8 parenting time, and the petitioner and respondent shall
9 submit to the court their recommendations for reasonable
10 alternative arrangements for parenting time. A person may
11 be approved to supervise parenting time only after filing
12 an affidavit accepting that responsibility and
13 acknowledging accountability to the court.

14 (8) Removal or concealment of minor child. Prohibit
15 respondent from removing a minor child from the State or
16 concealing the child within the State.

17 (9) Order to appear. Order the respondent to appear in
18 court, alone or with a minor child, to prevent abuse,
19 neglect, removal or concealment of the child, to return
20 the child to the custody or care of the petitioner, or to
21 permit any court-ordered interview or examination of the
22 child or the respondent.

23 (10) Possession of personal property. Grant petitioner
24 exclusive possession of personal property and, if
25 respondent has possession or control, direct respondent to
26 promptly make it available to petitioner, if:

1 (i) petitioner, but not respondent, owns the
2 property; or

3 (ii) the petitioner and respondent own the
4 property jointly; sharing it would risk abuse of
5 petitioner by respondent or is impracticable; and the
6 balance of hardships favors temporary possession by
7 petitioner.

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

15 No order under this provision shall affect title to
16 property.

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

22 (i) petitioner, but not respondent, owns the
23 property; or

24 (ii) the petitioner and respondent own the
25 property jointly, and the balance of hardships favors
26 granting this remedy.

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

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

11 (11.5) Protection of animals. Grant the petitioner the
12 exclusive care, custody, or control of any animal owned,
13 possessed, leased, kept, or held by either the petitioner
14 or the respondent or a minor child residing in the
15 residence or household of either the petitioner or the
16 respondent and order the respondent to stay away from the
17 animal and forbid the respondent from taking,
18 transferring, encumbering, concealing, harming, or
19 otherwise disposing of the animal.

20 (12) Order for payment of support. Order respondent to
21 pay temporary support for the petitioner or any child in
22 the petitioner's care or over whom the petitioner has been
23 allocated parental responsibility, when the respondent has
24 a legal obligation to support that person, in accordance
25 with the Illinois Marriage and Dissolution of Marriage
26 Act, which shall govern, among other matters, the amount

1 of support, payment through the clerk and withholding of
2 income to secure payment. An order for child support may
3 be granted to a petitioner with lawful physical care of a
4 child, or an order or agreement for physical care of a
5 child, prior to entry of an order allocating significant
6 decision-making responsibility. Such a support order shall
7 expire upon entry of a valid order allocating parental
8 responsibility differently and vacating petitioner's
9 significant decision-making responsibility unless
10 otherwise provided in the order.

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

19 (i) Losses affecting family needs. If a party is
20 entitled to seek maintenance, child support, or
21 property distribution from the other party under the
22 Illinois Marriage and Dissolution of Marriage Act, as
23 now or hereafter amended, the court may order
24 respondent to reimburse petitioner's actual losses, to
25 the extent that such reimbursement would be
26 "appropriate temporary relief", as authorized by

1 subsection (a) (3) of Section 501 of that Act.

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

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

14 (14.5) Prohibition of firearm possession.

15 (A) A person who is subject to an existing
16 domestic violence order of protection issued under
17 this Code may not lawfully possess firearms, stun
18 guns, or tasers ~~weapons or a Firearm Owner's~~
19 ~~Identification Card under Section 8.2 of the Firearm~~
20 ~~Owners Identification Card Act.~~

21 (B) Any firearms in the possession of the
22 respondent, except as provided in subparagraph (C) of
23 this paragraph (14.5), shall be ordered by the court
24 to be turned over to a person who is not prohibited
25 under State or federal law from possessing firearms
26 ~~with a valid Firearm Owner's Identification Card for~~

1 ~~safekeeping. The court shall issue an order that the~~
2 ~~respondent comply with Section 9.5 of the Firearm~~
3 ~~Owners Identification Card Act.~~

4 (C) If the respondent is a peace officer as
5 defined in Section 2-13 of the Criminal Code of 2012,
6 the court shall order that any firearms used by the
7 respondent in the performance of his or her duties as a
8 peace officer be surrendered to the chief law
9 enforcement executive of the agency in which the
10 respondent is employed, who shall retain the firearms
11 for safekeeping for the duration of the domestic
12 violence order of protection.

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

1 (15) Prohibition of access to records. If a domestic
2 violence order of protection prohibits respondent from
3 having contact with the minor child, or if petitioner's
4 address is omitted under subsection (b) of Section 112A-5
5 of this Code, or if necessary to prevent abuse or wrongful
6 removal or concealment of a minor child, the order shall
7 deny respondent access to, and prohibit respondent from
8 inspecting, obtaining, or attempting to inspect or obtain,
9 school or any other records of the minor child who is in
10 the care of petitioner.

11 (16) Order for payment of shelter services. Order
12 respondent to reimburse a shelter providing temporary
13 housing and counseling services to the petitioner for the
14 cost of the services, as certified by the shelter and
15 deemed reasonable by the court.

16 (17) Order for injunctive relief. Enter injunctive
17 relief necessary or appropriate to prevent further abuse
18 of a family or household member or to effectuate one of the
19 granted remedies, if supported by the balance of
20 hardships. If the harm to be prevented by the injunction
21 is abuse or any other harm that one of the remedies listed
22 in paragraphs (1) through (16) of this subsection is
23 designed to prevent, no further evidence is necessary to
24 establish that the harm is an irreparable injury.

25 (18) Telephone services.

26 (A) Unless a condition described in subparagraph

1 (B) of this paragraph exists, the court may, upon
2 request by the petitioner, order a wireless telephone
3 service provider to transfer to the petitioner the
4 right to continue to use a telephone number or numbers
5 indicated by the petitioner and the financial
6 responsibility associated with the number or numbers,
7 as set forth in subparagraph (C) of this paragraph. In
8 this paragraph (18), the term "wireless telephone
9 service provider" means a provider of commercial
10 mobile service as defined in 47 U.S.C. 332. The
11 petitioner may request the transfer of each telephone
12 number that the petitioner, or a minor child in his or
13 her custody, uses. The clerk of the court shall serve
14 the order on the wireless telephone service provider's
15 agent for service of process provided to the Illinois
16 Commerce Commission. The order shall contain all of
17 the following:

18 (i) The name and billing telephone number of
19 the account holder including the name of the
20 wireless telephone service provider that serves
21 the account.

22 (ii) Each telephone number that will be
23 transferred.

24 (iii) A statement that the provider transfers
25 to the petitioner all financial responsibility for
26 and right to the use of any telephone number

1 transferred under this paragraph.

2 (B) A wireless telephone service provider shall
3 terminate the respondent's use of, and shall transfer
4 to the petitioner use of, the telephone number or
5 numbers indicated in subparagraph (A) of this
6 paragraph unless it notifies the petitioner, within 72
7 hours after it receives the order, that one of the
8 following applies:

9 (i) The account holder named in the order has
10 terminated the account.

11 (ii) A difference in network technology would
12 prevent or impair the functionality of a device on
13 a network if the transfer occurs.

14 (iii) The transfer would cause a geographic or
15 other limitation on network or service provision
16 to the petitioner.

17 (iv) Another technological or operational
18 issue would prevent or impair the use of the
19 telephone number if the transfer occurs.

20 (C) The petitioner assumes all financial
21 responsibility for and right to the use of any
22 telephone number transferred under this paragraph. In
23 this paragraph, "financial responsibility" includes
24 monthly service costs and costs associated with any
25 mobile device associated with the number.

26 (D) A wireless telephone service provider may

1 apply to the petitioner its routine and customary
2 requirements for establishing an account or
3 transferring a number, including requiring the
4 petitioner to provide proof of identification,
5 financial information, and customer preferences.

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

10 (F) All wireless service providers that provide
11 services to residential customers shall provide to the
12 Illinois Commerce Commission the name and address of
13 an agent for service of orders entered under this
14 paragraph (18). Any change in status of the registered
15 agent must be reported to the Illinois Commerce
16 Commission within 30 days of such change.

17 (G) The Illinois Commerce Commission shall
18 maintain the list of registered agents for service for
19 each wireless telephone service provider on the
20 Commission's website. The Commission may consult with
21 wireless telephone service providers and the Circuit
22 Court Clerks on the manner in which this information
23 is provided and displayed.

24 (c) Relevant factors; findings.

25 (1) In determining whether to grant a specific remedy,
26 other than payment of support, the court shall consider

1 relevant factors, including, but not limited to, the
2 following:

3 (i) the nature, frequency, severity, pattern, and
4 consequences of the respondent's past abuse of the
5 petitioner or any family or household member,
6 including the concealment of his or her location in
7 order to evade service of process or notice, and the
8 likelihood of danger of future abuse to petitioner or
9 any member of petitioner's or respondent's family or
10 household; and

11 (ii) the danger that any minor child will be
12 abused or neglected or improperly relocated from the
13 jurisdiction, improperly concealed within the State,
14 or improperly separated from the child's primary
15 caretaker.

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

20 (i) availability, accessibility, cost, safety,
21 adequacy, location, and other characteristics of
22 alternate housing for each party and any minor child
23 or dependent adult in the party's care;

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

25 (iii) the effect on the relationship of the party,
26 and any minor child or dependent adult in the party's

1 care, to family, school, church, and community.

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

6 (i) That the court has considered the applicable
7 relevant factors described in paragraphs (1) and (2)
8 of this subsection (c).

9 (ii) Whether the conduct or actions of respondent,
10 unless prohibited, will likely cause irreparable harm
11 or continued abuse.

12 (iii) Whether it is necessary to grant the
13 requested relief in order to protect petitioner or
14 other alleged abused persons.

15 (4) (Blank).

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

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

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

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

25 (1) respondent has cause for any use of force, unless
26 that cause satisfies the standards for justifiable use of

1 force provided by Article 7 of the Criminal Code of 2012;

2 (2) respondent was voluntarily intoxicated;

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

7 (4) petitioner did not act in self-defense or defense
8 of another;

9 (5) petitioner left the residence or household to
10 avoid further abuse by respondent;

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

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

17 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
18 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

19 (725 ILCS 5/112A-14.7)

20 Sec. 112A-14.7. Stalking no contact order; remedies.

21 (a) The court may order any of the remedies listed in this
22 Section. The remedies listed in this Section shall be in
23 addition to other civil or criminal remedies available to
24 petitioner. A stalking no contact order shall order one or
25 more of the following:

1 (1) prohibit the respondent from threatening to commit
2 or committing stalking;

3 (2) order the respondent not to have any contact with
4 the petitioner or a third person specifically named by the
5 court;

6 (3) prohibit the respondent from knowingly coming
7 within, or knowingly remaining within a specified distance
8 of the petitioner or the petitioner's residence, school,
9 daycare, or place of employment, or any specified place
10 frequented by the petitioner; however, the court may order
11 the respondent to stay away from the respondent's own
12 residence, school, or place of employment only if the
13 respondent has been provided actual notice of the
14 opportunity to appear and be heard on the petition;

15 (4) prohibit the respondent from ~~possessing a Firearm~~
16 ~~Owners Identification Card, or~~ possessing or buying
17 firearms; and

18 (5) order other injunctive relief the court determines
19 to be necessary to protect the petitioner or third party
20 specifically named by the court.

21 (b) When the petitioner and the respondent attend the same
22 public, private, or non-public elementary, middle, or high
23 school, the court when issuing a stalking no contact order and
24 providing relief shall consider the severity of the act, any
25 continuing physical danger or emotional distress to the
26 petitioner, the educational rights guaranteed to the

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

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

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

22 (d) The court shall not hold a school district or private
23 or non-public school or any of its employees in civil or
24 criminal contempt unless the school district or private or
25 non-public school has been allowed to intervene.

26 (e) The court may hold the parents, guardian, or legal

1 custodian of a minor respondent in civil or criminal contempt
2 for a violation of any provision of any order entered under
3 this Article for conduct of the minor respondent in violation
4 of this Article if the parents, guardian, or legal custodian
5 directed, encouraged, or assisted the respondent minor in the
6 conduct.

7 (f) Monetary damages are not recoverable as a remedy.

8 (g) If the stalking no contact order prohibits the
9 respondent from ~~possessing a Firearm Owner's Identification~~
10 ~~Card, or~~ possessing or buying firearms; the court shall
11 confiscate the respondent's firearms and firearm ammunition
12 ~~Firearm Owner's Identification Card and immediately return the~~
13 ~~card to the Illinois State Police Firearm Owner's~~
14 ~~Identification Card Office.~~

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

16 (725 ILCS 5/112A-17.5)

17 Sec. 112A-17.5. Ex parte protective orders.

18 (a) The petitioner may request expedited consideration of
19 the petition for an ex parte protective order. The court shall
20 consider the request on an expedited basis without requiring
21 the respondent's presence or requiring notice to the
22 respondent.

23 (b) Issuance of ex parte protective orders in cases
24 involving domestic violence. An ex parte domestic violence
25 order of protection shall be issued if petitioner satisfies

1 the requirements of this subsection (b) for one or more of the
2 requested remedies. For each remedy requested, petitioner
3 shall establish that:

4 (1) the court has jurisdiction under Section 112A-9 of
5 this Code;

6 (2) the requirements of subsection (a) of Section
7 112A-11.5 of this Code are satisfied; and

8 (3) there is good cause to grant the remedy,
9 regardless of prior service of process or notice upon the
10 respondent, because:

11 (A) for the remedy of prohibition of abuse
12 described in paragraph (1) of subsection (b) of
13 Section 112A-14 of this Code; stay away order and
14 additional prohibitions described in paragraph (3) of
15 subsection (b) of Section 112A-14 of this Code;
16 removal or concealment of minor child described in
17 paragraph (8) of subsection (b) of Section 112A-14 of
18 this Code; order to appear described in paragraph (9)
19 of subsection (b) of Section 112A-14 of this Code;
20 physical care and possession of the minor child
21 described in paragraph (5) of subsection (b) of
22 Section 112A-14 of this Code; protection of property
23 described in paragraph (11) of subsection (b) of
24 Section 112A-14 of this Code; prohibition of entry
25 described in paragraph (14) of subsection (b) of
26 Section 112A-14 of this Code; prohibition of firearm

1 possession described in paragraph (14.5) of subsection
2 (b) of Section 112A-14 of this Code; prohibition of
3 access to records described in paragraph (15) of
4 subsection (b) of Section 112A-14 of this Code;
5 injunctive relief described in paragraph (16) of
6 subsection (b) of Section 112A-14 of this Code; and
7 telephone services described in paragraph (18) of
8 subsection (b) of Section 112A-14 of this Code, the
9 harm which that remedy is intended to prevent would be
10 likely to occur if the respondent were given any prior
11 notice, or greater notice than was actually given, of
12 the petitioner's efforts to obtain judicial relief;

13 (B) for the remedy of grant of exclusive
14 possession of residence described in paragraph (2) of
15 subsection (b) of Section 112A-14 of this Code; the
16 immediate danger of further abuse of the petitioner by
17 the respondent, if the petitioner chooses or had
18 chosen to remain in the residence or household while
19 the respondent was given any prior notice or greater
20 notice than was actually given of the petitioner's
21 efforts to obtain judicial relief outweighs the
22 hardships to the respondent of an emergency order
23 granting the petitioner exclusive possession of the
24 residence or household; and the remedy shall not be
25 denied because the petitioner has or could obtain
26 temporary shelter elsewhere while prior notice is

1 given to the respondent, unless the hardship to the
2 respondent from exclusion from the home substantially
3 outweigh the hardship to the petitioner; or

4 (C) for the remedy of possession of personal
5 property described in paragraph (10) of subsection (b)
6 of Section 112A-14 of this Code; improper disposition
7 of the personal property would be likely to occur if
8 the respondent were given any prior notice, or greater
9 notice than was actually given, of the petitioner's
10 efforts to obtain judicial relief or the petitioner
11 has an immediate and pressing need for the possession
12 of that property.

13 An ex parte domestic violence order of protection may not
14 include the counseling, custody, or payment of support or
15 monetary compensation remedies provided by paragraphs (4),
16 (12), (13), and (16) of subsection (b) of Section 112A-14 of
17 this Code.

18 (c) Issuance of ex parte civil no contact order in cases
19 involving sexual offenses. An ex parte civil no contact order
20 shall be issued if the petitioner establishes that:

21 (1) the court has jurisdiction under Section 112A-9 of
22 this Code;

23 (2) the requirements of subsection (a) of Section
24 112A-11.5 of this Code are satisfied; and

25 (3) there is good cause to grant the remedy,
26 regardless of prior service of process or of notice upon

1 the respondent, because the harm which that remedy is
2 intended to prevent would be likely to occur if the
3 respondent were given any prior notice, or greater notice
4 than was actually given, of the petitioner's efforts to
5 obtain judicial relief.

6 The court may order any of the remedies under Section
7 112A-14.5 of this Code.

8 (d) Issuance of ex parte stalking no contact order in
9 cases involving stalking offenses. An ex parte stalking no
10 contact order shall be issued if the petitioner establishes
11 that:

12 (1) the court has jurisdiction under Section 112A-9 of
13 this Code;

14 (2) the requirements of subsection (a) of Section
15 112A-11.5 of this Code are satisfied; and

16 (3) there is good cause to grant the remedy,
17 regardless of prior service of process or of notice upon
18 the respondent, because the harm which that remedy is
19 intended to prevent would be likely to occur if the
20 respondent were given any prior notice, or greater notice
21 than was actually given, of the petitioner's efforts to
22 obtain judicial relief.

23 The court may order any of the remedies under Section
24 112A-14.7 of this Code.

25 (e) Issuance of ex parte protective orders on court
26 holidays and evenings.

1 When the court is unavailable at the close of business,
2 the petitioner may file a petition for an ex parte protective
3 order before any available circuit judge or associate judge
4 who may grant relief under this Article. If the judge finds
5 that petitioner has satisfied the prerequisites in subsection
6 (b), (c), or (d) of this Section, the judge shall issue an ex
7 parte protective order.

8 The chief judge of the circuit court may designate for
9 each county in the circuit at least one judge to be reasonably
10 available to issue orally, by telephone, by facsimile, or
11 otherwise, an ex parte protective order at all times, whether
12 or not the court is in session.

13 The judge who issued the order under this Section shall
14 promptly communicate or convey the order to the sheriff to
15 facilitate the entry of the order into the Law Enforcement
16 Agencies Data System by the Illinois State Police under
17 Section 112A-28 of this Code. Any order issued under this
18 Section and any documentation in support of it shall be
19 certified on the next court day to the appropriate court. The
20 clerk of that court shall immediately assign a case number,
21 file the petition, order, and other documents with the court
22 and enter the order of record and file it with the sheriff for
23 service under subsection (f) of this Section. Failure to
24 comply with the requirements of this subsection (e) shall not
25 affect the validity of the order.

26 (f) Service of ex parte protective order on respondent.

1 (1) If an ex parte protective order is entered at the
2 time a summons or arrest warrant is issued for the
3 criminal charge, the petition for the protective order,
4 any supporting affidavits, if any, and the ex parte
5 protective order that has been issued shall be served with
6 the summons or arrest warrant. The enforcement of a
7 protective order under Section 112A-23 of this Code shall
8 not be affected by the lack of service or delivery,
9 provided the requirements of subsection (a) of Section
10 112A-23 of this Code are otherwise met.

11 (2) If an ex parte protective order is entered after a
12 summons or arrest warrant is issued and before the
13 respondent makes an initial appearance in the criminal
14 case, the summons shall be in the form prescribed by
15 subsection (d) of Supreme Court Rule 101, except that it
16 shall require respondent to answer or appear within 7 days
17 and shall be accompanied by the petition for the
18 protective order, any supporting affidavits, if any, and
19 the ex parte protective order that has been issued.

20 (3) If an ex parte protective order is entered after
21 the respondent has been served notice of a petition for a
22 final protective order and the respondent has requested a
23 continuance to respond to the petition, the ex parte
24 protective order shall be served: (A) in open court if the
25 respondent is present at the proceeding at which the order
26 was entered; or (B) by summons in the form prescribed by

1 subsection (d) of Supreme Court Rule 101.

2 (4) No fee shall be charged for service of summons.

3 (5) The summons shall be served by the sheriff or
4 other law enforcement officer at the earliest time and
5 shall take precedence over other summonses except those of
6 a similar emergency nature. Special process servers may be
7 appointed at any time, and their designation shall not
8 affect the responsibilities and authority of the sheriff
9 or other official process servers. In a county with a
10 population over 3,000,000, a special process server may
11 not be appointed if an ex parte protective order grants
12 the surrender of a child, ~~the surrender of a firearm or~~
13 ~~Firearm Owner's Identification Card,~~ or the exclusive
14 possession of a shared residence. Process may be served in
15 court.

16 (g) Upon 7 days' notice to the petitioner, or a shorter
17 notice period as the court may prescribe, a respondent subject
18 to an ex parte protective order may appear and petition the
19 court to re-hear the petition. Any petition to re-hear shall
20 be verified and shall allege the following:

21 (1) that respondent did not receive prior notice of
22 the initial hearing in which the ex parte protective order
23 was entered under Section 112A-17.5 of this Code; and

24 (2) that respondent had a meritorious defense to the
25 order or any of its remedies or that the order or any of
26 its remedies was not authorized under this Article.

1 The verified petition and affidavit shall set forth the
2 evidence of the meritorious defense that will be presented at
3 a hearing. If the court finds that the evidence presented at
4 the hearing on the petition establishes a meritorious defense
5 by a preponderance of the evidence, the court may decide to
6 vacate the protective order or modify the remedies.

7 (h) If the ex parte protective order granted petitioner
8 exclusive possession of the residence and the petition of
9 respondent seeks to re-open or vacate that grant, the court
10 shall set a date for hearing within 14 days on all issues
11 relating to exclusive possession. Under no circumstances shall
12 a court continue a hearing concerning exclusive possession
13 beyond the 14th day except by agreement of the petitioner and
14 the respondent. Other issues raised by the pleadings may be
15 consolidated for the hearing if the petitioner, the
16 respondent, and the court do not object.

17 (i) Duration of ex parte protective order. An ex parte
18 order shall remain in effect until the court considers the
19 request for a final protective order after notice has been
20 served on the respondent or a default final protective order
21 is entered, whichever occurs first. If a court date is
22 scheduled for the issuance of a default protective order and
23 the petitioner fails to personally appear or appear through
24 counsel or the prosecuting attorney, the petition shall be
25 dismissed and the ex parte order terminated.

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

1 Section 175. The Unified Code of Corrections is amended by
2 changing Sections 3-2-10.5, 5-4.5-110, 5-5-3, 5-5-3.2, and
3 5-6-3 as follows:

4 (730 ILCS 5/3-2-10.5)

5 Sec. 3-2-10.5. Retiring security employees and parole
6 agents; purchase of service firearm and badge. The Director
7 shall establish a program to allow a security employee or
8 parole agent of the Department who is honorably retiring in
9 good standing to purchase either one or both of the following:
10 (1) any badge previously issued to the security employee or
11 parole agent by the Department; or (2) ~~if the security~~
12 ~~employee or parole agent has a currently valid Firearm Owner's~~
13 ~~Identification Card,~~ the service firearm issued or previously
14 issued to the security employee or parole agent by the
15 Department. The badge must be permanently and conspicuously
16 marked in such a manner that the individual who possesses the
17 badge is not mistaken for an actively serving law enforcement
18 officer. The cost of the firearm shall be the replacement
19 value of the firearm and not the firearm's fair market value.
20 (Source: P.A. 102-719, eff. 5-6-22.)

21 (730 ILCS 5/5-4.5-110)

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

23 Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH

1 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

2 (a) DEFINITIONS. For the purposes of this Section:

3 "Firearm" has the meaning ascribed to it in Section
4 2-7.5 of the Criminal Code of 2012 ~~1.1 of the Firearm~~
5 ~~Owners Identification Card Act.~~

6 "Qualifying predicate offense" means the following
7 offenses under the Criminal Code of 2012:

8 (A) aggravated unlawful use of a weapon under
9 Section 24-1.6 or similar offense under the Criminal
10 Code of 1961, when the weapon is a firearm;

11 (B) unlawful use or possession of a weapon by a
12 felon under Section 24-1.1 or similar offense under
13 the Criminal Code of 1961, when the weapon is a
14 firearm;

15 (C) first degree murder under Section 9-1 or
16 similar offense under the Criminal Code of 1961;

17 (D) attempted first degree murder with a firearm
18 or similar offense under the Criminal Code of 1961;

19 (E) aggravated kidnapping with a firearm under
20 paragraph (6) or (7) of subsection (a) of Section 10-2
21 or similar offense under the Criminal Code of 1961;

22 (F) aggravated battery with a firearm under
23 subsection (e) of Section 12-3.05 or similar offense
24 under the Criminal Code of 1961;

25 (G) aggravated criminal sexual assault under
26 Section 11-1.30 or similar offense under the Criminal

1 Code of 1961;

2 (H) predatory criminal sexual assault of a child
3 under Section 11-1.40 or similar offense under the
4 Criminal Code of 1961;

5 (I) armed robbery under Section 18-2 or similar
6 offense under the Criminal Code of 1961;

7 (J) vehicular hijacking under Section 18-3 or
8 similar offense under the Criminal Code of 1961;

9 (K) aggravated vehicular hijacking under Section
10 18-4 or similar offense under the Criminal Code of
11 1961;

12 (L) home invasion with a firearm under paragraph
13 (3), (4), or (5) of subsection (a) of Section 19-6 or
14 similar offense under the Criminal Code of 1961;

15 (M) aggravated discharge of a firearm under
16 Section 24-1.2 or similar offense under the Criminal
17 Code of 1961;

18 (N) aggravated discharge of a machine gun or a
19 firearm equipped with a device designed or used for
20 silencing the report of a firearm under Section
21 24-1.2-5 or similar offense under the Criminal Code of
22 1961;

23 (O) unlawful use of firearm projectiles under
24 Section 24-2.1 or similar offense under the Criminal
25 Code of 1961;

26 (P) manufacture, sale, or transfer of bullets or

1 shells represented to be armor piercing bullets,
2 dragon's breath shotgun shells, bolo shells, or
3 flechette shells under Section 24-2.2 or similar
4 offense under the Criminal Code of 1961;

5 (Q) unlawful sale or delivery of firearms under
6 Section 24-3 or similar offense under the Criminal
7 Code of 1961;

8 (R) unlawful discharge of firearm projectiles
9 under Section 24-3.2 or similar offense under the
10 Criminal Code of 1961;

11 (S) unlawful sale or delivery of firearms on
12 school premises of any school under Section 24-3.3 or
13 similar offense under the Criminal Code of 1961;

14 (T) unlawful purchase of a firearm under Section
15 24-3.5 or similar offense under the Criminal Code of
16 1961;

17 (U) use of a stolen firearm in the commission of an
18 offense under Section 24-3.7 or similar offense under
19 the Criminal Code of 1961;

20 (V) possession of a stolen firearm under Section
21 24-3.8 or similar offense under the Criminal Code of
22 1961;

23 (W) aggravated possession of a stolen firearm
24 under Section 24-3.9 or similar offense under the
25 Criminal Code of 1961;

26 (X) gunrunning under Section 24-3A or similar

1 offense under the Criminal Code of 1961;

2 (Y) defacing identification marks of firearms
3 under Section 24-5 or similar offense under the
4 Criminal Code of 1961; and

5 (Z) armed violence under Section 33A-2 or similar
6 offense under the Criminal Code of 1961.

7 (b) APPLICABILITY. For an offense committed on or after
8 January 1, 2018 (the effective date of Public Act 100-3) and
9 before January 1, 2024, when a person is convicted of unlawful
10 use or possession of a weapon by a felon, when the weapon is a
11 firearm, or aggravated unlawful use of a weapon, when the
12 weapon is a firearm, after being previously convicted of a
13 qualifying predicate offense the person shall be subject to
14 the sentencing guidelines under this Section.

15 (c) SENTENCING GUIDELINES.

16 (1) When a person is convicted of unlawful use or
17 possession of a weapon by a felon, when the weapon is a
18 firearm, and that person has been previously convicted of
19 a qualifying predicate offense, the person shall be
20 sentenced to a term of imprisonment within the sentencing
21 range of not less than 7 years and not more than 14 years,
22 unless the court finds that a departure from the
23 sentencing guidelines under this paragraph is warranted
24 under subsection (d) of this Section.

25 (2) When a person is convicted of aggravated unlawful
26 use of a weapon, when the weapon is a firearm, and that

1 person has been previously convicted of a qualifying
2 predicate offense, the person shall be sentenced to a term
3 of imprisonment within the sentencing range of not less
4 than 6 years and not more than 7 years, unless the court
5 finds that a departure from the sentencing guidelines
6 under this paragraph is warranted under subsection (d) of
7 this Section.

8 (3) The sentencing guidelines in paragraphs (1) and
9 (2) of this subsection (c) apply only to offenses
10 committed on and after January 1, 2018 (the effective date
11 of Public Act 100-3) and before January 1, 2024.

12 (d) DEPARTURE FROM SENTENCING GUIDELINES.

13 (1) At the sentencing hearing conducted under Section
14 5-4-1 of this Code, the court may depart from the
15 sentencing guidelines provided in subsection (c) of this
16 Section and impose a sentence otherwise authorized by law
17 for the offense if the court, after considering any factor
18 under paragraph (2) of this subsection (d) relevant to the
19 nature and circumstances of the crime and to the history
20 and character of the defendant, finds on the record
21 substantial and compelling justification that the sentence
22 within the sentencing guidelines would be unduly harsh and
23 that a sentence otherwise authorized by law would be
24 consistent with public safety and does not deprecate the
25 seriousness of the offense.

26 (2) In deciding whether to depart from the sentencing

1 guidelines under this paragraph, the court shall consider:

2 (A) the age, immaturity, or limited mental
3 capacity of the defendant at the time of commission of
4 the qualifying predicate or current offense, including
5 whether the defendant was suffering from a mental or
6 physical condition insufficient to constitute a
7 defense but significantly reduced the defendant's
8 culpability;

9 (B) the nature and circumstances of the qualifying
10 predicate offense;

11 (C) the time elapsed since the qualifying
12 predicate offense;

13 (D) the nature and circumstances of the current
14 offense;

15 (E) the defendant's prior criminal history;

16 (F) whether the defendant committed the qualifying
17 predicate or current offense under specific and
18 credible duress, coercion, threat, or compulsion;

19 (G) whether the defendant aided in the
20 apprehension of another felon or testified truthfully
21 on behalf of another prosecution of a felony; and

22 (H) whether departure is in the interest of the
23 person's rehabilitation, including employment or
24 educational or vocational training, after taking into
25 account any past rehabilitation efforts or
26 dispositions of probation or supervision, and the

1 defendant's cooperation or response to rehabilitation.

2 (3) When departing from the sentencing guidelines
3 under this Section, the court shall specify on the record,
4 the particular evidence, information, factor or factors,
5 or other reasons which led to the departure from the
6 sentencing guidelines. When departing from the sentencing
7 range in accordance with this subsection (d), the court
8 shall indicate on the sentencing order which departure
9 factor or factors outlined in paragraph (2) of this
10 subsection (d) led to the sentence imposed. The sentencing
11 order shall be filed with the clerk of the court and shall
12 be a public record.

13 (e) This Section is repealed on January 1, 2024.

14 (Source: P.A. 102-1109, eff. 12-21-22.)

15 (730 ILCS 5/5-5-3)

16 (Text of Section before amendment by P.A. 103-51)

17 Sec. 5-5-3. Disposition.

18 (a) (Blank).

19 (b) (Blank).

20 (c) (1) (Blank).

21 (2) A period of probation, a term of periodic imprisonment
22 or conditional discharge shall not be imposed for the
23 following offenses. The court shall sentence the offender to
24 not less than the minimum term of imprisonment set forth in
25 this Code for the following offenses, and may order a fine or

1 restitution or both in conjunction with such term of
2 imprisonment:

3 (A) First degree murder where the death penalty is not
4 imposed.

5 (B) Attempted first degree murder.

6 (C) A Class X felony.

7 (D) A violation of Section 401.1 or 407 of the
8 Illinois Controlled Substances Act, or a violation of
9 subdivision (c)(1.5) of Section 401 of that Act which
10 relates to more than 5 grams of a substance containing
11 fentanyl or an analog thereof.

12 (D-5) A violation of subdivision (c)(1) of Section 401
13 of the Illinois Controlled Substances Act which relates to
14 3 or more grams of a substance containing heroin or an
15 analog thereof.

16 (E) (Blank).

17 (F) A Class 1 or greater felony if the offender had
18 been convicted of a Class 1 or greater felony, including
19 any state or federal conviction for an offense that
20 contained, at the time it was committed, the same elements
21 as an offense now (the date of the offense committed after
22 the prior Class 1 or greater felony) classified as a Class
23 1 or greater felony, within 10 years of the date on which
24 the offender committed the offense for which he or she is
25 being sentenced, except as otherwise provided in Section
26 40-10 of the Substance Use Disorder Act.

1 (F-3) A Class 2 or greater felony sex offense or
2 felony firearm offense if the offender had been convicted
3 of a Class 2 or greater felony, including any state or
4 federal conviction for an offense that contained, at the
5 time it was committed, the same elements as an offense now
6 (the date of the offense committed after the prior Class 2
7 or greater felony) classified as a Class 2 or greater
8 felony, within 10 years of the date on which the offender
9 committed the offense for which he or she is being
10 sentenced, except as otherwise provided in Section 40-10
11 of the Substance Use Disorder Act.

12 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6
13 of the Criminal Code of 1961 or the Criminal Code of 2012
14 for which imprisonment is prescribed in those Sections.

15 (G) Residential burglary, except as otherwise provided
16 in Section 40-10 of the Substance Use Disorder Act.

17 (H) Criminal sexual assault.

18 (I) Aggravated battery of a senior citizen as
19 described in Section 12-4.6 or subdivision (a)(4) of
20 Section 12-3.05 of the Criminal Code of 1961 or the
21 Criminal Code of 2012.

22 (J) A forcible felony if the offense was related to
23 the activities of an organized gang.

24 Before July 1, 1994, for the purposes of this
25 paragraph, "organized gang" means an association of 5 or
26 more persons, with an established hierarchy, that

1 encourages members of the association to perpetrate crimes
2 or provides support to the members of the association who
3 do commit crimes.

4 Beginning July 1, 1994, for the purposes of this
5 paragraph, "organized gang" has the meaning ascribed to it
6 in Section 10 of the Illinois Streetgang Terrorism Omnibus
7 Prevention Act.

8 (K) Vehicular hijacking.

9 (L) A second or subsequent conviction for the offense
10 of hate crime when the underlying offense upon which the
11 hate crime is based is felony aggravated assault or felony
12 mob action.

13 (M) A second or subsequent conviction for the offense
14 of institutional vandalism if the damage to the property
15 exceeds \$300.

16 (N) A Class 3 felony violation of paragraph (1) of
17 subsection (a) of Section 2 of the Firearm Owners
18 Identification Card Act committed before the effective
19 date of this amendatory Act of the 103rd General
20 Assembly..

21 (O) A violation of Section 12-6.1 or 12-6.5 of the
22 Criminal Code of 1961 or the Criminal Code of 2012.

23 (P) A violation of paragraph (1), (2), (3), (4), (5),
24 or (7) of subsection (a) of Section 11-20.1 of the
25 Criminal Code of 1961 or the Criminal Code of 2012.

26 (P-5) A violation of paragraph (6) of subsection (a)

1 of Section 11-20.1 of the Criminal Code of 1961 or the
2 Criminal Code of 2012 if the victim is a household or
3 family member of the defendant.

4 (Q) A violation of subsection (b) or (b-5) of Section
5 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
6 Code of 1961 or the Criminal Code of 2012.

7 (R) A violation of Section 24-3A of the Criminal Code
8 of 1961 or the Criminal Code of 2012.

9 (S) (Blank).

10 (T) (Blank).

11 (U) A second or subsequent violation of Section 6-303
12 of the Illinois Vehicle Code committed while his or her
13 driver's license, permit, or privilege was revoked because
14 of a violation of Section 9-3 of the Criminal Code of 1961
15 or the Criminal Code of 2012, relating to the offense of
16 reckless homicide, or a similar provision of a law of
17 another state.

18 (V) A violation of paragraph (4) of subsection (c) of
19 Section 11-20.1B or paragraph (4) of subsection (c) of
20 Section 11-20.3 of the Criminal Code of 1961, or paragraph
21 (6) of subsection (a) of Section 11-20.1 of the Criminal
22 Code of 2012 when the victim is under 13 years of age and
23 the defendant has previously been convicted under the laws
24 of this State or any other state of the offense of child
25 pornography, aggravated child pornography, aggravated
26 criminal sexual abuse, aggravated criminal sexual assault,

1 predatory criminal sexual assault of a child, or any of
2 the offenses formerly known as rape, deviate sexual
3 assault, indecent liberties with a child, or aggravated
4 indecent liberties with a child where the victim was under
5 the age of 18 years or an offense that is substantially
6 equivalent to those offenses.

7 (W) A violation of Section 24-3.5 of the Criminal Code
8 of 1961 or the Criminal Code of 2012.

9 (X) A violation of subsection (a) of Section 31-1a of
10 the Criminal Code of 1961 or the Criminal Code of 2012.

11 (Y) A conviction for unlawful possession of a firearm
12 by a street gang member when the firearm was loaded or
13 contained firearm ammunition.

14 (Z) A Class 1 felony committed while he or she was
15 serving a term of probation or conditional discharge for a
16 felony.

17 (AA) Theft of property exceeding \$500,000 and not
18 exceeding \$1,000,000 in value.

19 (BB) Laundering of criminally derived property of a
20 value exceeding \$500,000.

21 (CC) Knowingly selling, offering for sale, holding for
22 sale, or using 2,000 or more counterfeit items or
23 counterfeit items having a retail value in the aggregate
24 of \$500,000 or more.

25 (DD) A conviction for aggravated assault under
26 paragraph (6) of subsection (c) of Section 12-2 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 if the
2 firearm is aimed toward the person against whom the
3 firearm is being used.

4 (EE) A conviction for a violation of paragraph (2) of
5 subsection (a) of Section 24-3B of the Criminal Code of
6 2012.

7 (3) (Blank).

8 (4) A minimum term of imprisonment of not less than 10
9 consecutive days or 30 days of community service shall be
10 imposed for a violation of paragraph (c) of Section 6-303 of
11 the Illinois Vehicle Code.

12 (4.1) (Blank).

13 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
14 this subsection (c), a minimum of 100 hours of community
15 service shall be imposed for a second violation of Section
16 6-303 of the Illinois Vehicle Code.

17 (4.3) A minimum term of imprisonment of 30 days or 300
18 hours of community service, as determined by the court, shall
19 be imposed for a second violation of subsection (c) of Section
20 6-303 of the Illinois Vehicle Code.

21 (4.4) Except as provided in paragraphs (4.5), (4.6), and
22 (4.9) of this subsection (c), a minimum term of imprisonment
23 of 30 days or 300 hours of community service, as determined by
24 the court, shall be imposed for a third or subsequent
25 violation of Section 6-303 of the Illinois Vehicle Code. The
26 court may give credit toward the fulfillment of community

1 service hours for participation in activities and treatment as
2 determined by court services.

3 (4.5) A minimum term of imprisonment of 30 days shall be
4 imposed for a third violation of subsection (c) of Section
5 6-303 of the Illinois Vehicle Code.

6 (4.6) Except as provided in paragraph (4.10) of this
7 subsection (c), a minimum term of imprisonment of 180 days
8 shall be imposed for a fourth or subsequent violation of
9 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

10 (4.7) A minimum term of imprisonment of not less than 30
11 consecutive days, or 300 hours of community service, shall be
12 imposed for a violation of subsection (a-5) of Section 6-303
13 of the Illinois Vehicle Code, as provided in subsection (b-5)
14 of that Section.

15 (4.8) A mandatory prison sentence shall be imposed for a
16 second violation of subsection (a-5) of Section 6-303 of the
17 Illinois Vehicle Code, as provided in subsection (c-5) of that
18 Section. The person's driving privileges shall be revoked for
19 a period of not less than 5 years from the date of his or her
20 release from prison.

21 (4.9) A mandatory prison sentence of not less than 4 and
22 not more than 15 years shall be imposed for a third violation
23 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
24 Code, as provided in subsection (d-2.5) of that Section. The
25 person's driving privileges shall be revoked for the remainder
26 of his or her life.

1 (4.10) A mandatory prison sentence for a Class 1 felony
2 shall be imposed, and the person shall be eligible for an
3 extended term sentence, for a fourth or subsequent violation
4 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
5 Code, as provided in subsection (d-3.5) of that Section. The
6 person's driving privileges shall be revoked for the remainder
7 of his or her life.

8 (5) The court may sentence a corporation or unincorporated
9 association convicted of any offense to:

10 (A) a period of conditional discharge;

11 (B) a fine;

12 (C) make restitution to the victim under Section 5-5-6
13 of this Code.

14 (5.1) In addition to any other penalties imposed, and
15 except as provided in paragraph (5.2) or (5.3), a person
16 convicted of violating subsection (c) of Section 11-907 of the
17 Illinois Vehicle Code shall have his or her driver's license,
18 permit, or privileges suspended for at least 90 days but not
19 more than one year, if the violation resulted in damage to the
20 property of another person.

21 (5.2) In addition to any other penalties imposed, and
22 except as provided in paragraph (5.3), a person convicted of
23 violating subsection (c) of Section 11-907 of the Illinois
24 Vehicle Code shall have his or her driver's license, permit,
25 or privileges suspended for at least 180 days but not more than
26 2 years, if the violation resulted in injury to another

1 person.

2 (5.3) In addition to any other penalties imposed, a person
3 convicted of violating subsection (c) of Section 11-907 of the
4 Illinois Vehicle Code shall have his or her driver's license,
5 permit, or privileges suspended for 2 years, if the violation
6 resulted in the death of another person.

7 (5.4) In addition to any other penalties imposed, a person
8 convicted of violating Section 3-707 of the Illinois Vehicle
9 Code shall have his or her driver's license, permit, or
10 privileges suspended for 3 months and until he or she has paid
11 a reinstatement fee of \$100.

12 (5.5) In addition to any other penalties imposed, a person
13 convicted of violating Section 3-707 of the Illinois Vehicle
14 Code during a period in which his or her driver's license,
15 permit, or privileges were suspended for a previous violation
16 of that Section shall have his or her driver's license,
17 permit, or privileges suspended for an additional 6 months
18 after the expiration of the original 3-month suspension and
19 until he or she has paid a reinstatement fee of \$100.

20 (6) (Blank).

21 (7) (Blank).

22 (8) (Blank).

23 (9) A defendant convicted of a second or subsequent
24 offense of ritualized abuse of a child may be sentenced to a
25 term of natural life imprisonment.

26 (10) (Blank).

1 (11) The court shall impose a minimum fine of \$1,000 for a
2 first offense and \$2,000 for a second or subsequent offense
3 upon a person convicted of or placed on supervision for
4 battery when the individual harmed was a sports official or
5 coach at any level of competition and the act causing harm to
6 the sports official or coach occurred within an athletic
7 facility or within the immediate vicinity of the athletic
8 facility at which the sports official or coach was an active
9 participant of the athletic contest held at the athletic
10 facility. For the purposes of this paragraph (11), "sports
11 official" means a person at an athletic contest who enforces
12 the rules of the contest, such as an umpire or referee;
13 "athletic facility" means an indoor or outdoor playing field
14 or recreational area where sports activities are conducted;
15 and "coach" means a person recognized as a coach by the
16 sanctioning authority that conducted the sporting event.

17 (12) A person may not receive a disposition of court
18 supervision for a violation of Section 5-16 of the Boat
19 Registration and Safety Act if that person has previously
20 received a disposition of court supervision for a violation of
21 that Section.

22 (13) A person convicted of or placed on court supervision
23 for an assault or aggravated assault when the victim and the
24 offender are family or household members as defined in Section
25 103 of the Illinois Domestic Violence Act of 1986 or convicted
26 of domestic battery or aggravated domestic battery may be

1 required to attend a Partner Abuse Intervention Program under
2 protocols set forth by the Illinois Department of Human
3 Services under such terms and conditions imposed by the court.
4 The costs of such classes shall be paid by the offender.

5 (d) In any case in which a sentence originally imposed is
6 vacated, the case shall be remanded to the trial court. The
7 trial court shall hold a hearing under Section 5-4-1 of this
8 Code which may include evidence of the defendant's life, moral
9 character and occupation during the time since the original
10 sentence was passed. The trial court shall then impose
11 sentence upon the defendant. The trial court may impose any
12 sentence which could have been imposed at the original trial
13 subject to Section 5-5-4 of this Code. If a sentence is vacated
14 on appeal or on collateral attack due to the failure of the
15 trier of fact at trial to determine beyond a reasonable doubt
16 the existence of a fact (other than a prior conviction)
17 necessary to increase the punishment for the offense beyond
18 the statutory maximum otherwise applicable, either the
19 defendant may be re-sentenced to a term within the range
20 otherwise provided or, if the State files notice of its
21 intention to again seek the extended sentence, the defendant
22 shall be afforded a new trial.

23 (e) In cases where prosecution for aggravated criminal
24 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
25 Code of 1961 or the Criminal Code of 2012 results in conviction
26 of a defendant who was a family member of the victim at the

1 time of the commission of the offense, the court shall
2 consider the safety and welfare of the victim and may impose a
3 sentence of probation only where:

4 (1) the court finds (A) or (B) or both are
5 appropriate:

6 (A) the defendant is willing to undergo a court
7 approved counseling program for a minimum duration of
8 2 years; or

9 (B) the defendant is willing to participate in a
10 court approved plan, including, but not limited to,
11 the defendant's:

12 (i) removal from the household;

13 (ii) restricted contact with the victim;

14 (iii) continued financial support of the
15 family;

16 (iv) restitution for harm done to the victim;

17 and

18 (v) compliance with any other measures that
19 the court may deem appropriate; and

20 (2) the court orders the defendant to pay for the
21 victim's counseling services, to the extent that the court
22 finds, after considering the defendant's income and
23 assets, that the defendant is financially capable of
24 paying for such services, if the victim was under 18 years
25 of age at the time the offense was committed and requires
26 counseling as a result of the offense.

1 Probation may be revoked or modified pursuant to Section
2 5-6-4; except where the court determines at the hearing that
3 the defendant violated a condition of his or her probation
4 restricting contact with the victim or other family members or
5 commits another offense with the victim or other family
6 members, the court shall revoke the defendant's probation and
7 impose a term of imprisonment.

8 For the purposes of this Section, "family member" and
9 "victim" shall have the meanings ascribed to them in Section
10 11-0.1 of the Criminal Code of 2012.

11 (f) (Blank).

12 (g) Whenever a defendant is convicted of an offense under
13 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
14 11-14.3, 11-14.4 except for an offense that involves keeping a
15 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
16 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
17 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, the defendant shall undergo medical
19 testing to determine whether the defendant has any sexually
20 transmissible disease, including a test for infection with
21 human immunodeficiency virus (HIV) or any other identified
22 causative agent of acquired immunodeficiency syndrome (AIDS).
23 Any such medical test shall be performed only by appropriately
24 licensed medical practitioners and may include an analysis of
25 any bodily fluids as well as an examination of the defendant's
26 person. Except as otherwise provided by law, the results of

1 such test shall be kept strictly confidential by all medical
2 personnel involved in the testing and must be personally
3 delivered in a sealed envelope to the judge of the court in
4 which the conviction was entered for the judge's inspection in
5 camera. Acting in accordance with the best interests of the
6 victim and the public, the judge shall have the discretion to
7 determine to whom, if anyone, the results of the testing may be
8 revealed. The court shall notify the defendant of the test
9 results. The court shall also notify the victim if requested
10 by the victim, and if the victim is under the age of 15 and if
11 requested by the victim's parents or legal guardian, the court
12 shall notify the victim's parents or legal guardian of the
13 test results. The court shall provide information on the
14 availability of HIV testing and counseling at Department of
15 Public Health facilities to all parties to whom the results of
16 the testing are revealed and shall direct the State's Attorney
17 to provide the information to the victim when possible. The
18 court shall order that the cost of any such test shall be paid
19 by the county and may be taxed as costs against the convicted
20 defendant.

21 (g-5) When an inmate is tested for an airborne
22 communicable disease, as determined by the Illinois Department
23 of Public Health, including, but not limited to, tuberculosis,
24 the results of the test shall be personally delivered by the
25 warden or his or her designee in a sealed envelope to the judge
26 of the court in which the inmate must appear for the judge's

1 inspection in camera if requested by the judge. Acting in
2 accordance with the best interests of those in the courtroom,
3 the judge shall have the discretion to determine what if any
4 precautions need to be taken to prevent transmission of the
5 disease in the courtroom.

6 (h) Whenever a defendant is convicted of an offense under
7 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
8 defendant shall undergo medical testing to determine whether
9 the defendant has been exposed to human immunodeficiency virus
10 (HIV) or any other identified causative agent of acquired
11 immunodeficiency syndrome (AIDS). Except as otherwise provided
12 by law, the results of such test shall be kept strictly
13 confidential by all medical personnel involved in the testing
14 and must be personally delivered in a sealed envelope to the
15 judge of the court in which the conviction was entered for the
16 judge's inspection in camera. Acting in accordance with the
17 best interests of the public, the judge shall have the
18 discretion to determine to whom, if anyone, the results of the
19 testing may be revealed. The court shall notify the defendant
20 of a positive test showing an infection with the human
21 immunodeficiency virus (HIV). The court shall provide
22 information on the availability of HIV testing and counseling
23 at Department of Public Health facilities to all parties to
24 whom the results of the testing are revealed and shall direct
25 the State's Attorney to provide the information to the victim
26 when possible. The court shall order that the cost of any such

1 test shall be paid by the county and may be taxed as costs
2 against the convicted defendant.

3 (i) All fines and penalties imposed under this Section for
4 any violation of Chapters 3, 4, 6, and 11 of the Illinois
5 Vehicle Code, or a similar provision of a local ordinance, and
6 any violation of the Child Passenger Protection Act, or a
7 similar provision of a local ordinance, shall be collected and
8 disbursed by the circuit clerk as provided under the Criminal
9 and Traffic Assessment Act.

10 (j) In cases when prosecution for any violation of Section
11 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
12 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
13 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
14 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
15 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
16 Code of 2012, any violation of the Illinois Controlled
17 Substances Act, any violation of the Cannabis Control Act, or
18 any violation of the Methamphetamine Control and Community
19 Protection Act results in conviction, a disposition of court
20 supervision, or an order of probation granted under Section 10
21 of the Cannabis Control Act, Section 410 of the Illinois
22 Controlled Substances Act, or Section 70 of the
23 Methamphetamine Control and Community Protection Act of a
24 defendant, the court shall determine whether the defendant is
25 employed by a facility or center as defined under the Child
26 Care Act of 1969, a public or private elementary or secondary

1 school, or otherwise works with children under 18 years of age
2 on a daily basis. When a defendant is so employed, the court
3 shall order the Clerk of the Court to send a copy of the
4 judgment of conviction or order of supervision or probation to
5 the defendant's employer by certified mail. If the employer of
6 the defendant is a school, the Clerk of the Court shall direct
7 the mailing of a copy of the judgment of conviction or order of
8 supervision or probation to the appropriate regional
9 superintendent of schools. The regional superintendent of
10 schools shall notify the State Board of Education of any
11 notification under this subsection.

12 (j-5) A defendant at least 17 years of age who is convicted
13 of a felony and who has not been previously convicted of a
14 misdemeanor or felony and who is sentenced to a term of
15 imprisonment in the Illinois Department of Corrections shall
16 as a condition of his or her sentence be required by the court
17 to attend educational courses designed to prepare the
18 defendant for a high school diploma and to work toward a high
19 school diploma or to work toward passing high school
20 equivalency testing or to work toward completing a vocational
21 training program offered by the Department of Corrections. If
22 a defendant fails to complete the educational training
23 required by his or her sentence during the term of
24 incarceration, the Prisoner Review Board shall, as a condition
25 of mandatory supervised release, require the defendant, at his
26 or her own expense, to pursue a course of study toward a high

1 school diploma or passage of high school equivalency testing.
2 The Prisoner Review Board shall revoke the mandatory
3 supervised release of a defendant who wilfully fails to comply
4 with this subsection (j-5) upon his or her release from
5 confinement in a penal institution while serving a mandatory
6 supervised release term; however, the inability of the
7 defendant after making a good faith effort to obtain financial
8 aid or pay for the educational training shall not be deemed a
9 wilful failure to comply. The Prisoner Review Board shall
10 recommit the defendant whose mandatory supervised release term
11 has been revoked under this subsection (j-5) as provided in
12 Section 3-3-9. This subsection (j-5) does not apply to a
13 defendant who has a high school diploma or has successfully
14 passed high school equivalency testing. This subsection (j-5)
15 does not apply to a defendant who is determined by the court to
16 be a person with a developmental disability or otherwise
17 mentally incapable of completing the educational or vocational
18 program.

19 (k) (Blank).

20 (l) (A) Except as provided in paragraph (C) of subsection
21 (l), whenever a defendant, who is not a citizen or national of
22 the United States, is convicted of any felony or misdemeanor
23 offense, the court after sentencing the defendant may, upon
24 motion of the State's Attorney, hold sentence in abeyance and
25 remand the defendant to the custody of the Attorney General of
26 the United States or his or her designated agent to be deported

1 when:

2 (1) a final order of deportation has been issued
3 against the defendant pursuant to proceedings under the
4 Immigration and Nationality Act, and

5 (2) the deportation of the defendant would not
6 deprecate the seriousness of the defendant's conduct and
7 would not be inconsistent with the ends of justice.

8 Otherwise, the defendant shall be sentenced as provided in
9 this Chapter V.

10 (B) If the defendant has already been sentenced for a
11 felony or misdemeanor offense, or has been placed on probation
12 under Section 10 of the Cannabis Control Act, Section 410 of
13 the Illinois Controlled Substances Act, or Section 70 of the
14 Methamphetamine Control and Community Protection Act, the
15 court may, upon motion of the State's Attorney to suspend the
16 sentence imposed, commit the defendant to the custody of the
17 Attorney General of the United States or his or her designated
18 agent when:

19 (1) a final order of deportation has been issued
20 against the defendant pursuant to proceedings under the
21 Immigration and Nationality Act, and

22 (2) the deportation of the defendant would not
23 deprecate the seriousness of the defendant's conduct and
24 would not be inconsistent with the ends of justice.

25 (C) This subsection (1) does not apply to offenders who
26 are subject to the provisions of paragraph (2) of subsection

1 (a) of Section 3-6-3.

2 (D) Upon motion of the State's Attorney, if a defendant
3 sentenced under this Section returns to the jurisdiction of
4 the United States, the defendant shall be recommitted to the
5 custody of the county from which he or she was sentenced.
6 Thereafter, the defendant shall be brought before the
7 sentencing court, which may impose any sentence that was
8 available under Section 5-5-3 at the time of initial
9 sentencing. In addition, the defendant shall not be eligible
10 for additional earned sentence credit as provided under
11 Section 3-6-3.

12 (m) A person convicted of criminal defacement of property
13 under Section 21-1.3 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, in which the property damage exceeds
15 \$300 and the property damaged is a school building, shall be
16 ordered to perform community service that may include cleanup,
17 removal, or painting over the defacement.

18 (n) The court may sentence a person convicted of a
19 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
20 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
21 of 1961 or the Criminal Code of 2012 (i) to an impact
22 incarceration program if the person is otherwise eligible for
23 that program under Section 5-8-1.1, (ii) to community service,
24 or (iii) if the person has a substance use disorder, as defined
25 in the Substance Use Disorder Act, to a treatment program
26 licensed under that Act.

1 (o) Whenever a person is convicted of a sex offense as
2 defined in Section 2 of the Sex Offender Registration Act, the
3 defendant's driver's license or permit shall be subject to
4 renewal on an annual basis in accordance with the provisions
5 of license renewal established by the Secretary of State.

6 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;
7 102-531, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
8 5-27-22.)

9 (Text of Section after amendment by P.A. 103-51)

10 Sec. 5-5-3. Disposition.

11 (a) (Blank).

12 (b) (Blank).

13 (c) (1) (Blank).

14 (2) A period of probation, a term of periodic imprisonment
15 or conditional discharge shall not be imposed for the
16 following offenses. The court shall sentence the offender to
17 not less than the minimum term of imprisonment set forth in
18 this Code for the following offenses, and may order a fine or
19 restitution or both in conjunction with such term of
20 imprisonment:

21 (A) First degree murder.

22 (B) Attempted first degree murder.

23 (C) A Class X felony.

24 (D) A violation of Section 401.1 or 407 of the
25 Illinois Controlled Substances Act, or a violation of

1 subdivision (c)(1.5) of Section 401 of that Act which
2 relates to more than 5 grams of a substance containing
3 fentanyl or an analog thereof.

4 (D-5) A violation of subdivision (c)(1) of Section 401
5 of the Illinois Controlled Substances Act which relates to
6 3 or more grams of a substance containing heroin or an
7 analog thereof.

8 (E) (Blank).

9 (F) A Class 1 or greater felony if the offender had
10 been convicted of a Class 1 or greater felony, including
11 any state or federal conviction for an offense that
12 contained, at the time it was committed, the same elements
13 as an offense now (the date of the offense committed after
14 the prior Class 1 or greater felony) classified as a Class
15 1 or greater felony, within 10 years of the date on which
16 the offender committed the offense for which he or she is
17 being sentenced, except as otherwise provided in Section
18 40-10 of the Substance Use Disorder Act.

19 (F-3) A Class 2 or greater felony sex offense or
20 felony firearm offense if the offender had been convicted
21 of a Class 2 or greater felony, including any state or
22 federal conviction for an offense that contained, at the
23 time it was committed, the same elements as an offense now
24 (the date of the offense committed after the prior Class 2
25 or greater felony) classified as a Class 2 or greater
26 felony, within 10 years of the date on which the offender

1 committed the offense for which he or she is being
2 sentenced, except as otherwise provided in Section 40-10
3 of the Substance Use Disorder Act.

4 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6
5 of the Criminal Code of 1961 or the Criminal Code of 2012
6 for which imprisonment is prescribed in those Sections.

7 (G) Residential burglary, except as otherwise provided
8 in Section 40-10 of the Substance Use Disorder Act.

9 (H) Criminal sexual assault.

10 (I) Aggravated battery of a senior citizen as
11 described in Section 12-4.6 or subdivision (a)(4) of
12 Section 12-3.05 of the Criminal Code of 1961 or the
13 Criminal Code of 2012.

14 (J) A forcible felony if the offense was related to
15 the activities of an organized gang.

16 Before July 1, 1994, for the purposes of this
17 paragraph, "organized gang" means an association of 5 or
18 more persons, with an established hierarchy, that
19 encourages members of the association to perpetrate crimes
20 or provides support to the members of the association who
21 do commit crimes.

22 Beginning July 1, 1994, for the purposes of this
23 paragraph, "organized gang" has the meaning ascribed to it
24 in Section 10 of the Illinois Streetgang Terrorism Omnibus
25 Prevention Act.

26 (K) Vehicular hijacking.

1 (L) A second or subsequent conviction for the offense
2 of hate crime when the underlying offense upon which the
3 hate crime is based is felony aggravated assault or felony
4 mob action.

5 (M) A second or subsequent conviction for the offense
6 of institutional vandalism if the damage to the property
7 exceeds \$300.

8 (N) A Class 3 felony violation of paragraph (1) of
9 subsection (a) of Section 2 of the Firearm Owners
10 Identification Card Act committed before the effective
11 date of this amendatory Act of the 103rd General Assembly.

12 (O) A violation of Section 12-6.1 or 12-6.5 of the
13 Criminal Code of 1961 or the Criminal Code of 2012.

14 (P) A violation of paragraph (1), (2), (3), (4), (5),
15 or (7) of subsection (a) of Section 11-20.1 of the
16 Criminal Code of 1961 or the Criminal Code of 2012.

17 (P-5) A violation of paragraph (6) of subsection (a)
18 of Section 11-20.1 of the Criminal Code of 1961 or the
19 Criminal Code of 2012 if the victim is a household or
20 family member of the defendant.

21 (Q) A violation of subsection (b) or (b-5) of Section
22 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
23 Code of 1961 or the Criminal Code of 2012.

24 (R) A violation of Section 24-3A of the Criminal Code
25 of 1961 or the Criminal Code of 2012.

26 (S) (Blank).

1 (T) (Blank).

2 (U) A second or subsequent violation of Section 6-303
3 of the Illinois Vehicle Code committed while his or her
4 driver's license, permit, or privilege was revoked because
5 of a violation of Section 9-3 of the Criminal Code of 1961
6 or the Criminal Code of 2012, relating to the offense of
7 reckless homicide, or a similar provision of a law of
8 another state.

9 (V) A violation of paragraph (4) of subsection (c) of
10 Section 11-20.1B or paragraph (4) of subsection (c) of
11 Section 11-20.3 of the Criminal Code of 1961, or paragraph
12 (6) of subsection (a) of Section 11-20.1 of the Criminal
13 Code of 2012 when the victim is under 13 years of age and
14 the defendant has previously been convicted under the laws
15 of this State or any other state of the offense of child
16 pornography, aggravated child pornography, aggravated
17 criminal sexual abuse, aggravated criminal sexual assault,
18 predatory criminal sexual assault of a child, or any of
19 the offenses formerly known as rape, deviate sexual
20 assault, indecent liberties with a child, or aggravated
21 indecent liberties with a child where the victim was under
22 the age of 18 years or an offense that is substantially
23 equivalent to those offenses.

24 (W) A violation of Section 24-3.5 of the Criminal Code
25 of 1961 or the Criminal Code of 2012.

26 (X) A violation of subsection (a) of Section 31-1a of

1 the Criminal Code of 1961 or the Criminal Code of 2012.

2 (Y) A conviction for unlawful possession of a firearm
3 by a street gang member when the firearm was loaded or
4 contained firearm ammunition.

5 (Z) A Class 1 felony committed while he or she was
6 serving a term of probation or conditional discharge for a
7 felony.

8 (AA) Theft of property exceeding \$500,000 and not
9 exceeding \$1,000,000 in value.

10 (BB) Laundering of criminally derived property of a
11 value exceeding \$500,000.

12 (CC) Knowingly selling, offering for sale, holding for
13 sale, or using 2,000 or more counterfeit items or
14 counterfeit items having a retail value in the aggregate
15 of \$500,000 or more.

16 (DD) A conviction for aggravated assault under
17 paragraph (6) of subsection (c) of Section 12-2 of the
18 Criminal Code of 1961 or the Criminal Code of 2012 if the
19 firearm is aimed toward the person against whom the
20 firearm is being used.

21 (EE) A conviction for a violation of paragraph (2) of
22 subsection (a) of Section 24-3B of the Criminal Code of
23 2012.

24 (3) (Blank).

25 (4) A minimum term of imprisonment of not less than 10
26 consecutive days or 30 days of community service shall be

1 imposed for a violation of paragraph (c) of Section 6-303 of
2 the Illinois Vehicle Code.

3 (4.1) (Blank).

4 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
5 this subsection (c), a minimum of 100 hours of community
6 service shall be imposed for a second violation of Section
7 6-303 of the Illinois Vehicle Code.

8 (4.3) A minimum term of imprisonment of 30 days or 300
9 hours of community service, as determined by the court, shall
10 be imposed for a second violation of subsection (c) of Section
11 6-303 of the Illinois Vehicle Code.

12 (4.4) Except as provided in paragraphs (4.5), (4.6), and
13 (4.9) of this subsection (c), a minimum term of imprisonment
14 of 30 days or 300 hours of community service, as determined by
15 the court, shall be imposed for a third or subsequent
16 violation of Section 6-303 of the Illinois Vehicle Code. The
17 court may give credit toward the fulfillment of community
18 service hours for participation in activities and treatment as
19 determined by court services.

20 (4.5) A minimum term of imprisonment of 30 days shall be
21 imposed for a third violation of subsection (c) of Section
22 6-303 of the Illinois Vehicle Code.

23 (4.6) Except as provided in paragraph (4.10) of this
24 subsection (c), a minimum term of imprisonment of 180 days
25 shall be imposed for a fourth or subsequent violation of
26 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

1 (4.7) A minimum term of imprisonment of not less than 30
2 consecutive days, or 300 hours of community service, shall be
3 imposed for a violation of subsection (a-5) of Section 6-303
4 of the Illinois Vehicle Code, as provided in subsection (b-5)
5 of that Section.

6 (4.8) A mandatory prison sentence shall be imposed for a
7 second violation of subsection (a-5) of Section 6-303 of the
8 Illinois Vehicle Code, as provided in subsection (c-5) of that
9 Section. The person's driving privileges shall be revoked for
10 a period of not less than 5 years from the date of his or her
11 release from prison.

12 (4.9) A mandatory prison sentence of not less than 4 and
13 not more than 15 years shall be imposed for a third violation
14 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
15 Code, as provided in subsection (d-2.5) of that Section. The
16 person's driving privileges shall be revoked for the remainder
17 of his or her life.

18 (4.10) A mandatory prison sentence for a Class 1 felony
19 shall be imposed, and the person shall be eligible for an
20 extended term sentence, for a fourth or subsequent violation
21 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
22 Code, as provided in subsection (d-3.5) of that Section. The
23 person's driving privileges shall be revoked for the remainder
24 of his or her life.

25 (5) The court may sentence a corporation or unincorporated
26 association convicted of any offense to:

- 1 (A) a period of conditional discharge;
- 2 (B) a fine;
- 3 (C) make restitution to the victim under Section 5-5-6
- 4 of this Code.

5 (5.1) In addition to any other penalties imposed, and

6 except as provided in paragraph (5.2) or (5.3), a person

7 convicted of violating subsection (c) of Section 11-907 of the

8 Illinois Vehicle Code shall have his or her driver's license,

9 permit, or privileges suspended for at least 90 days but not

10 more than one year, if the violation resulted in damage to the

11 property of another person.

12 (5.2) In addition to any other penalties imposed, and

13 except as provided in paragraph (5.3), a person convicted of

14 violating subsection (c) of Section 11-907 of the Illinois

15 Vehicle Code shall have his or her driver's license, permit,

16 or privileges suspended for at least 180 days but not more than

17 2 years, if the violation resulted in injury to another

18 person.

19 (5.3) In addition to any other penalties imposed, a person

20 convicted of violating subsection (c) of Section 11-907 of the

21 Illinois Vehicle Code shall have his or her driver's license,

22 permit, or privileges suspended for 2 years, if the violation

23 resulted in the death of another person.

24 (5.4) In addition to any other penalties imposed, a person

25 convicted of violating Section 3-707 of the Illinois Vehicle

26 Code shall have his or her driver's license, permit, or

1 privileges suspended for 3 months and until he or she has paid
2 a reinstatement fee of \$100.

3 (5.5) In addition to any other penalties imposed, a person
4 convicted of violating Section 3-707 of the Illinois Vehicle
5 Code during a period in which his or her driver's license,
6 permit, or privileges were suspended for a previous violation
7 of that Section shall have his or her driver's license,
8 permit, or privileges suspended for an additional 6 months
9 after the expiration of the original 3-month suspension and
10 until he or she has paid a reinstatement fee of \$100.

11 (6) (Blank).

12 (7) (Blank).

13 (8) (Blank).

14 (9) A defendant convicted of a second or subsequent
15 offense of ritualized abuse of a child may be sentenced to a
16 term of natural life imprisonment.

17 (10) (Blank).

18 (11) The court shall impose a minimum fine of \$1,000 for a
19 first offense and \$2,000 for a second or subsequent offense
20 upon a person convicted of or placed on supervision for
21 battery when the individual harmed was a sports official or
22 coach at any level of competition and the act causing harm to
23 the sports official or coach occurred within an athletic
24 facility or within the immediate vicinity of the athletic
25 facility at which the sports official or coach was an active
26 participant of the athletic contest held at the athletic

1 facility. For the purposes of this paragraph (11), "sports
2 official" means a person at an athletic contest who enforces
3 the rules of the contest, such as an umpire or referee;
4 "athletic facility" means an indoor or outdoor playing field
5 or recreational area where sports activities are conducted;
6 and "coach" means a person recognized as a coach by the
7 sanctioning authority that conducted the sporting event.

8 (12) A person may not receive a disposition of court
9 supervision for a violation of Section 5-16 of the Boat
10 Registration and Safety Act if that person has previously
11 received a disposition of court supervision for a violation of
12 that Section.

13 (13) A person convicted of or placed on court supervision
14 for an assault or aggravated assault when the victim and the
15 offender are family or household members as defined in Section
16 103 of the Illinois Domestic Violence Act of 1986 or convicted
17 of domestic battery or aggravated domestic battery may be
18 required to attend a Partner Abuse Intervention Program under
19 protocols set forth by the Illinois Department of Human
20 Services under such terms and conditions imposed by the court.
21 The costs of such classes shall be paid by the offender.

22 (d) In any case in which a sentence originally imposed is
23 vacated, the case shall be remanded to the trial court. The
24 trial court shall hold a hearing under Section 5-4-1 of this
25 Code which may include evidence of the defendant's life, moral
26 character and occupation during the time since the original

1 sentence was passed. The trial court shall then impose
2 sentence upon the defendant. The trial court may impose any
3 sentence which could have been imposed at the original trial
4 subject to Section 5-5-4 of this Code. If a sentence is vacated
5 on appeal or on collateral attack due to the failure of the
6 trier of fact at trial to determine beyond a reasonable doubt
7 the existence of a fact (other than a prior conviction)
8 necessary to increase the punishment for the offense beyond
9 the statutory maximum otherwise applicable, either the
10 defendant may be re-sentenced to a term within the range
11 otherwise provided or, if the State files notice of its
12 intention to again seek the extended sentence, the defendant
13 shall be afforded a new trial.

14 (e) In cases where prosecution for aggravated criminal
15 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
16 Code of 1961 or the Criminal Code of 2012 results in conviction
17 of a defendant who was a family member of the victim at the
18 time of the commission of the offense, the court shall
19 consider the safety and welfare of the victim and may impose a
20 sentence of probation only where:

21 (1) the court finds (A) or (B) or both are
22 appropriate:

23 (A) the defendant is willing to undergo a court
24 approved counseling program for a minimum duration of
25 2 years; or

26 (B) the defendant is willing to participate in a

1 court approved plan, including, but not limited to,
2 the defendant's:

3 (i) removal from the household;

4 (ii) restricted contact with the victim;

5 (iii) continued financial support of the
6 family;

7 (iv) restitution for harm done to the victim;

8 and

9 (v) compliance with any other measures that
10 the court may deem appropriate; and

11 (2) the court orders the defendant to pay for the
12 victim's counseling services, to the extent that the court
13 finds, after considering the defendant's income and
14 assets, that the defendant is financially capable of
15 paying for such services, if the victim was under 18 years
16 of age at the time the offense was committed and requires
17 counseling as a result of the offense.

18 Probation may be revoked or modified pursuant to Section
19 5-6-4; except where the court determines at the hearing that
20 the defendant violated a condition of his or her probation
21 restricting contact with the victim or other family members or
22 commits another offense with the victim or other family
23 members, the court shall revoke the defendant's probation and
24 impose a term of imprisonment.

25 For the purposes of this Section, "family member" and
26 "victim" shall have the meanings ascribed to them in Section

1 11-0.1 of the Criminal Code of 2012.

2 (f) (Blank).

3 (g) Whenever a defendant is convicted of an offense under
4 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
5 11-14.3, 11-14.4 except for an offense that involves keeping a
6 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
7 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
8 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, the defendant shall undergo medical
10 testing to determine whether the defendant has any sexually
11 transmissible disease, including a test for infection with
12 human immunodeficiency virus (HIV) or any other identified
13 causative agent of acquired immunodeficiency syndrome (AIDS).
14 Any such medical test shall be performed only by appropriately
15 licensed medical practitioners and may include an analysis of
16 any bodily fluids as well as an examination of the defendant's
17 person. Except as otherwise provided by law, the results of
18 such test shall be kept strictly confidential by all medical
19 personnel involved in the testing and must be personally
20 delivered in a sealed envelope to the judge of the court in
21 which the conviction was entered for the judge's inspection in
22 camera. Acting in accordance with the best interests of the
23 victim and the public, the judge shall have the discretion to
24 determine to whom, if anyone, the results of the testing may be
25 revealed. The court shall notify the defendant of the test
26 results. The court shall also notify the victim if requested

1 by the victim, and if the victim is under the age of 15 and if
2 requested by the victim's parents or legal guardian, the court
3 shall notify the victim's parents or legal guardian of the
4 test results. The court shall provide information on the
5 availability of HIV testing and counseling at Department of
6 Public Health facilities to all parties to whom the results of
7 the testing are revealed and shall direct the State's Attorney
8 to provide the information to the victim when possible. The
9 court shall order that the cost of any such test shall be paid
10 by the county and may be taxed as costs against the convicted
11 defendant.

12 (g-5) When an inmate is tested for an airborne
13 communicable disease, as determined by the Illinois Department
14 of Public Health, including, but not limited to, tuberculosis,
15 the results of the test shall be personally delivered by the
16 warden or his or her designee in a sealed envelope to the judge
17 of the court in which the inmate must appear for the judge's
18 inspection in camera if requested by the judge. Acting in
19 accordance with the best interests of those in the courtroom,
20 the judge shall have the discretion to determine what if any
21 precautions need to be taken to prevent transmission of the
22 disease in the courtroom.

23 (h) Whenever a defendant is convicted of an offense under
24 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
25 defendant shall undergo medical testing to determine whether
26 the defendant has been exposed to human immunodeficiency virus

1 (HIV) or any other identified causative agent of acquired
2 immunodeficiency syndrome (AIDS). Except as otherwise provided
3 by law, the results of such test shall be kept strictly
4 confidential by all medical personnel involved in the testing
5 and must be personally delivered in a sealed envelope to the
6 judge of the court in which the conviction was entered for the
7 judge's inspection in camera. Acting in accordance with the
8 best interests of the public, the judge shall have the
9 discretion to determine to whom, if anyone, the results of the
10 testing may be revealed. The court shall notify the defendant
11 of a positive test showing an infection with the human
12 immunodeficiency virus (HIV). The court shall provide
13 information on the availability of HIV testing and counseling
14 at Department of Public Health facilities to all parties to
15 whom the results of the testing are revealed and shall direct
16 the State's Attorney to provide the information to the victim
17 when possible. The court shall order that the cost of any such
18 test shall be paid by the county and may be taxed as costs
19 against the convicted defendant.

20 (i) All fines and penalties imposed under this Section for
21 any violation of Chapters 3, 4, 6, and 11 of the Illinois
22 Vehicle Code, or a similar provision of a local ordinance, and
23 any violation of the Child Passenger Protection Act, or a
24 similar provision of a local ordinance, shall be collected and
25 disbursed by the circuit clerk as provided under the Criminal
26 and Traffic Assessment Act.

1 (j) In cases when prosecution for any violation of Section
2 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
3 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
4 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
5 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
6 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal
7 Code of 2012, any violation of the Illinois Controlled
8 Substances Act, any violation of the Cannabis Control Act, or
9 any violation of the Methamphetamine Control and Community
10 Protection Act results in conviction, a disposition of court
11 supervision, or an order of probation granted under Section 10
12 of the Cannabis Control Act, Section 410 of the Illinois
13 Controlled Substances Act, or Section 70 of the
14 Methamphetamine Control and Community Protection Act of a
15 defendant, the court shall determine whether the defendant is
16 employed by a facility or center as defined under the Child
17 Care Act of 1969, a public or private elementary or secondary
18 school, or otherwise works with children under 18 years of age
19 on a daily basis. When a defendant is so employed, the court
20 shall order the Clerk of the Court to send a copy of the
21 judgment of conviction or order of supervision or probation to
22 the defendant's employer by certified mail. If the employer of
23 the defendant is a school, the Clerk of the Court shall direct
24 the mailing of a copy of the judgment of conviction or order of
25 supervision or probation to the appropriate regional
26 superintendent of schools. The regional superintendent of

1 schools shall notify the State Board of Education of any
2 notification under this subsection.

3 (j-5) A defendant at least 17 years of age who is convicted
4 of a felony and who has not been previously convicted of a
5 misdemeanor or felony and who is sentenced to a term of
6 imprisonment in the Illinois Department of Corrections shall
7 as a condition of his or her sentence be required by the court
8 to attend educational courses designed to prepare the
9 defendant for a high school diploma and to work toward a high
10 school diploma or to work toward passing high school
11 equivalency testing or to work toward completing a vocational
12 training program offered by the Department of Corrections. If
13 a defendant fails to complete the educational training
14 required by his or her sentence during the term of
15 incarceration, the Prisoner Review Board shall, as a condition
16 of mandatory supervised release, require the defendant, at his
17 or her own expense, to pursue a course of study toward a high
18 school diploma or passage of high school equivalency testing.
19 The Prisoner Review Board shall revoke the mandatory
20 supervised release of a defendant who wilfully fails to comply
21 with this subsection (j-5) upon his or her release from
22 confinement in a penal institution while serving a mandatory
23 supervised release term; however, the inability of the
24 defendant after making a good faith effort to obtain financial
25 aid or pay for the educational training shall not be deemed a
26 wilful failure to comply. The Prisoner Review Board shall

1 recommit the defendant whose mandatory supervised release term
2 has been revoked under this subsection (j-5) as provided in
3 Section 3-3-9. This subsection (j-5) does not apply to a
4 defendant who has a high school diploma or has successfully
5 passed high school equivalency testing. This subsection (j-5)
6 does not apply to a defendant who is determined by the court to
7 be a person with a developmental disability or otherwise
8 mentally incapable of completing the educational or vocational
9 program.

10 (k) (Blank).

11 (l) (A) Except as provided in paragraph (C) of subsection
12 (l), whenever a defendant, who is not a citizen or national of
13 the United States, is convicted of any felony or misdemeanor
14 offense, the court after sentencing the defendant may, upon
15 motion of the State's Attorney, hold sentence in abeyance and
16 remand the defendant to the custody of the Attorney General of
17 the United States or his or her designated agent to be deported
18 when:

19 (1) a final order of deportation has been issued
20 against the defendant pursuant to proceedings under the
21 Immigration and Nationality Act, and

22 (2) the deportation of the defendant would not
23 deprecate the seriousness of the defendant's conduct and
24 would not be inconsistent with the ends of justice.

25 Otherwise, the defendant shall be sentenced as provided in
26 this Chapter V.

1 (B) If the defendant has already been sentenced for a
2 felony or misdemeanor offense, or has been placed on probation
3 under Section 10 of the Cannabis Control Act, Section 410 of
4 the Illinois Controlled Substances Act, or Section 70 of the
5 Methamphetamine Control and Community Protection Act, the
6 court may, upon motion of the State's Attorney to suspend the
7 sentence imposed, commit the defendant to the custody of the
8 Attorney General of the United States or his or her designated
9 agent when:

10 (1) a final order of deportation has been issued
11 against the defendant pursuant to proceedings under the
12 Immigration and Nationality Act, and

13 (2) the deportation of the defendant would not
14 deprecate the seriousness of the defendant's conduct and
15 would not be inconsistent with the ends of justice.

16 (C) This subsection (1) does not apply to offenders who
17 are subject to the provisions of paragraph (2) of subsection
18 (a) of Section 3-6-3.

19 (D) Upon motion of the State's Attorney, if a defendant
20 sentenced under this Section returns to the jurisdiction of
21 the United States, the defendant shall be recommitted to the
22 custody of the county from which he or she was sentenced.
23 Thereafter, the defendant shall be brought before the
24 sentencing court, which may impose any sentence that was
25 available under Section 5-5-3 at the time of initial
26 sentencing. In addition, the defendant shall not be eligible

1 for additional earned sentence credit as provided under
2 Section 3-6-3.

3 (m) A person convicted of criminal defacement of property
4 under Section 21-1.3 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, in which the property damage exceeds
6 \$300 and the property damaged is a school building, shall be
7 ordered to perform community service that may include cleanup,
8 removal, or painting over the defacement.

9 (n) The court may sentence a person convicted of a
10 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
11 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
12 of 1961 or the Criminal Code of 2012 (i) to an impact
13 incarceration program if the person is otherwise eligible for
14 that program under Section 5-8-1.1, (ii) to community service,
15 or (iii) if the person has a substance use disorder, as defined
16 in the Substance Use Disorder Act, to a treatment program
17 licensed under that Act.

18 (o) Whenever a person is convicted of a sex offense as
19 defined in Section 2 of the Sex Offender Registration Act, the
20 defendant's driver's license or permit shall be subject to
21 renewal on an annual basis in accordance with the provisions
22 of license renewal established by the Secretary of State.

23 (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;
24 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.
25 1-1-24.)

1 (730 ILCS 5/5-5-3.2)

2 Sec. 5-5-3.2. Factors in aggravation and extended-term
3 sentencing.

4 (a) The following factors shall be accorded weight in
5 favor of imposing a term of imprisonment or may be considered
6 by the court as reasons to impose a more severe sentence under
7 Section 5-8-1 or Article 4.5 of Chapter V:

8 (1) the defendant's conduct caused or threatened
9 serious harm;

10 (2) the defendant received compensation for committing
11 the offense;

12 (3) the defendant has a history of prior delinquency
13 or criminal activity;

14 (4) the defendant, by the duties of his office or by
15 his position, was obliged to prevent the particular
16 offense committed or to bring the offenders committing it
17 to justice;

18 (5) the defendant held public office at the time of
19 the offense, and the offense related to the conduct of
20 that office;

21 (6) the defendant utilized his professional reputation
22 or position in the community to commit the offense, or to
23 afford him an easier means of committing it;

24 (7) the sentence is necessary to deter others from
25 committing the same crime;

26 (8) the defendant committed the offense against a

1 person 60 years of age or older or such person's property;

2 (9) the defendant committed the offense against a
3 person who has a physical disability or such person's
4 property;

5 (10) by reason of another individual's actual or
6 perceived race, color, creed, religion, ancestry, gender,
7 sexual orientation, physical or mental disability, or
8 national origin, the defendant committed the offense
9 against (i) the person or property of that individual;
10 (ii) the person or property of a person who has an
11 association with, is married to, or has a friendship with
12 the other individual; or (iii) the person or property of a
13 relative (by blood or marriage) of a person described in
14 clause (i) or (ii). For the purposes of this Section,
15 "sexual orientation" has the meaning ascribed to it in
16 paragraph (O-1) of Section 1-103 of the Illinois Human
17 Rights Act;

18 (11) the offense took place in a place of worship or on
19 the grounds of a place of worship, immediately prior to,
20 during or immediately following worship services. For
21 purposes of this subparagraph, "place of worship" shall
22 mean any church, synagogue or other building, structure or
23 place used primarily for religious worship;

24 (12) the defendant was convicted of a felony committed
25 while he was on pretrial release or his own recognizance
26 pending trial for a prior felony and was convicted of such

1 prior felony, or the defendant was convicted of a felony
2 committed while he was serving a period of probation,
3 conditional discharge, or mandatory supervised release
4 under subsection (d) of Section 5-8-1 for a prior felony;

5 (13) the defendant committed or attempted to commit a
6 felony while he was wearing a bulletproof vest. For the
7 purposes of this paragraph (13), a bulletproof vest is any
8 device which is designed for the purpose of protecting the
9 wearer from bullets, shot or other lethal projectiles;

10 (14) the defendant held a position of trust or
11 supervision such as, but not limited to, family member as
12 defined in Section 11-0.1 of the Criminal Code of 2012,
13 teacher, scout leader, baby sitter, or day care worker, in
14 relation to a victim under 18 years of age, and the
15 defendant committed an offense in violation of Section
16 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
17 11-14.4 except for an offense that involves keeping a
18 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
19 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
20 or 12-16 of the Criminal Code of 1961 or the Criminal Code
21 of 2012 against that victim;

22 (15) the defendant committed an offense related to the
23 activities of an organized gang. For the purposes of this
24 factor, "organized gang" has the meaning ascribed to it in
25 Section 10 of the Streetgang Terrorism Omnibus Prevention
26 Act;

1 (16) the defendant committed an offense in violation
2 of one of the following Sections while in a school,
3 regardless of the time of day or time of year; on any
4 conveyance owned, leased, or contracted by a school to
5 transport students to or from school or a school related
6 activity; on the real property of a school; or on a public
7 way within 1,000 feet of the real property comprising any
8 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
9 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
10 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
11 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
12 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
13 for subdivision (a)(4) or (g)(1), of the Criminal Code of
14 1961 or the Criminal Code of 2012;

15 (16.5) the defendant committed an offense in violation
16 of one of the following Sections while in a day care
17 center, regardless of the time of day or time of year; on
18 the real property of a day care center, regardless of the
19 time of day or time of year; or on a public way within
20 1,000 feet of the real property comprising any day care
21 center, regardless of the time of day or time of year:
22 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
23 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
24 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
25 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
26 18-2, or 33A-2, or Section 12-3.05 except for subdivision

1 (a) (4) or (g) (1), of the Criminal Code of 1961 or the
2 Criminal Code of 2012;

3 (17) the defendant committed the offense by reason of
4 any person's activity as a community policing volunteer or
5 to prevent any person from engaging in activity as a
6 community policing volunteer. For the purpose of this
7 Section, "community policing volunteer" has the meaning
8 ascribed to it in Section 2-3.5 of the Criminal Code of
9 2012;

10 (18) the defendant committed the offense in a nursing
11 home or on the real property comprising a nursing home.
12 For the purposes of this paragraph (18), "nursing home"
13 means a skilled nursing or intermediate long term care
14 facility that is subject to license by the Illinois
15 Department of Public Health under the Nursing Home Care
16 Act, the Specialized Mental Health Rehabilitation Act of
17 2013, the ID/DD Community Care Act, or the MC/DD Act;

18 (19) the defendant was a federally licensed firearm
19 dealer and was previously convicted of a violation of
20 subsection (a) of Section 3 of the Firearm Owners
21 Identification Card Act before its repeal by this
22 amendatory Act of the 103rd General Assembly and has now
23 committed ~~either a felony violation of the Firearm Owners~~
24 ~~Identification Card Act or~~ an act of armed violence while
25 armed with a firearm;

26 (20) the defendant (i) committed the offense of

1 reckless homicide under Section 9-3 of the Criminal Code
2 of 1961 or the Criminal Code of 2012 or the offense of
3 driving under the influence of alcohol, other drug or
4 drugs, intoxicating compound or compounds or any
5 combination thereof under Section 11-501 of the Illinois
6 Vehicle Code or a similar provision of a local ordinance
7 and (ii) was operating a motor vehicle in excess of 20
8 miles per hour over the posted speed limit as provided in
9 Article VI of Chapter 11 of the Illinois Vehicle Code;

10 (21) the defendant (i) committed the offense of
11 reckless driving or aggravated reckless driving under
12 Section 11-503 of the Illinois Vehicle Code and (ii) was
13 operating a motor vehicle in excess of 20 miles per hour
14 over the posted speed limit as provided in Article VI of
15 Chapter 11 of the Illinois Vehicle Code;

16 (22) the defendant committed the offense against a
17 person that the defendant knew, or reasonably should have
18 known, was a member of the Armed Forces of the United
19 States serving on active duty. For purposes of this clause
20 (22), the term "Armed Forces" means any of the Armed
21 Forces of the United States, including a member of any
22 reserve component thereof or National Guard unit called to
23 active duty;

24 (23) the defendant committed the offense against a
25 person who was elderly or infirm or who was a person with a
26 disability by taking advantage of a family or fiduciary

1 relationship with the elderly or infirm person or person
2 with a disability;

3 (24) the defendant committed any offense under Section
4 11-20.1 of the Criminal Code of 1961 or the Criminal Code
5 of 2012 and possessed 100 or more images;

6 (25) the defendant committed the offense while the
7 defendant or the victim was in a train, bus, or other
8 vehicle used for public transportation;

9 (26) the defendant committed the offense of child
10 pornography or aggravated child pornography, specifically
11 including paragraph (1), (2), (3), (4), (5), or (7) of
12 subsection (a) of Section 11-20.1 of the Criminal Code of
13 1961 or the Criminal Code of 2012 where a child engaged in,
14 solicited for, depicted in, or posed in any act of sexual
15 penetration or bound, fettered, or subject to sadistic,
16 masochistic, or sadomasochistic abuse in a sexual context
17 and specifically including paragraph (1), (2), (3), (4),
18 (5), or (7) of subsection (a) of Section 11-20.1B or
19 Section 11-20.3 of the Criminal Code of 1961 where a child
20 engaged in, solicited for, depicted in, or posed in any
21 act of sexual penetration or bound, fettered, or subject
22 to sadistic, masochistic, or sadomasochistic abuse in a
23 sexual context;

24 (27) the defendant committed the offense of first
25 degree murder, assault, aggravated assault, battery,
26 aggravated battery, robbery, armed robbery, or aggravated

1 robbery against a person who was a veteran and the
2 defendant knew, or reasonably should have known, that the
3 person was a veteran performing duties as a representative
4 of a veterans' organization. For the purposes of this
5 paragraph (27), "veteran" means an Illinois resident who
6 has served as a member of the United States Armed Forces, a
7 member of the Illinois National Guard, or a member of the
8 United States Reserve Forces; and "veterans' organization"
9 means an organization comprised of members of which
10 substantially all are individuals who are veterans or
11 spouses, widows, or widowers of veterans, the primary
12 purpose of which is to promote the welfare of its members
13 and to provide assistance to the general public in such a
14 way as to confer a public benefit;

15 (28) the defendant committed the offense of assault,
16 aggravated assault, battery, aggravated battery, robbery,
17 armed robbery, or aggravated robbery against a person that
18 the defendant knew or reasonably should have known was a
19 letter carrier or postal worker while that person was
20 performing his or her duties delivering mail for the
21 United States Postal Service;

22 (29) the defendant committed the offense of criminal
23 sexual assault, aggravated criminal sexual assault,
24 criminal sexual abuse, or aggravated criminal sexual abuse
25 against a victim with an intellectual disability, and the
26 defendant holds a position of trust, authority, or

1 supervision in relation to the victim;

2 (30) the defendant committed the offense of promoting
3 juvenile prostitution, patronizing a prostitute, or
4 patronizing a minor engaged in prostitution and at the
5 time of the commission of the offense knew that the
6 prostitute or minor engaged in prostitution was in the
7 custody or guardianship of the Department of Children and
8 Family Services;

9 (31) the defendant (i) committed the offense of
10 driving while under the influence of alcohol, other drug
11 or drugs, intoxicating compound or compounds or any
12 combination thereof in violation of Section 11-501 of the
13 Illinois Vehicle Code or a similar provision of a local
14 ordinance and (ii) the defendant during the commission of
15 the offense was driving his or her vehicle upon a roadway
16 designated for one-way traffic in the opposite direction
17 of the direction indicated by official traffic control
18 devices;

19 (32) the defendant committed the offense of reckless
20 homicide while committing a violation of Section 11-907 of
21 the Illinois Vehicle Code;

22 (33) the defendant was found guilty of an
23 administrative infraction related to an act or acts of
24 public indecency or sexual misconduct in the penal
25 institution. In this paragraph (33), "penal institution"
26 has the same meaning as in Section 2-14 of the Criminal

1 Code of 2012; or

2 (34) the defendant committed the offense of leaving
3 the scene of a crash in violation of subsection (b) of
4 Section 11-401 of the Illinois Vehicle Code and the crash
5 resulted in the death of a person and at the time of the
6 offense, the defendant was: (i) driving under the
7 influence of alcohol, other drug or drugs, intoxicating
8 compound or compounds or any combination thereof as
9 defined by Section 11-501 of the Illinois Vehicle Code; or
10 (ii) operating the motor vehicle while using an electronic
11 communication device as defined in Section 12-610.2 of the
12 Illinois Vehicle Code.

13 For the purposes of this Section:

14 "School" is defined as a public or private elementary or
15 secondary school, community college, college, or university.

16 "Day care center" means a public or private State
17 certified and licensed day care center as defined in Section
18 2.09 of the Child Care Act of 1969 that displays a sign in
19 plain view stating that the property is a day care center.

20 "Intellectual disability" means significantly subaverage
21 intellectual functioning which exists concurrently with
22 impairment in adaptive behavior.

23 "Public transportation" means the transportation or
24 conveyance of persons by means available to the general
25 public, and includes paratransit services.

26 "Traffic control devices" means all signs, signals,

1 markings, and devices that conform to the Illinois Manual on
2 Uniform Traffic Control Devices, placed or erected by
3 authority of a public body or official having jurisdiction,
4 for the purpose of regulating, warning, or guiding traffic.

5 (b) The following factors, related to all felonies, may be
6 considered by the court as reasons to impose an extended term
7 sentence under Section 5-8-2 upon any offender:

8 (1) When a defendant is convicted of any felony, after
9 having been previously convicted in Illinois or any other
10 jurisdiction of the same or similar class felony or
11 greater class felony, when such conviction has occurred
12 within 10 years after the previous conviction, excluding
13 time spent in custody, and such charges are separately
14 brought and tried and arise out of different series of
15 acts; or

16 (2) When a defendant is convicted of any felony and
17 the court finds that the offense was accompanied by
18 exceptionally brutal or heinous behavior indicative of
19 wanton cruelty; or

20 (3) When a defendant is convicted of any felony
21 committed against:

22 (i) a person under 12 years of age at the time of
23 the offense or such person's property;

24 (ii) a person 60 years of age or older at the time
25 of the offense or such person's property; or

26 (iii) a person who had a physical disability at

1 the time of the offense or such person's property; or

2 (4) When a defendant is convicted of any felony and
3 the offense involved any of the following types of
4 specific misconduct committed as part of a ceremony, rite,
5 initiation, observance, performance, practice or activity
6 of any actual or ostensible religious, fraternal, or
7 social group:

8 (i) the brutalizing or torturing of humans or
9 animals;

10 (ii) the theft of human corpses;

11 (iii) the kidnapping of humans;

12 (iv) the desecration of any cemetery, religious,
13 fraternal, business, governmental, educational, or
14 other building or property; or

15 (v) ritualized abuse of a child; or

16 (5) When a defendant is convicted of a felony other
17 than conspiracy and the court finds that the felony was
18 committed under an agreement with 2 or more other persons
19 to commit that offense and the defendant, with respect to
20 the other individuals, occupied a position of organizer,
21 supervisor, financier, or any other position of management
22 or leadership, and the court further finds that the felony
23 committed was related to or in furtherance of the criminal
24 activities of an organized gang or was motivated by the
25 defendant's leadership in an organized gang; or

26 (6) When a defendant is convicted of an offense

1 committed while using a firearm with a laser sight
2 attached to it. For purposes of this paragraph, "laser
3 sight" has the meaning ascribed to it in Section 26-7 of
4 the Criminal Code of 2012; or

5 (7) When a defendant who was at least 17 years of age
6 at the time of the commission of the offense is convicted
7 of a felony and has been previously adjudicated a
8 delinquent minor under the Juvenile Court Act of 1987 for
9 an act that if committed by an adult would be a Class X or
10 Class 1 felony when the conviction has occurred within 10
11 years after the previous adjudication, excluding time
12 spent in custody; or

13 (8) When a defendant commits any felony and the
14 defendant used, possessed, exercised control over, or
15 otherwise directed an animal to assault a law enforcement
16 officer engaged in the execution of his or her official
17 duties or in furtherance of the criminal activities of an
18 organized gang in which the defendant is engaged; or

19 (9) When a defendant commits any felony and the
20 defendant knowingly video or audio records the offense
21 with the intent to disseminate the recording.

22 (c) The following factors may be considered by the court
23 as reasons to impose an extended term sentence under Section
24 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed
25 offenses:

26 (1) When a defendant is convicted of first degree

1 murder, after having been previously convicted in Illinois
2 of any offense listed under paragraph (c)(2) of Section
3 5-5-3 (730 ILCS 5/5-5-3), when that conviction has
4 occurred within 10 years after the previous conviction,
5 excluding time spent in custody, and the charges are
6 separately brought and tried and arise out of different
7 series of acts.

8 (1.5) When a defendant is convicted of first degree
9 murder, after having been previously convicted of domestic
10 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
11 (720 ILCS 5/12-3.3) committed on the same victim or after
12 having been previously convicted of violation of an order
13 of protection (720 ILCS 5/12-30) in which the same victim
14 was the protected person.

15 (2) When a defendant is convicted of voluntary
16 manslaughter, second degree murder, involuntary
17 manslaughter, or reckless homicide in which the defendant
18 has been convicted of causing the death of more than one
19 individual.

20 (3) When a defendant is convicted of aggravated
21 criminal sexual assault or criminal sexual assault, when
22 there is a finding that aggravated criminal sexual assault
23 or criminal sexual assault was also committed on the same
24 victim by one or more other individuals, and the defendant
25 voluntarily participated in the crime with the knowledge
26 of the participation of the others in the crime, and the

1 commission of the crime was part of a single course of
2 conduct during which there was no substantial change in
3 the nature of the criminal objective.

4 (4) If the victim was under 18 years of age at the time
5 of the commission of the offense, when a defendant is
6 convicted of aggravated criminal sexual assault or
7 predatory criminal sexual assault of a child under
8 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
9 of Section 12-14.1 of the Criminal Code of 1961 or the
10 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

11 (5) When a defendant is convicted of a felony
12 violation of Section 24-1 of the Criminal Code of 1961 or
13 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a
14 finding that the defendant is a member of an organized
15 gang.

16 (6) When a defendant was convicted of unlawful use of
17 weapons under Section 24-1 of the Criminal Code of 1961 or
18 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing
19 a weapon that is not readily distinguishable as one of the
20 weapons enumerated in Section 24-1 of the Criminal Code of
21 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

22 (7) When a defendant is convicted of an offense
23 involving the illegal manufacture of a controlled
24 substance under Section 401 of the Illinois Controlled
25 Substances Act (720 ILCS 570/401), the illegal manufacture
26 of methamphetamine under Section 25 of the Methamphetamine

1 Control and Community Protection Act (720 ILCS 646/25), or
2 the illegal possession of explosives and an emergency
3 response officer in the performance of his or her duties
4 is killed or injured at the scene of the offense while
5 responding to the emergency caused by the commission of
6 the offense. In this paragraph, "emergency" means a
7 situation in which a person's life, health, or safety is
8 in jeopardy; and "emergency response officer" means a
9 peace officer, community policing volunteer, fireman,
10 emergency medical technician-ambulance, emergency medical
11 technician-intermediate, emergency medical
12 technician-paramedic, ambulance driver, other medical
13 assistance or first aid personnel, or hospital emergency
14 room personnel.

15 (8) When the defendant is convicted of attempted mob
16 action, solicitation to commit mob action, or conspiracy
17 to commit mob action under Section 8-1, 8-2, or 8-4 of the
18 Criminal Code of 2012, where the criminal object is a
19 violation of Section 25-1 of the Criminal Code of 2012,
20 and an electronic communication is used in the commission
21 of the offense. For the purposes of this paragraph (8),
22 "electronic communication" shall have the meaning provided
23 in Section 26.5-0.1 of the Criminal Code of 2012.

24 (d) For the purposes of this Section, "organized gang" has
25 the meaning ascribed to it in Section 10 of the Illinois
26 Streetgang Terrorism Omnibus Prevention Act.

1 (e) The court may impose an extended term sentence under
2 Article 4.5 of Chapter V upon an offender who has been
3 convicted of a felony violation of Section 11-1.20, 11-1.30,
4 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
5 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
6 when the victim of the offense is under 18 years of age at the
7 time of the commission of the offense and, during the
8 commission of the offense, the victim was under the influence
9 of alcohol, regardless of whether or not the alcohol was
10 supplied by the offender; and the offender, at the time of the
11 commission of the offense, knew or should have known that the
12 victim had consumed alcohol.

13 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;
14 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.
15 8-20-21; 102-982, eff. 7-1-23.)

16 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

17 Sec. 5-6-3. Conditions of probation and of conditional
18 discharge.

19 (a) The conditions of probation and of conditional
20 discharge shall be that the person:

21 (1) not violate any criminal statute of any
22 jurisdiction;

23 (2) report to or appear in person before such person
24 or agency as directed by the court;

25 (3) refrain from possessing a firearm or other

1 dangerous weapon where the offense is a felony or, if a
2 misdemeanor, the offense involved the intentional or
3 knowing infliction of bodily harm or threat of bodily
4 harm;

5 (4) not leave the State without the consent of the
6 court or, in circumstances in which the reason for the
7 absence is of such an emergency nature that prior consent
8 by the court is not possible, without the prior
9 notification and approval of the person's probation
10 officer. Transfer of a person's probation or conditional
11 discharge supervision to another state is subject to
12 acceptance by the other state pursuant to the Interstate
13 Compact for Adult Offender Supervision;

14 (5) permit the probation officer to visit him at his
15 home or elsewhere to the extent necessary to discharge his
16 duties;

17 (6) perform no less than 30 hours of community service
18 and not more than 120 hours of community service, if
19 community service is available in the jurisdiction and is
20 funded and approved by the county board where the offense
21 was committed, where the offense was related to or in
22 furtherance of the criminal activities of an organized
23 gang and was motivated by the offender's membership in or
24 allegiance to an organized gang. The community service
25 shall include, but not be limited to, the cleanup and
26 repair of any damage caused by a violation of Section

1 21-1.3 of the Criminal Code of 1961 or the Criminal Code of
2 2012 and similar damage to property located within the
3 municipality or county in which the violation occurred.
4 When possible and reasonable, the community service should
5 be performed in the offender's neighborhood. For purposes
6 of this Section, "organized gang" has the meaning ascribed
7 to it in Section 10 of the Illinois Streetgang Terrorism
8 Omnibus Prevention Act. The court may give credit toward
9 the fulfillment of community service hours for
10 participation in activities and treatment as determined by
11 court services;

12 (7) if he or she is at least 17 years of age and has
13 been sentenced to probation or conditional discharge for a
14 misdemeanor or felony in a county of 3,000,000 or more
15 inhabitants and has not been previously convicted of a
16 misdemeanor or felony, may be required by the sentencing
17 court to attend educational courses designed to prepare
18 the defendant for a high school diploma and to work toward
19 a high school diploma or to work toward passing high
20 school equivalency testing or to work toward completing a
21 vocational training program approved by the court. The
22 person on probation or conditional discharge must attend a
23 public institution of education to obtain the educational
24 or vocational training required by this paragraph (7). The
25 court shall revoke the probation or conditional discharge
26 of a person who willfully fails to comply with this

1 paragraph (7). The person on probation or conditional
2 discharge shall be required to pay for the cost of the
3 educational courses or high school equivalency testing if
4 a fee is charged for those courses or testing. The court
5 shall resentence the offender whose probation or
6 conditional discharge has been revoked as provided in
7 Section 5-6-4. This paragraph (7) does not apply to a
8 person who has a high school diploma or has successfully
9 passed high school equivalency testing. This paragraph (7)
10 does not apply to a person who is determined by the court
11 to be a person with a developmental disability or
12 otherwise mentally incapable of completing the educational
13 or vocational program;

14 (8) if convicted of possession of a substance
15 prohibited by the Cannabis Control Act, the Illinois
16 Controlled Substances Act, or the Methamphetamine Control
17 and Community Protection Act after a previous conviction
18 or disposition of supervision for possession of a
19 substance prohibited by the Cannabis Control Act or
20 Illinois Controlled Substances Act or after a sentence of
21 probation under Section 10 of the Cannabis Control Act,
22 Section 410 of the Illinois Controlled Substances Act, or
23 Section 70 of the Methamphetamine Control and Community
24 Protection Act and upon a finding by the court that the
25 person is addicted, undergo treatment at a substance abuse
26 program approved by the court;

1 (8.5) if convicted of a felony sex offense as defined
2 in the Sex Offender Management Board Act, the person shall
3 undergo and successfully complete sex offender treatment
4 by a treatment provider approved by the Board and
5 conducted in conformance with the standards developed
6 under the Sex Offender Management Board Act;

7 (8.6) if convicted of a sex offense as defined in the
8 Sex Offender Management Board Act, refrain from residing
9 at the same address or in the same condominium unit or
10 apartment unit or in the same condominium complex or
11 apartment complex with another person he or she knows or
12 reasonably should know is a convicted sex offender or has
13 been placed on supervision for a sex offense; the
14 provisions of this paragraph do not apply to a person
15 convicted of a sex offense who is placed in a Department of
16 Corrections licensed transitional housing facility for sex
17 offenders;

18 (8.7) if convicted for an offense committed on or
19 after June 1, 2008 (the effective date of Public Act
20 95-464) that would qualify the accused as a child sex
21 offender as defined in Section 11-9.3 or 11-9.4 of the
22 Criminal Code of 1961 or the Criminal Code of 2012,
23 refrain from communicating with or contacting, by means of
24 the Internet, a person who is not related to the accused
25 and whom the accused reasonably believes to be under 18
26 years of age; for purposes of this paragraph (8.7),

1 "Internet" has the meaning ascribed to it in Section
2 16-0.1 of the Criminal Code of 2012; and a person is not
3 related to the accused if the person is not: (i) the
4 spouse, brother, or sister of the accused; (ii) a
5 descendant of the accused; (iii) a first or second cousin
6 of the accused; or (iv) a step-child or adopted child of
7 the accused;

8 (8.8) if convicted for an offense under Section 11-6,
9 11-9.1, 11-14.4 that involves soliciting for a juvenile
10 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
11 of the Criminal Code of 1961 or the Criminal Code of 2012,
12 or any attempt to commit any of these offenses, committed
13 on or after June 1, 2009 (the effective date of Public Act
14 95-983):

15 (i) not access or use a computer or any other
16 device with Internet capability without the prior
17 written approval of the offender's probation officer,
18 except in connection with the offender's employment or
19 search for employment with the prior approval of the
20 offender's probation officer;

21 (ii) submit to periodic unannounced examinations
22 of the offender's computer or any other device with
23 Internet capability by the offender's probation
24 officer, a law enforcement officer, or assigned
25 computer or information technology specialist,
26 including the retrieval and copying of all data from

1 the computer or device and any internal or external
2 peripherals and removal of such information,
3 equipment, or device to conduct a more thorough
4 inspection;

5 (iii) submit to the installation on the offender's
6 computer or device with Internet capability, at the
7 offender's expense, of one or more hardware or
8 software systems to monitor the Internet use; and

9 (iv) submit to any other appropriate restrictions
10 concerning the offender's use of or access to a
11 computer or any other device with Internet capability
12 imposed by the offender's probation officer;

13 (8.9) if convicted of a sex offense as defined in the
14 Sex Offender Registration Act committed on or after
15 January 1, 2010 (the effective date of Public Act 96-262),
16 refrain from accessing or using a social networking
17 website as defined in Section 17-0.5 of the Criminal Code
18 of 2012;

19 (9) if convicted of a felony or of any misdemeanor
20 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or
21 12-3.5 of the Criminal Code of 1961 or the Criminal Code of
22 2012 that was determined, pursuant to Section 112A-11.1 of
23 the Code of Criminal Procedure of 1963, to trigger the
24 prohibitions of 18 U.S.C. 922(g)(9), physically surrender
25 at a time and place designated by the court, ~~his or her~~
26 ~~Firearm Owner's Identification Card~~ and any and all

1 firearms in his or her possession. ~~The Court shall return~~
2 ~~to the Illinois State Police Firearm Owner's~~
3 ~~Identification Card Office the person's Firearm Owner's~~
4 ~~Identification Card;~~

5 (10) if convicted of a sex offense as defined in
6 subsection (a-5) of Section 3-1-2 of this Code, unless the
7 offender is a parent or guardian of the person under 18
8 years of age present in the home and no non-familial
9 minors are present, not participate in a holiday event
10 involving children under 18 years of age, such as
11 distributing candy or other items to children on
12 Halloween, wearing a Santa Claus costume on or preceding
13 Christmas, being employed as a department store Santa
14 Claus, or wearing an Easter Bunny costume on or preceding
15 Easter;

16 (11) if convicted of a sex offense as defined in
17 Section 2 of the Sex Offender Registration Act committed
18 on or after January 1, 2010 (the effective date of Public
19 Act 96-362) that requires the person to register as a sex
20 offender under that Act, may not knowingly use any
21 computer scrub software on any computer that the sex
22 offender uses;

23 (12) if convicted of a violation of the
24 Methamphetamine Control and Community Protection Act, the
25 Methamphetamine Precursor Control Act, or a
26 methamphetamine related offense:

1 (A) prohibited from purchasing, possessing, or
2 having under his or her control any product containing
3 pseudoephedrine unless prescribed by a physician; and

4 (B) prohibited from purchasing, possessing, or
5 having under his or her control any product containing
6 ammonium nitrate; and

7 (13) if convicted of a hate crime involving the
8 protected class identified in subsection (a) of Section
9 12-7.1 of the Criminal Code of 2012 that gave rise to the
10 offense the offender committed, perform public or
11 community service of no less than 200 hours and enroll in
12 an educational program discouraging hate crimes that
13 includes racial, ethnic, and cultural sensitivity training
14 ordered by the court.

15 (b) The Court may in addition to other reasonable
16 conditions relating to the nature of the offense or the
17 rehabilitation of the defendant as determined for each
18 defendant in the proper discretion of the Court require that
19 the person:

20 (1) serve a term of periodic imprisonment under
21 Article 7 for a period not to exceed that specified in
22 paragraph (d) of Section 5-7-1;

23 (2) pay a fine and costs;

24 (3) work or pursue a course of study or vocational
25 training;

26 (4) undergo medical, psychological or psychiatric

1 treatment; or treatment for drug addiction or alcoholism;

2 (5) attend or reside in a facility established for the
3 instruction or residence of defendants on probation;

4 (6) support his dependents;

5 (7) and in addition, if a minor:

6 (i) reside with his parents or in a foster home;

7 (ii) attend school;

8 (iii) attend a non-residential program for youth;

9 (iv) contribute to his own support at home or in a
10 foster home;

11 (v) with the consent of the superintendent of the
12 facility, attend an educational program at a facility
13 other than the school in which the offense was
14 committed if he or she is convicted of a crime of
15 violence as defined in Section 2 of the Crime Victims
16 Compensation Act committed in a school, on the real
17 property comprising a school, or within 1,000 feet of
18 the real property comprising a school;

19 (8) make restitution as provided in Section 5-5-6 of
20 this Code;

21 (9) perform some reasonable public or community
22 service;

23 (10) serve a term of home confinement. In addition to
24 any other applicable condition of probation or conditional
25 discharge, the conditions of home confinement shall be
26 that the offender:

1 (i) remain within the interior premises of the
2 place designated for his confinement during the hours
3 designated by the court;

4 (ii) admit any person or agent designated by the
5 court into the offender's place of confinement at any
6 time for purposes of verifying the offender's
7 compliance with the conditions of his confinement; and

8 (iii) if further deemed necessary by the court or
9 the Probation or Court Services Department, be placed
10 on an approved electronic monitoring device, subject
11 to Article 8A of Chapter V;

12 (iv) for persons convicted of any alcohol,
13 cannabis or controlled substance violation who are
14 placed on an approved monitoring device as a condition
15 of probation or conditional discharge, the court shall
16 impose a reasonable fee for each day of the use of the
17 device, as established by the county board in
18 subsection (g) of this Section, unless after
19 determining the inability of the offender to pay the
20 fee, the court assesses a lesser fee or no fee as the
21 case may be. This fee shall be imposed in addition to
22 the fees imposed under subsections (g) and (i) of this
23 Section. The fee shall be collected by the clerk of the
24 circuit court, except as provided in an administrative
25 order of the Chief Judge of the circuit court. The
26 clerk of the circuit court shall pay all monies

1 collected from this fee to the county treasurer for
2 deposit in the substance abuse services fund under
3 Section 5-1086.1 of the Counties Code, except as
4 provided in an administrative order of the Chief Judge
5 of the circuit court.

6 The Chief Judge of the circuit court of the county
7 may by administrative order establish a program for
8 electronic monitoring of offenders, in which a vendor
9 supplies and monitors the operation of the electronic
10 monitoring device, and collects the fees on behalf of
11 the county. The program shall include provisions for
12 indigent offenders and the collection of unpaid fees.
13 The program shall not unduly burden the offender and
14 shall be subject to review by the Chief Judge.

15 The Chief Judge of the circuit court may suspend
16 any additional charges or fees for late payment,
17 interest, or damage to any device; and

18 (v) for persons convicted of offenses other than
19 those referenced in clause (iv) above and who are
20 placed on an approved monitoring device as a condition
21 of probation or conditional discharge, the court shall
22 impose a reasonable fee for each day of the use of the
23 device, as established by the county board in
24 subsection (g) of this Section, unless after
25 determining the inability of the defendant to pay the
26 fee, the court assesses a lesser fee or no fee as the

1 case may be. This fee shall be imposed in addition to
2 the fees imposed under subsections (g) and (i) of this
3 Section. The fee shall be collected by the clerk of the
4 circuit court, except as provided in an administrative
5 order of the Chief Judge of the circuit court. The
6 clerk of the circuit court shall pay all monies
7 collected from this fee to the county treasurer who
8 shall use the monies collected to defray the costs of
9 corrections. The county treasurer shall deposit the
10 fee collected in the probation and court services
11 fund. The Chief Judge of the circuit court of the
12 county may by administrative order establish a program
13 for electronic monitoring of offenders, in which a
14 vendor supplies and monitors the operation of the
15 electronic monitoring device, and collects the fees on
16 behalf of the county. The program shall include
17 provisions for indigent offenders and the collection
18 of unpaid fees. The program shall not unduly burden
19 the offender and shall be subject to review by the
20 Chief Judge.

21 The Chief Judge of the circuit court may suspend
22 any additional charges or fees for late payment,
23 interest, or damage to any device.

24 (11) comply with the terms and conditions of an order
25 of protection issued by the court pursuant to the Illinois
26 Domestic Violence Act of 1986, as now or hereafter

1 amended, or an order of protection issued by the court of
2 another state, tribe, or United States territory. A copy
3 of the order of protection shall be transmitted to the
4 probation officer or agency having responsibility for the
5 case;

6 (12) reimburse any "local anti-crime program" as
7 defined in Section 7 of the Anti-Crime Advisory Council
8 Act for any reasonable expenses incurred by the program on
9 the offender's case, not to exceed the maximum amount of
10 the fine authorized for the offense for which the
11 defendant was sentenced;

12 (13) contribute a reasonable sum of money, not to
13 exceed the maximum amount of the fine authorized for the
14 offense for which the defendant was sentenced, (i) to a
15 "local anti-crime program", as defined in Section 7 of the
16 Anti-Crime Advisory Council Act, or (ii) for offenses
17 under the jurisdiction of the Department of Natural
18 Resources, to the fund established by the Department of
19 Natural Resources for the purchase of evidence for
20 investigation purposes and to conduct investigations as
21 outlined in Section 805-105 of the Department of Natural
22 Resources (Conservation) Law;

23 (14) refrain from entering into a designated
24 geographic area except upon such terms as the court finds
25 appropriate. Such terms may include consideration of the
26 purpose of the entry, the time of day, other persons

1 accompanying the defendant, and advance approval by a
2 probation officer, if the defendant has been placed on
3 probation or advance approval by the court, if the
4 defendant was placed on conditional discharge;

5 (15) refrain from having any contact, directly or
6 indirectly, with certain specified persons or particular
7 types of persons, including but not limited to members of
8 street gangs and drug users or dealers;

9 (16) refrain from having in his or her body the
10 presence of any illicit drug prohibited by the Cannabis
11 Control Act, the Illinois Controlled Substances Act, or
12 the Methamphetamine Control and Community Protection Act,
13 unless prescribed by a physician, and submit samples of
14 his or her blood or urine or both for tests to determine
15 the presence of any illicit drug;

16 (17) if convicted for an offense committed on or after
17 June 1, 2008 (the effective date of Public Act 95-464)
18 that would qualify the accused as a child sex offender as
19 defined in Section 11-9.3 or 11-9.4 of the Criminal Code
20 of 1961 or the Criminal Code of 2012, refrain from
21 communicating with or contacting, by means of the
22 Internet, a person who is related to the accused and whom
23 the accused reasonably believes to be under 18 years of
24 age; for purposes of this paragraph (17), "Internet" has
25 the meaning ascribed to it in Section 16-0.1 of the
26 Criminal Code of 2012; and a person is related to the

1 accused if the person is: (i) the spouse, brother, or
2 sister of the accused; (ii) a descendant of the accused;
3 (iii) a first or second cousin of the accused; or (iv) a
4 step-child or adopted child of the accused;

5 (18) if convicted for an offense committed on or after
6 June 1, 2009 (the effective date of Public Act 95-983)
7 that would qualify as a sex offense as defined in the Sex
8 Offender Registration Act:

9 (i) not access or use a computer or any other
10 device with Internet capability without the prior
11 written approval of the offender's probation officer,
12 except in connection with the offender's employment or
13 search for employment with the prior approval of the
14 offender's probation officer;

15 (ii) submit to periodic unannounced examinations
16 of the offender's computer or any other device with
17 Internet capability by the offender's probation
18 officer, a law enforcement officer, or assigned
19 computer or information technology specialist,
20 including the retrieval and copying of all data from
21 the computer or device and any internal or external
22 peripherals and removal of such information,
23 equipment, or device to conduct a more thorough
24 inspection;

25 (iii) submit to the installation on the offender's
26 computer or device with Internet capability, at the

1 subject's expense, of one or more hardware or software
2 systems to monitor the Internet use; and

3 (iv) submit to any other appropriate restrictions
4 concerning the offender's use of or access to a
5 computer or any other device with Internet capability
6 imposed by the offender's probation officer; and

7 (19) refrain from possessing a firearm or other
8 dangerous weapon where the offense is a misdemeanor that
9 did not involve the intentional or knowing infliction of
10 bodily harm or threat of bodily harm.

11 (c) The court may as a condition of probation or of
12 conditional discharge require that a person under 18 years of
13 age found guilty of any alcohol, cannabis or controlled
14 substance violation, refrain from acquiring a driver's license
15 during the period of probation or conditional discharge. If
16 such person is in possession of a permit or license, the court
17 may require that the minor refrain from driving or operating
18 any motor vehicle during the period of probation or
19 conditional discharge, except as may be necessary in the
20 course of the minor's lawful employment.

21 (d) An offender sentenced to probation or to conditional
22 discharge shall be given a certificate setting forth the
23 conditions thereof.

24 (e) Except where the offender has committed a fourth or
25 subsequent violation of subsection (c) of Section 6-303 of the
26 Illinois Vehicle Code, the court shall not require as a

1 condition of the sentence of probation or conditional
2 discharge that the offender be committed to a period of
3 imprisonment in excess of 6 months. This 6-month limit shall
4 not include periods of confinement given pursuant to a
5 sentence of county impact incarceration under Section 5-8-1.2.

6 Persons committed to imprisonment as a condition of
7 probation or conditional discharge shall not be committed to
8 the Department of Corrections.

9 (f) The court may combine a sentence of periodic
10 imprisonment under Article 7 or a sentence to a county impact
11 incarceration program under Article 8 with a sentence of
12 probation or conditional discharge.

13 (g) An offender sentenced to probation or to conditional
14 discharge and who during the term of either undergoes
15 mandatory drug or alcohol testing, or both, or is assigned to
16 be placed on an approved electronic monitoring device, shall
17 be ordered to pay all costs incidental to such mandatory drug
18 or alcohol testing, or both, and all costs incidental to such
19 approved electronic monitoring in accordance with the
20 defendant's ability to pay those costs. The county board with
21 the concurrence of the Chief Judge of the judicial circuit in
22 which the county is located shall establish reasonable fees
23 for the cost of maintenance, testing, and incidental expenses
24 related to the mandatory drug or alcohol testing, or both, and
25 all costs incidental to approved electronic monitoring,
26 involved in a successful probation program for the county. The

1 concurrence of the Chief Judge shall be in the form of an
2 administrative order. The fees shall be collected by the clerk
3 of the circuit court, except as provided in an administrative
4 order of the Chief Judge of the circuit court. The clerk of the
5 circuit court shall pay all moneys collected from these fees
6 to the county treasurer who shall use the moneys collected to
7 defray the costs of drug testing, alcohol testing, and
8 electronic monitoring. The county treasurer shall deposit the
9 fees collected in the county working cash fund under Section
10 6-27001 or Section 6-29002 of the Counties Code, as the case
11 may be. The Chief Judge of the circuit court of the county may
12 by administrative order establish a program for electronic
13 monitoring of offenders, in which a vendor supplies and
14 monitors the operation of the electronic monitoring device,
15 and collects the fees on behalf of the county. The program
16 shall include provisions for indigent offenders and the
17 collection of unpaid fees. The program shall not unduly burden
18 the offender and shall be subject to review by the Chief Judge.

19 The Chief Judge of the circuit court may suspend any
20 additional charges or fees for late payment, interest, or
21 damage to any device.

22 (h) Jurisdiction over an offender may be transferred from
23 the sentencing court to the court of another circuit with the
24 concurrence of both courts. Further transfers or retransfers
25 of jurisdiction are also authorized in the same manner. The
26 court to which jurisdiction has been transferred shall have

1 the same powers as the sentencing court. The probation
2 department within the circuit to which jurisdiction has been
3 transferred, or which has agreed to provide supervision, may
4 impose probation fees upon receiving the transferred offender,
5 as provided in subsection (i). For all transfer cases, as
6 defined in Section 9b of the Probation and Probation Officers
7 Act, the probation department from the original sentencing
8 court shall retain all probation fees collected prior to the
9 transfer. After the transfer, all probation fees shall be paid
10 to the probation department within the circuit to which
11 jurisdiction has been transferred.

12 (i) The court shall impose upon an offender sentenced to
13 probation after January 1, 1989 or to conditional discharge
14 after January 1, 1992 or to community service under the
15 supervision of a probation or court services department after
16 January 1, 2004, as a condition of such probation or
17 conditional discharge or supervised community service, a fee
18 of \$50 for each month of probation or conditional discharge
19 supervision or supervised community service ordered by the
20 court, unless after determining the inability of the person
21 sentenced to probation or conditional discharge or supervised
22 community service to pay the fee, the court assesses a lesser
23 fee. The court may not impose the fee on a minor who is placed
24 in the guardianship or custody of the Department of Children
25 and Family Services under the Juvenile Court Act of 1987 while
26 the minor is in placement. The fee shall be imposed only upon

1 an offender who is actively supervised by the probation and
2 court services department. The fee shall be collected by the
3 clerk of the circuit court. The clerk of the circuit court
4 shall pay all monies collected from this fee to the county
5 treasurer for deposit in the probation and court services fund
6 under Section 15.1 of the Probation and Probation Officers
7 Act.

8 A circuit court may not impose a probation fee under this
9 subsection (i) in excess of \$25 per month unless the circuit
10 court has adopted, by administrative order issued by the chief
11 judge, a standard probation fee guide determining an
12 offender's ability to pay. Of the amount collected as a
13 probation fee, up to \$5 of that fee collected per month may be
14 used to provide services to crime victims and their families.

15 The Court may only waive probation fees based on an
16 offender's ability to pay. The probation department may
17 re-evaluate an offender's ability to pay every 6 months, and,
18 with the approval of the Director of Court Services or the
19 Chief Probation Officer, adjust the monthly fee amount. An
20 offender may elect to pay probation fees due in a lump sum. Any
21 offender that has been assigned to the supervision of a
22 probation department, or has been transferred either under
23 subsection (h) of this Section or under any interstate
24 compact, shall be required to pay probation fees to the
25 department supervising the offender, based on the offender's
26 ability to pay.

1 Public Act 93-970 deletes the \$10 increase in the fee
2 under this subsection that was imposed by Public Act 93-616.
3 This deletion is intended to control over any other Act of the
4 93rd General Assembly that retains or incorporates that fee
5 increase.

6 (i-5) In addition to the fees imposed under subsection (i)
7 of this Section, in the case of an offender convicted of a
8 felony sex offense (as defined in the Sex Offender Management
9 Board Act) or an offense that the court or probation
10 department has determined to be sexually motivated (as defined
11 in the Sex Offender Management Board Act), the court or the
12 probation department shall assess additional fees to pay for
13 all costs of treatment, assessment, evaluation for risk and
14 treatment, and monitoring the offender, based on that
15 offender's ability to pay those costs either as they occur or
16 under a payment plan.

17 (j) All fines and costs imposed under this Section for any
18 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
19 Code, or a similar provision of a local ordinance, and any
20 violation of the Child Passenger Protection Act, or a similar
21 provision of a local ordinance, shall be collected and
22 disbursed by the circuit clerk as provided under the Criminal
23 and Traffic Assessment Act.

24 (k) Any offender who is sentenced to probation or
25 conditional discharge for a felony sex offense as defined in
26 the Sex Offender Management Board Act or any offense that the

1 court or probation department has determined to be sexually
2 motivated as defined in the Sex Offender Management Board Act
3 shall be required to refrain from any contact, directly or
4 indirectly, with any persons specified by the court and shall
5 be available for all evaluations and treatment programs
6 required by the court or the probation department.

7 (1) The court may order an offender who is sentenced to
8 probation or conditional discharge for a violation of an order
9 of protection be placed under electronic surveillance as
10 provided in Section 5-8A-7 of this Code.

11 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)

12 (730 ILCS 5/3-2-13 rep.)

13 Section 180. The Unified Code of Corrections is amended by
14 repealing Section 3-2-13.

15 Section 185. The Probation and Probation Officers Act is
16 amended by changing Section 15.2 as follows:

17 (730 ILCS 110/15.2)

18 Sec. 15.2. Retiring probation officer; purchase of service
19 firearm and badge. Each department shall establish a program
20 to allow a probation officer of the department who is
21 honorably retiring in good standing to purchase either one or
22 both of the following: (1) any badge previously issued to the
23 probation officer by the department; or (2) ~~if the probation~~

1 ~~officer has a currently valid Firearm Owner's Identification~~
2 ~~Card,~~ the service firearm issued or previously issued to the
3 probation officer by the department. The badge must be
4 permanently and conspicuously marked in such a manner that the
5 individual who possesses the badge is not mistaken for an
6 actively serving law enforcement officer. The cost of the
7 firearm shall be the replacement value of the firearm and not
8 the firearm's fair market value.

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

10 Section 190. The Stalking No Contact Order Act is amended
11 by changing Section 80 as follows:

12 (740 ILCS 21/80)

13 Sec. 80. Stalking no contact orders; remedies.

14 (a) If the court finds that the petitioner has been a
15 victim of stalking, a stalking no contact order shall issue;
16 provided that the petitioner must also satisfy the
17 requirements of Section 95 on emergency orders or Section 100
18 on plenary orders. The petitioner shall not be denied a
19 stalking no contact order because the petitioner or the
20 respondent is a minor. The court, when determining whether or
21 not to issue a stalking no contact order, may not require
22 physical injury on the person of the petitioner. Modification
23 and extension of prior stalking no contact orders shall be in
24 accordance with this Act.

1 (b) A stalking no contact order shall order one or more of
2 the following:

3 (1) prohibit the respondent from threatening to commit
4 or committing stalking;

5 (2) order the respondent not to have any contact with
6 the petitioner or a third person specifically named by the
7 court;

8 (3) prohibit the respondent from knowingly coming
9 within, or knowingly remaining within a specified distance
10 of the petitioner or the petitioner's residence, school,
11 daycare, or place of employment, or any specified place
12 frequented by the petitioner; however, the court may order
13 the respondent to stay away from the respondent's own
14 residence, school, or place of employment only if the
15 respondent has been provided actual notice of the
16 opportunity to appear and be heard on the petition;

17 (4) prohibit the respondent from ~~possessing a Firearm~~
18 ~~Owners Identification Card, or~~ possessing or buying
19 firearms; and

20 (5) order other injunctive relief the court determines
21 to be necessary to protect the petitioner or third party
22 specifically named by the court.

23 (b-5) When the petitioner and the respondent attend the
24 same public, private, or non-public elementary, middle, or
25 high school, the court when issuing a stalking no contact
26 order and providing relief shall consider the severity of the

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

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

16 (b-6) The court may order the parents, guardian, or legal
17 custodian of a minor respondent to take certain actions or to
18 refrain from taking certain actions to ensure that the
19 respondent complies with the order. In the event the court
20 orders a transfer of the respondent to another school, the
21 parents, guardian, or legal custodian of the respondent are
22 responsible for transportation and other costs associated with
23 the change of school by the respondent.

24 (b-7) The court shall not hold a school district or
25 private or non-public school or any of its employees in civil
26 or criminal contempt unless the school district or private or

1 non-public school has been allowed to intervene.

2 (b-8) The court may hold the parents, guardian, or legal
3 custodian of a minor respondent in civil or criminal contempt
4 for a violation of any provision of any order entered under
5 this Act for conduct of the minor respondent in violation of
6 this Act if the parents, guardian, or legal custodian
7 directed, encouraged, or assisted the respondent minor in such
8 conduct.

9 (c) The court may award the petitioner costs and attorneys
10 fees if a stalking no contact order is granted.

11 (d) Monetary damages are not recoverable as a remedy.

12 (e) If the stalking no contact order prohibits the
13 respondent from ~~possessing a Firearm Owner's Identification~~
14 ~~Card, or~~ possessing or buying firearms; the court shall
15 confiscate the respondent's firearms ~~Firearm Owner's~~
16 ~~Identification Card and immediately return the card to the~~
17 ~~Illinois State Police Firearm Owner's Identification Card~~
18 ~~Office.~~

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

20 Section 195. The Mental Health and Developmental
21 Disabilities Confidentiality Act is amended by changing
22 Section 12 as follows:

23 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

24 Sec. 12. (a) If the United States Secret Service or the

1 Illinois State Police requests information from a mental
2 health or developmental disability facility, as defined in
3 Section 1-107 and 1-114 of the Mental Health and Developmental
4 Disabilities Code, relating to a specific recipient and the
5 facility director determines that disclosure of such
6 information may be necessary to protect the life of, or to
7 prevent the infliction of great bodily harm to, a public
8 official, or a person under the protection of the United
9 States Secret Service, only the following information may be
10 disclosed: the recipient's name, address, and age and the date
11 of any admission to or discharge from a facility; and any
12 information which would indicate whether or not the recipient
13 has a history of violence or presents a danger of violence to
14 the person under protection. Any information so disclosed
15 shall be used for investigative purposes only and shall not be
16 publicly disseminated. Any person participating in good faith
17 in the disclosure of such information in accordance with this
18 provision shall have immunity from any liability, civil,
19 criminal or otherwise, if such information is disclosed
20 relying upon the representation of an officer of the United
21 States Secret Service or the Illinois State Police that a
22 person is under the protection of the United States Secret
23 Service or is a public official.

24 For the purpose of this subsection (a), the term "public
25 official" means the Governor, Lieutenant Governor, Attorney
26 General, Secretary of State, State Comptroller, State

1 Treasurer, member of the General Assembly, member of the
2 United States Congress, Judge of the United States as defined
3 in 28 U.S.C. 451, Justice of the United States as defined in 28
4 U.S.C. 451, United States Magistrate Judge as defined in 28
5 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
6 Supreme, Appellate, Circuit, or Associate Judge of the State
7 of Illinois. The term shall also include the spouse, child or
8 children of a public official.

9 (b) The Department of Human Services (acting as successor
10 to the Department of Mental Health and Developmental
11 Disabilities) and all public or private hospitals and mental
12 health facilities are required, as hereafter described in this
13 subsection, to furnish the Illinois State Police only such
14 information as may be required for the sole purpose of
15 determining whether an individual who may be or may have been a
16 patient is disqualified because of that status from receiving
17 or retaining a firearm under paragraph (4) of subsection (a)
18 of Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~
19 ~~Identification Card or falls within the federal prohibitors~~
20 ~~under subsection (c), (f), (g), (r), (s), or (t) of Section 8~~
21 ~~of the Firearm Owners Identification Card Act~~, or falls within
22 the federal prohibitors in 18 U.S.C. 922(g) and (n). All
23 physicians, clinical psychologists, or qualified examiners at
24 public or private mental health facilities or parts thereof as
25 defined in this subsection shall, in the form and manner
26 required by the Department, provide notice directly to the

1 Department of Human Services, or to his or her employer who
2 shall then report to the Department, within 24 hours after
3 determining that a person poses a clear and present danger to
4 himself, herself, or others, or within 7 days after a person 14
5 years or older is determined to be a person with a
6 developmental disability by a physician, clinical
7 psychologist, or qualified examiner as described in this
8 subsection (b) Section 1.1 of the Firearm Owners
9 Identification Card Act. If a person is a patient as described
10 in clause (2)(A) ~~(1)~~ of the definition of "patient" in this
11 subsection Section 1.1 of the Firearm Owners Identification
12 Card Act, this information shall be furnished within 7 days
13 after admission to a public or private hospital or mental
14 health facility or the provision of services. Any such
15 information disclosed under this subsection shall remain
16 privileged and confidential, and shall not be redisclosed,
17 except as required by clause (e) (2) of Section 24-4.5 of the
18 Criminal Code of 2012 subsection (e) of Section 3.1 of the
19 Firearm Owners Identification Card Act, nor utilized for any
20 other purpose. The method of requiring the providing of such
21 information shall guarantee that no information is released
22 beyond what is necessary for this purpose. In addition, the
23 information disclosed shall be provided by the Department
24 within the time period established by Section 24-3 of the
25 Criminal Code of 2012 regarding the delivery of firearms. The
26 method used shall be sufficient to provide the necessary

1 information within the prescribed time period, which may
2 include periodically providing lists to the Department of
3 Human Services or any public or private hospital or mental
4 health facility of ~~Firearm Owner's Identification Card~~
5 applicants for firearm purchases on which the Department or
6 hospital shall indicate the identities of those individuals
7 who are to its knowledge disqualified from having a firearm
8 ~~Firearm Owner's Identification Card~~ for reasons described
9 herein. The Department may provide for a centralized source of
10 information for the State on this subject under its
11 jurisdiction. The identity of the person reporting under this
12 subsection shall not be disclosed to the subject of the
13 report. For the purposes of this subsection, the physician,
14 clinical psychologist, or qualified examiner making the
15 determination and his or her employer shall not be held
16 criminally, civilly, or professionally liable for making or
17 not making the notification required under this subsection,
18 except for willful or wanton misconduct.

19 Any person, institution, or agency, under this Act,
20 participating in good faith in the reporting or disclosure of
21 records and communications otherwise in accordance with this
22 provision or with rules, regulations or guidelines issued by
23 the Department shall have immunity from any liability, civil,
24 criminal or otherwise, that might result by reason of the
25 action. For the purpose of any proceeding, civil or criminal,
26 arising out of a report or disclosure in accordance with this

1 provision, the good faith of any person, institution, or
2 agency so reporting or disclosing shall be presumed. The full
3 extent of the immunity provided in this subsection (b) shall
4 apply to any person, institution or agency that fails to make a
5 report or disclosure in the good faith belief that the report
6 or disclosure would violate federal regulations governing the
7 confidentiality of alcohol and drug abuse patient records
8 implementing 42 U.S.C. 290dd-3 and 290ee-3.

9 For purposes of this subsection (b) only, the following
10 terms shall have the meaning prescribed:

11 (1) (Blank).

12 (1.3) "Clear and present danger" has the meaning as
13 defined in Section 6-103.3 of the Mental Health and
14 Developmental Disabilities Code ~~1.1 of the Firearm Owners~~
15 ~~Identification Card Act.~~

16 (1.5) "Person with a developmental disability" has the
17 meaning as defined in Section 6-103.3 of the Mental Health
18 and Developmental Disabilities Code ~~1.1 of the Firearm~~
19 ~~Owners Identification Card Act.~~

20 (2) "Patient" means (A) a person who voluntarily
21 receives mental health treatment as an in-patient or
22 resident of any public or private mental health facility,
23 unless the treatment was solely for an alcohol abuse
24 disorder and no other secondary substance abuse disorder
25 or mental illness; or (B) a person who voluntarily
26 receives mental health treatment as an out-patient or is

1 provided services by a public or private mental health
2 facility, and who poses a clear and present danger to
3 himself, herself, or to others ~~has the meaning as defined~~
4 ~~in Section 1.1 of the Firearm Owners Identification Card~~
5 ~~Act.~~

6 (3) "Mental health facility" means any licensed
7 private hospital or hospital affiliate, institution, or
8 facility, or part thereof, and any facility, or part
9 thereof, operated by the State or a political subdivision
10 thereof which provide treatment of persons with mental
11 illness and includes all hospitals, institutions, clinics,
12 evaluation facilities, mental health centers, colleges,
13 universities, long-term care facilities, and nursing
14 homes, or parts thereof, which provide treatment of
15 persons with mental illness whether or not the primary
16 purpose is to provide treatment of persons with mental
17 illness ~~has the meaning as defined in Section 1.1 of the~~
18 ~~Firearm Owners Identification Card Act.~~

19 (c) Upon the request of a peace officer who takes a person
20 into custody and transports such person to a mental health or
21 developmental disability facility pursuant to Section 3-606 or
22 4-404 of the Mental Health and Developmental Disabilities Code
23 or who transports a person from such facility, a facility
24 director shall furnish said peace officer the name, address,
25 age and name of the nearest relative of the person transported
26 to or from the mental health or developmental disability

1 facility. In no case shall the facility director disclose to
2 the peace officer any information relating to the diagnosis,
3 treatment or evaluation of the person's mental or physical
4 health.

5 For the purposes of this subsection (c), the terms "mental
6 health or developmental disability facility", "peace officer"
7 and "facility director" shall have the meanings ascribed to
8 them in the Mental Health and Developmental Disabilities Code.

9 (d) Upon the request of a peace officer or prosecuting
10 authority who is conducting a bona fide investigation of a
11 criminal offense, or attempting to apprehend a fugitive from
12 justice, a facility director may disclose whether a person is
13 present at the facility. Upon request of a peace officer or
14 prosecuting authority who has a valid forcible felony warrant
15 issued, a facility director shall disclose: (1) whether the
16 person who is the subject of the warrant is present at the
17 facility and (2) the date of that person's discharge or future
18 discharge from the facility. The requesting peace officer or
19 prosecuting authority must furnish a case number and the
20 purpose of the investigation or an outstanding arrest warrant
21 at the time of the request. Any person, institution, or agency
22 participating in good faith in disclosing such information in
23 accordance with this subsection (d) is immune from any
24 liability, civil, criminal or otherwise, that might result by
25 reason of the action.

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

1 Section 200. The Illinois Domestic Violence Act of 1986 is
2 amended by changing Sections 210 and 214 as follows:

3 (750 ILCS 60/210) (from Ch. 40, par. 2312-10)

4 Sec. 210. Process.

5 (a) Summons. Any action for an order of protection,
6 whether commenced alone or in conjunction with another
7 proceeding, is a distinct cause of action and requires that a
8 separate summons be issued and served, except that in pending
9 cases the following methods may be used:

10 (1) By delivery of the summons to respondent
11 personally in open court in pending civil or criminal
12 cases.

13 (2) By notice in accordance with Section 210.1 in
14 civil cases in which the defendant has filed a general
15 appearance.

16 The summons shall be in the form prescribed by Supreme
17 Court Rule 101(d), except that it shall require respondent to
18 answer or appear within 7 days. Attachments to the summons or
19 notice shall include the petition for order of protection and
20 supporting affidavits, if any, and any emergency order of
21 protection that has been issued. The enforcement of an order
22 of protection under Section 223 shall not be affected by the
23 lack of service, delivery, or notice, provided the
24 requirements of subsection (d) of that Section are otherwise

1 met.

2 (b) Blank.

3 (c) Expedited service. The summons shall be served by the
4 sheriff or other law enforcement officer at the earliest time
5 and shall take precedence over other summonses except those of
6 a similar emergency nature. Special process servers may be
7 appointed at any time, and their designation shall not affect
8 the responsibilities and authority of the sheriff or other
9 official process servers. In counties with a population over
10 3,000,000, a special process server may not be appointed if
11 the order of protection grants the surrender of a child, the
12 surrender of a firearm ~~or firearm owners identification card,~~
13 or the exclusive possession of a shared residence.

14 (d) Remedies requiring actual notice. The counseling,
15 payment of support, payment of shelter services, and payment
16 of losses remedies provided by paragraphs 4, 12, 13, and 16 of
17 subsection (b) of Section 214 may be granted only if
18 respondent has been personally served with process, has
19 answered or has made a general appearance.

20 (e) Remedies upon constructive notice. Service of process
21 on a member of respondent's household or by publication shall
22 be adequate for the remedies provided by paragraphs 1, 2, 3, 5,
23 6, 7, 8, 9, 10, 11, 14, 15, and 17 of subsection (b) of Section
24 214, but only if: (i) petitioner has made all reasonable
25 efforts to accomplish actual service of process personally
26 upon respondent, but respondent cannot be found to effect such

1 service and (ii) petitioner files an affidavit or presents
2 sworn testimony as to those efforts.

3 (f) Default. A plenary order of protection may be entered
4 by default as follows:

5 (1) For any of the remedies sought in the petition, if
6 respondent has been served or given notice in accordance
7 with subsection (a) and if respondent then fails to appear
8 as directed or fails to appear on any subsequent
9 appearance or hearing date agreed to by the parties or set
10 by the court; or

11 (2) For any of the remedies provided in accordance
12 with subsection (e), if respondent fails to answer or
13 appear in accordance with the date set in the publication
14 notice or the return date indicated on the service of a
15 household member.

16 (g) Emergency orders. If an order is granted under
17 subsection (c) of Section 217, the court shall immediately
18 file a certified copy of the order with the sheriff or other
19 law enforcement official charged with maintaining Department
20 of State Police records.

21 (Source: P.A. 101-508, eff. 1-1-20.)

22 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)
23 Sec. 214. Order of protection; remedies.

24 (a) Issuance of order. If the court finds that petitioner
25 has been abused by a family or household member or that

1 petitioner is a high-risk adult who has been abused,
2 neglected, or exploited, as defined in this Act, an order of
3 protection prohibiting the abuse, neglect, or exploitation
4 shall issue; provided that petitioner must also satisfy the
5 requirements of one of the following Sections, as appropriate:
6 Section 217 on emergency orders, Section 218 on interim
7 orders, or Section 219 on plenary orders. Petitioner shall not
8 be denied an order of protection because petitioner or
9 respondent is a minor. The court, when determining whether or
10 not to issue an order of protection, shall not require
11 physical manifestations of abuse on the person of the victim.
12 Modification and extension of prior orders of protection shall
13 be in accordance with this Act.

14 (b) Remedies and standards. The remedies to be included in
15 an order of protection shall be determined in accordance with
16 this Section and one of the following Sections, as
17 appropriate: Section 217 on emergency orders, Section 218 on
18 interim orders, and Section 219 on plenary orders. The
19 remedies listed in this subsection shall be in addition to
20 other civil or criminal remedies available to petitioner.

21 (1) Prohibition of abuse, neglect, or exploitation.
22 Prohibit respondent's harassment, interference with
23 personal liberty, intimidation of a dependent, physical
24 abuse, or willful deprivation, neglect or exploitation, as
25 defined in this Act, or stalking of the petitioner, as
26 defined in Section 12-7.3 of the Criminal Code of 2012, if

1 such abuse, neglect, exploitation, or stalking 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 order of protection, or prohibit

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

8 (A) If an order of protection grants petitioner
9 exclusive possession of the residence, or prohibits
10 respondent from entering the residence, or orders
11 respondent to stay away from petitioner or other
12 protected persons, then the court may allow respondent
13 access to the residence to remove items of clothing
14 and personal adornment used exclusively by respondent,
15 medications, and other items as the court directs. The
16 right to access shall be exercised on only one
17 occasion as the court directs and in the presence of an
18 agreed-upon adult third party or law enforcement
19 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 an
23 order of protection and providing relief shall
24 consider the severity of the act, any continuing
25 physical danger or emotional distress to the
26 petitioner, the educational rights guaranteed to the

1 petitioner and respondent under federal and State law,
2 the availability of a transfer of the respondent to
3 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. In the
13 event the court order results in a transfer of the
14 minor respondent to another attendance center, a
15 change in the respondent's placement, or a change of
16 the respondent's program, the parents, guardian, or
17 legal 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. In
24 the event the court orders a transfer of the
25 respondent to another school, the parents, guardian,
26 or legal custodian of the respondent is responsible

1 for 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 a court finds, after a hearing, that respondent has
26 committed abuse (as defined in Section 103) of a minor

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

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

11 If a court finds, after a hearing, that respondent has
12 committed abuse (as defined in Section 103) of a minor
13 child, there shall be a rebuttable presumption that
14 awarding temporary significant decision-making
15 responsibility to respondent would not be in the child's
16 best interest.

17 (7) Parenting time. Determine the parenting time, if
18 any, of respondent in any case in which the court awards
19 physical care or allocates temporary significant
20 decision-making responsibility of a minor child to
21 petitioner. The court shall restrict or deny respondent's
22 parenting time with a minor child if the court finds that
23 respondent has done or is likely to do any of the
24 following: (i) abuse or endanger the minor child during
25 parenting time; (ii) use the parenting time as an
26 opportunity to abuse or harass petitioner or petitioner's

1 family or household members; (iii) improperly conceal or
2 detain the minor child; or (iv) otherwise act in a manner
3 that is not in the best interests of the minor child. The
4 court shall not be limited by the standards set forth in
5 Section 603.10 of the Illinois Marriage and Dissolution of
6 Marriage Act. If the court grants parenting time, the
7 order shall specify dates and times for the parenting time
8 to take place or other specific parameters or conditions
9 that are appropriate. No order for parenting time shall
10 refer merely to the term "reasonable parenting time".

11 Petitioner may deny respondent access to the minor
12 child if, when respondent arrives for parenting time,
13 respondent is under the influence of drugs or alcohol and
14 constitutes a threat to the safety and well-being of
15 petitioner or petitioner's minor children or is behaving
16 in a violent or abusive manner.

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

26 (8) Removal or concealment of minor child. Prohibit

1 respondent from removing a minor child from the State or
2 concealing the child within the State.

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

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

13 (i) petitioner, but not respondent, owns the
14 property; or

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

19 If petitioner's sole claim to ownership of the
20 property is that it is marital property, the court may
21 award petitioner temporary possession thereof under the
22 standards of subparagraph (ii) of this paragraph only if a
23 proper proceeding has been filed under the Illinois
24 Marriage and Dissolution of Marriage Act, as now or
25 hereafter amended.

26 No order under this provision shall affect title to

1 property.

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

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

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

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

17 The court may further prohibit respondent from
18 improperly using the financial or other resources of an
19 aged member of the family or household for the profit or
20 advantage of respondent or of any other person.

21 (11.5) Protection of animals. Grant the petitioner the
22 exclusive care, custody, or control of any animal owned,
23 possessed, leased, kept, or held by either the petitioner
24 or the respondent or a minor child residing in the
25 residence or household of either the petitioner or the
26 respondent and order the respondent to stay away from the

1 animal and forbid the respondent from taking,
2 transferring, encumbering, concealing, harming, or
3 otherwise disposing of the animal.

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

21 (13) Order for payment of losses. Order respondent to
22 pay petitioner for losses suffered as a direct result of
23 the abuse, neglect, or exploitation. Such losses shall
24 include, but not be limited to, medical expenses, lost
25 earnings or other support, repair or replacement of
26 property damaged or taken, reasonable attorney's fees,

1 court costs and moving or other travel expenses, including
2 additional reasonable expenses for temporary shelter and
3 restaurant meals.

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

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

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

25 (14.5) Prohibition of firearm possession.

26 (a) Prohibit a respondent against whom an order of

1 protection was issued from possessing any firearms
2 during the duration of the order if the order:

3 (1) was issued after a hearing of which such
4 person received actual notice, and at which such
5 person had an opportunity to participate;

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

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

19 ~~Any Firearm Owner's Identification Card in the~~
20 ~~possession of the respondent, except as provided in~~
21 ~~subsection (b), shall be ordered by the court to be~~
22 ~~turned over to the local law enforcement agency. The~~
23 ~~local law enforcement agency shall immediately mail~~
24 ~~the card to the Illinois State Police Firearm Owner's~~
25 ~~Identification Card Office for safekeeping. The court~~
26 shall issue a warrant for seizure of any firearm in the

1 possession of the respondent, to be kept by the local
2 law enforcement agency for safekeeping, except as
3 provided in subsection (b). The period of safekeeping
4 shall be for the duration of the order of protection.
5 The firearm or firearms ~~and Firearm Owner's~~
6 ~~Identification Card, if unexpired,~~ shall at the
7 respondent's request, be returned to the respondent at
8 the end of the order of protection. It is the
9 respondent's responsibility to notify the Illinois
10 State Police ~~Firearm Owner's Identification Card~~
11 ~~Office.~~

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

21 (c) Upon expiration of the period of safekeeping,
22 if the firearms ~~or Firearm Owner's Identification Card~~
23 cannot be returned to respondent because respondent
24 cannot be located, fails to respond to requests to
25 retrieve the firearms, or is not lawfully eligible to
26 possess a firearm, upon petition from the local law

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

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

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

24 (17) Order for injunctive relief. Enter injunctive
25 relief necessary or appropriate to prevent further abuse
26 of a family or household member or further abuse, neglect,

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

8 (18) Telephone services.

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

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

5 (ii) Each telephone number that will be
6 transferred.

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

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

18 (i) The account holder named in the order has
19 terminated the account.

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

23 (iii) The transfer would cause a geographic or
24 other limitation on network or service provision
25 to the petitioner.

26 (iv) Another technological or operational

1 issue would prevent or impair the use of the
2 telephone number if the transfer occurs.

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

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

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

19 (F) All wireless service providers that provide
20 services to residential customers shall provide to the
21 Illinois Commerce Commission the name and address of
22 an agent for service of orders entered under this
23 paragraph (18). Any change in status of the registered
24 agent must be reported to the Illinois Commerce
25 Commission within 30 days of such change.

26 (G) The Illinois Commerce Commission shall

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

7 (c) Relevant factors; findings.

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

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

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

26 (2) In comparing relative hardships resulting to the

1 parties from loss of possession of the family home, the
2 court shall consider relevant factors, including but not
3 limited to the following:

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

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

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

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

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

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

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

25 (4) For purposes of issuing an ex parte emergency
26 order of protection, the court, as an alternative to or as

1 a supplement to making the findings described in
2 paragraphs (c)(3)(i) through (c)(3)(iii) of this
3 subsection, may use the following procedure:

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

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

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

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

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

24 (1) Respondent has cause for any use of force, unless
25 that cause satisfies the standards for justifiable use of
26 force provided by Article 7 of the Criminal Code of 2012;

1 (2) Respondent was voluntarily intoxicated;

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

6 (4) Petitioner did not act in self-defense or defense
7 of another;

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

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

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

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

20 Section 205. The Revised Uniform Unclaimed Property Act is
21 amended by changing Section 15-705 as follows:

22 (765 ILCS 1026/15-705)

23 Sec. 15-705. Exceptions to the sale of tangible property.
24 The administrator shall dispose of tangible property

1 identified by this Section in accordance with this Section.

2 (a) Military medals or decorations. The administrator may
3 not sell a medal or decoration awarded for military service in
4 the armed forces of the United States. Instead, the
5 administrator, with the consent of the respective organization
6 under paragraph (1), agency under paragraph (2), or entity
7 under paragraph (3), may deliver a medal or decoration to be
8 held in custody for the owner, to:

9 (1) a military veterans organization qualified under
10 Section 501(c)(19) of the Internal Revenue Code;

11 (2) the agency that awarded the medal or decoration;
12 or

13 (3) a governmental entity.

14 After delivery, the administrator is not responsible for
15 the safekeeping of the medal or decoration.

16 (b) Property with historical value. Property that the
17 administrator reasonably believes may have historical value
18 may be, at his or her discretion, loaned to an accredited
19 museum in the United States where it will be kept until such
20 time as the administrator orders it to be returned to his or
21 her custody.

22 (c) Human remains. If human remains are delivered to the
23 administrator under this Act, the administrator shall deliver
24 those human remains to the coroner of the county in which the
25 human remains were abandoned for disposition under Section
26 3-3034 of the Counties Code. The only human remains that may be

1 delivered to the administrator under this Act and that the
2 administrator may receive are those that are reported and
3 delivered as contents of a safe deposit box.

4 (d) Evidence in a criminal investigation. Property that
5 may have been used in the commission of a crime or that may
6 assist in the investigation of a crime, as determined after
7 consulting with the Illinois State Police, shall be delivered
8 to the Illinois State Police or other appropriate law
9 enforcement authority to allow law enforcement to determine
10 whether a criminal investigation should take place. Any such
11 property delivered to a law enforcement authority shall be
12 held in accordance with existing statutes and rules related to
13 the gathering, retention, and release of evidence.

14 (e) Firearms.

15 (1) The administrator, in cooperation with the
16 Illinois State Police, shall develop a procedure to
17 determine whether a firearm delivered to the administrator
18 under this Act has been stolen or used in the commission of
19 a crime. The Illinois State Police shall determine the
20 appropriate disposition of a firearm that has been stolen
21 or used in the commission of a crime. The administrator
22 shall attempt to return a firearm that has not been stolen
23 or used in the commission of a crime to the rightful owner
24 if the Illinois State Police determines that the owner may
25 lawfully possess the firearm.

26 (2) If the administrator is unable to return a firearm

1 to its owner, the administrator shall transfer custody of
2 the firearm to the Illinois State Police. Legal title to a
3 firearm transferred to the Illinois State Police under
4 this subsection (e) is vested in the Illinois State Police
5 by operation of law if:

6 (i) the administrator cannot locate the owner of
7 the firearm;

8 (ii) the owner of the firearm may not lawfully
9 possess the firearm;

10 (iii) the apparent owner does not respond to
11 notice published under Section 15-503 of this Act; or

12 (iv) the apparent owner responds to notice
13 published under Section 15-502 and states that he or
14 she no longer claims an interest in the firearm.

15 (3) With respect to a firearm whose title is
16 transferred to the Illinois State Police under this
17 subsection (e), the Illinois State Police may:

18 (i) retain the firearm for use by the crime
19 laboratory system, for training purposes, or for any
20 other application as deemed appropriate by the
21 Department;

22 (ii) transfer the firearm to the Illinois State
23 Museum if the firearm has historical value; or

24 (iii) destroy the firearm if it is not retained
25 pursuant to subparagraph (i) or transferred pursuant
26 to subparagraph (ii).

1 As used in this subsection, "firearm" has the meaning
2 provided in Section 2-7.5 of the Criminal Code of 2012 ~~the~~
3 ~~Firearm Owners Identification Card Act.~~

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

5 Section 995. No acceleration or delay. Where this Act
6 makes changes in a statute that is represented in this Act by
7 text that is not yet or no longer in effect (for example, a
8 Section represented by multiple versions), the use of that
9 text does not accelerate or delay the taking effect of (i) the
10 changes made by this Act or (ii) provisions derived from any
11 other Public Act.

12 Section 9999. Effective date. This Act takes effect upon
13 becoming law.

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