



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB4328

Introduced 1/16/2024, by Rep. John M. Cabello - Dennis  
Tipsword, Jr. and Brad Halbrook

#### SYNOPSIS AS INTRODUCED:

5 ILCS 140/7.5  
430 ILCS 65/8 from Ch. 38, par. 83-8  
430 ILCS 65/4.1 rep.  
430 ILCS 67/40  
430 ILCS 67/45  
430 ILCS 67/55  
720 ILCS 5/24-1 from Ch. 38, par. 24-1  
720 ILCS 5/24-1.9 rep.  
720 ILCS 5/24-1.10 rep.

Repeals the provisions of Public Act 102-1116 that make amendatory changes to the Firearms Restraining Order Act that provide that a petitioner for a firearms restraining order may request a plenary firearms restraining order of up to one-year, but not less than 6 months (restores the 6 months provision). Repeals provisions that the firearms restraining order may be renewed for an additional period of up to one year. Repeals amendatory provisions of the Criminal Code of 2012 making it unlawful, beginning January 1, 2024, for any person within the State to knowingly possess an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge, with exemptions. Repeals provisions that make it unlawful for any person within the State to knowingly manufacture, deliver, sell, purchase, or cause to be manufactured, delivered, sold, or purchased a large capacity ammunition feeding device, with specified exemptions. Repeals amendatory provisions of the Criminal Code of 2012 that prohibit the manufacture, possession, sale, or offer to sell, purchase, manufacture, import, transfer, or use any device, part, kit, tool, accessory, or combination of parts that is designed to and functions to increase the rate of fire of a semiautomatic firearm above the standard rate of fire for semiautomatic firearms that is not equipped with that device, part, or combination of parts. Repeals amendatory provisions of the Freedom of Information Act that exempt from disclosure under the Act certain information concerning assault weapons endorsements received by the Illinois State Police. Effective immediately.

LRB103 34894 RLC 64761 b

1 AN ACT concerning criminal law.

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

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

6 (5 ILCS 140/7.5)

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

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

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

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

22 (d) Information and records held by the Department of  
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible  
2 disease or any information the disclosure of which is  
3 restricted under the Illinois Sexually Transmissible  
4 Disease Control Act.

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

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

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

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

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

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

26 (k) Law enforcement officer identification information

1 or driver identification information compiled by a law  
2 enforcement agency or the Department of Transportation  
3 under Section 11-212 of the Illinois Vehicle Code.

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

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

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

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

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

1 Civil Administrative Code of Illinois, the Regional  
2 Transportation Authority under Section 2.11 of the  
3 Regional Transportation Authority Act, or the St. Clair  
4 County Transit District under the Bi-State Transit Safety  
5 Act.

6 (q) Information prohibited from being disclosed by the  
7 Personnel Record Review Act.

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

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

12 (t) All identified or deidentified health information  
13 in the form of health data or medical records contained  
14 in, stored in, submitted to, transferred by, or released  
15 from the Illinois Health Information Exchange, and  
16 identified or deidentified health information in the form  
17 of health data and medical records of the Illinois Health  
18 Information Exchange in the possession of the Illinois  
19 Health Information Exchange Office due to its  
20 administration of the Illinois Health Information  
21 Exchange. The terms "identified" and "deidentified" shall  
22 be given the same meaning as in the Health Insurance  
23 Portability and Accountability Act of 1996, Public Law  
24 104-191, or any subsequent amendments thereto, and any  
25 regulations promulgated thereunder.

26 (u) Records and information provided to an independent

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

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

13 (v-5) Records of the Firearm Owner's Identification  
14 Card Review Board that are exempted from disclosure under  
15 Section 10 of the Firearm Owners Identification Card Act.

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

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

22 (y) Confidential information under the Adult  
23 Protective Services Act and its predecessor enabling  
24 statute, the Elder Abuse and Neglect Act, including  
25 information about the identity and administrative finding  
26 against any caregiver of a verified and substantiated

1 decision of abuse, neglect, or financial exploitation of  
2 an eligible adult maintained in the Registry established  
3 under Section 7.5 of the Adult Protective Services Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26           (qq) Information and records held by the Department of



1 Public Health and its authorized representatives collected  
2 under the Reproductive Health Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 ~~(hhh) Information submitted to the Department of State~~  
21 ~~Police in an affidavit or application for an assault~~  
22 ~~weapon endorsement, assault weapon attachment endorsement,~~  
23 ~~.50 caliber rifle endorsement, or .50 caliber cartridge~~  
24 ~~endorsement under the Firearm Owners Identification Card~~  
25 ~~Act.~~

26 (Source: P.A. 101-13, eff. 6-12-19; 101-27, eff. 6-25-19;

1 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff.  
2 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452,  
3 eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19;  
4 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff.  
5 1-1-22; 101-656, eff. 3-23-21; 102-36, eff. 6-25-21; 102-237,  
6 eff. 1-1-22; 102-292, eff. 1-1-22; 102-520, eff. 8-20-21;  
7 102-559, eff. 8-20-21; 102-813, eff. 5-13-22; 102-946, eff.  
8 7-1-22; 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; revised  
9 2-13-23.)

10 Section 10. The Firearm Owners Identification Card Act is  
11 amended by changing Section 8 as follows:

12 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

13 Sec. 8. Grounds for denial and revocation. The Illinois  
14 State Police has authority to deny an application for or to  
15 revoke and seize a Firearm Owner's Identification Card  
16 previously issued under this Act only if the Illinois State  
17 Police finds that the applicant or the person to whom such card  
18 was issued is or was at the time of issuance:

19 (a) A person under 21 years of age who has been  
20 convicted of a misdemeanor other than a traffic offense or  
21 adjudged delinquent;

22 (b) This subsection (b) applies through the 180th day  
23 following July 12, 2019 (the effective date of Public Act  
24 101-80). A person under 21 years of age who does not have

1 the written consent of his parent or guardian to acquire  
2 and possess firearms and firearm ammunition, or whose  
3 parent or guardian has revoked such written consent, or  
4 where such parent or guardian does not qualify to have a  
5 Firearm Owner's Identification Card;

6 (b-5) This subsection (b-5) applies on and after the  
7 181st day following July 12, 2019 (the effective date of  
8 Public Act 101-80). A person under 21 years of age who is  
9 not an active duty member of the United States Armed  
10 Forces or the Illinois National Guard and does not have  
11 the written consent of his or her parent or guardian to  
12 acquire and possess firearms and firearm ammunition, or  
13 whose parent or guardian has revoked such written consent,  
14 or where such parent or guardian does not qualify to have a  
15 Firearm Owner's Identification Card;

16 (c) A person convicted of a felony under the laws of  
17 this or any other jurisdiction;

18 (d) A person addicted to narcotics;

19 (e) A person who has been a patient of a mental health  
20 facility within the past 5 years or a person who has been a  
21 patient in a mental health facility more than 5 years ago  
22 who has not received the certification required under  
23 subsection (u) of this Section. An active law enforcement  
24 officer employed by a unit of government or a Department  
25 of Corrections employee authorized to possess firearms who  
26 is denied, revoked, or has his or her Firearm Owner's

1 Identification Card seized under this subsection (e) may  
2 obtain relief as described in subsection (c-5) of Section  
3 10 of this Act if the officer or employee did not act in a  
4 manner threatening to the officer or employee, another  
5 person, or the public as determined by the treating  
6 clinical psychologist or physician, and the officer or  
7 employee seeks mental health treatment;

8 (f) A person whose mental condition is of such a  
9 nature that it poses a clear and present danger to the  
10 applicant, any other person or persons, or the community;

11 (g) A person who has an intellectual disability;

12 (h) A person who intentionally makes a false statement  
13 in the Firearm Owner's Identification Card application ~~or~~  
14 ~~endorsement affidavit;~~

15 (i) A noncitizen who is unlawfully present in the  
16 United States under the laws of the United States;

17 (i-5) A noncitizen who has been admitted to the United  
18 States under a non-immigrant visa (as that term is defined  
19 in Section 101(a)(26) of the Immigration and Nationality  
20 Act (8 U.S.C. 1101(a)(26))), except that this subsection  
21 (i-5) does not apply to any noncitizen who has been  
22 lawfully admitted to the United States under a  
23 non-immigrant visa if that noncitizen is:

24 (1) admitted to the United States for lawful  
25 hunting or sporting purposes;

26 (2) an official representative of a foreign

1 government who is:

2 (A) accredited to the United States Government  
3 or the Government's mission to an international  
4 organization having its headquarters in the United  
5 States; or

6 (B) en route to or from another country to  
7 which that noncitizen is accredited;

8 (3) an official of a foreign government or  
9 distinguished foreign visitor who has been so  
10 designated by the Department of State;

11 (4) a foreign law enforcement officer of a  
12 friendly foreign government entering the United States  
13 on official business; or

14 (5) one who has received a waiver from the  
15 Attorney General of the United States pursuant to 18  
16 U.S.C. 922(y)(3);

17 (j) (Blank);

18 (k) A person who has been convicted within the past 5  
19 years of battery, assault, aggravated assault, violation  
20 of an order of protection, or a substantially similar  
21 offense in another jurisdiction, in which a firearm was  
22 used or possessed;

23 (l) A person who has been convicted of domestic  
24 battery, aggravated domestic battery, or a substantially  
25 similar offense in another jurisdiction committed before,  
26 on or after January 1, 2012 (the effective date of Public

1 Act 97-158). If the applicant or person who has been  
2 previously issued a Firearm Owner's Identification Card  
3 under this Act knowingly and intelligently waives the  
4 right to have an offense described in this paragraph (l)  
5 tried by a jury, and by guilty plea or otherwise, results  
6 in a conviction for an offense in which a domestic  
7 relationship is not a required element of the offense but  
8 in which a determination of the applicability of 18 U.S.C.  
9 922(g)(9) is made under Section 112A-11.1 of the Code of  
10 Criminal Procedure of 1963, an entry by the court of a  
11 judgment of conviction for that offense shall be grounds  
12 for denying an application for and for revoking and  
13 seizing a Firearm Owner's Identification Card previously  
14 issued to the person under this Act;

15 (m) (Blank);

16 (n) A person who is prohibited from acquiring or  
17 possessing firearms or firearm ammunition by any Illinois  
18 State statute or by federal law;

19 (o) A minor subject to a petition filed under Section  
20 5-520 of the Juvenile Court Act of 1987 alleging that the  
21 minor is a delinquent minor for the commission of an  
22 offense that if committed by an adult would be a felony;

23 (p) An adult who had been adjudicated a delinquent  
24 minor under the Juvenile Court Act of 1987 for the  
25 commission of an offense that if committed by an adult  
26 would be a felony;

1           (q) A person who is not a resident of the State of  
2 Illinois, except as provided in subsection (a-10) of  
3 Section 4;

4           (r) A person who has been adjudicated as a person with  
5 a mental disability;

6           (s) A person who has been found to have a  
7 developmental disability;

8           (t) A person involuntarily admitted into a mental  
9 health facility; or

10           (u) A person who has had his or her Firearm Owner's  
11 Identification Card revoked or denied under subsection (e)  
12 of this Section or item (iv) of paragraph (2) of  
13 subsection (a) of Section 4 of this Act because he or she  
14 was a patient in a mental health facility as provided in  
15 subsection (e) of this Section, shall not be permitted to  
16 obtain a Firearm Owner's Identification Card, after the  
17 5-year period has lapsed, unless he or she has received a  
18 mental health evaluation by a physician, clinical  
19 psychologist, or qualified examiner as those terms are  
20 defined in the Mental Health and Developmental  
21 Disabilities Code, and has received a certification that  
22 he or she is not a clear and present danger to himself,  
23 herself, or others. The physician, clinical psychologist,  
24 or qualified examiner making the certification and his or  
25 her employer shall not be held criminally, civilly, or  
26 professionally liable for making or not making the



1 certification required under this subsection, except for  
2 willful or wanton misconduct. This subsection does not  
3 apply to a person whose firearm possession rights have  
4 been restored through administrative or judicial action  
5 under Section 10 or 11 of this Act.

6 Upon revocation of a person's Firearm Owner's  
7 Identification Card, the Illinois State Police shall provide  
8 notice to the person and the person shall comply with Section  
9 9.5 of this Act.

10 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;  
11 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.  
12 5-27-22; 102-1116, eff. 1-10-23.)

13 (430 ILCS 65/4.1 rep.)

14 Section 15. The Firearm Owners Identification Card Act is  
15 amended by repealing Section 4.1.

16 Section 20. The Firearms Restraining Order Act is amended  
17 by changing Sections 40, 45, and 55 as follows:

18 (430 ILCS 67/40)

19 Sec. 40. ~~Plenary~~ Six-month orders.

20 (a) A petitioner may request a 6-month firearms  
21 restraining order ~~for up to one year~~ by filing an affidavit or  
22 verified pleading alleging that the respondent poses a  
23 significant danger of causing personal injury to himself,

1 herself, or another in the near future by having in his or her  
2 custody or control, purchasing, possessing, or receiving a  
3 firearm, ammunition, and firearm parts that could be assembled  
4 to make an operable firearm. The petition shall also describe  
5 the number, types, and locations of any firearms, ammunition,  
6 and firearm parts that could be assembled to make an operable  
7 firearm presently believed by the petitioner to be possessed  
8 or controlled by the respondent. ~~The firearms restraining  
9 order may be renewed for an additional period of up to one year  
10 in accordance with Section 45 of this Act.~~

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

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

6 (d) Upon receipt of a petition for a ~~plenary~~ 6-month  
7 firearms restraining order, the court shall order a hearing  
8 within 30 days.

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

12 (1) The unlawful and reckless use, display, or  
13 brandishing of a firearm, ammunition, and firearm parts  
14 that could be assembled to make an operable firearm by the  
15 respondent.

16 (2) The history of use, attempted use, or threatened  
17 use of physical force by the respondent against another  
18 person.

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

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

23 (5) A recent threat of violence or act of violence by  
24 the respondent directed toward himself, herself, or  
25 another.

26 (6) A violation of an emergency order of protection

1 issued under Section 217 of the Illinois Domestic Violence  
2 Act of 1986 or Section 112A-17 of the Code of Criminal  
3 Procedure of 1963 or of an order of protection issued  
4 under Section 214 of the Illinois Domestic Violence Act of  
5 1986 or Section 112A-14 of the Code of Criminal Procedure  
6 of 1963.

7 (7) A pattern of violent acts or violent threats,  
8 including, but not limited to, threats of violence or acts  
9 of violence by the respondent directed toward himself,  
10 herself, or another.

11 (f) At the hearing, the petitioner shall have the burden  
12 of proving, by clear and convincing evidence, that the  
13 respondent poses a significant danger of personal injury to  
14 himself, herself, or another by having in his or her custody or  
15 control, purchasing, possessing, or receiving a firearm,  
16 ammunition, and firearm parts that could be assembled to make  
17 an operable firearm.

18 (g) If the court finds that there is clear and convincing  
19 evidence to issue a ~~plenary~~ firearms restraining order, the  
20 court shall issue a firearms restraining order that shall be  
21 in effect for ~~up to one year, but not less than 6 months,~~ 6  
22 months subject to renewal under Section 45 of this Act or  
23 termination under that Section.

24 (g-5) If the court issues a ~~plenary~~ 6-month firearms  
25 restraining order, it shall, upon a finding of probable cause  
26 that the respondent possesses firearms, ammunition, and

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

14 (h) A ~~plenary~~ 6-month firearms restraining order shall  
15 require:

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

22 (2) the respondent to comply with Section 9.5 of the  
23 Firearm Owners Identification Card Act and subsection (g)  
24 of Section 70 of the Firearm Concealed Carry Act.

25 (i) Except as otherwise provided in subsection (i-5) of  
26 this Section, upon expiration of the period of safekeeping, if

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

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

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

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

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

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

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

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

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

25 (k) When the court issues a firearms restraining order  
26 under this Section, the court shall inform the respondent that



1 he or she is entitled to one hearing during the period of the  
2 order to request a termination of the order, under Section 45  
3 of this Act, and shall provide the respondent with a form to  
4 request a hearing.

5 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;  
6 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.  
7 5-13-22; 102-1116, eff. 1-10-23.)

8 (430 ILCS 67/45)

9 Sec. 45. Termination and renewal.

10 (a) A person subject to a firearms restraining order  
11 issued under this Act may submit one written request at any  
12 time during the effective period of the order for a hearing to  
13 terminate the order.

14 (1) The respondent shall have the burden of proving by  
15 a preponderance of the evidence that the respondent does  
16 not pose a danger of causing personal injury to himself,  
17 herself, or another in the near future by having in his or  
18 her custody or control, purchasing, possessing, or  
19 receiving a firearm, ammunition, and firearm parts that  
20 could be assembled to make an operable firearm.

21 (2) If the court finds after the hearing that the  
22 respondent has met his or her burden, the court shall  
23 terminate the order.

24 (b) A petitioner may request a renewal of a firearms  
25 restraining order at any time within the 3 months before the

1 expiration of a firearms restraining order.

2 (1) A court shall, after notice and a hearing, renew a  
3 firearms restraining order issued under this part if the  
4 petitioner proves, by clear and convincing evidence, that  
5 the respondent continues to pose a danger of causing  
6 personal injury to himself, herself, or another in the  
7 near future by having in his or her custody or control,  
8 purchasing, possessing, or receiving a firearm,  
9 ammunition, and firearm parts that could be assembled to  
10 make an operable firearm.

11 (2) In determining whether to renew a firearms  
12 restraining order issued under this Act, the court shall  
13 consider evidence of the facts identified in subsection  
14 (e) of Section 40 of this Act and any other evidence of an  
15 increased risk for violence.

16 (3) At the hearing, the petitioner shall have the  
17 burden of proving by clear and convincing evidence that  
18 the respondent continues to pose a danger of causing  
19 personal injury to himself, herself, or another in the  
20 near future by having in his or her custody or control,  
21 purchasing, possessing, or receiving a firearm,  
22 ammunition, and firearm parts that could be assembled to  
23 make an operable firearm.

24 (4) The renewal of a firearms restraining order issued  
25 under this Section shall be in effect for 6 months ~~up to~~  
26 ~~one year and may be renewed for an additional period of up~~

1       ~~to one year~~, subject to termination by further order of  
2       the court at a hearing held under this Section and further  
3       renewal by further order of the court under this Section.  
4       (Source: P.A. 101-81, eff. 7-12-19; 102-345, eff. 6-1-22;  
5       102-1116, eff. 1-10-23.)

6               (430 ILCS 67/55)

7       Sec. 55. Data maintenance by law enforcement agencies.

8       (a) All sheriffs shall furnish to the Illinois State  
9       Police, daily, in the form and detail the Illinois State  
10       Police requires, copies of any recorded firearms restraining  
11       orders issued by the court, and any foreign orders of  
12       protection filed by the clerk of the court, and transmitted to  
13       the sheriff by the clerk of the court under Section 50. Each  
14       firearms restraining order shall be entered in the Law  
15       Enforcement Agencies Data System (LEADS) on the same day it is  
16       issued by the court. If an emergency firearms restraining  
17       order was issued in accordance with Section 35 of this Act, the  
18       order shall be entered in the Law Enforcement Agencies Data  
19       System (LEADS) as soon as possible after receipt from the  
20       clerk.

21       (b) The Illinois State Police shall maintain a complete  
22       and systematic record and index of all valid and recorded  
23       firearms restraining orders issued or filed under this Act.  
24       The data shall be used to inform all dispatchers and law  
25       enforcement officers at the scene of a violation of a firearms

1 restraining order of the effective dates and terms of any  
2 recorded order of protection.

3 (c) The data, records, and transmittals required under  
4 this Section shall pertain to any valid emergency or ~~plenary~~  
5 6-month firearms restraining order, whether issued in a civil  
6 or criminal proceeding or authorized under the laws of another  
7 state, tribe, or United States territory.

8 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21;  
9 102-1116, eff. 1-10-23.)

10 Section 25. The Criminal Code of 2012 is amended by  
11 changing Section 24-1 as follows:

12 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

13 Sec. 24-1. Unlawful use of weapons.

14 (a) A person commits the offense of unlawful use of  
15 weapons when he knowingly:

16 (1) Sells, manufactures, purchases, possesses or  
17 carries any bludgeon, black-jack, slung-shot, sand-club,  
18 sand-bag, metal knuckles or other knuckle weapon  
19 regardless of its composition, throwing star, or any  
20 knife, commonly referred to as a switchblade knife, which  
21 has a blade that opens automatically by hand pressure  
22 applied to a button, spring or other device in the handle  
23 of the knife, or a ballistic knife, which is a device that  
24 propels a knifelike blade as a projectile by means of a

1 coil spring, elastic material or compressed gas; or

2 (2) Carries or possesses with intent to use the same  
3 unlawfully against another, a dagger, dirk, billy,  
4 dangerous knife, razor, stiletto, broken bottle or other  
5 piece of glass, stun gun or taser or any other dangerous or  
6 deadly weapon or instrument of like character; or

7 (2.5) Carries or possesses with intent to use the same  
8 unlawfully against another, any firearm in a church,  
9 synagogue, mosque, or other building, structure, or place  
10 used for religious worship; or

11 (3) Carries on or about his person or in any vehicle, a  
12 tear gas gun projector or bomb or any object containing  
13 noxious liquid gas or substance, other than an object  
14 containing a non-lethal noxious liquid gas or substance  
15 designed solely for personal defense carried by a person  
16 18 years of age or older; or

17 (4) Carries or possesses in any vehicle or concealed  
18 on or about his person except when on his land or in his  
19 own abode, legal dwelling, or fixed place of business, or  
20 on the land or in the legal dwelling of another person as  
21 an invitee with that person's permission, any pistol,  
22 revolver, stun gun or taser or other firearm, except that  
23 this subsection (a) (4) does not apply to or affect  
24 transportation of weapons that meet one of the following  
25 conditions:

26 (i) are broken down in a non-functioning state; or

- 1           (ii) are not immediately accessible; or
- 2           (iii) are unloaded and enclosed in a case, firearm
- 3 carrying box, shipping box, or other container by a
- 4 person who has been issued a currently valid Firearm
- 5 Owner's Identification Card; or
- 6           (iv) are carried or possessed in accordance with
- 7 the Firearm Concealed Carry Act by a person who has
- 8 been issued a currently valid license under the
- 9 Firearm Concealed Carry Act; or
- 10          (5) Sets a spring gun; or
- 11          (6) Possesses any device or attachment of any kind
- 12 designed, used or intended for use in silencing the report
- 13 of any firearm; or
- 14          (7) Sells, manufactures, purchases, possesses or
- 15 carries:
- 16           (i) a machine gun, which shall be defined for the
- 17 purposes of this subsection as any weapon, which
- 18 shoots, is designed to shoot, or can be readily
- 19 restored to shoot, automatically more than one shot
- 20 without manually reloading by a single function of the
- 21 trigger, including the frame or receiver of any such
- 22 weapon, or sells, manufactures, purchases, possesses,
- 23 or carries any combination of parts designed or
- 24 intended for use in converting any weapon into a
- 25 machine gun, or any combination or parts from which a
- 26 machine gun can be assembled if such parts are in the

1 possession or under the control of a person;

2 (ii) any rifle having one or more barrels less  
3 than 16 inches in length or a shotgun having one or  
4 more barrels less than 18 inches in length or any  
5 weapon made from a rifle or shotgun, whether by  
6 alteration, modification, or otherwise, if such a  
7 weapon as modified has an overall length of less than  
8 26 inches; or

9 (iii) any bomb, bomb-shell, grenade, bottle or  
10 other container containing an explosive substance of  
11 over one-quarter ounce for like purposes, such as, but  
12 not limited to, black powder bombs and Molotov  
13 cocktails or artillery projectiles; or

14 (8) Carries or possesses any firearm, stun gun or  
15 taser or other deadly weapon in any place which is  
16 licensed to sell intoxicating beverages, or at any public  
17 gathering held pursuant to a license issued by any  
18 governmental body or any public gathering at which an  
19 admission is charged, excluding a place where a showing,  
20 demonstration or lecture involving the exhibition of  
21 unloaded firearms is conducted.

22 This subsection (a) (8) does not apply to any auction  
23 or raffle of a firearm held pursuant to a license or permit  
24 issued by a governmental body, nor does it apply to  
25 persons engaged in firearm safety training courses; or

26 (9) Carries or possesses in a vehicle or on or about

1 his or her person any pistol, revolver, stun gun or taser  
2 or firearm or ballistic knife, when he or she is hooded,  
3 robed or masked in such manner as to conceal his or her  
4 identity; or

5 (10) Carries or possesses on or about his or her  
6 person, upon any public street, alley, or other public  
7 lands within the corporate limits of a city, village, or  
8 incorporated town, except when an invitee thereon or  
9 therein, for the purpose of the display of such weapon or  
10 the lawful commerce in weapons, or except when on his land  
11 or in his or her own abode, legal dwelling, or fixed place  
12 of business, or on the land or in the legal dwelling of  
13 another person as an invitee with that person's  
14 permission, any pistol, revolver, stun gun, or taser or  
15 other firearm, except that this subsection (a) (10) does  
16 not apply to or affect transportation of weapons that meet  
17 one of the following conditions:

18 (i) are broken down in a non-functioning state; or

19 (ii) are not immediately accessible; or

20 (iii) are unloaded and enclosed in a case, firearm  
21 carrying box, shipping box, or other container by a  
22 person who has been issued a currently valid Firearm  
23 Owner's Identification Card; or

24 (iv) are carried or possessed in accordance with  
25 the Firearm Concealed Carry Act by a person who has  
26 been issued a currently valid license under the



1 Firearm Concealed Carry Act.

2 A "stun gun or taser", as used in this paragraph (a)  
3 means (i) any device which is powered by electrical  
4 charging units, such as, batteries, and which fires one or  
5 several barbs attached to a length of wire and which, upon  
6 hitting a human, can send out a current capable of  
7 disrupting the person's nervous system in such a manner as  
8 to render him incapable of normal functioning or (ii) any  
9 device which is powered by electrical charging units, such  
10 as batteries, and which, upon contact with a human or  
11 clothing worn by a human, can send out current capable of  
12 disrupting the person's nervous system in such a manner as  
13 to render him incapable of normal functioning; or

14 (11) Sells, manufactures, ~~delivers, imports,~~  
15 ~~possesses,~~ or purchases any ~~assault weapon attachment or~~  
16 ~~.50 caliber cartridge in violation of Section 24-1.9 or~~  
17 ~~any~~ explosive bullet. For purposes of this paragraph (a)  
18 "explosive bullet" means the projectile portion of an  
19 ammunition cartridge which contains or carries an  
20 explosive charge which will explode upon contact with the  
21 flesh of a human or an animal. "Cartridge" means a tubular  
22 metal case having a projectile affixed at the front  
23 thereof and a cap or primer at the rear end thereof, with  
24 the propellant contained in such tube between the  
25 projectile and the cap; or

26 (12) (Blank); or

1           (13) Carries or possesses on or about his or her  
2 person while in a building occupied by a unit of  
3 government, a billy club, other weapon of like character,  
4 or other instrument of like character intended for use as  
5 a weapon. For the purposes of this Section, "billy club"  
6 means a short stick or club commonly carried by police  
7 officers which is either telescopic or constructed of a  
8 solid piece of wood or other man-made material;~~or~~

9           ~~(14) Manufactures, possesses, sells, or offers to~~  
10 ~~sell, purchase, manufacture, import, transfer, or use any~~  
11 ~~device, part, kit, tool, accessory, or combination of~~  
12 ~~parts that is designed to and functions to increase the~~  
13 ~~rate of fire of a semiautomatic firearm above the standard~~  
14 ~~rate of fire for semiautomatic firearms that is not~~  
15 ~~equipped with that device, part, or combination of parts;~~  
16 ~~or~~

17           ~~(15) Carries or possesses any assault weapon or .50~~  
18 ~~caliber rifle in violation of Section 24-1.9; or~~

19           ~~(16) Manufactures, sells, delivers, imports, or~~  
20 ~~purchases any assault weapon or .50 caliber rifle in~~  
21 ~~violation of Section 24-1.9.~~

22           (b) Sentence. A person convicted of a violation of  
23 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
24 subsection 24-1(a)(11), or subsection 24-1(a)(13),~~or~~  
25 ~~24-1(a)(15)~~ commits a Class A misdemeanor. A person convicted  
26 of a violation of subsection 24-1(a)(8) or 24-1(a)(9) commits

1 a Class 4 felony; a person convicted of a violation of  
2 subsection 24-1(a) (6), or 24-1(a) (7) (ii), ~~24-1(a) (7) (iii), or~~  
3 ~~24-1(a) (16)~~ or (iii) commits a Class 3 felony. A person  
4 convicted of a violation of subsection 24-1(a) (7) (i) commits a  
5 Class 2 felony and shall be sentenced to a term of imprisonment  
6 of not less than 3 years and not more than 7 years, unless the  
7 weapon is possessed in the passenger compartment of a motor  
8 vehicle as defined in Section 1-146 of the Illinois Vehicle  
9 Code, or on the person, while the weapon is loaded, in which  
10 case it shall be a Class X felony. A person convicted of a  
11 second or subsequent violation of subsection 24-1(a) (4),  
12 24-1(a) (8), 24-1(a) (9), or 24-1(a) (10), ~~or 24-1(a) (15)~~ commits  
13 a Class 3 felony. A person convicted of a violation of  
14 subsection 24-1(a) (2.5) ~~or 24-1(a) (14)~~ commits a Class 2  
15 felony. The possession of each weapon ~~or device~~ in violation  
16 of this Section constitutes a single and separate violation.

17 (c) Violations in specific places.

18 (1) A person who violates subsection 24-1(a) (6) or  
19 24-1(a) (7) in any school, regardless of the time of day or  
20 the time of year, in residential property owned, operated  
21 or managed by a public housing agency or leased by a public  
22 housing agency as part of a scattered site or mixed-income  
23 development, in a public park, in a courthouse, on the  
24 real property comprising any school, regardless of the  
25 time of day or the time of year, on residential property  
26 owned, operated or managed by a public housing agency or

1 leased by a public housing agency as part of a scattered  
2 site or mixed-income development, on the real property  
3 comprising any public park, on the real property  
4 comprising any courthouse, in any conveyance owned, leased  
5 or contracted by a school to transport students to or from  
6 school or a school related activity, in any conveyance  
7 owned, leased, or contracted by a public transportation  
8 agency, or on any public way within 1,000 feet of the real  
9 property comprising any school, public park, courthouse,  
10 public transportation facility, or 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 commits a Class 2 felony  
14 and shall be sentenced to a term of imprisonment of not  
15 less than 3 years and not more than 7 years.

16 (1.5) A person who violates subsection 24-1(a)(4),  
17 24-1(a)(9), or 24-1(a)(10) in any school, regardless of  
18 the time of day or the time of year, in residential  
19 property owned, operated, or managed by a public housing  
20 agency or leased by a public housing agency as part of a  
21 scattered site or mixed-income development, in a public  
22 park, in a courthouse, on the real property comprising any  
23 school, regardless of the time of day or the time of year,  
24 on residential property owned, operated, or managed by a  
25 public housing agency or leased by a public housing agency  
26 as part of a scattered site or mixed-income development,

1 on the real property comprising any public park, on the  
2 real property comprising any courthouse, in any conveyance  
3 owned, leased, or contracted by a school to transport  
4 students to or from school or a school related activity,  
5 in any conveyance owned, leased, or contracted by a public  
6 transportation agency, or on any public way within 1,000  
7 feet of the real property comprising any school, public  
8 park, courthouse, public transportation facility, or  
9 residential property owned, operated, or managed by a  
10 public housing agency or leased by a public housing agency  
11 as part of a scattered site or mixed-income development  
12 commits a Class 3 felony.

13 (2) A person who violates subsection 24-1(a)(1),  
14 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
15 time of day or the time of year, in residential property  
16 owned, operated or managed by a public housing agency or  
17 leased by a public housing agency as part of a scattered  
18 site or mixed-income development, in a public park, in a  
19 courthouse, on the real property comprising any school,  
20 regardless of the time of day or the time of year, on  
21 residential property owned, operated or managed by a  
22 public housing agency or leased by a public housing agency  
23 as part of a scattered site or mixed-income development,  
24 on the real property comprising any public park, on the  
25 real property comprising any courthouse, in any conveyance  
26 owned, leased or contracted by a school to transport

1 students to or from school or a school related activity,  
2 in any conveyance owned, leased, or contracted by a public  
3 transportation agency, or on any public way within 1,000  
4 feet of the real property comprising any school, public  
5 park, courthouse, public transportation facility, or  
6 residential property owned, operated, or managed by a  
7 public housing agency or leased by a public housing agency  
8 as part of a scattered site or mixed-income development  
9 commits a Class 4 felony. "Courthouse" means any building  
10 that is used by the Circuit, Appellate, or Supreme Court  
11 of this State for the conduct of official business.

12 (3) Paragraphs (1), (1.5), and (2) of this subsection  
13 (c) shall not apply to law enforcement officers or  
14 security officers of such school, college, or university  
15 or to students carrying or possessing firearms for use in  
16 training courses, parades, hunting, target shooting on  
17 school ranges, or otherwise with the consent of school  
18 authorities and which firearms are transported unloaded  
19 enclosed in a suitable case, box, or transportation  
20 package.

21 (4) For the purposes of this subsection (c), "school"  
22 means any public or private elementary or secondary  
23 school, community college, college, or university.

24 (5) For the purposes of this subsection (c), "public  
25 transportation agency" means a public or private agency  
26 that provides for the transportation or conveyance of

1 persons by means available to the general public, except  
2 for transportation by automobiles not used for conveyance  
3 of the general public as passengers; and "public  
4 transportation facility" means a terminal or other place  
5 where one may obtain public transportation.

6 (d) The presence in an automobile other than a public  
7 omnibus of any weapon, instrument or substance referred to in  
8 subsection (a)(7) is prima facie evidence that it is in the  
9 possession of, and is being carried by, all persons occupying  
10 such automobile at the time such weapon, instrument or  
11 substance is found, except under the following circumstances:  
12 (i) if such weapon, instrument or instrumentality is found  
13 upon the person of one of the occupants therein; or (ii) if  
14 such weapon, instrument or substance is found in an automobile  
15 operated for hire by a duly licensed driver in the due, lawful  
16 and proper pursuit of his or her trade, then such presumption  
17 shall not apply to the driver.

18 (e) Exemptions.

19 (1) Crossbows, Common or Compound bows and Underwater  
20 Spearguns are exempted from the definition of ballistic  
21 knife as defined in paragraph (1) of subsection (a) of  
22 this Section.

23 (2) The provision of paragraph (1) of subsection (a)  
24 of this Section prohibiting the sale, manufacture,  
25 purchase, possession, or carrying of any knife, commonly  
26 referred to as a switchblade knife, which has a blade that

1 opens automatically by hand pressure applied to a button,  
2 spring or other device in the handle of the knife, does not  
3 apply to a person who possesses a currently valid Firearm  
4 Owner's Identification Card previously issued in his or  
5 her name by the Illinois State Police or to a person or an  
6 entity engaged in the business of selling or manufacturing  
7 switchblade knives.

8 (Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21;  
9 102-1116, eff. 1-10-23.)

10 (720 ILCS 5/24-1.9 rep.)

11 (720 ILCS 5/24-1.10 rep.)

12 Section 30. The Criminal Code of 2012 is amended by  
13 repealing Sections 24-1.9 and 24-1.10.

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.