



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

### HB4372

Introduced 1/16/2024, by Rep. Adam M. Niemerg

#### 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 35350 RLC 65414 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 (Text of Section before amendment by P.A. 103-472)

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

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

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

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

23 (d) Information and records held by the Department of

1 Public Health and its authorized representatives relating  
2 to known or suspected cases of sexually transmissible  
3 disease or any information the disclosure of which is  
4 restricted under the Illinois Sexually Transmissible  
5 Disease Control Act.

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

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

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

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

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

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

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

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

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

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

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

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

1 2705-616 of the Department of Transportation Law of the  
2 Civil Administrative Code of Illinois, the Regional  
3 Transportation Authority under Section 2.11 of the  
4 Regional Transportation Authority Act, or the St. Clair  
5 County Transit District under the Bi-State Transit Safety  
6 Act (repealed).

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

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

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

13 (t) (Blank).

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

17 (v) Names and information of people who have applied  
18 for or received Firearm Owner's Identification Cards under  
19 the Firearm Owners Identification Card Act or applied for  
20 or received a concealed carry license under the Firearm  
21 Concealed Carry Act, unless otherwise authorized by the  
22 Firearm Concealed Carry Act; and databases under the  
23 Firearm Concealed Carry Act, records of the Concealed  
24 Carry Licensing Review Board under the Firearm Concealed  
25 Carry Act, and law enforcement agency objections under the  
26 Firearm Concealed Carry Act.

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

4 (w) Personally identifiable information which is  
5 exempted from disclosure under subsection (g) of Section  
6 19.1 of the Toll Highway Act.

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

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

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

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

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

26 (cc) Recordings made under the Law Enforcement

1 Officer-Worn Body Camera Act, except to the extent  
2 authorized under that Act.

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

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

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

10 (gg) Information that is prohibited from being  
11 disclosed under Section 7-603.5 of the Illinois Vehicle  
12 Code.

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

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

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

23 (kk) Information prohibited from disclosure under the  
24 Seizure and Forfeiture Reporting Act.

25 (ll) Information the disclosure of which is restricted  
26 and exempted under Section 5-30.8 of the Illinois Public

1 Aid Code.

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

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

6 (oo) Communications, notes, records, and reports  
7 arising out of a peer support counseling session  
8 prohibited from disclosure under the First Responders  
9 Suicide Prevention Act.

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

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

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

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

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

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



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

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

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

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

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

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

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

18           (ccc) Records exempt from disclosure under Section  
19 2605-304 of the Illinois State Police Law of the Civil  
20 Administrative Code of Illinois.

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

25           (eee) Information prohibited from being disclosed  
26 under subsection (b) of Section 75 of the Domestic

1 Violence Fatality Review Act.

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

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

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

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

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

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

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

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

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4 Code.

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6 Section 1A-16.7 of the Election Code.

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10 (jj) Information and reports that are required to be  
11 submitted to the Department of Labor by registering day  
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13 disclosure under subsection (a-1) of Section 45 of the Day  
14 and Temporary Labor Services Act.

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21 Section 4.2 of the Crime Victims Compensation Act.

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

24 (oo) Communications, notes, records, and reports  
25 arising out of a peer support counseling session  
26 prohibited from disclosure under the First Responders



1 Suicide Prevention Act.

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

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7 Public Health and its authorized representatives collected  
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10 the Cannabis Regulation and Tax Act.

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

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

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

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

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

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

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

3           (zz) Information prohibited from being disclosed under  
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5           (aaa) Information prohibited from being disclosed  
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12 Administrative Code of Illinois.

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15 Victims of Domestic Violence, Sexual Assault, Human  
16 Trafficking, or Stalking Act.

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

20          (fff) Images from cameras under the Expressway Camera  
21 Act. This subsection (fff) is inoperative on and after  
22 July 1, 2025.

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24 paragraph (3) of subsection (a) of Section 14 of the Nurse  
25 Agency Licensing Act.

26          (hhh) (Blank). ~~Information submitted to the Illinois~~

1 ~~State Police in an affidavit or application for an assault~~  
2 ~~weapon endorsement, assault weapon attachment endorsement,~~  
3 ~~.50 caliber rifle endorsement, or .50 caliber cartridge~~  
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6 (iii) Data exempt from disclosure under Section 50 of  
7 the School Safety Drill Act.

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

10 (kkk) ~~(iii)~~ Confidential business information  
11 prohibited from disclosure under Section 45 of the Paint  
12 Stewardship Act.

13 (lll) ~~(iii)~~ Data exempt from disclosure under Section  
14 2-3.196 of the School Code.

15 (Source: P.A. 102-36, eff. 6-25-21; 102-237, eff. 1-1-22;  
16 102-292, eff. 1-1-22; 102-520, eff. 8-20-21; 102-559, eff.  
17 8-20-21; 102-813, eff. 5-13-22; 102-946, eff. 7-1-22;  
18 102-1042, eff. 6-3-22; 102-1116, eff. 1-10-23; 103-8, eff.  
19 6-7-23; 103-34, eff. 6-9-23; 103-142, eff. 1-1-24; 103-372,  
20 eff. 1-1-24; 103-472, eff. 8-1-24; 103-508, eff. 8-4-23;  
21 revised 9-5-23.)

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

24 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

10           (b) This subsection (b) applies through the 180th day  
11 following July 12, 2019 (the effective date of Public Act  
12 101-80). A person under 21 years of age who does not have  
13 the written consent of his parent or guardian to acquire  
14 and possess firearms and firearm ammunition, or whose  
15 parent or guardian has revoked such written consent, or  
16 where such parent or guardian does not qualify to have a  
17 Firearm Owner's Identification Card;

18           (b-5) This subsection (b-5) applies on and after the  
19 181st day following July 12, 2019 (the effective date of  
20 Public Act 101-80). A person under 21 years of age who is  
21 not an active duty member of the United States Armed  
22 Forces or the Illinois National Guard and does not have  
23 the written consent of his or her parent or guardian to  
24 acquire and possess firearms and firearm ammunition, or  
25 whose parent or guardian has revoked such written consent,  
26 or where such parent or guardian does not qualify to have a

1 Firearm Owner's Identification Card;

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

4 (d) A person addicted to narcotics;

5 (e) A person who has been a patient of a mental health  
6 facility within the past 5 years or a person who has been a  
7 patient in a mental health facility more than 5 years ago  
8 who has not received the certification required under  
9 subsection (u) of this Section. An active law enforcement  
10 officer employed by a unit of government or a Department  
11 of Corrections employee authorized to possess firearms who  
12 is denied, revoked, or has his or her Firearm Owner's  
13 Identification Card seized under this subsection (e) may  
14 obtain relief as described in subsection (c-5) of Section  
15 10 of this Act if the officer or employee did not act in a  
16 manner threatening to the officer or employee, another  
17 person, or the public as determined by the treating  
18 clinical psychologist or physician, and the officer or  
19 employee seeks mental health treatment;

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

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

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

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

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

10 (1) admitted to the United States for lawful  
11 hunting or sporting purposes;

12 (2) an official representative of a foreign  
13 government who is:

14 (A) accredited to the United States Government  
15 or the Government's mission to an international  
16 organization having its headquarters in the United  
17 States; or

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

20 (3) an official of a foreign government or  
21 distinguished foreign visitor who has been so  
22 designated by the Department of State;

23 (4) a foreign law enforcement officer of a  
24 friendly foreign government entering the United States  
25 on official business; or

26 (5) one who has received a waiver from the

1 Attorney General of the United States pursuant to 18  
2 U.S.C. 922(y) (3);

3 (j) (Blank);

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

9 (l) A person who has been convicted of domestic  
10 battery, aggravated domestic battery, or a substantially  
11 similar offense in another jurisdiction committed before,  
12 on or after January 1, 2012 (the effective date of Public  
13 Act 97-158). If the applicant or person who has been  
14 previously issued a Firearm Owner's Identification Card  
15 under this Act knowingly and intelligently waives the  
16 right to have an offense described in this paragraph (l)  
17 tried by a jury, and by guilty plea or otherwise, results  
18 in a conviction for an offense in which a domestic  
19 relationship is not a required element of the offense but  
20 in which a determination of the applicability of 18 U.S.C.  
21 922(g) (9) is made under Section 112A-11.1 of the Code of  
22 Criminal Procedure of 1963, an entry by the court of a  
23 judgment of conviction for that offense shall be grounds  
24 for denying an application for and for revoking and  
25 seizing a Firearm Owner's Identification Card previously  
26 issued to the person under this Act;

1 (m) (Blank);

2 (n) A person who is prohibited from acquiring or  
3 possessing firearms or firearm ammunition by any Illinois  
4 State statute or by federal law;

5 (o) A minor subject to a petition filed under Section  
6 5-520 of the Juvenile Court Act of 1987 alleging that the  
7 minor is a delinquent minor for the commission of an  
8 offense that if committed by an adult would be a felony;

9 (p) An adult who had been adjudicated a delinquent  
10 minor under the Juvenile Court Act of 1987 for the  
11 commission of an offense that if committed by an adult  
12 would be a felony;

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

16 (r) A person who has been adjudicated as a person with  
17 a mental disability;

18 (s) A person who has been found to have a  
19 developmental disability;

20 (t) A person involuntarily admitted into a mental  
21 health facility; or

22 (u) A person who has had his or her Firearm Owner's  
23 Identification Card revoked or denied under subsection (e)  
24 of this Section or item (iv) of paragraph (2) of  
25 subsection (a) of Section 4 of this Act because he or she  
26 was a patient in a mental health facility as provided in



1 subsection (e) of this Section, shall not be permitted to  
2 obtain a Firearm Owner's Identification Card, after the  
3 5-year period has lapsed, unless he or she has received a  
4 mental health evaluation by a physician, clinical  
5 psychologist, or qualified examiner as those terms are  
6 defined in the Mental Health and Developmental  
7 Disabilities Code, and has received a certification that  
8 he or she is not a clear and present danger to himself,  
9 herself, or others. The physician, clinical psychologist,  
10 or qualified examiner making the certification and his or  
11 her employer shall not be held criminally, civilly, or  
12 professionally liable for making or not making the  
13 certification required under this subsection, except for  
14 willful or wanton misconduct. This subsection does not  
15 apply to a person whose firearm possession rights have  
16 been restored through administrative or judicial action  
17 under Section 10 or 11 of this Act.

18 Upon revocation of a person's Firearm Owner's  
19 Identification Card, the Illinois State Police shall provide  
20 notice to the person and the person shall comply with Section  
21 9.5 of this Act.

22 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;  
23 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.  
24 5-27-22; 102-1116, eff. 1-10-23.)

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

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

5 (430 ILCS 67/40)

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

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

21 (b) If the respondent is alleged to pose a significant  
22 danger of causing personal injury to an intimate partner, or  
23 an intimate partner is alleged to have been the target of a  
24 threat or act of violence by the respondent, the petitioner

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

13 (c) Every person who files a petition for a ~~plenary~~  
14 6-month firearms restraining order, knowing the information  
15 provided to the court at any hearing or in the affidavit or  
16 verified pleading to be false, is guilty of perjury under  
17 Section 32-2 of the Criminal Code of 2012.

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

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

- 24 (1) The unlawful and reckless use, display, or  
25 brandishing of a firearm, ammunition, and firearm parts  
26 that could be assembled to make an operable firearm by the

1 respondent.

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

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

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

9 (5) A recent threat of violence or act of violence by  
10 the respondent directed toward himself, herself, or  
11 another.

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

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

23 (f) At the hearing, the petitioner shall have the burden  
24 of proving, by clear and convincing evidence, that the  
25 respondent poses a significant danger of personal injury to  
26 himself, herself, or another by having in his or her custody or

1 control, purchasing, possessing, or receiving a firearm,  
2 ammunition, and firearm parts that could be assembled to make  
3 an operable firearm.

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

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

26 (h) A ~~plenary~~ 6-month firearms restraining order shall

1       require:

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

8               (2) the respondent to comply with Section 9.5 of the  
9       Firearm Owners Identification Card Act and subsection (g)  
10       of Section 70 of the Firearm Concealed Carry Act.

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

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

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

23 (i-6) If a person other than the respondent claims title  
24 to any firearms, ammunition, and firearm parts that could be  
25 assembled to make an operable firearm surrendered under this  
26 Section, he or she may petition the court, if the petitioner is

1 present in court or has notice of the petition, to have the  
2 firearm, ammunition, and firearm parts that could be assembled  
3 to make an operable firearm returned to him or her. If the  
4 court determines that person to be the lawful owner of the  
5 firearm, ammunition, and firearm parts that could be assembled  
6 to make an operable firearm, the firearm, ammunition, and  
7 firearm parts that could be assembled to make an operable  
8 firearm shall be returned to him or her, provided that:

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

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

21 The person petitioning for the return of his or her  
22 firearm, ammunition, and firearm parts that could be assembled  
23 to make an operable firearm must swear or affirm by affidavit  
24 that he or she: (i) is the lawful owner of the firearm,  
25 ammunition, and firearm parts that could be assembled to make  
26 an operable firearm; (ii) shall not transfer the firearm,



1 ammunition, and firearm parts that could be assembled to make  
2 an operable firearm to the respondent; and (iii) will store  
3 the firearm, ammunition, and firearm parts that could be  
4 assembled to make an operable firearm in a manner that the  
5 respondent does not have access to or control of the firearm,  
6 ammunition, and firearm parts that could be assembled to make  
7 an operable firearm.

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

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

17 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;  
18 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.  
19 5-13-22; 102-1116, eff. 1-10-23.)

20 (430 ILCS 67/45)

21 Sec. 45. Termination and renewal.

22 (a) A person subject to a firearms restraining order  
23 issued under this Act may submit one written request at any  
24 time during the effective period of the order for a hearing to  
25 terminate the order.

1           (1) The respondent shall have the burden of proving by  
2           a preponderance of the evidence that the respondent does  
3           not pose a danger of causing personal injury to himself,  
4           herself, or another in the near future by having in his or  
5           her custody or control, purchasing, possessing, or  
6           receiving a firearm, ammunition, and firearm parts that  
7           could be assembled to make an operable firearm.

8           (2) If the court finds after the hearing that the  
9           respondent has met his or her burden, the court shall  
10          terminate the order.

11          (b) A petitioner may request a renewal of a firearms  
12          restraining order at any time within the 3 months before the  
13          expiration of a firearms restraining order.

14           (1) A court shall, after notice and a hearing, renew a  
15           firearms restraining order issued under this part if the  
16           petitioner proves, by clear and convincing evidence, that  
17           the respondent continues to pose a danger of causing  
18           personal injury to himself, herself, or another in the  
19           near future by having in his or her custody or control,  
20           purchasing, possessing, or receiving a firearm,  
21           ammunition, and firearm parts that could be assembled to  
22           make an operable firearm.

23           (2) In determining whether to renew a firearms  
24           restraining order issued under this Act, the court shall  
25           consider evidence of the facts identified in subsection  
26           (e) of Section 40 of this Act and any other evidence of an

1 increased risk for violence.

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

10 (4) The renewal of a firearms restraining order issued  
11 under this Section shall be in effect for 6 months ~~up to~~  
12 ~~one year and may be renewed for an additional period of up~~  
13 ~~to one year~~, subject to termination by further order of  
14 the court at a hearing held under this Section and further  
15 renewal by further order of the court under this Section.

16 (Source: P.A. 101-81, eff. 7-12-19; 102-345, eff. 6-1-22;  
17 102-1116, eff. 1-10-23.)

18 (430 ILCS 67/55)

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

20 (a) All sheriffs shall furnish to the Illinois State  
21 Police, daily, in the form and detail the Illinois State  
22 Police requires, copies of any recorded firearms restraining  
23 orders issued by the court, and any foreign orders of  
24 protection filed by the clerk of the court, and transmitted to  
25 the sheriff by the clerk of the court under Section 50. Each

1 firearms restraining order shall be entered in the Law  
2 Enforcement Agencies Data System (LEADS) on the same day it is  
3 issued by the court. If an emergency firearms restraining  
4 order was issued in accordance with Section 35 of this Act, the  
5 order shall be entered in the Law Enforcement Agencies Data  
6 System (LEADS) as soon as possible after receipt from the  
7 clerk.

8 (b) The Illinois State Police shall maintain a complete  
9 and systematic record and index of all valid and recorded  
10 firearms restraining orders issued or filed under this Act.  
11 The data shall be used to inform all dispatchers and law  
12 enforcement officers at the scene of a violation of a firearms  
13 restraining order of the effective dates and terms of any  
14 recorded order of protection.

15 (c) The data, records, and transmittals required under  
16 this Section shall pertain to any valid emergency or ~~plenary~~  
17 6-month firearms restraining order, whether issued in a civil  
18 or criminal proceeding or authorized under the laws of another  
19 state, tribe, or United States territory.

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

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

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

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

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

4           (1) Sells, manufactures, purchases, possesses or  
5 carries any bludgeon, black-jack, slung-shot, sand-club,  
6 sand-bag, metal knuckles or other knuckle weapon  
7 regardless of its composition, throwing star, or any  
8 knife, commonly referred to as a switchblade knife, which  
9 has a blade that opens automatically by hand pressure  
10 applied to a button, spring or other device in the handle  
11 of the knife, or a ballistic knife, which is a device that  
12 propels a knifelike blade as a projectile by means of a  
13 coil spring, elastic material or compressed gas; or

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

19           (2.5) Carries or possesses with intent to use the same  
20 unlawfully against another, any firearm in a church,  
21 synagogue, mosque, or other building, structure, or place  
22 used for religious worship; or

23           (3) Carries on or about his person or in any vehicle, a  
24 tear gas gun projector or bomb or any object containing  
25 noxious liquid gas or substance, other than an object  
26 containing a non-lethal noxious liquid gas or substance

1 designed solely for personal defense carried by a person  
2 18 years of age or older; or

3 (4) Carries or possesses in any vehicle or concealed  
4 on or about his person except when on his land or in his  
5 own abode, legal dwelling, or fixed place of business, or  
6 on the land or in the legal dwelling of another person as  
7 an invitee with that person's permission, any pistol,  
8 revolver, stun gun or taser or other firearm, except that  
9 this subsection (a) (4) does not apply to or affect  
10 transportation of weapons that meet one of the following  
11 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 who has been issued a currently valid Firearm  
17 Owner's Identification Card; or

18 (iv) are carried or possessed in accordance with  
19 the Firearm Concealed Carry Act by a person who has  
20 been issued a currently valid license under the  
21 Firearm Concealed Carry Act; or

22 (5) Sets a spring gun; or

23 (6) Possesses any device or attachment of any kind  
24 designed, used or intended for use in silencing the report  
25 of any firearm; or

26 (7) Sells, manufactures, purchases, possesses or

1 carries:

2 (i) a machine gun, which shall be defined for the  
3 purposes of this subsection as any weapon, which  
4 shoots, is designed to shoot, or can be readily  
5 restored to shoot, automatically more than one shot  
6 without manually reloading by a single function of the  
7 trigger, including the frame or receiver of any such  
8 weapon, or sells, manufactures, purchases, possesses,  
9 or carries any combination of parts designed or  
10 intended for use in converting any weapon into a  
11 machine gun, or any combination or parts from which a  
12 machine gun can be assembled if such parts are in the  
13 possession or under the control of a person;

14 (ii) any rifle having one or more barrels less  
15 than 16 inches in length or a shotgun having one or  
16 more barrels less than 18 inches in length or any  
17 weapon made from a rifle or shotgun, whether by  
18 alteration, modification, or otherwise, if such a  
19 weapon as modified has an overall length of less than  
20 26 inches; or

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

26 (8) Carries or possesses any firearm, stun gun or

1 taser or other deadly weapon in any place which is  
2 licensed to sell intoxicating beverages, or at any public  
3 gathering held pursuant to a license issued by any  
4 governmental body or any public gathering at which an  
5 admission is charged, excluding a place where a showing,  
6 demonstration or lecture involving the exhibition of  
7 unloaded firearms is conducted.

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

12 (9) Carries or possesses in a vehicle or on or about  
13 his or her person any pistol, revolver, stun gun or taser  
14 or firearm or ballistic knife, when he or she is hooded,  
15 robed or masked in such manner as to conceal his or her  
16 identity; or

17 (10) 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 land  
23 or in his or her own abode, legal dwelling, or fixed place  
24 of business, or on the land or in the legal dwelling of  
25 another person as an invitee with that person's  
26 permission, any pistol, revolver, stun gun, or taser or



1 other firearm, except that this subsection (a) (10) does  
2 not apply to or affect transportation of weapons that meet  
3 one of the following conditions:

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  
8 person who has been issued a currently valid Firearm  
9 Owner's Identification Card; or

10 (iv) are carried or possessed in accordance with  
11 the Firearm Concealed Carry Act by a person who has  
12 been issued a currently valid license under the  
13 Firearm Concealed Carry Act.

14 A "stun gun or taser", as used in this paragraph (a)  
15 means (i) any device which is powered by electrical  
16 charging units, such as, batteries, and which fires one or  
17 several barbs attached to a length of wire and which, upon  
18 hitting a human, can send out a current capable of  
19 disrupting the person's nervous system in such a manner as  
20 to render him incapable of normal functioning or (ii) any  
21 device which is powered by electrical charging units, such  
22 as batteries, and which, upon contact with a human or  
23 clothing worn by a human, can send out current capable of  
24 disrupting the person's nervous system in such a manner as  
25 to render him incapable of normal functioning; or

26 (11) Sells, manufactures, ~~delivers, imports,~~

1 ~~possesses,~~ or purchases any ~~assault weapon attachment or~~  
2 ~~.50 caliber cartridge in violation of Section 24-1.9 or~~  
3 ~~any~~ explosive bullet. For purposes of this paragraph (a)  
4 "explosive bullet" means the projectile portion of an  
5 ammunition cartridge which contains or carries an  
6 explosive charge which will explode upon contact with the  
7 flesh of a human or an animal. "Cartridge" means a tubular  
8 metal case having a projectile affixed at the front  
9 thereof and a cap or primer at the rear end thereof, with  
10 the propellant contained in such tube between the  
11 projectile and the cap; or

12 (12) (Blank); or

13 (13) Carries or possesses on or about his or her  
14 person while in a building occupied by a unit of  
15 government, a billy club, other weapon of like character,  
16 or other instrument of like character intended for use as  
17 a weapon. For the purposes of this Section, "billy club"  
18 means a short stick or club commonly carried by police  
19 officers which is either telescopic or constructed of a  
20 solid piece of wood or other man-made material, ~~or~~

21 ~~(14) Manufactures, possesses, sells, or offers to~~  
22 ~~sell, purchase, manufacture, import, transfer, or use any~~  
23 ~~device, part, kit, tool, accessory, or combination of~~  
24 ~~parts that is designed to and functions to increase the~~  
25 ~~rate of fire of a semiautomatic firearm above the standard~~  
26 ~~rate of fire for semiautomatic firearms that is not~~

1 ~~equipped with that device, part, or combination of parts;~~

2 ~~or~~

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

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

8 (b) Sentence. A person convicted of a violation of  
9 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
10 subsection 24-1(a)(11), or subsection 24-1(a)(13), ~~or~~  
11 ~~24-1(a)(15)~~ commits a Class A misdemeanor. A person convicted  
12 of a violation of subsection 24-1(a)(8) or 24-1(a)(9) commits  
13 a Class 4 felony; a person convicted of a violation of  
14 subsection 24-1(a)(6), or 24-1(a)(7)(ii), ~~24-1(a)(7)(iii), or~~  
15 ~~24-1(a)(16)~~ or (iii) commits a Class 3 felony. A person  
16 convicted of a violation of subsection 24-1(a)(7)(i) commits a  
17 Class 2 felony and shall be sentenced to a term of imprisonment  
18 of not less than 3 years and not more than 7 years, unless the  
19 weapon is possessed in the passenger compartment of a motor  
20 vehicle as defined in Section 1-146 of the Illinois Vehicle  
21 Code, or on the person, while the weapon is loaded, in which  
22 case it shall be a Class X felony. A person convicted of a  
23 second or subsequent violation of subsection 24-1(a)(4),  
24 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10), ~~or 24-1(a)(15)~~ commits  
25 a Class 3 felony. A person convicted of a violation of  
26 subsection 24-1(a)(2.5) ~~or 24-1(a)(14)~~ commits a Class 2

1 felony. The possession of each weapon ~~or device~~ in violation  
2 of this Section constitutes a single and separate violation.

3 (c) Violations in specific places.

4 (1) A person who violates subsection 24-1(a)(6) or  
5 24-1(a)(7) in any school, regardless of the time of day or  
6 the time of year, in residential property owned, operated  
7 or managed by a public housing agency or leased by a public  
8 housing agency as part of a scattered site or mixed-income  
9 development, in a public park, in a courthouse, on the  
10 real property comprising any school, regardless of the  
11 time of day or the time of year, on residential property  
12 owned, operated or managed by a public housing agency or  
13 leased by a public housing agency as part of a scattered  
14 site or mixed-income development, on the real property  
15 comprising any public park, on the real property  
16 comprising any courthouse, in any conveyance owned, leased  
17 or contracted by a school to transport students to or from  
18 school or a school related activity, in any conveyance  
19 owned, leased, or contracted by a public transportation  
20 agency, or on any public way within 1,000 feet of the real  
21 property comprising any school, public park, courthouse,  
22 public transportation facility, or residential property  
23 owned, operated, or managed by a public housing agency or  
24 leased by a public housing agency as part of a scattered  
25 site or mixed-income development commits a Class 2 felony  
26 and shall be sentenced to a term of imprisonment of not

1 less than 3 years and not more than 7 years.

2 (1.5) A person who violates subsection 24-1(a)(4),  
3 24-1(a)(9), or 24-1(a)(10) in any school, regardless of  
4 the time of day or the time of year, in residential  
5 property owned, operated, or managed by a public housing  
6 agency or leased by a public housing agency as part of a  
7 scattered site or mixed-income development, in a public  
8 park, in a courthouse, on the real property comprising any  
9 school, regardless of the time of day or the time of year,  
10 on residential property owned, operated, or managed by a  
11 public housing agency or leased by a public housing agency  
12 as part of a scattered site or mixed-income development,  
13 on the real property comprising any public park, on the  
14 real property comprising any courthouse, in any conveyance  
15 owned, leased, or contracted by a school to transport  
16 students to or from school or a school related activity,  
17 in any conveyance owned, leased, or contracted by a public  
18 transportation agency, or on any public way within 1,000  
19 feet of the real property comprising any school, public  
20 park, courthouse, public transportation facility, or  
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 commits a Class 3 felony.

25 (2) A person who violates subsection 24-1(a)(1),  
26 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the

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

24 (3) Paragraphs (1), (1.5), and (2) of this subsection  
25 (c) shall not apply to law enforcement officers or  
26 security officers of such school, college, or university

1 or to students carrying or possessing firearms for use in  
2 training courses, parades, hunting, target shooting on  
3 school ranges, or otherwise with the consent of school  
4 authorities and which firearms are transported unloaded  
5 enclosed in a suitable case, box, or transportation  
6 package.

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

10 (5) For the purposes of this subsection (c), "public  
11 transportation agency" means a public or private agency  
12 that provides for the transportation or conveyance of  
13 persons by means available to the general public, except  
14 for transportation by automobiles not used for conveyance  
15 of the general public as passengers; and "public  
16 transportation facility" means a terminal or other place  
17 where one may obtain public transportation.

18 (d) The presence in an automobile other than a public  
19 omnibus of any weapon, instrument or substance referred to in  
20 subsection (a)(7) is prima facie evidence that it is in the  
21 possession of, and is being carried by, all persons occupying  
22 such automobile at the time such weapon, instrument or  
23 substance is found, except under the following circumstances:  
24 (i) if such weapon, instrument or instrumentality is found  
25 upon the person of one of the occupants therein; or (ii) if  
26 such weapon, instrument or substance is found in an automobile

1 operated for hire by a duly licensed driver in the due, lawful  
2 and proper pursuit of his or her trade, then such presumption  
3 shall not apply to the driver.

4 (e) Exemptions.

5 (1) Crossbows, Common or Compound bows and Underwater  
6 Spearguns are exempted from the definition of ballistic  
7 knife as defined in paragraph (1) of subsection (a) of  
8 this Section.

9 (2) The provision of paragraph (1) of subsection (a)  
10 of this Section prohibiting the sale, manufacture,  
11 purchase, possession, or carrying of any knife, commonly  
12 referred to as a switchblade knife, which has a blade that  
13 opens automatically by hand pressure applied to a button,  
14 spring or other device in the handle of the knife, does not  
15 apply to a person who possesses a currently valid Firearm  
16 Owner's Identification Card previously issued in his or  
17 her name by the Illinois State Police or to a person or an  
18 entity engaged in the business of selling or manufacturing  
19 switchblade knives.

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

22 (720 ILCS 5/24-1.9 rep.)

23 (720 ILCS 5/24-1.10 rep.)

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



1           Section 95. No acceleration or delay. Where this Act makes  
2 changes in a statute that is represented in this Act by text  
3 that is not yet or no longer in effect (for example, a Section  
4 represented by multiple versions), the use of that text does  
5 not accelerate or delay the taking effect of (i) the changes  
6 made by this Act or (ii) provisions derived from any other  
7 Public Act.

8           Section 99. Effective date. This Act takes effect upon  
9 becoming law.