

# SB1694



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1694

Introduced 2/8/2023, by Sen. Neil Anderson

### SYNOPSIS AS INTRODUCED:

See Index

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

LRB103 25364 RLC 51709 b

A BILL FOR

1 AN ACT concerning firearms.

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

4 Section 3. The Open Meetings Act is amended by changing  
5 Section 2 as follows:

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

7 Sec. 2. Open meetings.

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (9) Student disciplinary cases.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 as mandated by Section 2.06.

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

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

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

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

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

19 (27) (Blank).

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

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

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

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

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

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

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

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



1 Revenue Law of the Civil Administrative Code of Illinois.

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

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

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

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

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

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

1 amendatory Act of the 103rd General Assembly.

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

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

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

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

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

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

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

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

5 (5 ILCS 140/7.5)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (hh) Records that are exempt from disclosure under



1 Section 1A-16.7 of the Election Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26           (aaa) Information prohibited from being disclosed

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

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

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

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

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

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

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

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

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

10 Section 5.5. The Illinois TRUST Act is amended by changing  
11 Section 15 as follows:

12 (5 ILCS 805/15)

13 Sec. 15. Prohibition on enforcing federal civil  
14 immigration laws.

15 (a) A law enforcement agency or law enforcement official  
16 shall not detain or continue to detain any individual solely  
17 on the basis of any immigration detainer or civil immigration  
18 warrant or otherwise comply with an immigration detainer or  
19 civil immigration warrant.

20 (b) A law enforcement agency or law enforcement official  
21 shall not stop, arrest, search, detain, or continue to detain  
22 a person solely based on an individual's citizenship or  
23 immigration status.

24 (c) (Blank).

1 (d) A law enforcement agency or law enforcement official  
2 acting in good faith in compliance with this Section who  
3 releases a person subject to an immigration detainer or civil  
4 immigration warrant shall have immunity from any civil or  
5 criminal liability that might otherwise occur as a result of  
6 making the release, with the exception of willful or wanton  
7 misconduct.

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

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

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

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

25 (h) Unless presented with a federal criminal warrant, or  
26 otherwise required by federal law, a law enforcement agency or

1 official may not:

2 (1) participate, support, or assist in any capacity  
3 with an immigration agent's enforcement operations,  
4 including any collateral assistance such as coordinating  
5 an arrest in a courthouse or other public facility,  
6 providing use of any equipment, transporting any  
7 individuals, or establishing a security or traffic  
8 perimeter surrounding such operations, or any other  
9 on-site support;

10 (2) give any immigration agent access, including by  
11 telephone, to any individual who is in that agency's  
12 custody;

13 (3) transfer any person into an immigration agent's  
14 custody;

15 (4) permit immigration agents use of agency facilities  
16 or equipment, including any agency electronic databases  
17 not available to the public, for investigative interviews  
18 or other investigative or immigration enforcement purpose;

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

26 (6) provide information in response to any immigration

1 agent's inquiry or request for information regarding any  
2 individual in the agency's custody; or

3 (7) provide to any immigration agent information not  
4 otherwise available to the public relating to an  
5 individual's release or contact information, or otherwise  
6 facilitate for an immigration agent to apprehend or  
7 question an individual for immigration enforcement.

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

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

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

18 (5 ILCS 830/10-5)

19 Sec. 10-5. Gun trafficking information.

20 (a) The Illinois State Police shall use all reasonable  
21 efforts in making publicly available, on a regular and ongoing  
22 basis, key information related to firearms used in the  
23 commission of crimes in this State, including, but not limited  
24 to: reports on crimes committed with firearms, locations where



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

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

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

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

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

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

23 (5 ILCS 840/40)

24 Sec. 40. Task Force recommendations.

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

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

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

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

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

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

24 (1) Assigning, appointing, or designating one member  
25 of an agency or organization to attend specialized  
26 training(s) sponsored by an accredited agency,

1 association, or organization recognized in their fields of  
2 study.

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

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

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

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

1 duress. Task Force members shall further recommend funding for  
2 expansion and messaging campaigns of preliminary  
3 self-diagnosing technologies like the one described above.  
4 These objectives could be met by:

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

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

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

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

1 out there about their existence.

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

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

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

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

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

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

1 psychology, clinical behaviorist, and clinical psychiatry.

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

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

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

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

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

22 (20 ILCS 2605/2605-10) (was 20 ILCS 2605/55a in part)

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

24 (a) The Illinois State Police shall exercise the rights,

1 powers, and duties that have been vested in the Illinois State  
2 Police by the following:

3 The Illinois State Police Act.

4 The Illinois State Police Radio Act.

5 The Criminal Identification Act.

6 The Illinois Vehicle Code.

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

8 The Firearm Concealed Carry Act.

9 The Gun Dealer Licensing Act.

10 The Intergovernmental Missing Child Recovery Act of 1984.

11 The Intergovernmental Drug Laws Enforcement Act.

12 The Narcotic Control Division Abolition Act.

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

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

16 (20 ILCS 2605/2605-45) (was 20 ILCS 2605/55a-5)

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

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



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

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

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

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

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

20 (6) (Blank).

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

25 (7) Exercise other duties that may be assigned by the  
26 Director to fulfill the responsibilities and achieve the

1 purposes of the Illinois State Police.

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

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

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

11 (20 ILCS 2605/2605-200) (was 20 ILCS 2605/55a in part)

12 Sec. 2605-200. Investigations of crime; enforcement of  
13 laws; records; crime laboratories; personnel.

14 (a) To do the following:

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

21 (2) Enforce all laws regulating the production, sale,  
22 prescribing, manufacturing, administering, transporting,  
23 having in possession, dispensing, delivering,  
24 distributing, or use of controlled substances and  
25 cannabis.

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

6           (4) Cooperate with the police of cities, villages, and  
7           incorporated towns and with the police officers of any  
8           county in enforcing the laws of the State and in making  
9           arrests and recovering property.

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

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

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

17          (8) Be a central repository for criminal history  
18          record information.

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

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

24          (11) Establish general and field crime laboratories.

25          (12) (Blank). ~~Register and file for record information~~  
26          ~~that may be required by law for the issuance of firearm~~

1 ~~owner's identification cards under the Firearm Owners~~  
2 ~~Identification Card Act and concealed carry licenses under~~  
3 ~~the Firearm Concealed Carry Act.~~

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

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

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

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

23 (20 ILCS 2605/2605-595)

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

25 (a) There is created in the State treasury a special fund

1 known as the State Police Firearm Services Fund. The Fund  
2 shall receive revenue under the Firearm Concealed Carry Act  
3 and ~~7~~ the Firearm Dealer License Certification Act,~~—and~~  
4 ~~Section 5 of the Firearm Owners Identification Card Act.~~ The  
5 Fund may also receive revenue from grants, pass-through  
6 grants, donations, appropriations, and any other legal source.

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

19 (b) The Illinois State Police may use moneys in the Fund to  
20 finance any of its lawful purposes, mandates, functions, and  
21 duties under ~~the Firearm Owners Identification Card Act,~~ the  
22 Firearm Dealer License Certification Act,~~7~~ and the Firearm  
23 Concealed Carry Act, including the cost of sending notices of  
24 expiration of ~~Firearm Owner's Identification Cards,~~ concealed  
25 carry licenses, the prompt and efficient processing of  
26 applications under ~~the Firearm Owners Identification Card Act~~

1 ~~and~~ the Firearm Concealed Carry Act, the improved efficiency  
2 and reporting of the LEADS and federal NICS law enforcement  
3 data systems, and support for investigations required under  
4 these Acts and law. Any surplus funds beyond what is needed to  
5 comply with the aforementioned purposes shall be used by the  
6 Illinois State Police to improve the Law Enforcement Agencies  
7 Data System (LEADS) and criminal history background check  
8 system.

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

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

13 (20 ILCS 2605/2605-120 rep.)

14 (20 ILCS 2605/2605-304 rep.)

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

18 Section 20. The Criminal Identification Act is amended by  
19 changing Section 2.2 as follows:

20 (20 ILCS 2630/2.2)

21 Sec. 2.2. Notification to the Illinois State Police. Upon  
22 judgment of conviction of a violation of Section 12-1, 12-2,  
23 12-3, 12-3.2, 12-3.4, or 12-3.5 of the Criminal Code of 1961 or

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

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

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

21 (20 ILCS 3930/7.9)

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

26 (12) a representative of an association representing

1 counties appointed by the President of the Senate; and

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

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

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

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

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

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

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

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

2 (30 ILCS 105/6z-99)

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

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

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

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

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

6 (30 ILCS 105/6z-127)

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

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

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

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

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

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

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

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

8           (30 ILCS 500/1-10)

9           Sec. 1-10. Application.

10          (a) This Code applies only to procurements for which  
11 bidders, offerors, potential contractors, or contractors were  
12 first solicited on or after July 1, 1998. This Code shall not  
13 be construed to affect or impair any contract, or any  
14 provision of a contract, entered into based on a solicitation  
15 prior to the implementation date of this Code as described in  
16 Article 99, including, but not limited to, any covenant  
17 entered into with respect to any revenue bonds or similar  
18 instruments. All procurements for which contracts are  
19 solicited between the effective date of Articles 50 and 99 and  
20 July 1, 1998 shall be substantially in accordance with this  
21 Code and its intent.

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

1           (1) Contracts between the State and its political  
2           subdivisions or other governments, or between State  
3           governmental bodies, except as specifically provided in  
4           this Code.

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

7           (3) Purchase of care, except as provided in Section  
8           5-30.6 of the Illinois Public Aid Code and this Section.

9           (4) Hiring of an individual as an employee and not as  
10          an independent contractor, whether pursuant to an  
11          employment code or policy or by contract directly with  
12          that individual.

13          (5) Collective bargaining contracts.

14          (6) Purchase of real estate, except that notice of  
15          this type of contract with a value of more than \$25,000  
16          must be published in the Procurement Bulletin within 10  
17          calendar days after the deed is recorded in the county of  
18          jurisdiction. The notice shall identify the real estate  
19          purchased, the names of all parties to the contract, the  
20          value of the contract, and the effective date of the  
21          contract.

22          (7) Contracts necessary to prepare for anticipated  
23          litigation, enforcement actions, or investigations,  
24          provided that the chief legal counsel to the Governor  
25          shall give his or her prior approval when the procuring  
26          agency is one subject to the jurisdiction of the Governor,

1 and provided that the chief legal counsel of any other  
2 procuring entity subject to this Code shall give his or  
3 her prior approval when the procuring entity is not one  
4 subject to the jurisdiction of the Governor.

5 (8) (Blank).

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

8 (10) (Blank).

9 (11) Public-private agreements entered into according  
10 to the procurement requirements of Section 20 of the  
11 Public-Private Partnerships for Transportation Act and  
12 design-build agreements entered into according to the  
13 procurement requirements of Section 25 of the  
14 Public-Private Partnerships for Transportation Act.

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

24 (B) Contracts for legal and financial services entered  
25 into by the Illinois Housing Development Authority in  
26 connection with the issuance of bonds in which the State

1 of Illinois is not obligated. Such contracts shall be  
2 awarded through a competitive process authorized by the  
3 members of the Illinois Housing Development Authority and  
4 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,  
5 and 50-37 of this Code, as well as the final approval by  
6 the members of the Illinois Housing Development Authority  
7 of the terms of the contract.

8 (13) Contracts for services, commodities, and  
9 equipment to support the delivery of timely forensic  
10 science services in consultation with and subject to the  
11 approval of the Chief Procurement Officer as provided in  
12 subsection (d) of Section 5-4-3a of the Unified Code of  
13 Corrections, except for the requirements of Sections  
14 20-60, 20-65, 20-70, and 20-160 and Article 50 of this  
15 Code; however, the Chief Procurement Officer may, in  
16 writing with justification, waive any certification  
17 required under Article 50 of this Code. For any contracts  
18 for services which are currently provided by members of a  
19 collective bargaining agreement, the applicable terms of  
20 the collective bargaining agreement concerning  
21 subcontracting shall be followed.

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

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



1           (15) Contracts with a railroad or utility that  
2 requires the State to reimburse the railroad or utilities  
3 for the relocation of utilities for construction or other  
4 public purpose. Contracts included within this paragraph  
5 (15) shall include, but not be limited to, those  
6 associated with: relocations, crossings, installations,  
7 and maintenance. For the purposes of this paragraph (15),  
8 "railroad" means any form of non-highway ground  
9 transportation that runs on rails or electromagnetic  
10 guideways and "utility" means: (1) public utilities as  
11 defined in Section 3-105 of the Public Utilities Act, (2)  
12 telecommunications carriers as defined in Section 13-202  
13 of the Public Utilities Act, (3) electric cooperatives as  
14 defined in Section 3.4 of the Electric Supplier Act, (4)  
15 telephone or telecommunications cooperatives as defined in  
16 Section 13-212 of the Public Utilities Act, (5) rural  
17 water or waste water systems with 10,000 connections or  
18 less, (6) a holder as defined in Section 21-201 of the  
19 Public Utilities Act, and (7) municipalities owning or  
20 operating utility systems consisting of public utilities  
21 as that term is defined in Section 11-117-2 of the  
22 Illinois Municipal Code.

23           (16) Procurement expenditures necessary for the  
24 Department of Public Health to provide the delivery of  
25 timely newborn screening services in accordance with the  
26 Newborn Metabolic Screening Act.

1           (17) Procurement expenditures necessary for the  
2 Department of Agriculture, the Department of Financial and  
3 Professional Regulation, the Department of Human Services,  
4 and the Department of Public Health to implement the  
5 Compassionate Use of Medical Cannabis Program and Opioid  
6 Alternative Pilot Program requirements and ensure access  
7 to medical cannabis for patients with debilitating medical  
8 conditions in accordance with the Compassionate Use of  
9 Medical Cannabis Program Act.

10           (18) This Code does not apply to any procurements  
11 necessary for the Department of Agriculture, the  
12 Department of Financial and Professional Regulation, the  
13 Department of Human Services, the Department of Commerce  
14 and Economic Opportunity, and the Department of Public  
15 Health to implement the Cannabis Regulation and Tax Act if  
16 the applicable agency has made a good faith determination  
17 that it is necessary and appropriate for the expenditure  
18 to fall within this exemption and if the process is  
19 conducted in a manner substantially in accordance with the  
20 requirements of Sections 20-160, 25-60, 30-22, 50-5,  
21 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,  
22 50-36, 50-37, 50-38, and 50-50 of this Code; however, for  
23 Section 50-35, compliance applies only to contracts or  
24 subcontracts over \$100,000. Notice of each contract  
25 entered into under this paragraph (18) that is related to  
26 the procurement of goods and services identified in

1 paragraph (1) through (9) of this subsection shall be  
2 published in the Procurement Bulletin within 14 calendar  
3 days after contract execution. The Chief Procurement  
4 Officer shall prescribe the form and content of the  
5 notice. Each agency shall provide the Chief Procurement  
6 Officer, on a monthly basis, in the form and content  
7 prescribed by the Chief Procurement Officer, a report of  
8 contracts that are related to the procurement of goods and  
9 services identified in this subsection. At a minimum, this  
10 report shall include the name of the contractor, a  
11 description of the supply or service provided, the total  
12 amount of the contract, the term of the contract, and the  
13 exception to this Code utilized. A copy of any or all of  
14 these contracts shall be made available to the Chief  
15 Procurement Officer immediately upon request. The Chief  
16 Procurement Officer shall submit a report to the Governor  
17 and General Assembly no later than November 1 of each year  
18 that includes, at a minimum, an annual summary of the  
19 monthly information reported to the Chief Procurement  
20 Officer. This exemption becomes inoperative 5 years after  
21 June 25, 2019 (the effective date of Public Act 101-27).

22 (19) Acquisition of modifications or adjustments,  
23 limited to assistive technology devices and assistive  
24 technology services, adaptive equipment, repairs, and  
25 replacement parts to provide reasonable accommodations (i)  
26 that enable a qualified applicant with a disability to

1 complete the job application process and be considered for  
2 the position such qualified applicant desires, (ii) that  
3 modify or adjust the work environment to enable a  
4 qualified current employee with a disability to perform  
5 the essential functions of the position held by that  
6 employee, (iii) to enable a qualified current employee  
7 with a disability to enjoy equal benefits and privileges  
8 of employment as are enjoyed by other similarly situated  
9 employees without disabilities, and (iv) that allow a  
10 customer, client, claimant, or member of the public  
11 seeking State services full use and enjoyment of and  
12 access to its programs, services, or benefits.

13 For purposes of this paragraph (19):

14 "Assistive technology devices" means any item, piece  
15 of equipment, or product system, whether acquired  
16 commercially off the shelf, modified, or customized, that  
17 is used to increase, maintain, or improve functional  
18 capabilities of individuals with disabilities.

19 "Assistive technology services" means any service that  
20 directly assists an individual with a disability in  
21 selection, acquisition, or use of an assistive technology  
22 device.

23 "Qualified" has the same meaning and use as provided  
24 under the federal Americans with Disabilities Act when  
25 describing an individual with a disability.

26 (20) Procurement expenditures necessary for the

1 Illinois Commerce Commission to hire third-party  
2 facilitators pursuant to Sections 16-105.17 and 16-108.18  
3 of the Public Utilities Act or an ombudsman pursuant to  
4 Section 16-107.5 of the Public Utilities Act, a  
5 facilitator pursuant to Section 16-105.17 of the Public  
6 Utilities Act, or a grid auditor pursuant to Section  
7 16-105.10 of the Public Utilities Act.

8 (21) Procurement expenditures for the purchase,  
9 renewal, and expansion of software, software licenses, or  
10 software maintenance agreements that support the efforts  
11 of the Illinois State Police to enforce, regulate, and  
12 administer ~~the Firearm Owners Identification Card Act,~~ the  
13 Firearm Concealed Carry Act, the Firearms Restraining  
14 Order Act, the Firearm Dealer License Certification Act,  
15 the Law Enforcement Agencies Data System (LEADS), the  
16 Uniform Crime Reporting Act, the Criminal Identification  
17 Act, the Uniform Conviction Information Act, and the Gun  
18 Trafficking Information Act, or establish or maintain  
19 record management systems necessary to conduct human  
20 trafficking investigations or gun trafficking or other  
21 stolen firearm investigations. This paragraph (21) applies  
22 to contracts entered into on or after the effective date  
23 of this amendatory Act of the 102nd General Assembly and  
24 the renewal of contracts that are in effect on the  
25 effective date of this amendatory Act of the 102nd General  
26 Assembly.

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

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

18           (d) Except for Section 20-160 and Article 50 of this Code,  
19 and as expressly required by Section 9.1 of the Illinois  
20 Lottery Law, the provisions of this Code do not apply to the  
21 procurement process provided for under Section 9.1 of the  
22 Illinois Lottery Law.

23           (e) This Code does not apply to the process used by the  
24 Capital Development Board to retain a person or entity to  
25 assist the Capital Development Board with its duties related  
26 to the determination of costs of a clean coal SNG brownfield

1 facility, as defined by Section 1-10 of the Illinois Power  
2 Agency Act, as required in subsection (h-3) of Section 9-220  
3 of the Public Utilities Act, including calculating the range  
4 of capital costs, the range of operating and maintenance  
5 costs, or the sequestration costs or monitoring the  
6 construction of clean coal SNG brownfield facility for the  
7 full duration of construction.

8 (f) (Blank).

9 (g) (Blank).

10 (h) This Code does not apply to the process to procure or  
11 contracts entered into in accordance with Sections 11-5.2 and  
12 11-5.3 of the Illinois Public Aid Code.

13 (i) Each chief procurement officer may access records  
14 necessary to review whether a contract, purchase, or other  
15 expenditure is or is not subject to the provisions of this  
16 Code, unless such records would be subject to attorney-client  
17 privilege.

18 (j) This Code does not apply to the process used by the  
19 Capital Development Board to retain an artist or work or works  
20 of art as required in Section 14 of the Capital Development  
21 Board Act.

22 (k) This Code does not apply to the process to procure  
23 contracts, or contracts entered into, by the State Board of  
24 Elections or the State Electoral Board for hearing officers  
25 appointed pursuant to the Election Code.

26 (l) This Code does not apply to the processes used by the

1 Illinois Student Assistance Commission to procure supplies and  
2 services paid for from the private funds of the Illinois  
3 Prepaid Tuition Fund. As used in this subsection (1), "private  
4 funds" means funds derived from deposits paid into the  
5 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

6 (m) This Code shall apply regardless of the source of  
7 funds with which contracts are paid, including federal  
8 assistance moneys. Except as specifically provided in this  
9 Code, this Code shall not apply to procurement expenditures  
10 necessary for the Department of Public Health to conduct the  
11 Healthy Illinois Survey in accordance with Section 2310-431 of  
12 the Department of Public Health Powers and Duties Law of the  
13 Civil Administrative Code of Illinois.

14 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;  
15 101-363, eff. 8-9-19; 102-175, eff. 7-29-21; 102-483, eff.  
16 1-1-22; 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662,  
17 eff. 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;  
18 102-1116, eff. 1-10-23.)

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

21 (30 ILCS 715/3) (from Ch. 56 1/2, par. 1703)

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



1 be eligible a MEG must:

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

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

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

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

26 (5) Cooperate with the Illinois State Police in order

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

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

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

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

13 (50 ILCS 710/1) (from Ch. 85, par. 515)

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

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

23 (a-5) "Probation officer" means a county probation officer  
24 authorized by the Chief Judge of the Circuit Court to carry a

1 firearm as part of his or her duties under Section 12 of the  
2 Probation and Probation Officers Act and Section 24-2 of the  
3 Criminal Code of 2012.

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

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

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

13 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

15 Sec. 10-22.6. Suspension or expulsion of pupils; school  
16 searches.

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

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

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

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

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

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

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

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

24 (b-15) Out-of-school suspensions of 3 days or less may be  
25 used only if the student's continuing presence in school would  
26 pose a threat to school safety or a disruption to other

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

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

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

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

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

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

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



1 suspended from the school bus does not have alternate  
2 transportation to school.

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

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

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

24 (1) A firearm. For the purposes of this Section,  
25 "firearm" means any gun, rifle, shotgun, weapon as defined  
26 by Section 921 of Title 18 of the United States Code,

1 firearm as defined in Section 2-7.5 ~~1.1 of the Firearm~~  
2 ~~Owners Identification Card Act, or firearm as defined in~~  
3 ~~Section 24-1~~ of the Criminal Code of 2012. The expulsion  
4 period under this subdivision (1) may be modified by the  
5 superintendent, and the superintendent's determination may  
6 be modified by the board on a case-by-case basis.

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

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

21 (d-5) The board may suspend or by regulation authorize the  
22 superintendent of the district or the principal, assistant  
23 principal, or dean of students of any school to suspend a  
24 student for a period not to exceed 10 school days or may expel  
25 a student for a definite period of time not to exceed 2  
26 calendar years, as determined on a case-by-case basis, if (i)

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

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

1 searches conducted through the use of specially trained dogs.  
2 If a search conducted in accordance with this Section produces  
3 evidence that the student has violated or is violating either  
4 the law, local ordinance, or the school's policies or rules,  
5 such evidence may be seized by school authorities, and  
6 disciplinary action may be taken. School authorities may also  
7 turn over such evidence to law enforcement authorities.

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

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

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

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

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

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

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

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

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

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

22           (a) To expel pupils guilty of gross disobedience or  
23 misconduct, including gross disobedience or misconduct  
24 perpetuated by electronic means, pursuant to subsection (b-20)  
25 of this Section, and no action shall lie against them for such

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

23 (b) To suspend or by policy to authorize the  
24 superintendent of the district or the principal, assistant  
25 principal, or dean of students of any school to suspend pupils  
26 guilty of gross disobedience or misconduct, or to suspend

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

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

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

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

24 (b-10) Unless otherwise required by federal law or this  
25 Code, school boards may not institute zero-tolerance policies  
26 by which school administrators are required to suspend or



1 expel students for particular behaviors.

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

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

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

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

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

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

25 (b-30) A school district shall create a policy by which  
26 suspended pupils, including those pupils suspended from the

1 school bus who do not have alternate transportation to school,  
2 shall have the opportunity to make up work for equivalent  
3 academic credit. It shall be the responsibility of a pupil's  
4 parents or guardians to notify school officials that a pupil  
5 suspended from the school bus does not have alternate  
6 transportation to school.

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

1 suspension or expulsion proceeding under this subsection  
2 (b-35) must be conducted independently from any ongoing  
3 criminal investigation or proceeding, and an absence of  
4 pending or possible criminal charges, criminal investigations,  
5 or proceedings may not be a factor in school disciplinary  
6 decisions.

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

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

21 (c-5) School districts shall make reasonable efforts to  
22 provide ongoing professional development to teachers,  
23 administrators, school board members, school resource  
24 officers, and staff on the adverse consequences of school  
25 exclusion and justice-system involvement, effective classroom  
26 management strategies, culturally responsive discipline, the

1 appropriate and available supportive services for the  
2 promotion of student attendance and engagement, and  
3 developmentally appropriate disciplinary methods that promote  
4 positive and healthy school climates.

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

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

21 (2) A knife, brass knuckles or other knuckle weapon  
22 regardless of its composition, a billy club, or any other  
23 object if used or attempted to be used to cause bodily  
24 harm, including "look alike" of any firearm as defined in  
25 subdivision (1) of this subsection (d). The expulsion  
26 requirement under this subdivision (2) may be modified by

1 the superintendent, and the superintendent's determination  
2 may be modified by the board on a case-by-case basis.

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

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

26 (e) To maintain order and security in the schools, school

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

22 (f) Suspension or expulsion may include suspension or  
23 expulsion from school and all school activities and a  
24 prohibition from being present on school grounds.

25 (g) A school district may adopt a policy providing that if  
26 a student is suspended or expelled for any reason from any

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

13 (h) School officials shall not advise or encourage  
14 students to drop out voluntarily due to behavioral or academic  
15 difficulties.

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

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

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



1 this Code.

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

10 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;  
11 102-539, eff. 8-20-21; 102-813, eff. 5-13-22.)

12 (105 ILCS 5/10-27.1A)

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

14 (a) All school officials, including teachers, school  
15 counselors, and support staff, shall immediately notify the  
16 office of the principal in the event that they observe any  
17 person in possession of a firearm on school grounds; provided  
18 that taking such immediate action to notify the office of the  
19 principal would not immediately endanger the health, safety,  
20 or welfare of students who are under the direct supervision of  
21 the school official or the school official. If the health,  
22 safety, or welfare of students under the direct supervision of  
23 the school official or of the school official is immediately  
24 endangered, the school official shall notify the office of the  
25 principal as soon as the students under his or her supervision

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

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

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

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

24 The State Board of Education shall receive an annual  
25 statistical compilation and related data associated with  
26 incidents involving firearms in schools from the Illinois

1 State Police. The State Board of Education shall compile this  
2 information by school district and make it available to the  
3 public.

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

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

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

16 (Source: P.A. 102-197, eff. 7-30-21; 102-538, eff. 8-20-21;  
17 102-813, eff. 5-13-22.)

18 (105 ILCS 5/34-8.05)

19 Sec. 34-8.05. Reporting firearms in schools. On or after  
20 January 1, 1997, upon receipt of any written, electronic, or  
21 verbal report from any school personnel regarding a verified  
22 incident involving a firearm in a school or on school owned or  
23 leased property, including any conveyance owned, leased, or  
24 used by the school for the transport of students or school  
25 personnel, the general superintendent or his or her designee

1 shall report all such firearm-related incidents occurring in a  
2 school or on school property to the local law enforcement  
3 authorities no later than 24 hours after the occurrence of the  
4 incident and to the Illinois State Police in a form, manner,  
5 and frequency as prescribed by the Illinois State Police.

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

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

14 Section 40. The Illinois Explosives Act is amended by  
15 changing Section 2005 as follows:

16 (225 ILCS 210/2005) (from Ch. 96 1/2, par. 1-2005)

17 Sec. 2005. Qualifications for licensure.

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

19 (1) is under 21 years of age;

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

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

24 (4) is a fugitive from justice;

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

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

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

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

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

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

20           (225 ILCS 447/35-30)

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

22           Sec. 35-30. Employee requirements. All employees of a  
23 licensed agency, other than those exempted, shall apply for a  
24 permanent employee registration card. The holder of an agency

1 license issued under this Act, known in this Section as  
2 "employer", may employ in the conduct of his or her business  
3 employees under the following provisions:

4 (a) No person shall be issued a permanent employee  
5 registration card who:

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

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

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

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

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

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

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

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

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

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

23 (3) That the person has not had a license or employee  
24 registration denied, revoked, or suspended under this Act  
25 (i) within one year before the date the person's  
26 application for permanent employee registration card is



1 received by the Department; and (ii) that refusal, denial,  
2 suspension, or revocation was based on any provision of  
3 this Act other than Section 40-50, item (6) or (8) of  
4 subsection (a) of Section 15-10, subsection (b) of Section  
5 15-10, item (6) or (8) of subsection (a) of Section 20-10,  
6 subsection (b) of Section 20-10, item (6) or (8) of  
7 subsection (a) of Section 25-10, subsection (b) of Section  
8 25-10, item (7) of subsection (a) of Section 30-10,  
9 subsection (b) of Section 30-10, or Section 10-40.

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

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

13 (6) Any dishonorable discharge from the armed services  
14 of the United States.

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

19 (c) Each applicant for a permanent employee registration  
20 card shall have his or her fingerprints submitted to the  
21 Illinois State Police in an electronic format that complies  
22 with the form and manner for requesting and furnishing  
23 criminal history record information as prescribed by the  
24 Illinois State Police. These fingerprints shall be checked  
25 against the Illinois State Police and Federal Bureau of  
26 Investigation criminal history record databases now and

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

22 (d) The Department shall issue a permanent employee  
23 registration card, in a form the Department prescribes, to all  
24 qualified applicants. The holder of a permanent employee  
25 registration card shall carry the card at all times while  
26 actually engaged in the performance of the duties of his or her

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

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

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

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

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

23 (4) In the case of former employees, the employee  
24 identification card of that person issued under subsection  
25 (f) of this Section. Each employee record shall duly note  
26 if the employee is employed in an armed capacity. Armed

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

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

25 The Department may, by rule, prescribe further record  
26 requirements.

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

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

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

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

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

25           (k) Notwithstanding the provisions of subsection (j), an  
26 agency may employ a person in a temporary capacity if all of

1 the following conditions are met:

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

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

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

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

23 An agency may employ only a permanent employee applicant  
24 for which it either submitted a permanent employee application  
25 and all required forms and fees or it confirms with the  
26 Department that a permanent employee application and all

1 required forms and fees have been submitted by another agency,  
2 licensee or the permanent employee and all other requirements  
3 of this Section are met.

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

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

1 implement this subsection (k).

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

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

8 (2) the person wears any portion of his or her  
9 official uniform, emblem of authority, or equipment while  
10 so employed.

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

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

21 (o) Persons who have no access to confidential or security  
22 information, who do not go to a client's or prospective  
23 client's residence or place of business, and who otherwise do  
24 not provide traditional security services are exempt from  
25 employee registration. Examples of exempt employees include,  
26 but are not limited to, employees working in the capacity of



1 ushers, directors, ticket takers, cashiers, drivers, and  
2 reception personnel. Confidential or security information is  
3 that which pertains to employee files, scheduling, client  
4 contracts, or technical security and alarm data.

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

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

15 (225 ILCS 447/35-35)

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

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

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

23 (b) No employer shall employ any person to perform the  
24 duties for which licensure or employee registration is  
25 required and allow that person to carry a firearm unless that

1 person has complied with all the firearm training requirements  
2 of this Section and has been issued a firearm control card.  
3 This Act permits only the following to carry firearms while  
4 actually engaged in the performance of their duties or while  
5 commuting directly to or from their places of employment:  
6 persons licensed as private detectives and their registered  
7 employees; persons licensed as private security contractors  
8 and their registered employees; persons licensed as private  
9 alarm contractors and their registered employees; and  
10 employees of a registered armed proprietary security force.

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

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

1 licensee or employee. The firearm control card shall be issued  
2 by the Department and shall identify the person holding it and  
3 the name of the course where the licensee or employee received  
4 firearm instruction and shall specify the type of weapon or  
5 weapons the person is authorized by the Department to carry  
6 and for which the person has been trained.

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

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

24 (g) Notwithstanding any other provision of this Act to the  
25 contrary, all requirements relating to firearms control cards  
26 do not apply to a peace officer. If an individual ceases to be

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

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

1 temporary firearm control card.

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

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

7 Section 50. The Mental Health and Developmental  
8 Disabilities Code is amended by changing Sections 1-106,  
9 1-116, 6-103.1, 6-103.2, and 6-103.3 as follows:

10 (405 ILCS 5/1-106) (from Ch. 91 1/2, par. 1-106)

11 Sec. 1-106. "Developmental disability" means a severe,  
12 chronic disability, other than mental illness, found to be  
13 closely related to an intellectual disability because this  
14 condition results in impairment of general intellectual  
15 functioning or adaptive behavior similar to that of persons  
16 with ID, and requires services similar to those required for a  
17 person with an intellectual disability. In addition, a  
18 developmental disability: (1) is manifested before the  
19 individual reaches 22 years of age; (2) is likely to continue  
20 indefinitely; (3) results in substantial functional  
21 limitations in three or more of the following areas of major  
22 life activity: self-care, receptive and expressive language,  
23 learning, mobility, self-direction, capacity for independent  
24 living, or economic self-sufficiency; and (4) reflects the

1 individual's need for a combination and sequence of special  
2 interdisciplinary or generic services, individualized  
3 supports, or other forms of assistance that are of lifelong or  
4 extended duration and are individually planned and  
5 coordinated. ~~This definition does not supersede the~~  
6 ~~"developmental disability" definition in Section 1.1 of the~~  
7 ~~Firearm Owners Identification Card Act which is required to be~~  
8 ~~applied under that Act for the purpose of mandatory reporting.~~  
9 (Source: P.A. 102-972, eff. 1-1-23.)

10 (405 ILCS 5/1-116) (from Ch. 91 1/2, par. 1-116)

11 Sec. 1-116. Intellectual disability. "Intellectual  
12 disability" means a disorder with onset during the  
13 developmental period (before the individual reaches age 22),  
14 that includes both intellectual and adaptive deficits in  
15 conceptual, social and practical domains. The following 3  
16 criteria must be met: (1) deficits in intellectual functions  
17 such as reasoning, problem solving, planning, abstract  
18 thinking, judgment, academic learning, and learning from  
19 experience confirmed by both clinical assessment and  
20 individualized, standardized intelligence testing (generally  
21 indicated with an IQ score of about 70 or below), (2) deficits  
22 in adaptive functioning that result in failure to meet  
23 developmental and sociocultural standards for personal  
24 independence and social responsibility. Without ongoing  
25 support, the adaptive deficits limit functioning in one or

1 more activities of daily life, such as communication, social  
2 participation, and independent living, across multiple  
3 environments, such as home, school, work, and community, and  
4 (3) onset of intellectual and adaptive deficits during the  
5 developmental period. ~~This definition does not supersede the~~  
6 ~~"intellectual disability" definition in Section 1.1 of the~~  
7 ~~Firearm Owners Identification Card Act which is required to be~~  
8 ~~applied under that Act for the purpose of mandatory reporting.~~  
9 (Source: P.A. 102-972, eff. 1-1-23.)

10 (405 ILCS 5/6-103.1)

11 Sec. 6-103.1. Adjudication as a person with a mental  
12 disability. When a person has been adjudicated as a person  
13 with a mental disability ~~as defined in Section 1.1 of the~~  
14 ~~Firearm Owners Identification Card Act~~, including, but not  
15 limited to, an adjudication as a person with a disability as  
16 defined in Section 11a-2 of the Probate Act of 1975, the court  
17 shall direct the circuit court clerk to notify the Illinois  
18 State Police, ~~Firearm Owner's Identification (FOID) Office~~, in  
19 a form and manner prescribed by the Illinois State Police, and  
20 shall forward a copy of the court order to the Department no  
21 later than 7 days after the entry of the order. Upon receipt of  
22 the order, the Illinois State Police shall provide  
23 notification to the National Instant Criminal Background Check  
24 System. In this Section, "has been adjudicated as a mentally  
25 disabled person" means the person is the subject of a

1 determination by a court, board, commission, or other lawful  
2 authority that the person, as a result of marked subnormal  
3 intelligence, or mental illness, mental impairment,  
4 incompetency, condition, or disease:

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

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

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

12 (3.5) is guilty but mentally ill, as provided in  
13 Section 5-2-6 of the Unified Code of Corrections;

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

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

18 (6) is a sexually violent person under subsection (f)  
19 of Section 5 of the Sexually Violent Persons Commitment  
20 Act;

21 (7) is a sexually dangerous person under the Sexually  
22 Dangerous Persons Act;

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

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



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

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

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

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

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

13           (405 ILCS 5/6-103.2)

14           Sec. 6-103.2. Developmental disability; notice. If a  
15           person 14 years old or older is determined to be a person with  
16           a developmental disability by a physician, clinical  
17           psychologist, or qualified examiner, the physician, clinical  
18           psychologist, or qualified examiner shall notify the  
19           Department of Human Services within 7 days of making the  
20           determination that the person has a developmental disability.  
21           The Department of Human Services shall immediately update its  
22           records and information relating to mental health and  
23           developmental disabilities, and if appropriate, shall notify  
24           the Illinois State Police in a form and manner prescribed by  
25           the Illinois State Police. Information disclosed under this

1 Section shall remain privileged and confidential, and shall  
2 not be redisclosed, except as required under paragraph (2) of  
3 subsection (e) of Section 24-4.5 of the Criminal Code of 2012  
4 ~~subsection (c) of Section 3.1 of the Firearm Owners~~  
5 ~~Identification Card Act~~, nor used for any other purpose. The  
6 method of providing this information shall guarantee that the  
7 information is not released beyond that which is necessary for  
8 the purpose of this Section and shall be provided by rule by  
9 the Department of Human Services. The identity of the person  
10 reporting under this Section shall not be disclosed to the  
11 subject of the report.

12 The physician, clinical psychologist, or qualified  
13 examiner making the determination and his or her employer may  
14 not be held criminally, civilly, or professionally liable for  
15 making or not making the notification required under this  
16 Section, except for willful or wanton misconduct.

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

20 In ~~For purposes of~~ this Section, "developmental  
21 disability" means a disability which is attributable to any  
22 other condition which results in impairment similar to that  
23 caused by an intellectual disability and which requires  
24 services similar to those required by intellectually disabled  
25 persons. The disability must originate before the age of 18  
26 years, be expected to continue indefinitely, and constitute a

1 substantial disability. This disability results, in the  
2 professional opinion of a physician, clinical psychologist, or  
3 qualified examiner, in significant functional limitations in 3  
4 or more of the following areas of major life activity:

- 5 (i) self-care;  
6 (ii) receptive and expressive language;  
7 (iii) learning;  
8 (iv) mobility; or  
9 (v) self-direction.

10 "Determined to be a person with a developmental disability  
11 by a physician, clinical psychologist, or qualified examiner"  
12 means in the professional opinion of the physician, clinical  
13 psychologist, or qualified examiner, a person is diagnosed,  
14 assessed, or evaluated as having a developmental disability.  
15 (Source: P.A. 102-538, eff. 8-20-21.)

16 (405 ILCS 5/6-103.3)

17 Sec. 6-103.3. Clear and present danger; notice. If a  
18 person is determined to pose a clear and present danger to  
19 himself, herself, or to others by a physician, clinical  
20 psychologist, or qualified examiner, whether employed by the  
21 State, by any public or private mental health facility or part  
22 thereof, or by a law enforcement official or a school  
23 administrator, then the physician, clinical psychologist,  
24 qualified examiner shall notify the Department of Human  
25 Services and a law enforcement official or school

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

1 or pending criminal investigation.

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

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

4 (1) communicates a serious threat of physical  
5 violence against a reasonably identifiable victim or  
6 poses a clear and imminent risk of serious physical  
7 injury to himself, herself, or another person as  
8 determined by a physician, clinical psychologist, or  
9 qualified examiner; or

10 (2) demonstrates threatening physical or verbal  
11 behavior, such as violent, suicidal, or assaultive  
12 threats, actions, or other behavior, as determined by  
13 a physician, clinical psychologist, qualified  
14 examiner, school administrator, or law enforcement  
15 official.

16 "Physician", "clinical psychologist", and "qualified  
17 examiner" have the meanings ascribed to them in the Mental  
18 Health and Developmental Disabilities Code ~~has the meaning~~  
19 ~~ascribed to it in Section 1.1 of the Firearm Owners~~  
20 ~~Identification Card Act.~~

21 "Determined to pose a clear and present danger to  
22 himself, herself, or to others by a physician, clinical  
23 psychologist, or qualified examiner" means in the  
24 professional opinion of the physician, clinical  
25 psychologist, or qualified examiner, a person poses a  
26 clear and present danger.

1           "School administrator" means the person required to  
2           report under the School Administrator Reporting of Mental  
3           Health Clear and Present Danger Determinations Law.  
4           (Source: P.A. 102-538, eff. 8-20-21.)

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

7           (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

9           "Child care facility" means any structure used by a child  
10          care provider licensed by the Department of Children and  
11          Family Services or public or private school structure  
12          frequented by children 6 years of age or younger.

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

18          "Delegate agency" means a unit of local government or  
19          health department approved by the Department to carry out the  
20          provisions of this Act.

21          "Department" means the Department of Public Health.

22          "Director" means the Director of Public Health.

23          "Dwelling unit" means an individual unit within a  
24          residential building used as living quarters for one

1 household.

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

4 "Exposed surface" means any interior or exterior surface  
5 of a regulated facility.

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

19 "Lead abatement" means any approved work practices that  
20 will permanently eliminate lead exposure or remove the  
21 lead-bearing substances in a regulated facility. The  
22 Department shall establish by rule which work practices are  
23 approved or prohibited for lead abatement.

24 "Lead abatement contractor" means any person or entity  
25 licensed by the Department to perform lead abatement and  
26 mitigation.

1 "Lead abatement supervisor" means any person employed by a  
2 lead abatement contractor and licensed by the Department to  
3 perform lead abatement and lead mitigation and to supervise  
4 lead workers who perform lead abatement and lead mitigation.

5 "Lead abatement worker" means any person employed by a  
6 lead abatement contractor and licensed by the Department to  
7 perform lead abatement and mitigation.

8 "Lead activities" means the conduct of any lead services,  
9 including, lead inspection, lead risk assessment, lead  
10 mitigation, or lead abatement work or supervision in a  
11 regulated facility.

12 "Lead-bearing substance" means any item containing or  
13 coated with lead such that the lead content is more than  
14 six-hundredths of one percent (0.06%) lead by total weight; or  
15 any dust on surfaces or in furniture or other nonpermanent  
16 elements of the regulated facility; or any paint or other  
17 surface coating material containing more than five-tenths of  
18 one percent (0.5%) lead by total weight (calculated as lead  
19 metal) in the total non-volatile content of liquid paint; or  
20 lead-bearing substances containing greater than one milligram  
21 per square centimeter or any lower standard for lead content  
22 in residential paint as may be established by federal law or  
23 rule; or more than 1 milligram per square centimeter in the  
24 dried film of paint or previously applied substance; or item  
25 or dust on item containing lead in excess of the amount  
26 specified in the rules authorized by this Act or a lower



1 standard for lead content as may be established by federal law  
2 or rule. "Lead-bearing substance" does not include firearm  
3 ammunition or components as defined by Section 2-7.1 of the  
4 Criminal Code of 2012 ~~the Firearm Owners Identification Card~~  
5 ~~Act.~~

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

8 "Lead hazard screen" means a lead risk assessment that  
9 involves limited dust and paint sampling for lead-bearing  
10 substances and lead hazards. This service is used as a  
11 screening tool designed to determine if further lead  
12 investigative services are required for the regulated  
13 facility.

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

16 "Lead inspector" means an individual who has been trained  
17 by a Department-approved training program and is licensed by  
18 the Department to conduct lead inspections; to sample for the  
19 presence of lead in paint, dust, soil, and water; and to  
20 conduct compliance investigations.

21 "Lead mitigation" means the remediation, in a manner  
22 described in Section 9, of a lead hazard so that the  
23 lead-bearing substance does not pose an immediate health  
24 hazard to humans.

25 "Lead poisoning" means having an elevated blood lead  
26 level.

1 "Lead risk assessment" means an on-site investigation to  
2 determine the existence, nature, severity, and location of  
3 lead hazards. "Lead risk assessment" includes any lead  
4 sampling and visual assessment associated with conducting a  
5 lead risk assessment and lead hazard screen and all lead  
6 sampling associated with compliance investigations.

7 "Lead risk assessor" means an individual who has been  
8 trained by a Department-approved training program and is  
9 licensed by the Department to conduct lead risk assessments,  
10 lead inspections, and lead hazard screens; to sample for the  
11 presence of lead in paint, dust, soil, water, and sources for  
12 lead-bearing substances; and to conduct compliance  
13 investigations.

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

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

21 "Owner" means any person, who alone, jointly, or severally  
22 with others:

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

25 (b) Has charge, care, or control of the regulated  
26 facility as owner or agent of the owner, or as executor,

1 administrator, trustee, or guardian of the estate of the  
2 owner.

3 "Person" means any individual, partnership, firm, company,  
4 limited liability company, corporation, association, joint  
5 stock company, trust, estate, political subdivision, State  
6 agency, or any other legal entity, or their legal  
7 representative, agent, or assign.

8 "Regulated facility" means a residential building or child  
9 care facility.

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

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

15 (430 ILCS 65/Act rep.)

16 Section 60. The Firearm Owners Identification Card Act is  
17 repealed.

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

20 (430 ILCS 66/25)

21 Sec. 25. Qualifications for a license.

22 The Illinois State Police shall issue a license to an  
23 applicant completing an application in accordance with Section

1 30 of this Act if the person:

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

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

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

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

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

20 (4) is not the subject of a pending arrest warrant,  
21 prosecution, or proceeding for an offense or action that  
22 could lead to disqualification to own or possess a  
23 firearm;

24 (5) has not been in residential or court-ordered  
25 treatment for alcoholism, alcohol detoxification, or drug  
26 treatment within the 5 years immediately preceding the

1 date of the license application; and  
2 (6) has completed firearms training and any education  
3 component required under Section 75 of this Act.  
4 (Source: P.A. 102-538, eff. 8-20-21.)

5 (430 ILCS 66/30)

6 Sec. 30. Contents of license application.

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

15 (b) The application shall contain the following:

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

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

24 (3) a waiver of the applicant's privacy and  
25 confidentiality rights and privileges under all federal

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

13 (4) an affirmation that the applicant is not  
14 prohibited under State or federal law from possessing or  
15 receiving a firearm ~~possesses a currently valid Firearm~~  
16 ~~Owner's Identification Card and card number if possessed~~  
17 ~~or notice the applicant is applying for a Firearm Owner's~~  
18 ~~Identification Card in conjunction with the license~~  
19 ~~application;~~

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

22 (A) a felony;

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

26 (C) 2 or more violations related to driving while

1 under the influence of alcohol, other drug or drugs,  
2 intoxicating compound or compounds, or any combination  
3 thereof, within the 5 years preceding the date of the  
4 license application;

5 (6) whether the applicant has failed a drug test for a  
6 drug for which the applicant did not have a prescription,  
7 within the previous year, and if so, the provider of the  
8 test, the specific substance involved, and the date of the  
9 test;

10 (7) written consent for the Illinois State Police to  
11 review and use the applicant's Illinois digital driver's  
12 license or Illinois identification card photograph and  
13 signature;

14 (8) ~~unless submitted under subsection (a-25) of~~  
15 ~~Section 4 of the Firearm Owners Identification Card Act,~~ a  
16 full set of fingerprints submitted to the Illinois State  
17 Police in electronic format, provided the Illinois State  
18 Police may accept an application submitted without a set  
19 of fingerprints, in which case the Illinois State Police  
20 shall be granted 30 days in addition to the 90 days  
21 provided under subsection (e) of Section 10 of this Act to  
22 issue or deny a license;

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

26 (10) a photocopy of any certificates or other evidence

1 of compliance with the training requirements under this  
2 Act.

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

5 (430 ILCS 66/40)

6 Sec. 40. Non-resident license applications.

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

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

15 (c) A resident of a state or territory approved by the  
16 Illinois State Police under subsection (b) of this Section may  
17 apply for a non-resident license. The applicant shall apply to  
18 the Illinois State Police and must meet all of the  
19 qualifications established in Section 25 of this Act, ~~except~~  
20 ~~for the Illinois residency requirement in item (xiv) of~~  
21 ~~paragraph (2) of subsection (a) of Section 4 of the Firearm~~  
22 ~~Owners Identification Card Act.~~ The applicant shall submit:

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

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



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

4 (B) if applicable, has a license or permit to  
5 carry a firearm or concealed firearm issued by his or  
6 her state or territory of residence and attach a copy  
7 of the license or permit to the application;

8 (C) understands Illinois laws pertaining to the  
9 possession and transport of firearms; and

10 (D) acknowledges that the applicant is subject to  
11 the jurisdiction of the Illinois State Police and  
12 Illinois courts for any violation of this Act;

13 (3) a photocopy of any certificates or other evidence  
14 of compliance with the training requirements under Section  
15 75 of this Act; and

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

19 (d) In lieu of an Illinois driver's license or Illinois  
20 identification card, a non-resident applicant shall provide  
21 similar documentation from his or her state or territory of  
22 residence. The applicant shall submit ~~In lieu of a valid~~  
23 ~~Firearm Owner's Identification Card, the applicant shall~~  
24 ~~submit documentation and information required by the Illinois~~  
25 ~~State Police to obtain a Firearm Owner's Identification Card,~~  
26 ~~including~~ an affidavit that the non-resident meets the mental

1 health standards to obtain a firearm under Illinois law, and  
2 the Illinois State Police shall ensure that the applicant  
3 would meet the eligibility criteria under State law to possess  
4 a firearm ~~to obtain a Firearm Owner's Identification card~~ if  
5 he or she was a resident of this State.

6 (e) Nothing in this Act shall prohibit a non-resident from  
7 transporting a concealed firearm within his or her vehicle in  
8 Illinois, if the concealed firearm remains within his or her  
9 vehicle and the non-resident:

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

12 (2) is eligible to carry a firearm in public under the  
13 laws of his or her state or territory of residence, as  
14 evidenced by the possession of a concealed carry license  
15 or permit issued by his or her state of residence, if  
16 applicable; and

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

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

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

23 (430 ILCS 66/66)

24 Sec. 66. Illinois State Police to monitor databases for  
25 firearms prohibitors. The Illinois State Police shall

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

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

12 (430 ILCS 66/70)

13 Sec. 70. Violations.

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

20 (b) A license shall be suspended if an order of  
21 protection, including an emergency order of protection,  
22 plenary order of protection, or interim order of protection  
23 under Article 112A of the Code of Criminal Procedure of 1963 or  
24 under the Illinois Domestic Violence Act of 1986, or if a  
25 firearms restraining order, including an emergency firearms

1 restraining order, under the Firearms Restraining Order Act,  
2 is issued against a licensee for the duration of the order, or  
3 if the Illinois State Police is made aware of a similar order  
4 issued against the licensee in any other jurisdiction. If an  
5 order of protection is issued against a licensee, the licensee  
6 shall surrender the license, as applicable, to the court at  
7 the time the order is entered or to the law enforcement agency  
8 or entity serving process at the time the licensee is served  
9 the order. The court, law enforcement agency, or entity  
10 responsible for serving the order of protection shall notify  
11 the Illinois State Police within 7 days and transmit the  
12 license to the Illinois State Police.

13 (c) A license is invalid upon expiration of the license,  
14 unless the licensee has submitted an application to renew the  
15 license, and the applicant is otherwise eligible to possess a  
16 license under this Act.

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

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

1 violation.

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

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

22 (g) A licensee whose license is revoked, suspended, or  
23 denied shall, within 48 hours of receiving notice of the  
24 revocation, suspension, or denial, surrender his or her  
25 concealed carry license to the local law enforcement agency  
26 where the person resides. The local law enforcement agency

1 shall provide the licensee a receipt and transmit the  
2 concealed carry license to the Illinois State Police. If the  
3 licensee whose concealed carry license has been revoked,  
4 suspended, or denied fails to comply with the requirements of  
5 this subsection, the law enforcement agency where the person  
6 resides may petition the circuit court to issue a warrant to  
7 search for and seize the concealed carry license in the  
8 possession and under the custody or control of the licensee  
9 whose concealed carry license has been revoked, suspended, or  
10 denied. The observation of a concealed carry license in the  
11 possession of a person whose license has been revoked,  
12 suspended, or denied constitutes a sufficient basis for the  
13 arrest of that person for violation of this subsection. A  
14 violation of this subsection is a Class A misdemeanor.

15 (h) (Blank). ~~Except as otherwise provided in subsection~~  
16 ~~(h 5), a license issued or renewed under this Act shall be~~  
17 ~~revoked if, at any time, the licensee is found ineligible for a~~  
18 ~~Firearm Owner's Identification Card, or the licensee no longer~~  
19 ~~possesses a valid Firearm Owner's Identification Card. If the~~  
20 ~~Firearm Owner's Identification Card is expired or suspended~~  
21 ~~rather than denied or revoked, the license may be suspended~~  
22 ~~for a period of up to one year to allow the licensee to~~  
23 ~~reinstate his or her Firearm Owner's Identification Card. The~~  
24 ~~Illinois State Police shall adopt rules to enforce this~~  
25 ~~subsection. A licensee whose license is revoked under this~~  
26 ~~subsection (h) shall surrender his or her concealed carry~~

1 ~~license as provided for in subsection (g) of this Section.~~

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

6 (h-5) (Blank). ~~If the Firearm Owner's Identification Card~~  
7 ~~of a licensee under this Act expires during the term of the~~  
8 ~~license issued under this Act, the license and the Firearm~~  
9 ~~Owner's Identification Card remain valid, and the Illinois~~  
10 ~~State Police may automatically renew the licensee's Firearm~~  
11 ~~Owner's Identification Card as provided in subsection (c) of~~  
12 ~~Section 5 of the Firearm Owners Identification Card Act.~~

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

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

23 (430 ILCS 66/80)

24 Sec. 80. Certified firearms instructors.

25 (a) Within 60 days of the effective date of this Act, the

1 Illinois State Police shall begin approval of certified  
2 firearms instructors and enter certified firearms instructors  
3 into an online registry on the Illinois State Police's  
4 website.

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

11 (c) A person seeking to become a certified firearms  
12 instructor shall:

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

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

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

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

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

26 (2) have at least one of the following valid firearms



1 instructor certifications:

2 (A) certification from a law enforcement agency;

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

5 (C) certification from a firearm instructor  
6 qualification course offered by the Illinois Law  
7 Enforcement Training Standards Board; or

8 (D) certification from an entity approved by the  
9 Illinois State Police that offers firearm instructor  
10 education and training in the use and safety of  
11 firearms.

12 (e) A person may have his or her firearms instructor  
13 certification denied or revoked if he or she does not meet the  
14 requirements to obtain a license under this Act, provides  
15 false or misleading information to the Illinois State Police,  
16 or has had a prior instructor certification revoked or denied  
17 by the Illinois State Police.

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

19 (430 ILCS 66/105)

20 Sec. 105. Duty of school administrator. It is the duty of  
21 the principal of a public elementary or secondary school, or  
22 his or her designee, and the chief administrative officer of a  
23 private elementary or secondary school or a public or private  
24 community college, college, or university, or his or her  
25 designee, to report to the Illinois State Police when a

1 student is determined to pose a clear and present danger to  
2 himself, herself, or to others, within 24 hours of the  
3 determination as provided in Section 6-103.3 of the Mental  
4 Health and Developmental Disabilities Code. "Clear and present  
5 danger" has the meaning as provided in paragraph (2) of the  
6 definition of "clear and present danger" in Section 6-103.3 of  
7 the Mental Health and Developmental Disabilities Code ~~1.1 of~~  
8 ~~the Firearm Owners Identification Card Act.~~

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

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

12 (430 ILCS 67/35)

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

14 (a) A petitioner may request an emergency firearms  
15 restraining order by filing an affidavit or verified pleading  
16 alleging that the respondent poses an immediate and present  
17 danger of causing personal injury to himself, herself, or  
18 another by having in his or her custody or control,  
19 purchasing, possessing, or receiving a firearm, ammunition, or  
20 firearm parts that could be assembled to make an operable  
21 firearm. The petition shall also describe the type and  
22 location of any firearm or firearms, ammunition, or firearm  
23 parts that could be assembled to make an operable firearm  
24 presently believed by the petitioner to be possessed or

1 controlled by the respondent.

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

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

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

26 (e) An emergency hearing held on an ex parte basis shall be

1 held the same day that the petition is filed or the next day  
2 that the court is in session.

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

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

1 (g) An emergency firearms restraining order shall 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, or firearm  
5 parts that could be assembled to make an operable firearm,  
6 or removing firearm parts that could be assembled to make  
7 an operable firearm for the duration of the order ~~under~~  
8 ~~Section 8.2 of the Firearm Owners Identification Card Act;~~  
9 and

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

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

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

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

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

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

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

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

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

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

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

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

23 (430 ILCS 67/40)

24 Sec. 40. Plenary orders.

25 (a) A petitioner may request a firearms restraining order



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

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

1 is unable to provide notice to any or all intimate partners,  
2 the affidavit or verified pleading should describe what  
3 efforts were made.

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

9 (d) Upon receipt of a petition for a plenary firearms  
10 restraining order, the court shall order a hearing within 30  
11 days.

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

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

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

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

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

26 (5) A recent threat of violence or act of violence by

1 the respondent directed toward himself, herself, or  
2 another.

3 (6) A violation of an emergency order of protection  
4 issued under Section 217 of the Illinois Domestic Violence  
5 Act of 1986 or Section 112A-17 of the Code of Criminal  
6 Procedure of 1963 or of an order of protection issued  
7 under Section 214 of the Illinois Domestic Violence Act of  
8 1986 or Section 112A-14 of the Code of Criminal Procedure  
9 of 1963.

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

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

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

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

17 (h) A plenary firearms restraining order shall require:

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

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

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

21 (i-5) A respondent whose firearms have been turned over to  
22 a local law enforcement agency ~~Firearm Owner's Identification~~  
23 ~~Card has been revoked or suspended~~ may petition the court, if  
24 the petitioner is present in court or has notice of the  
25 respondent's petition, to transfer the respondent's firearm,  
26 ammunition, and firearm parts that could be assembled to make

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

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

26 (1) the firearm, ammunition, and firearm parts that

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

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

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

25          (j) If the court does not issue a firearms restraining  
26          order at the hearing, the court shall dissolve any emergency

1 firearms restraining order then in effect.

2 (k) When the court issues a firearms restraining order  
3 under this Section, the court shall inform the respondent that  
4 he or she is entitled to one hearing during the period of the  
5 order to request a termination of the order, under Section 45  
6 of this Act, and shall provide the respondent with a form to  
7 request a hearing.

8 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;  
9 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.  
10 5-13-22; 102-1116, eff. 1-10-23.)

11 Section 67. The Firearm Dealer License Certification Act  
12 is amended by changing Sections 5-20, 5-25, 5-40, and 5-85 as  
13 follows:

14 (430 ILCS 68/5-20)

15 Sec. 5-20. Additional licensee requirements.

16 (a) A certified licensee shall make a photo copy of a  
17 buyer's or transferee's valid photo identification card  
18 whenever a firearm sale transaction takes place. The photo  
19 copy shall be attached to the documentation detailing the  
20 record of sale.

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



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

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

6                   ~~(B) sell or transfer your firearm to someone else~~  
7                   ~~without receiving approval for the transfer from the~~  
8                   ~~Illinois State Police, or~~

9                   (B) ~~(C)~~ fail to report the loss or theft of your  
10                  firearm to local law enforcement within 72 hours."

11          This sign shall be created by the Illinois State Police and  
12          made available for printing or downloading from the Illinois  
13          State Police's website.

14          (c) No retail location established after the effective  
15          date of this Act shall be located within 500 feet of any  
16          school, pre-school, or day care facility in existence at its  
17          location before the retail location is established as measured  
18          from the nearest corner of the building holding the retail  
19          location to the corner of the school, pre-school, or day care  
20          facility building nearest the retail location at the time the  
21          retail location seeks licensure.

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

23                   (430 ILCS 68/5-25)

24                  Sec. 5-25. Exemptions. The provisions of this Act related  
25                  to the certification of a license do not apply to a person or

1 entity that engages in the following activities:

2 (1) temporary transfers of firearms solely for use at  
3 the location or on the premises where the transfer takes  
4 place, such as transfers at a shooting range for use at  
5 that location;

6 (2) temporary transfers of firearms solely for use  
7 while in the presence of the transferor or transfers for  
8 the purposes of firearm safety training by a firearms  
9 safety training instructor;

10 (3) transfers of firearms among immediate family or  
11 household members, as "immediate family or household  
12 member" is defined in Section 3-2.7-10 of the Unified Code  
13 of Corrections, provided that both the transferor and  
14 transferee are not prohibited from possessing a firearm  
15 under federal or State law ~~have a currently valid Firearm~~  
16 ~~Owner's Identification Card; however, this paragraph (3)~~  
17 ~~does not limit the familial gift exemption under paragraph~~  
18 ~~(2) of subsection (a 15) of Section 3 of the Firearm~~  
19 ~~Owners Identification Card Act;~~

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

22 (5) transfers by persons or entities liquidating all  
23 or part of a collection. For purposes of this paragraph  
24 (5), "collection" means 2 or more firearms which are of  
25 special interest to collectors by reason of some quality  
26 other than is associated with firearms intended for

1 sporting use or as offensive or defensive weapons;

2 (6) transfers of firearms that have been rendered  
3 permanently inoperable to a nonprofit historical society,  
4 museum, or institutional collection;

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

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

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

14 (10) transfers by a person or entity licensed as an  
15 auctioneer under the Auction License Act;

16 (10.5) transfers of firearms to a resident registered  
17 competitor or attendee or non-resident registered  
18 competitor or attendee by a licensed federal firearms  
19 dealer under Section 923 of the federal Gun Control Act of  
20 1968 at a competitive shooting event held at the World  
21 Shooting and Recreational Complex that is sanctioned by a  
22 national governing body; or

23 (11) transfers between a pawnshop and a customer which  
24 amount to a bailment. For purposes of this paragraph (11),  
25 "bailment" means the act of placing property in the  
26 custody and control of another, by agreement in which the

1 holder is responsible for the safekeeping and return of  
2 the property.

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

4 (430 ILCS 68/5-40)

5 Sec. 5-40. Qualifications for operation.

6 (a) Each certified licensee shall submit with each  
7 application for certification or renewal an affidavit to the  
8 Illinois State Police stating that each owner, employee, or  
9 other agent of the certified licensee who sells or conducts  
10 transfers of firearms for the certified licensee is at least  
11 21 years of age, ~~has a currently valid Firearm Owner's~~  
12 ~~Identification Card~~ and, for a renewal, has completed the  
13 training required under Section 5-30. The affidavit must also  
14 contain the name ~~and Firearm Owner's Identification Card~~  
15 ~~number~~ of each owner, employee, or other agent who sells or  
16 conducts transfers of firearms for the certified licensee. If  
17 an owner, employee, or other agent of the certified licensee  
18 is not otherwise a resident of this State, the certified  
19 licensee shall submit an affidavit stating that the owner,  
20 employee, or other agent has undergone a background check and  
21 is not prohibited from owning or possessing firearms.

22 (b) In addition to the affidavit required under subsection  
23 (a), within 30 days of a new owner, employee, or other agent  
24 beginning selling or conducting transfers of firearms for the  
25 certified licensee, the certified licensee shall submit an

1 affidavit to the Illinois State Police stating the date that  
2 the new owner, employee, or other agent began selling or  
3 conducting transfers of firearms for the certified licensee,  
4 and providing the information required in subsection (a) for  
5 that new owner, employee, or other agent.

6 (c) If a certified licensee has a license, certificate, or  
7 permit to sell, lease, transfer, purchase, or possess firearms  
8 issued by the federal government or the government of any  
9 state revoked or suspended for good cause within the preceding  
10 4 years, the Illinois State Police may consider revoking or  
11 suspending the certified licenses in this State. In making a  
12 determination of whether or not to revoke or suspend a  
13 certified license in this State, the Illinois State Police  
14 shall consider the number of retail locations the certified  
15 licensee or any related person or entity operates in this  
16 State or in other states under the same or different business  
17 names, and the severity of the infraction in the state in which  
18 a license was revoked or suspended.

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

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

23 (430 ILCS 68/5-85)

24 Sec. 5-85. Disciplinary sanctions.

25 (a) For violations of this Act not penalized under Section

1 5-15, the Illinois State Police may refuse to renew or  
2 restore, or may reprimand, place on probation, suspend,  
3 revoke, or take other disciplinary or non-disciplinary action  
4 against any licensee, and may impose a fine commensurate with  
5 the severity of the violation not to exceed \$10,000 for each  
6 violation for any of the following, consistent with the  
7 Protection of Lawful Commerce in Arms Act, 15 U.S.C. 7901  
8 through 7903:

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

11 (2) A pattern of practice or other behavior which  
12 demonstrates incapacity or incompetency to practice under  
13 this Act.

14 (3) Aiding or assisting another person in violating  
15 any provision of this Act or rules adopted under this Act.

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

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

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

25 (A) Any circumstance that disqualifies the person  
26 from obtaining a firearm ~~valid Firearm Owner's~~

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

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

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

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

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

14 (10) A finding by the Illinois State Police that the  
15 licensee, after having his or her certified license placed  
16 on probationary status, has violated the terms of  
17 probation.

18 (11) A fraudulent or material misstatement in the  
19 completion of an affirmative obligation or inquiry by law  
20 enforcement.

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

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

25 Section 70. The Wildlife Code is amended by changing

1 Sections 3.2 and 3.2a as follows:

2 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

3 Sec. 3.2. Hunting license; application; instruction.

4 Before the Department or any county, city, village, township,  
5 incorporated town clerk or his duly designated agent or any  
6 other person authorized or designated by the Department to  
7 issue hunting licenses shall issue a hunting license to any  
8 person, the person shall file his application with the  
9 Department or other party authorized to issue licenses on a  
10 form provided by the Department and further give definite  
11 proof of identity and place of legal residence. Each clerk  
12 designating agents to issue licenses and stamps shall furnish  
13 the Department, within 10 days following the appointment, the  
14 names and mailing addresses of the agents. Each clerk or his  
15 duly designated agent shall be authorized to sell licenses and  
16 stamps only within the territorial area for which he was  
17 elected or appointed. No duly designated agent is authorized  
18 to furnish licenses or stamps for issuance by any other  
19 business establishment. Each application shall be executed and  
20 sworn to and shall set forth the name and description of the  
21 applicant and place of residence.

22 No hunting license shall be issued to any person born on or  
23 after January 1, 1980 unless he presents the person authorized  
24 to issue the license evidence that he has held a hunting  
25 license issued by the State of Illinois or another state in a



1 prior year, or a certificate of competency as provided in this  
2 Section. Persons under 18 years of age may be issued a Lifetime  
3 Hunting or Sportsmen's Combination License as provided under  
4 Section 20-45 of the Fish and Aquatic Life Code but shall not  
5 be entitled to hunt alone, without the supervision of an adult  
6 age 21 or older, unless they have a certificate of competency  
7 as provided in this Section and the certificate is in their  
8 possession while hunting.

9 The Department of Natural Resources shall authorize  
10 personnel of the Department or certified volunteer instructors  
11 to conduct courses, of not less than 10 hours in length, in  
12 firearms and hunter safety, which may include training in bow  
13 and arrow safety, at regularly specified intervals throughout  
14 the State. Persons successfully completing the course shall  
15 receive a certificate of competency. The Department of Natural  
16 Resources may further cooperate with any reputable association  
17 or organization in establishing courses if the organization  
18 has as one of its objectives the promotion of safety in the  
19 handling of firearms or bow and arrow.

20 The Department of Natural Resources shall designate any  
21 person found by it to be competent to give instruction in the  
22 handling of firearms, hunter safety, and bow and arrow. The  
23 persons so appointed shall give the course of instruction and  
24 upon the successful completion shall issue to the person  
25 instructed a certificate of competency in the safe handling of  
26 firearms, hunter safety, and bow and arrow. No charge shall be

1 made for any course of instruction except for materials or  
2 ammunition consumed. The Department of Natural Resources shall  
3 furnish information on the requirements of hunter safety  
4 education programs to be distributed free of charge to  
5 applicants for hunting licenses by the persons appointed and  
6 authorized to issue licenses. ~~Funds for the conducting of  
7 firearms and hunter safety courses shall be taken from the fee  
8 charged for the Firearm Owners Identification Card.~~

9 The fee for a hunting license to hunt all species for a  
10 resident of Illinois is \$12. For residents age 65 or older,  
11 and, commencing with the 2012 license year, resident veterans  
12 of the United States Armed Forces after returning from service  
13 abroad or mobilization by the President of the United States  
14 as an active duty member of the United States Armed Forces, the  
15 Illinois National Guard, or the Reserves of the United States  
16 Armed Forces, the fee is one-half of the fee charged for a  
17 hunting license to hunt all species for a resident of  
18 Illinois. Veterans must provide to the Department acceptable  
19 verification of their service. The Department shall establish  
20 by administrative rule the procedure by which such  
21 verification of service shall be made to the Department for  
22 the purpose of issuing resident veterans hunting licenses at a  
23 reduced fee. The fee for a hunting license to hunt all species  
24 shall be \$1 for residents over 75 years of age. Nonresidents  
25 shall be charged \$57 for a hunting license.

26 Nonresidents may be issued a nonresident hunting license

1 for a period not to exceed 10 consecutive days' hunting in the  
2 State and shall be charged a fee of \$35.

3 A special nonresident hunting license authorizing a  
4 nonresident to take game birds by hunting on a game breeding  
5 and hunting preserve area only, established under Section  
6 3.27, shall be issued upon proper application being made and  
7 payment of a fee equal to that for a resident hunting license.  
8 The expiration date of this license shall be on the same date  
9 each year that game breeding and hunting preserve area  
10 licenses expire.

11 Each applicant for a State Migratory Waterfowl Stamp,  
12 regardless of his residence or other condition, shall pay a  
13 fee of \$15 and shall receive a stamp. The fee for a State  
14 Migratory Waterfowl Stamp shall be waived for residents over  
15 75 years of age. Except as provided under Section 20-45 of the  
16 Fish and Aquatic Life Code, the stamp shall be signed by the  
17 person or affixed to his license or permit in a space  
18 designated by the Department for that purpose.

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

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

4           The fees for State Pheasant Stamps and State Furbearer  
5 Stamps shall be waived for residents over 75 years of age.

6           The Department shall furnish the holders of hunting  
7 licenses and stamps with an insignia as evidence of possession  
8 of license, or license and stamp, as the Department may  
9 consider advisable. The insignia shall be exhibited and used  
10 as the Department may order.

11          All other hunting licenses and all State stamps shall  
12 expire upon March 31 of each year.

13          Every person holding any license, permit, or stamp issued  
14 under the provisions of this Act shall have it in his  
15 possession for immediate presentation for inspection to the  
16 officers and authorized employees of the Department, any  
17 sheriff, deputy sheriff, or any other peace officer making a  
18 demand for it. This provision shall not apply to Department  
19 owned or managed sites where it is required that all hunters  
20 deposit their license or ~~permit, or Firearm Owner's~~  
21 ~~Identification Card~~ at the check station upon entering the  
22 hunting areas.

23          For the purposes of this Section, "acceptable  
24 verification" means official documentation from the Department  
25 of Defense or the appropriate Major Command showing  
26 mobilization dates or service abroad dates, including: (i) a

1 DD-214, (ii) a letter from the Illinois Department of Military  
2 Affairs for members of the Illinois National Guard, (iii) a  
3 letter from the Regional Reserve Command for members of the  
4 Armed Forces Reserve, (iv) a letter from the Major Command  
5 covering Illinois for active duty members, (v) personnel  
6 records for mobilized State employees, and (vi) any other  
7 documentation that the Department, by administrative rule,  
8 deems acceptable to establish dates of mobilization or service  
9 abroad.

10 For the purposes of this Section, the term "service  
11 abroad" means active duty service outside of the 50 United  
12 States and the District of Columbia, and includes all active  
13 duty service in territories and possessions of the United  
14 States.

15 (Source: P.A. 101-81, eff. 7-12-19; 102-780, eff. 5-13-22.)

16 (520 ILCS 5/3.2a) (from Ch. 61, par. 3.2a)

17 Sec. 3.2a. Every person holding any license, permit or  
18 stamp issued under the provisions hereof shall have it in his  
19 possession for immediate presentation for inspection to the  
20 officers and authorized employees of the Department, any  
21 sheriff, deputy sheriff or any other peace officer making a  
22 demand for it. This provision shall not apply to Department  
23 owned or managed sites where it is required that all hunters  
24 deposit their license or ~~7~~ permit ~~or Firearm Owner's~~  
25 ~~Identification Card~~ at the check station upon entering the

1 hunting areas.

2 (Source: P.A. 85-152.)

3 Section 75. The Criminal Code of 2012 is amended by  
4 changing Sections 2-7.1, 2-7.5, 12-3.05, 16-0.1, 17-30, 24-1,  
5 24-1.1, 24-1.6, 24-1.8, 24-1.9, 24-1.10, 24-2, 24-3, 24-3.1,  
6 24-3.2, 24-3.4, 24-3.5, 24-3B, 24-4.1, 24-5.1, and 24-9 and  
7 adding Section 24-4.5 as follows:

8 (720 ILCS 5/2-7.1)

9 Sec. 2-7.1. Firearm ~~"Firearm"~~ and ~~"firearm~~ ammunition".

10 "Firearm ~~"Firearm"~~ and ~~"firearm~~ ammunition" means any  
11 self-contained cartridge or shotgun shell, by whatever name  
12 known, which is designed to be used or adaptable to use in a  
13 firearm; excluding, however:

14 (1) any ammunition exclusively designed for use with a  
15 device used exclusively for signaling or safety and required  
16 or recommended by the United States Coast Guard or the  
17 Interstate Commerce Commission; and

18 (2) any ammunition designed exclusively for use with a  
19 stud or rivet driver or other similar industrial ammunition  
20 ~~have the meanings ascribed to them in Section 1.1 of the~~  
21 ~~Firearm Owners Identification Card Act.~~

22 (Source: P.A. 91-544, eff. 1-1-00.)

23 (720 ILCS 5/2-7.5)

1           Sec. 2-7.5. "Firearm". Except as otherwise provided in a  
2 specific Section, "firearm" means any device, by whatever name  
3 known, which is designed to expel a projectile or projectiles  
4 by the action of an explosion, expansion of gas or escape of  
5 gas; excluding, however:

6           (1) any pneumatic gun, spring gun, paint ball gun, or B-B  
7 gun which expels a single globular projectile not exceeding  
8 .18 inch in diameter or which has a maximum muzzle velocity of  
9 less than 700 feet per second;

10           (1.1) any pneumatic gun, spring gun, paint ball gun, or  
11 B-B gun which expels breakable paint balls containing washable  
12 marking colors;

13           (2) any device used exclusively for signaling or safety  
14 and required or recommended by the United States Coast Guard  
15 or the Interstate Commerce Commission;

16           (3) any device used exclusively for the firing of stud  
17 cartridges, explosive rivets, or similar industrial  
18 ammunition; and

19           (4) an antique firearm (other than a machine-gun) which,  
20 although designed as a weapon, the Illinois State Police finds  
21 by reason of the date of its manufacture, value, design, and  
22 other characteristics is primarily a collector's item and is  
23 not likely to be used as a weapon ~~has the meaning ascribed to~~  
24 ~~it in Section 1.1 of the Firearm Owners Identification Card~~  
25 ~~Act.~~

26           (Source: P.A. 95-331, eff. 8-21-07.)

1 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

2 Sec. 12-3.05. Aggravated battery.

3 (a) Offense based on injury. A person commits aggravated  
4 battery when, in committing a battery, other than by the  
5 discharge of a firearm, he or she knowingly does any of the  
6 following:

7 (1) Causes great bodily harm or permanent disability  
8 or disfigurement.

9 (2) Causes severe and permanent disability, great  
10 bodily harm, or disfigurement by means of a caustic or  
11 flammable substance, a poisonous gas, a deadly biological  
12 or chemical contaminant or agent, a radioactive substance,  
13 or a bomb or explosive compound.

14 (3) Causes great bodily harm or permanent disability  
15 or disfigurement to an individual whom the person knows to  
16 be a peace officer, community policing volunteer, fireman,  
17 private security officer, correctional institution  
18 employee, or Department of Human Services employee  
19 supervising or controlling sexually dangerous persons or  
20 sexually violent persons:

21 (i) performing his or her official duties;

22 (ii) battered to prevent performance of his or her  
23 official duties; or

24 (iii) battered in retaliation for performing his  
25 or her official duties.



1           (4) Causes great bodily harm or permanent disability  
2           or disfigurement to an individual 60 years of age or  
3           older.

4           (5) Strangles another individual.

5           (b) Offense based on injury to a child or person with an  
6           intellectual disability. A person who is at least 18 years of  
7           age commits aggravated battery when, in committing a battery,  
8           he or she knowingly and without legal justification by any  
9           means:

10           (1) causes great bodily harm or permanent disability  
11           or disfigurement to any child under the age of 13 years, or  
12           to any person with a severe or profound intellectual  
13           disability; or

14           (2) causes bodily harm or disability or disfigurement  
15           to any child under the age of 13 years or to any person  
16           with a severe or profound intellectual disability.

17           (c) Offense based on location of conduct. A person commits  
18           aggravated battery when, in committing a battery, other than  
19           by the discharge of a firearm, he or she is or the person  
20           battered is on or about a public way, public property, a public  
21           place of accommodation or amusement, a sports venue, or a  
22           domestic violence shelter, or in a church, synagogue, mosque,  
23           or other building, structure, or place used for religious  
24           worship.

25           (d) Offense based on status of victim. A person commits  
26           aggravated battery when, in committing a battery, other than

1 by discharge of a firearm, he or she knows the individual  
2 battered to be any of the following:

3 (1) A person 60 years of age or older.

4 (2) A person who is pregnant or has a physical  
5 disability.

6 (3) A teacher or school employee upon school grounds  
7 or grounds adjacent to a school or in any part of a  
8 building used for school purposes.

9 (4) A peace officer, community policing volunteer,  
10 fireman, private security officer, correctional  
11 institution employee, or Department of Human Services  
12 employee supervising or controlling sexually dangerous  
13 persons or sexually violent persons:

14 (i) performing his or her official duties;

15 (ii) battered to prevent performance of his or her  
16 official duties; or

17 (iii) battered in retaliation for performing his  
18 or her official duties.

19 (5) A judge, emergency management worker, emergency  
20 medical services personnel, or utility worker:

21 (i) performing his or her official duties;

22 (ii) battered to prevent performance of his or her  
23 official duties; or

24 (iii) battered in retaliation for performing his  
25 or her official duties.

26 (6) An officer or employee of the State of Illinois, a

1 unit of local government, or a school district, while  
2 performing his or her official duties.

3 (7) A transit employee performing his or her official  
4 duties, or a transit passenger.

5 (8) A taxi driver on duty.

6 (9) A merchant who detains the person for an alleged  
7 commission of retail theft under Section 16-26 of this  
8 Code and the person without legal justification by any  
9 means causes bodily harm to the merchant.

10 (10) A person authorized to serve process under  
11 Section 2-202 of the Code of Civil Procedure or a special  
12 process server appointed by the circuit court while that  
13 individual is in the performance of his or her duties as a  
14 process server.

15 (11) A nurse while in the performance of his or her  
16 duties as a nurse.

17 (12) A merchant: (i) while performing his or her  
18 duties, including, but not limited to, relaying directions  
19 for healthcare or safety from his or her supervisor or  
20 employer or relaying health or safety guidelines,  
21 recommendations, regulations, or rules from a federal,  
22 State, or local public health agency; and (ii) during a  
23 disaster declared by the Governor, or a state of emergency  
24 declared by the mayor of the municipality in which the  
25 merchant is located, due to a public health emergency and  
26 for a period of 6 months after such declaration.

1 (e) Offense based on use of a firearm. A person commits  
2 aggravated battery when, in committing a battery, he or she  
3 knowingly does any of the following:

4 (1) Discharges a firearm, other than a machine gun or  
5 a firearm equipped with a silencer, and causes any injury  
6 to another person.

7 (2) Discharges a firearm, other than a machine gun or  
8 a firearm equipped with a silencer, and causes any injury  
9 to a person he or she knows to be a peace officer,  
10 community policing volunteer, person summoned by a police  
11 officer, fireman, private security officer, correctional  
12 institution employee, or emergency management worker:

13 (i) performing his or her official duties;

14 (ii) battered to prevent performance of his or her  
15 official duties; or

16 (iii) battered in retaliation for performing his  
17 or her official duties.

18 (3) Discharges a firearm, other than a machine gun or  
19 a firearm equipped with a silencer, and causes any injury  
20 to a person he or she knows to be emergency medical  
21 services personnel:

22 (i) performing his or her official duties;

23 (ii) battered to prevent performance of his or her  
24 official duties; or

25 (iii) battered in retaliation for performing his  
26 or her official duties.

1           (4) Discharges a firearm and causes any injury to a  
2 person he or she knows to be a teacher, a student in a  
3 school, or a school employee, and the teacher, student, or  
4 employee is upon school grounds or grounds adjacent to a  
5 school or in any part of a building used for school  
6 purposes.

7           (5) Discharges a machine gun or a firearm equipped  
8 with a silencer, and causes any injury to another person.

9           (6) Discharges a machine gun or a firearm equipped  
10 with a silencer, and causes any injury to a person he or  
11 she knows to be a peace officer, community policing  
12 volunteer, person summoned by a police officer, fireman,  
13 private security officer, correctional institution  
14 employee or emergency management worker:

15                   (i) performing his or her official duties;

16                   (ii) battered to prevent performance of his or her  
17 official duties; or

18                   (iii) battered in retaliation for performing his  
19 or her official duties.

20           (7) Discharges a machine gun or a firearm equipped  
21 with a silencer, and causes any injury to a person he or  
22 she knows to be emergency medical services personnel:

23                   (i) performing his or her official duties;

24                   (ii) battered to prevent performance of his or her  
25 official duties; or

26                   (iii) battered in retaliation for performing his

1 or her official duties.

2 (8) Discharges a machine gun or a firearm equipped  
3 with a silencer, and causes any injury to a person he or  
4 she knows to be a teacher, or a student in a school, or a  
5 school employee, and the teacher, student, or employee is  
6 upon school grounds or grounds adjacent to a school or in  
7 any part of a building used for school purposes.

8 (f) Offense based on use of a weapon or device. A person  
9 commits aggravated battery when, in committing a battery, he  
10 or she does any of the following:

11 (1) Uses a deadly weapon other than by discharge of a  
12 firearm, or uses an air rifle as defined in Section  
13 24.8-0.1 of this Code.

14 (2) Wears a hood, robe, or mask to conceal his or her  
15 identity.

16 (3) Knowingly and without lawful justification shines  
17 or flashes a laser gunsight or other laser device attached  
18 to a firearm, or used in concert with a firearm, so that  
19 the laser beam strikes upon or against the person of  
20 another.

21 (4) Knowingly video or audio records the offense with  
22 the intent to disseminate the recording.

23 (g) Offense based on certain conduct. A person commits  
24 aggravated battery when, other than by discharge of a firearm,  
25 he or she does any of the following:

26 (1) Violates Section 401 of the Illinois Controlled

1 Substances Act by unlawfully delivering a controlled  
2 substance to another and any user experiences great bodily  
3 harm or permanent disability as a result of the injection,  
4 inhalation, or ingestion of any amount of the controlled  
5 substance.

6 (2) Knowingly administers to an individual or causes  
7 him or her to take, without his or her consent or by threat  
8 or deception, and for other than medical purposes, any  
9 intoxicating, poisonous, stupefying, narcotic,  
10 anesthetic, or controlled substance, or gives to another  
11 person any food containing any substance or object  
12 intended to cause physical injury if eaten.

13 (3) Knowingly causes or attempts to cause a  
14 correctional institution employee or Department of Human  
15 Services employee to come into contact with blood, seminal  
16 fluid, urine, or feces by throwing, tossing, or expelling  
17 the fluid or material, and the person is an inmate of a  
18 penal institution or is a sexually dangerous person or  
19 sexually violent person in the custody of the Department  
20 of Human Services.

21 (h) Sentence. Unless otherwise provided, aggravated  
22 battery is a Class 3 felony.

23 Aggravated battery as defined in subdivision (a)(4),  
24 (d)(4), or (g)(3) is a Class 2 felony.

25 Aggravated battery as defined in subdivision (a)(3) or  
26 (g)(1) is a Class 1 felony.

1           Aggravated battery as defined in subdivision (a)(1) is a  
2 Class 1 felony when the aggravated battery was intentional and  
3 involved the infliction of torture, as defined in paragraph  
4 (14) of subsection (b) of Section 9-1 of this Code, as the  
5 infliction of or subjection to extreme physical pain,  
6 motivated by an intent to increase or prolong the pain,  
7 suffering, or agony of the victim.

8           Aggravated battery as defined in subdivision (a)(1) is a  
9 Class 2 felony when the person causes great bodily harm or  
10 permanent disability to an individual whom the person knows to  
11 be a member of a congregation engaged in prayer or other  
12 religious activities at a church, synagogue, mosque, or other  
13 building, structure, or place used for religious worship.

14           Aggravated battery under subdivision (a)(5) is a Class 1  
15 felony if:

16           (A) the person used or attempted to use a dangerous  
17 instrument while committing the offense;

18           (B) the person caused great bodily harm or permanent  
19 disability or disfigurement to the other person while  
20 committing the offense; or

21           (C) the person has been previously convicted of a  
22 violation of subdivision (a)(5) under the laws of this  
23 State or laws similar to subdivision (a)(5) of any other  
24 state.

25           Aggravated battery as defined in subdivision (e)(1) is a  
26 Class X felony.



1           Aggravated battery as defined in subdivision (a)(2) is a  
2 Class X felony for which a person shall be sentenced to a term  
3 of imprisonment of a minimum of 6 years and a maximum of 45  
4 years.

5           Aggravated battery as defined in subdivision (e)(5) is a  
6 Class X felony for which a person shall be sentenced to a term  
7 of imprisonment of a minimum of 12 years and a maximum of 45  
8 years.

9           Aggravated battery as defined in subdivision (e)(2),  
10 (e)(3), or (e)(4) is a Class X felony for which a person shall  
11 be sentenced to a term of imprisonment of a minimum of 15 years  
12 and a maximum of 60 years.

13           Aggravated battery as defined in subdivision (e)(6),  
14 (e)(7), or (e)(8) is a Class X felony for which a person shall  
15 be sentenced to a term of imprisonment of a minimum of 20 years  
16 and a maximum of 60 years.

17           Aggravated battery as defined in subdivision (b)(1) is a  
18 Class X felony, except that:

19           (1) if the person committed the offense while armed  
20 with a firearm, 15 years shall be added to the term of  
21 imprisonment imposed by the court;

22           (2) if, during the commission of the offense, the  
23 person personally discharged a firearm, 20 years shall be  
24 added to the term of imprisonment imposed by the court;

25           (3) if, during the commission of the offense, the  
26 person personally discharged a firearm that proximately

1           caused great bodily harm, permanent disability, permanent  
2           disfigurement, or death to another person, 25 years or up  
3           to a term of natural life shall be added to the term of  
4           imprisonment imposed by the court.

5           (i) Definitions. In this Section:

6           "Building or other structure used to provide shelter" has  
7           the meaning ascribed to "shelter" in Section 1 of the Domestic  
8           Violence Shelters Act.

9           "Domestic violence" has the meaning ascribed to it in  
10          Section 103 of the Illinois Domestic Violence Act of 1986.

11          "Domestic violence shelter" means any building or other  
12          structure used to provide shelter or other services to victims  
13          or to the dependent children of victims of domestic violence  
14          pursuant to the Illinois Domestic Violence Act of 1986 or the  
15          Domestic Violence Shelters Act, or any place within 500 feet  
16          of such a building or other structure in the case of a person  
17          who is going to or from such a building or other structure.

18          "Firearm" has the meaning provided under Section 2-7.5 of  
19          this Code ~~1.1 of the Firearm Owners Identification Card Act,~~  
20          and does not include an air rifle as defined by Section  
21          24.8-0.1 of this Code.

22          "Machine gun" has the meaning ascribed to it in Section  
23          24-1 of this Code.

24          "Merchant" has the meaning ascribed to it in Section  
25          16-0.1 of this Code.

26          "Strangle" means intentionally impeding the normal

1 breathing or circulation of the blood of an individual by  
2 applying pressure on the throat or neck of that individual or  
3 by blocking the nose or mouth of that individual.

4 (Source: P.A. 101-223, eff. 1-1-20; 101-651, eff. 8-7-20.)

5 (720 ILCS 5/16-0.1)

6 Sec. 16-0.1. Definitions. In this Article, unless the  
7 context clearly requires otherwise, the following terms are  
8 defined as indicated:

9 "Access" means to use, instruct, communicate with, store  
10 data in, retrieve or intercept data from, or otherwise utilize  
11 any services of a computer.

12 "Coin-operated machine" includes any automatic vending  
13 machine or any part thereof, parking meter, coin telephone,  
14 coin-operated transit turnstile, transit fare box, coin  
15 laundry machine, coin dry cleaning machine, amusement machine,  
16 music machine, vending machine dispensing goods or services,  
17 or money changer.

18 "Communication device" means any type of instrument,  
19 device, machine, or equipment which is capable of  
20 transmitting, acquiring, decrypting, or receiving any  
21 telephonic, electronic, data, Internet access, audio, video,  
22 microwave, or radio transmissions, signals, communications, or  
23 services, including the receipt, acquisition, transmission, or  
24 decryption of all such communications, transmissions, signals,  
25 or services provided by or through any cable television, fiber

1 optic, telephone, satellite, microwave, radio, Internet-based,  
2 data transmission, or wireless distribution network, system or  
3 facility; or any part, accessory, or component thereof,  
4 including any computer circuit, security module, smart card,  
5 software, computer chip, electronic mechanism or other  
6 component, accessory or part of any communication device which  
7 is capable of facilitating the transmission, decryption,  
8 acquisition or reception of all such communications,  
9 transmissions, signals, or services.

10 "Communication service" means any service lawfully  
11 provided for a charge or compensation to facilitate the lawful  
12 origination, transmission, emission, or reception of signs,  
13 signals, data, writings, images, and sounds or intelligence of  
14 any nature by telephone, including cellular telephones or a  
15 wire, wireless, radio, electromagnetic, photo-electronic or  
16 photo-optical system; and also any service lawfully provided  
17 by any radio, telephone, cable television, fiber optic,  
18 satellite, microwave, Internet-based or wireless distribution  
19 network, system, facility or technology, including, but not  
20 limited to, any and all electronic, data, video, audio,  
21 Internet access, telephonic, microwave and radio  
22 communications, transmissions, signals and services, and any  
23 such communications, transmissions, signals and services  
24 lawfully provided directly or indirectly by or through any of  
25 those networks, systems, facilities or technologies.

26 "Communication service provider" means: (1) any person or

1 entity providing any communication service, whether directly  
2 or indirectly, as a reseller, including, but not limited to, a  
3 cellular, paging or other wireless communications company or  
4 other person or entity which, for a fee, supplies the  
5 facility, cell site, mobile telephone switching office or  
6 other equipment or communication service; (2) any person or  
7 entity owning or operating any cable television, fiber optic,  
8 satellite, telephone, wireless, microwave, radio, data  
9 transmission or Internet-based distribution network, system or  
10 facility; and (3) any person or entity providing any  
11 communication service directly or indirectly by or through any  
12 such distribution system, network or facility.

13 "Computer" means a device that accepts, processes, stores,  
14 retrieves or outputs data, and includes but is not limited to  
15 auxiliary storage and telecommunications devices connected to  
16 computers.

17 "Continuing course of conduct" means a series of acts, and  
18 the accompanying mental state necessary for the crime in  
19 question, irrespective of whether the series of acts are  
20 continuous or intermittent.

21 "Delivery container" means any bakery basket of wire or  
22 plastic used to transport or store bread or bakery products,  
23 any dairy case of wire or plastic used to transport or store  
24 dairy products, and any dolly or cart of 2 or 4 wheels used to  
25 transport or store any bakery or dairy product.

26 "Document-making implement" means any implement,

1 impression, template, computer file, computer disc, electronic  
2 device, computer hardware, computer software, instrument, or  
3 device that is used to make a real or fictitious or fraudulent  
4 personal identification document.

5 "Financial transaction device" means any of the following:

6 (1) An electronic funds transfer card.

7 (2) A credit card.

8 (3) A debit card.

9 (4) A point-of-sale card.

10 (5) Any instrument, device, card, plate, code, account  
11 number, personal identification number, or a record or  
12 copy of a code, account number, or personal identification  
13 number or other means of access to a credit account or  
14 deposit account, or a driver's license or State  
15 identification card used to access a proprietary account,  
16 other than access originated solely by a paper instrument,  
17 that can be used alone or in conjunction with another  
18 access device, for any of the following purposes:

19 (A) Obtaining money, cash refund or credit  
20 account, credit, goods, services, or any other thing  
21 of value.

22 (B) Certifying or guaranteeing to a person or  
23 business the availability to the device holder of  
24 funds on deposit to honor a draft or check payable to  
25 the order of that person or business.

26 (C) Providing the device holder access to a

1           deposit account for the purpose of making deposits,  
2           withdrawing funds, transferring funds between deposit  
3           accounts, obtaining information pertaining to a  
4           deposit account, or making an electronic funds  
5           transfer.

6           "Full retail value" means the merchant's stated or  
7           advertised price of the merchandise. "Full retail value"  
8           includes the aggregate value of property obtained from retail  
9           thefts committed by the same person as part of a continuing  
10          course of conduct from one or more mercantile establishments  
11          in a single transaction or in separate transactions over a  
12          period of one year.

13          "Internet" means an interactive computer service or system  
14          or an information service, system, or access software provider  
15          that provides or enables computer access by multiple users to  
16          a computer server, and includes, but is not limited to, an  
17          information service, system, or access software provider that  
18          provides access to a network system commonly known as the  
19          Internet, or any comparable system or service and also  
20          includes, but is not limited to, a World Wide Web page,  
21          newsgroup, message board, mailing list, or chat area on any  
22          interactive computer service or system or other online  
23          service.

24          "Library card" means a card or plate issued by a library  
25          facility for purposes of identifying the person to whom the  
26          library card was issued as authorized to borrow library

1 material, subject to all limitations and conditions imposed on  
2 the borrowing by the library facility issuing such card.

3 "Library facility" includes any public library or museum,  
4 or any library or museum of an educational, historical or  
5 eleemosynary institution, organization or society.

6 "Library material" includes any book, plate, picture,  
7 photograph, engraving, painting, sculpture, statue, artifact,  
8 drawing, map, newspaper, pamphlet, broadside, magazine,  
9 manuscript, document, letter, microfilm, sound recording,  
10 audiovisual material, magnetic or other tape, electronic data  
11 processing record or other documentary, written or printed  
12 material regardless of physical form or characteristics, or  
13 any part thereof, belonging to, or on loan to or otherwise in  
14 the custody of a library facility.

15 "Manufacture or assembly of an unlawful access device"  
16 means to make, produce or assemble an unlawful access device  
17 or to modify, alter, program or re-program any instrument,  
18 device, machine, equipment or software so that it is capable  
19 of defeating or circumventing any technology, device or  
20 software used by the provider, owner or licensee of a  
21 communication service or of any data, audio or video programs  
22 or transmissions to protect any such communication, data,  
23 audio or video services, programs or transmissions from  
24 unauthorized access, acquisition, disclosure, receipt,  
25 decryption, communication, transmission or re-transmission.

26 "Manufacture or assembly of an unlawful communication



1 device" means to make, produce or assemble an unlawful  
2 communication or wireless device or to modify, alter, program  
3 or reprogram a communication or wireless device to be capable  
4 of acquiring, disrupting, receiving, transmitting, decrypting,  
5 or facilitating the acquisition, disruption, receipt,  
6 transmission or decryption of, a communication service without  
7 the express consent or express authorization of the  
8 communication service provider, or to knowingly assist others  
9 in those activities.

10 "Master sound recording" means the original physical  
11 object on which a given set of sounds were first recorded and  
12 which the original object from which all subsequent sound  
13 recordings embodying the same set of sounds are directly or  
14 indirectly derived.

15 "Merchandise" means any item of tangible personal  
16 property, including motor fuel.

17 "Merchant" means an owner or operator of any retail  
18 mercantile establishment or any agent, employee, lessee,  
19 consignee, officer, director, franchisee, or independent  
20 contractor of the owner or operator. "Merchant" also means a  
21 person who receives from an authorized user of a payment card,  
22 or someone the person believes to be an authorized user, a  
23 payment card or information from a payment card, or what the  
24 person believes to be a payment card or information from a  
25 payment card, as the instrument for obtaining, purchasing or  
26 receiving goods, services, money, or anything else of value

1 from the person.

2 "Motor fuel" means a liquid, regardless of its properties,  
3 used to propel a vehicle, including gasoline and diesel.

4 "Online" means the use of any electronic or wireless  
5 device to access the Internet.

6 "Payment card" means a credit card, charge card, debit  
7 card, or any other card that is issued to an authorized card  
8 user and that allows the user to obtain, purchase, or receive  
9 goods, services, money, or anything else of value from a  
10 merchant.

11 "Person with a disability" means a person who suffers from  
12 a physical or mental impairment resulting from disease,  
13 injury, functional disorder or congenital condition that  
14 impairs the individual's mental or physical ability to  
15 independently manage his or her property or financial  
16 resources, or both.

17 "Personal identification document" means a birth  
18 certificate, a driver's license, a State identification card,  
19 a public, government, or private employment identification  
20 card, a social security card, a license issued under the  
21 Firearm Concealed Carry Act ~~firearm owner's identification~~  
22 ~~card~~, a credit card, a debit card, or a passport issued to or  
23 on behalf of a person other than the offender, or any document  
24 made or issued, or falsely purported to have been made or  
25 issued, by or under the authority of the United States  
26 Government, the State of Illinois, or any other state

1 political subdivision of any state, or any other governmental  
2 or quasi-governmental organization that is of a type intended  
3 for the purpose of identification of an individual, or any  
4 such document made or altered in a manner that it falsely  
5 purports to have been made on behalf of or issued to another  
6 person or by the authority of one who did not give that  
7 authority.

8 "Personal identifying information" means any of the  
9 following information:

10 (1) A person's name.

11 (2) A person's address.

12 (3) A person's date of birth.

13 (4) A person's telephone number.

14 (5) A person's driver's license number or State of  
15 Illinois identification card as assigned by the Secretary  
16 of State of the State of Illinois or a similar agency of  
17 another state.

18 (6) A person's social security number.

19 (7) A person's public, private, or government  
20 employer, place of employment, or employment  
21 identification number.

22 (8) The maiden name of a person's mother.

23 (9) The number assigned to a person's depository  
24 account, savings account, or brokerage account.

25 (10) The number assigned to a person's credit or debit  
26 card, commonly known as a "Visa Card", "MasterCard",

1 "American Express Card", "Discover Card", or other similar  
2 cards whether issued by a financial institution,  
3 corporation, or business entity.

4 (11) Personal identification numbers.

5 (12) Electronic identification numbers.

6 (13) Digital signals.

7 (14) User names, passwords, and any other word,  
8 number, character or combination of the same usable in  
9 whole or part to access information relating to a specific  
10 individual, or to the actions taken, communications made  
11 or received, or other activities or transactions of a  
12 specific individual.

13 (15) Any other numbers or information which can be  
14 used to access a person's financial resources, or to  
15 identify a specific individual, or the actions taken,  
16 communications made or received, or other activities or  
17 transactions of a specific individual.

18 "Premises of a retail mercantile establishment" includes,  
19 but is not limited to, the retail mercantile establishment;  
20 any common use areas in shopping centers; and all parking  
21 areas set aside by a merchant or on behalf of a merchant for  
22 the parking of vehicles for the convenience of the patrons of  
23 such retail mercantile establishment.

24 "Public water, gas, or power supply, or other public  
25 services" mean any service subject to regulation by the  
26 Illinois Commerce Commission; any service furnished by a

1 public utility that is owned and operated by any political  
2 subdivision, public institution of higher education or  
3 municipal corporation of this State; any service furnished by  
4 any public utility that is owned by such political  
5 subdivision, public institution of higher education, or  
6 municipal corporation and operated by any of its lessees or  
7 operating agents; any service furnished by an electric  
8 cooperative as defined in Section 3.4 of the Electric Supplier  
9 Act; or wireless service or other service regulated by the  
10 Federal Communications Commission.

11 "Publish" means to communicate or disseminate information  
12 to any one or more persons, either orally, in person, or by  
13 telephone, radio or television or in writing of any kind,  
14 including, without limitation, a letter or memorandum,  
15 circular or handbill, newspaper or magazine article or book.

16 "Radio frequency identification device" means any  
17 implement, computer file, computer disc, electronic device,  
18 computer hardware, computer software, or instrument that is  
19 used to activate, read, receive, or decode information stored  
20 on a RFID tag or transponder attached to a personal  
21 identification document.

22 "RFID tag or transponder" means a chip or device that  
23 contains personal identifying information from which the  
24 personal identifying information can be read or decoded by  
25 another device emitting a radio frequency that activates or  
26 powers a radio frequency emission response from the chip or

1 transponder.

2 "Reencoder" means an electronic device that places encoded  
3 information from the magnetic strip or stripe of a payment  
4 card onto the magnetic strip or stripe of a different payment  
5 card.

6 "Retail mercantile establishment" means any place where  
7 merchandise is displayed, held, stored or offered for sale to  
8 the public.

9 "Scanning device" means a scanner, reader, or any other  
10 electronic device that is used to access, read, scan, obtain,  
11 memorize, or store, temporarily or permanently, information  
12 encoded on the magnetic strip or stripe of a payment card.

13 "Shopping cart" means those push carts of the type or  
14 types which are commonly provided by grocery stores, drug  
15 stores or other retail mercantile establishments for the use  
16 of the public in transporting commodities in stores and  
17 markets and, incidentally, from the stores to a place outside  
18 the store.

19 "Sound or audio visual recording" means any sound or audio  
20 visual phonograph record, disc, pre-recorded tape, film, wire,  
21 magnetic tape or other object, device or medium, now known or  
22 hereafter invented, by which sounds or images may be  
23 reproduced with or without the use of any additional machine,  
24 equipment or device.

25 "Stored value card" means any card, gift card, instrument,  
26 or device issued with or without fee for the use of the

1 cardholder to obtain money, goods, services, or anything else  
2 of value. Stored value cards include, but are not limited to,  
3 cards issued for use as a stored value card or gift card, and  
4 an account identification number or symbol used to identify a  
5 stored value card. "Stored value card" does not include a  
6 prepaid card usable at multiple, unaffiliated merchants or at  
7 automated teller machines, or both. "Stored value card" shall  
8 only apply to Section 16-25.1 of this Act.

9 "Theft detection device remover" means any tool or device  
10 specifically designed and intended to be used to remove any  
11 theft detection device from any merchandise.

12 "Under-ring" means to cause the cash register or other  
13 sales recording device to reflect less than the full retail  
14 value of the merchandise.

15 "Unidentified sound or audio visual recording" means a  
16 sound or audio visual recording without the actual name and  
17 full and correct street address of the manufacturer, and the  
18 name of the actual performers or groups prominently and  
19 legibly printed on the outside cover or jacket and on the label  
20 of such sound or audio visual recording.

21 "Unlawful access device" means any type of instrument,  
22 device, machine, equipment, technology, or software which is  
23 primarily possessed, used, designed, assembled, manufactured,  
24 sold, distributed or offered, promoted or advertised for the  
25 purpose of defeating or circumventing any technology, device  
26 or software, or any component or part thereof, used by the

1 provider, owner or licensee of any communication service or of  
2 any data, audio or video programs or transmissions to protect  
3 any such communication, audio or video services, programs or  
4 transmissions from unauthorized access, acquisition, receipt,  
5 decryption, disclosure, communication, transmission or  
6 re-transmission.

7 "Unlawful communication device" means any electronic  
8 serial number, mobile identification number, personal  
9 identification number or any communication or wireless device  
10 that is capable of acquiring or facilitating the acquisition  
11 of a communication service without the express consent or  
12 express authorization of the communication service provider,  
13 or that has been altered, modified, programmed or  
14 reprogrammed, alone or in conjunction with another  
15 communication or wireless device or other equipment, to so  
16 acquire or facilitate the unauthorized acquisition of a  
17 communication service. "Unlawful communication device" also  
18 means:

19 (1) any phone altered to obtain service without the  
20 express consent or express authorization of the  
21 communication service provider, tumbler phone, counterfeit  
22 or clone phone, tumbler microchip, counterfeit or clone  
23 microchip, scanning receiver of wireless communication  
24 service or other instrument capable of disguising its  
25 identity or location or of gaining unauthorized access to  
26 a communications or wireless system operated by a



1 communication service provider; and

2 (2) any communication or wireless device which is  
3 capable of, or has been altered, designed, modified,  
4 programmed or reprogrammed, alone or in conjunction with  
5 another communication or wireless device or devices, so as  
6 to be capable of, facilitating the disruption,  
7 acquisition, receipt, transmission or decryption of a  
8 communication service without the express consent or  
9 express authorization of the communication service  
10 provider, including, but not limited to, any device,  
11 technology, product, service, equipment, computer software  
12 or component or part thereof, primarily distributed, sold,  
13 designed, assembled, manufactured, modified, programmed,  
14 reprogrammed or used for the purpose of providing the  
15 unauthorized receipt of, transmission of, disruption of,  
16 decryption of, access to or acquisition of any  
17 communication service provided by any communication  
18 service provider.

19 "Vehicle" means a motor vehicle, motorcycle, or farm  
20 implement that is self-propelled and that uses motor fuel for  
21 propulsion.

22 "Wireless device" includes any type of instrument, device,  
23 machine, or equipment that is capable of transmitting or  
24 receiving telephonic, electronic or radio communications, or  
25 any part of such instrument, device, machine, or equipment, or  
26 any computer circuit, computer chip, electronic mechanism, or

1 other component that is capable of facilitating the  
2 transmission or reception of telephonic, electronic, or radio  
3 communications.

4 (Source: P.A. 102-757, eff. 5-13-22.)

5 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

6 Sec. 17-30. Defaced, altered, or removed manufacturer or  
7 owner identification number.

8 (a) Unlawful sale of household appliances. A person  
9 commits unlawful sale of household appliances when he or she  
10 knowingly, with the intent to defraud or deceive another,  
11 keeps for sale, within any commercial context, any household  
12 appliance with a missing, defaced, obliterated, or otherwise  
13 altered manufacturer's identification number.

14 (b) Construction equipment identification defacement. A  
15 person commits construction equipment identification  
16 defacement when he or she knowingly changes, alters, removes,  
17 mutilates, or obliterates a permanently affixed serial number,  
18 product identification number, part number, component  
19 identification number, owner-applied identification, or other  
20 mark of identification attached to or stamped, inscribed,  
21 molded, or etched into a machine or other equipment, whether  
22 stationary or mobile or self-propelled, or a part of such  
23 machine or equipment, used in the construction, maintenance,  
24 or demolition of buildings, structures, bridges, tunnels,  
25 sewers, utility pipes or lines, ditches or open cuts, roads,

1 highways, dams, airports, or waterways or in material handling  
2 for such projects.

3 The trier of fact may infer that the defendant has  
4 knowingly changed, altered, removed, or obliterated the serial  
5 number, product identification number, part number, component  
6 identification number, owner-applied identification number, or  
7 other mark of identification, if the defendant was in  
8 possession of any machine or other equipment or a part of such  
9 machine or equipment used in the construction, maintenance, or  
10 demolition of buildings, structures, bridges, tunnels, sewers,  
11 utility pipes or lines, ditches or open cuts, roads, highways,  
12 dams, airports, or waterways or in material handling for such  
13 projects upon which any such serial number, product  
14 identification number, part number, component identification  
15 number, owner-applied identification number, or other mark of  
16 identification has been changed, altered, removed, or  
17 obliterated.

18 (c) Defacement of manufacturer's serial number or  
19 identification mark. A person commits defacement of a  
20 manufacturer's serial number or identification mark when he or  
21 she knowingly removes, alters, defaces, covers, or destroys  
22 the manufacturer's serial number or any other manufacturer's  
23 number or distinguishing identification mark upon any machine  
24 or other article of merchandise, other than a motor vehicle as  
25 defined in Section 1-146 of the Illinois Vehicle Code or a  
26 firearm ~~as defined in the Firearm Owners Identification Card~~

1 ~~Act~~, with the intent of concealing or destroying the identity  
2 of such machine or other article of merchandise.

3 (d) Sentence.

4 (1) A violation of subsection (a) of this Section is a  
5 Class 4 felony if the value of the appliance or appliances  
6 exceeds \$1,000 and a Class B misdemeanor if the value of  
7 the appliance or appliances is \$1,000 or less.

8 (2) A violation of subsection (b) of this Section is a  
9 Class A misdemeanor.

10 (3) A violation of subsection (c) of this Section is a  
11 Class B misdemeanor.

12 (e) No liability shall be imposed upon any person for the  
13 unintentional failure to comply with subsection (a).

14 (f) Definitions. In this Section:

15 "Commercial context" means a continuing business  
16 enterprise conducted for profit by any person whose primary  
17 business is the wholesale or retail marketing of household  
18 appliances, or a significant portion of whose business or  
19 inventory consists of household appliances kept or sold on a  
20 wholesale or retail basis.

21 "Household appliance" means any gas or electric device or  
22 machine marketed for use as home entertainment or for  
23 facilitating or expediting household tasks or chores. The term  
24 shall include but not necessarily be limited to refrigerators,  
25 freezers, ranges, radios, television sets, vacuum cleaners,  
26 toasters, dishwashers, and other similar household items.

1 "Manufacturer's identification number" means any serial  
2 number or other similar numerical or alphabetical designation  
3 imprinted upon or attached to or placed, stamped, or otherwise  
4 imprinted upon or attached to a household appliance or item by  
5 the manufacturer for purposes of identifying a particular  
6 appliance or item individually or by lot number.

7 (Source: P.A. 96-1551, eff. 7-1-11.)

8 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

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

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

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

22 (2) Carries or possesses with intent to use the same  
23 unlawfully against another, a dagger, dirk, billy,  
24 dangerous knife, razor, stiletto, broken bottle or other  
25 piece of glass, stun gun or taser or any other dangerous or

1 deadly weapon or instrument of like character; or

2 (2.5) Carries or possesses with intent to use the same  
3 unlawfully against another, any firearm in a church,  
4 synagogue, mosque, or other building, structure, or place  
5 used for religious worship; or

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

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

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

22 (ii) are not immediately accessible; or

23 (iii) are unloaded and enclosed in a case, firearm  
24 carrying box, shipping box, or other container by a  
25 person eligible under State and federal law to possess  
26 a firearm ~~who has been issued a currently valid~~

1 ~~Firearm Owner's Identification Card; or~~

2 (iv) are carried or possessed in accordance with  
3 the Firearm Concealed Carry Act by a person who has  
4 been issued a currently valid license under the  
5 Firearm Concealed Carry Act; or

6 (5) Sets a spring gun; or

7 (6) Possesses any device or attachment of any kind  
8 designed, used or intended for use in silencing the report  
9 of any firearm; or

10 (7) Sells, manufactures, purchases, possesses or  
11 carries:

12 (i) a machine gun, which shall be defined for the  
13 purposes of this subsection as any weapon, which  
14 shoots, is designed to shoot, or can be readily  
15 restored to shoot, automatically more than one shot  
16 without manually reloading by a single function of the  
17 trigger, including the frame or receiver of any such  
18 weapon, or sells, manufactures, purchases, possesses,  
19 or carries any combination of parts designed or  
20 intended for use in converting any weapon into a  
21 machine gun, or any combination or parts from which a  
22 machine gun can be assembled if such parts are in the  
23 possession or under the control of a person;

24 (ii) any rifle having one or more barrels less  
25 than 16 inches in length or a shotgun having one or  
26 more barrels less than 18 inches in length or any

1           weapon made from a rifle or shotgun, whether by  
2           alteration, modification, or otherwise, if such a  
3           weapon as modified has an overall length of less than  
4           26 inches; or

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

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

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

22                   (9) Carries or possesses in a vehicle or on or about  
23           his or her person any pistol, revolver, stun gun or taser  
24           or firearm or ballistic knife, when he or she is hooded,  
25           robed or masked in such manner as to conceal his or her  
26           identity; or



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

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

15           (ii) are not immediately accessible; or

16           (iii) are unloaded and enclosed in a case, firearm  
17 carrying box, shipping box, or other container by a  
18 person eligible under State and federal law to possess  
19 a firearm ~~who has been issued a currently valid~~  
20 ~~Firearm Owner's Identification Card; or~~

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

25           A "stun gun or taser", as used in this paragraph (a)  
26 means (i) any device which is powered by electrical

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

11 (11) Sells, manufactures, delivers, imports,  
12 possesses, or purchases any assault weapon attachment or  
13 .50 caliber cartridge in violation of Section 24-1.9 or  
14 any explosive bullet. For purposes of this paragraph (a)  
15 "explosive bullet" means the projectile portion of an  
16 ammunition cartridge which contains or carries an  
17 explosive charge which will explode upon contact with the  
18 flesh of a human or an animal. "Cartridge" means a tubular  
19 metal case having a projectile affixed at the front  
20 thereof and a cap or primer at the rear end thereof, with  
21 the propellant contained in such tube between the  
22 projectile and the cap; or

23 (12) (Blank); or

24 (13) Carries or possesses on or about his or her  
25 person while in a building occupied by a unit of  
26 government, a billy club, other weapon of like character,

1 or other instrument of like character intended for use as  
2 a weapon. For the purposes of this Section, "billy club"  
3 means a short stick or club commonly carried by police  
4 officers which is either telescopic or constructed of a  
5 solid piece of wood or other man-made material; or

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

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

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

19 (b) Sentence. A person convicted of a violation of  
20 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),  
21 subsection 24-1(a)(11), subsection 24-1(a)(13), or 24-1(a)(15)  
22 commits a Class A misdemeanor. A person convicted of a  
23 violation of subsection 24-1(a)(8) or 24-1(a)(9) commits a  
24 Class 4 felony; a person convicted of a violation of  
25 subsection 24-1(a)(6), 24-1(a)(7)(ii), 24-1(a)(7)(iii), or  
26 24-1(a)(16) commits a Class 3 felony. A person convicted of a

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

14 (c) Violations in specific places.

15 (1) A person who violates subsection 24-1(a)(6) or  
16 24-1(a)(7) in any school, regardless of the time of day or  
17 the time of year, in residential property owned, operated  
18 or managed by a public housing agency or leased by a public  
19 housing agency as part of a scattered site or mixed-income  
20 development, in a public park, in a courthouse, on the  
21 real property comprising any school, regardless of the  
22 time of day or the time of year, on 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, on the real property  
26 comprising any public park, on the real property

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

13 (1.5) A person who violates subsection 24-1(a)(4),  
14 24-1(a)(9), or 24-1(a)(10) in any school, regardless of  
15 the time of day or the time of year, in residential  
16 property owned, operated, or managed by a public housing  
17 agency or leased by a public housing agency as part of a  
18 scattered site or mixed-income development, in a public  
19 park, in a courthouse, on the real property comprising any  
20 school, regardless of the time of day or the time of year,  
21 on 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 3 felony.

10 (2) A person who violates subsection 24-1(a)(1),  
11 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the  
12 time of day or the time of year, in residential property  
13 owned, operated or managed by a public housing agency or  
14 leased by a public housing agency as part of a scattered  
15 site or mixed-income development, in a public park, in a  
16 courthouse, on the real property comprising any school,  
17 regardless of the time of day or the time of year, on  
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 on the real property comprising any public park, on the  
22 real property comprising any courthouse, in any conveyance  
23 owned, leased or contracted by a school to transport  
24 students to or from school or a school related activity,  
25 in any conveyance owned, leased, or contracted by a public  
26 transportation agency, or on any public way within 1,000

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

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

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

21 (5) For the purposes of this subsection (c), "public  
22 transportation agency" means a public or private agency  
23 that provides for the transportation or conveyance of  
24 persons by means available to the general public, except  
25 for transportation by automobiles not used for conveyance  
26 of the general public as passengers; and "public

1 transportation facility" means a terminal or other place  
2 where one may obtain public transportation.

3 (d) The presence in an automobile other than a public  
4 omnibus of any weapon, instrument or substance referred to in  
5 subsection (a)(7) is prima facie evidence that it is in the  
6 possession of, and is being carried by, all persons occupying  
7 such automobile at the time such weapon, instrument or  
8 substance is found, except under the following circumstances:

9 (i) if such weapon, instrument or instrumentality is found  
10 upon the person of one of the occupants therein; or (ii) if  
11 such weapon, instrument or substance is found in an automobile  
12 operated for hire by a duly licensed driver in the due, lawful  
13 and proper pursuit of his or her trade, then such presumption  
14 shall not apply to the driver.

15 (e) Exemptions.

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

20 (2) The provision of paragraph (1) of subsection (a)  
21 of this Section prohibiting the sale, manufacture,  
22 purchase, possession, or carrying of any knife, commonly  
23 referred to as a switchblade knife, which has a blade that  
24 opens automatically by hand pressure applied to a button,  
25 spring or other device in the handle of the knife, does not  
26 apply to a person eligible under State and federal law to



1        possess a firearm ~~who possesses a currently valid Firearm~~  
2        ~~Owner's Identification Card previously issued in his or~~  
3        ~~her name by the Illinois State Police~~ or to a person or an  
4        entity engaged in the business of selling or manufacturing  
5        switchblade knives.

6        (Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21;  
7        102-1116, eff. 1-10-23.)

8            (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

9        Sec. 24-1.1. Unlawful use or possession of weapons by  
10        felons or persons in the custody of the Department of  
11        Corrections facilities.

12        (a) It is unlawful for a person to knowingly possess on or  
13        about his person or on his land or in his own abode or fixed  
14        place of business any weapon prohibited under Section 24-1 of  
15        this Act or any firearm or any firearm ammunition if the person  
16        has been convicted of a felony under the laws of this State or  
17        any other jurisdiction. This Section shall not apply if the  
18        person has been granted relief under this subsection ~~by the~~  
19        ~~Director of the Illinois State Police under Section 10 of the~~  
20        ~~Firearm Owners Identification Card Act.~~ A person prohibited  
21        from possessing a firearm under this subsection (a) may  
22        petition the Director of the Illinois State Police for a  
23        hearing and relief from the prohibition, unless the  
24        prohibition was based upon a forcible felony, stalking,  
25        aggravated stalking, domestic battery, any violation of the

1 Illinois Controlled Substances Act, the Methamphetamine  
2 Control and Community Protection Act, or the Cannabis Control  
3 Act that is classified as a Class 2 or greater felony, any  
4 felony violation of Article 24 of the Criminal Code of 1961 or  
5 the Criminal Code of 2012, or any adjudication as a delinquent  
6 minor for the commission of an offense that if committed by an  
7 adult would be a felony, in which case the person may petition  
8 the circuit court in writing in the county of his or her  
9 residence for a hearing and relief from the prohibition. The  
10 Director or court may grant the relief if it is established by  
11 the petitioner to the court's or Director's satisfaction that:

12 (1) when in the circuit court, the State's Attorney  
13 has been served with a written copy of the petition at  
14 least 30 days before any hearing in the circuit court and  
15 at the hearing the State's Attorney was afforded an  
16 opportunity to present evidence and object to the  
17 petition;

18 (2) the petitioner has not been convicted of a  
19 forcible felony under the laws of this State or any other  
20 jurisdiction within 20 years of the filing of the  
21 petition, or at least 20 years have passed since the end of  
22 any period of imprisonment imposed in relation to that  
23 conviction;

24 (3) the circumstances regarding a criminal conviction,  
25 where applicable, the petitioner's criminal history and  
26 his or her reputation are such that the petitioner will

1       not be likely to act in a manner dangerous to public  
2       safety;

3       (4) granting relief would not be contrary to the  
4       public interest; and

5       (5) granting relief would not be contrary to federal  
6       law.

7       (b) It is unlawful for any person confined in a penal  
8       institution, which is a facility of the Illinois Department of  
9       Corrections, to possess any weapon prohibited under Section  
10      24-1 of this Code or any firearm or firearm ammunition,  
11      regardless of the intent with which he possesses it.

12      (c) It shall be an affirmative defense to a violation of  
13      subsection (b), that such possession was specifically  
14      authorized by rule, regulation, or directive of the Illinois  
15      Department of Corrections or order issued pursuant thereto.

16      (d) The defense of necessity is not available to a person  
17      who is charged with a violation of subsection (b) of this  
18      Section.

19      (e) Sentence. Violation of this Section by a person not  
20      confined in a penal institution shall be a Class 3 felony for  
21      which the person shall be sentenced to no less than 2 years and  
22      no more than 10 years. A second or subsequent violation of this  
23      Section shall be a Class 2 felony for which the person shall be  
24      sentenced to a term of imprisonment of not less than 3 years  
25      and not more than 14 years, except as provided for in Section  
26      5-4.5-110 of the Unified Code of Corrections. Violation of

1 this Section by a person not confined in a penal institution  
2 who has been convicted of a forcible felony, a felony  
3 violation of Article 24 of this Code ~~or of the Firearm Owners~~  
4 ~~Identification Card Act~~, stalking or aggravated stalking, or a  
5 Class 2 or greater felony under the Illinois Controlled  
6 Substances Act, the Cannabis Control Act, or the  
7 Methamphetamine Control and Community Protection Act is a  
8 Class 2 felony for which the person shall be sentenced to not  
9 less than 3 years and not more than 14 years, except as  
10 provided for in Section 5-4.5-110 of the Unified Code of  
11 Corrections. Violation of this Section by a person who is on  
12 parole or mandatory supervised release is a Class 2 felony for  
13 which the person shall be sentenced to not less than 3 years  
14 and not more than 14 years, except as provided for in Section  
15 5-4.5-110 of the Unified Code of Corrections. Violation of  
16 this Section by a person not confined in a penal institution is  
17 a Class X felony when the firearm possessed is a machine gun.  
18 Any person who violates this Section while confined in a penal  
19 institution, which is a facility of the Illinois Department of  
20 Corrections, is guilty of a Class 1 felony, if he possesses any  
21 weapon prohibited under Section 24-1 of this Code regardless  
22 of the intent with which he possesses it, a Class X felony if  
23 he possesses any firearm, firearm ammunition or explosive, and  
24 a Class X felony for which the offender shall be sentenced to  
25 not less than 12 years and not more than 50 years when the  
26 firearm possessed is a machine gun. A violation of this

1 Section while wearing or in possession of body armor as  
2 defined in Section 33F-1 is a Class X felony punishable by a  
3 term of imprisonment of not less than 10 years and not more  
4 than 40 years. The possession of each firearm or firearm  
5 ammunition in violation of this Section constitutes a single  
6 and separate violation.

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

8 (720 ILCS 5/24-1.6)

9 Sec. 24-1.6. Aggravated unlawful use of a weapon.

10 (a) A person commits the offense of aggravated unlawful  
11 use of a weapon when he or she knowingly:

12 (1) Carries on or about his or her person or in any  
13 vehicle or concealed on or about his or her person except  
14 when on his or her land or in his or her abode, legal  
15 dwelling, or fixed place of business, or on the land or in  
16 the legal dwelling of another person as an invitee with  
17 that person's permission, any pistol, revolver, stun gun  
18 or taser or other firearm; or

19 (2) Carries or possesses on or about his or her  
20 person, upon any public street, alley, or other public  
21 lands within the corporate limits of a city, village or  
22 incorporated town, except when an invitee thereon or  
23 therein, for the purpose of the display of such weapon or  
24 the lawful commerce in weapons, or except when on his or  
25 her own land or in his or her own abode, legal dwelling, or

1 fixed place of business, or on the land or in the legal  
2 dwelling of another person as an invitee with that  
3 person's permission, any pistol, revolver, stun gun or  
4 taser or other firearm; and

5 (3) One of the following factors is present:

6 (A) the firearm, other than a pistol, revolver, or  
7 handgun, possessed was uncased, loaded, and  
8 immediately accessible at the time of the offense; or

9 (A-5) the pistol, revolver, or handgun possessed  
10 was uncased, loaded, and immediately accessible at the  
11 time of the offense and the person possessing the  
12 pistol, revolver, or handgun has not been issued a  
13 currently valid license under the Firearm Concealed  
14 Carry Act; or

15 (B) the firearm, other than a pistol, revolver, or  
16 handgun, possessed was uncased, unloaded, and the  
17 ammunition for the weapon was immediately accessible  
18 at the time of the offense; or

19 (B-5) the pistol, revolver, or handgun possessed  
20 was uncased, unloaded, and the ammunition for the  
21 weapon was immediately accessible at the time of the  
22 offense and the person possessing the pistol,  
23 revolver, or handgun has not been issued a currently  
24 valid license under the Firearm Concealed Carry Act;  
25 or

26 (C) (blank); or ~~the person possessing the firearm~~

1 ~~has not been issued a currently valid Firearm Owner's~~  
2 ~~Identification Card; or~~

3 (D) the person possessing the weapon was  
4 previously adjudicated a delinquent minor under the  
5 Juvenile Court Act of 1987 for an act that if committed  
6 by an adult would be a felony; or

7 (E) the person possessing the weapon was engaged  
8 in a misdemeanor violation of the Cannabis Control  
9 Act, in a misdemeanor violation of the Illinois  
10 Controlled Substances Act, or in a misdemeanor  
11 violation of the Methamphetamine Control and Community  
12 Protection Act; or

13 (F) (blank); or

14 (G) the person possessing the weapon had an order  
15 of protection issued against him or her within the  
16 previous 2 years; or

17 (H) the person possessing the weapon was engaged  
18 in the commission or attempted commission of a  
19 misdemeanor involving the use or threat of violence  
20 against the person or property of another; or

21 (I) the person possessing the weapon was under 21  
22 years of age and in possession of a handgun, unless the  
23 person under 21 is engaged in lawful activities under  
24 the Wildlife Code or described in subsection  
25 24-2(b)(1), (b)(3), or 24-2(f).

26 (a-5) "Handgun" as used in this Section has the meaning

1 given to it in Section 5 of the Firearm Concealed Carry Act.

2 (b) "Stun gun or taser" as used in this Section has the  
3 same definition given to it in Section 24-1 of this Code.

4 (c) This Section does not apply to or affect the  
5 transportation or possession of weapons that:

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

7 (ii) are not immediately accessible; or

8 (iii) are unloaded and enclosed in a case, firearm  
9 carrying box, shipping box, or other container by a person  
10 is eligible under State and federal law to possess a  
11 firearm ~~who has been issued a currently valid Firearm~~  
12 ~~Owner's Identification Card.~~

13 (d) Sentence.

14 (1) Aggravated unlawful use of a weapon is a Class 4  
15 felony; a second or subsequent offense is a Class 2 felony  
16 for which the person shall be sentenced to a term of  
17 imprisonment of not less than 3 years and not more than 7  
18 years, except as provided for in Section 5-4.5-110 of the  
19 Unified Code of Corrections.

20 (2) (Blank). ~~Except as otherwise provided in~~  
21 ~~paragraphs (3) and (4) of this subsection (d), a first~~  
22 ~~offense of aggravated unlawful use of a weapon committed~~  
23 ~~with a firearm by a person 18 years of age or older where~~  
24 ~~the factors listed in both items (A) and (C) or both items~~  
25 ~~(A-5) and (C) of paragraph (3) of subsection (a) are~~  
26 ~~present is a Class 4 felony, for which the person shall be~~



1 ~~sentenced to a term of imprisonment of not less than one~~  
2 ~~year and not more than 3 years.~~

3 (3) Aggravated unlawful use of a weapon by a person  
4 who has been previously convicted of a felony in this  
5 State or another jurisdiction is a Class 2 felony for  
6 which the person shall be sentenced to a term of  
7 imprisonment of not less than 3 years and not more than 7  
8 years, except as provided for in Section 5-4.5-110 of the  
9 Unified Code of Corrections.

10 (4) Aggravated unlawful use of a weapon while wearing  
11 or in possession of body armor as defined in Section 33F-1  
12 by a person who is prohibited under State or federal law  
13 from possessing a firearm ~~has not been issued a valid~~  
14 ~~Firearms Owner's Identification Card in accordance with~~  
15 ~~Section 5 of the Firearm Owners Identification Card Act~~ is  
16 a Class X felony.

17 (e) The possession of each firearm in violation of this  
18 Section constitutes a single and separate violation.

19 (Source: P.A. 100-3, eff. 1-1-18; 100-201, eff. 8-18-17.)

20 (720 ILCS 5/24-1.8)

21 Sec. 24-1.8. Unlawful possession of a firearm by a street  
22 gang member.

23 (a) A person commits unlawful possession of a firearm by a  
24 street gang member when he or she knowingly:

25 (1) possesses, carries, or conceals on or about his or

1 her person a firearm and firearm ammunition while on any  
2 street, road, alley, gangway, sidewalk, or any other  
3 lands, except when inside his or her own abode or inside  
4 his or her fixed place of business, ~~and has not been issued~~  
5 ~~a currently valid Firearm Owner's Identification Card~~ and  
6 is a member of a street gang; or

7 (2) possesses or carries in any vehicle a firearm and  
8 firearm ammunition which are both immediately accessible  
9 at the time of the offense while on any street, road,  
10 alley, or any other lands, except when inside his or her  
11 own abode or garage, ~~and has not been issued a currently~~  
12 ~~valid Firearm Owner's Identification Card~~ and is a member  
13 of a street gang.

14 (b) Unlawful possession of a firearm by a street gang  
15 member is a Class 2 felony for which the person, if sentenced  
16 to a term of imprisonment, shall be sentenced to no less than 3  
17 years and no more than 10 years. A period of probation, a term  
18 of periodic imprisonment or conditional discharge shall not be  
19 imposed for the offense of unlawful possession of a firearm by  
20 a street gang member when the firearm was loaded or contained  
21 firearm ammunition and the court shall sentence the offender  
22 to not less than the minimum term of imprisonment authorized  
23 for the Class 2 felony.

24 (c) For purposes of this Section:

25 "Street gang" or "gang" has the meaning ascribed to it  
26 in Section 10 of the Illinois Streetgang Terrorism Omnibus

1 Prevention Act.

2 "Street gang member" or "gang member" has the meaning  
3 ascribed to it in Section 10 of the Illinois Streetgang  
4 Terrorism Omnibus Prevention Act.

5 (Source: P.A. 96-829, eff. 12-3-09.)

6 (720 ILCS 5/24-1.9)

7 Sec. 24-1.9. Manufacture, possession, delivery, sale, and  
8 purchase of assault weapons, .50 caliber rifles, and .50  
9 caliber cartridges.

10 (a) Definitions. In this Section:

11 (1) "Assault weapon" means any of the following, except as  
12 provided in subdivision (2) of this subsection:

13 (A) A semiautomatic rifle that has the capacity to  
14 accept a detachable magazine or that may be readily  
15 modified to accept a detachable magazine, if the firearm  
16 has one or more of the following:

17 (i) a pistol grip or thumbhole stock;

18 (ii) any feature capable of functioning as a  
19 protruding grip that can be held by the non-trigger  
20 hand;

21 (iii) a folding, telescoping, thumbhole, or  
22 detachable stock, or a stock that is otherwise  
23 foldable or adjustable in a manner that operates to  
24 reduce the length, size, or any other dimension, or  
25 otherwise enhances the concealability of, the weapon;

1 (iv) a flash suppressor;

2 (v) a grenade launcher;

3 (vi) a shroud attached to the barrel or that  
4 partially or completely encircles the barrel, allowing  
5 the bearer to hold the firearm with the non-trigger  
6 hand without being burned, but excluding a slide that  
7 encloses the barrel.

8 (B) A semiautomatic rifle that has a fixed magazine  
9 with the capacity to accept more than 10 rounds, except  
10 for an attached tubular device designed to accept, and  
11 capable of operating only with, .22 caliber rimfire  
12 ammunition.

13 (C) A semiautomatic pistol that has the capacity to  
14 accept a detachable magazine or that may be readily  
15 modified to accept a detachable magazine, if the firearm  
16 has one or more of the following:

17 (i) a threaded barrel;

18 (ii) a second pistol grip or another feature  
19 capable of functioning as a protruding grip that can  
20 be held by the non-trigger hand;

21 (iii) a shroud attached to the barrel or that  
22 partially or completely encircles the barrel, allowing  
23 the bearer to hold the firearm with the non-trigger  
24 hand without being burned, but excluding a slide that  
25 encloses the barrel;

26 (iv) a flash suppressor;

1 (v) the capacity to accept a detachable magazine  
2 at some location outside of the pistol grip; or

3 (vi) a buffer tube, arm brace, or other part that  
4 protrudes horizontally behind the pistol grip and is  
5 designed or redesigned to allow or facilitate a  
6 firearm to be fired from the shoulder.

7 (D) A semiautomatic pistol that has a fixed magazine  
8 with the capacity to accept more than 15 rounds.

9 (E) Any shotgun with a revolving cylinder.

10 (F) A semiautomatic shotgun that has one or more of  
11 the following:

12 (i) a pistol grip or thumbhole stock;

13 (ii) any feature capable of functioning as a  
14 protruding grip that can be held by the non-trigger  
15 hand;

16 (iii) a folding or thumbhole stock;

17 (iv) a grenade launcher;

18 (v) a fixed magazine with the capacity of more  
19 than 5 rounds; or

20 (vi) the capacity to accept a detachable magazine.

21 (G) Any semiautomatic firearm that has the capacity to  
22 accept a belt ammunition feeding device.

23 (H) Any firearm that has been modified to be operable  
24 as an assault weapon as defined in this Section.

25 (I) Any part or combination of parts designed or  
26 intended to convert a firearm into an assault weapon,

1 including any combination of parts from which an assault  
2 weapon may be readily assembled if those parts are in the  
3 possession or under the control of the same person.

4 (J) All of the following rifles, copies, duplicates,  
5 variants, or altered facsimiles with the capability of any  
6 such weapon:

7 (i) All AK types, including the following:

8 (I) AK, AK47, AK47S, AK-74, AKM, AKS, ARM,  
9 MAK90, MISR, NHM90, NHM91, SA85, SA93, Vector Arms  
10 AK-47, VEPR, WASR-10, and WUM.

11 (II) IZHMAASH Saiga AK.

12 (III) MAADI AK47 and ARM.

13 (IV) Norinco 56S, 56S2, 84S, and 86S.

14 (V) Poly Technologies AK47 and AKS.

15 (VI) SKS with a detachable magazine.

16 (ii) all AR types, including the following:

17 (I) AR-10.

18 (II) AR-15.

19 (III) Alexander Arms Overmatch Plus 16.

20 (IV) Armalite M15 22LR Carbine.

21 (V) Armalite M15-T.

22 (VI) Barrett REC7.

23 (VII) Beretta AR-70.

24 (VIII) Black Rain Ordnance Recon Scout.

25 (IX) Bushmaster ACR.

26 (X) Bushmaster Carbon 15.

- 1 (XI) Bushmaster MOE series.
- 2 (XII) Bushmaster XM15.
- 3 (XIII) Chiappa Firearms MFour rifles.
- 4 (XIV) Colt Match Target rifles.
- 5 (XV) CORE Rifle Systems CORE15 rifles.
- 6 (XVI) Daniel Defense M4A1 rifles.
- 7 (XVII) Devil Dog Arms 15 Series rifles.
- 8 (XVIII) Diamondback DB15 rifles.
- 9 (XIX) DoubleStar AR rifles.
- 10 (XX) DPMS Tactical rifles.
- 11 (XXI) DSA Inc. ZM-4 Carbine.
- 12 (XXII) Heckler & Koch MR556.
- 13 (XXIII) High Standard HSA-15 rifles.
- 14 (XXIV) Jesse James Nomad AR-15 rifle.
- 15 (XXV) Knight's Armament SR-15.
- 16 (XXVI) Lancer L15 rifles.
- 17 (XXVII) MGI Hydra Series rifles.
- 18 (XXVIII) Mossberg MMR Tactical rifles.
- 19 (XXIX) Noreen Firearms BN 36 rifle.
- 20 (XXX) Olympic Arms.
- 21 (XXXI) POF USA P415.
- 22 (XXXII) Precision Firearms AR rifles.
- 23 (XXXIII) Remington R-15 rifles.
- 24 (XXXIV) Rhino Arms AR rifles.
- 25 (XXXV) Rock River Arms LAR-15 or Rock River
- 26 Arms LAR-47.

1 (XXXVI) Sig Sauer SIG516 rifles and MCX  
2 rifles.

3 (XXXVII) Smith & Wesson M&P15 rifles.

4 (XXXVIII) Stag Arms AR rifles.

5 (XXXIX) Sturm, Ruger & Co. SR556 and AR-556  
6 rifles.

7 (XL) Uselton Arms Air-Lite M-4 rifles.

8 (XLI) Windham Weaponry AR rifles.

9 (XLII) WMD Guns Big Beast.

10 (XLIII) Yankee Hill Machine Company, Inc.  
11 YHM-15 rifles.

12 (iii) Barrett M107A1.

13 (iv) Barrett M82A1.

14 (v) Beretta CX4 Storm.

15 (vi) Calico Liberty Series.

16 (vii) CETME Sporter.

17 (viii) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and  
18 AR 110C.

19 (ix) Fabrique Nationale/FN Herstal FAL, LAR, 22  
20 FNC, 308 Match, L1A1 Sporter, PS90, SCAR, and FS2000.

21 (x) Feather Industries AT-9.

22 (xi) Galil Model AR and Model ARM.

23 (xii) Hi-Point Carbine.

24 (xiii) HK-91, HK-93, HK-94, HK-PSG-1, and HK USC.

25 (xiv) IWI TAVOR, Galil ACE rifle.

26 (xv) Kel-Tec Sub-2000, SU-16, and RFB.



1 (xvi) SIG AMT, SIG PE-57, Sig Sauer SG 550, Sig  
2 Sauer SG 551, and SIG MCX.

3 (xvii) Springfield Armory SAR-48.

4 (xviii) Steyr AUG.

5 (xix) Sturm, Ruger & Co. Mini-14 Tactical Rifle  
6 M-14/20CF.

7 (xx) All Thompson rifles, including the following:

8 (I) Thompson M1SB.

9 (II) Thompson T1100D.

10 (III) Thompson T150D.

11 (IV) Thompson T1B.

12 (V) Thompson T1B100D.

13 (VI) Thompson T1B50D.

14 (VII) Thompson T1BSB.

15 (VIII) Thompson T1-C.

16 (IX) Thompson T1D.

17 (X) Thompson T1SB.

18 (XI) Thompson T5.

19 (XII) Thompson T5100D.

20 (XIII) Thompson TM1.

21 (XIV) Thompson TM1C.

22 (xxi) UMAREX UZI rifle.

23 (xxii) UZI Mini Carbine, UZI Model A Carbine, and  
24 UZI Model B Carbine.

25 (xxiii) Valmet M62S, M71S, and M78.

26 (xxiv) Vector Arms UZI Type.

1 (xxv) Weaver Arms Nighthawk.

2 (xxvi) Wilkinson Arms Linda Carbine.

3 (K) All of the following pistols, copies, duplicates,  
4 variants, or altered facsimiles with the capability of any  
5 such weapon thereof:

6 (i) All AK types, including the following:

7 (I) Centurion 39 AK pistol.

8 (II) CZ Scorpion pistol.

9 (III) Draco AK-47 pistol.

10 (IV) HCR AK-47 pistol.

11 (V) IO Inc. Hellpup AK-47 pistol.

12 (VI) Krinkov pistol.

13 (VII) Mini Draco AK-47 pistol.

14 (VIII) PAP M92 pistol.

15 (IX) Yugo Krebs Krink pistol.

16 (ii) All AR types, including the following:

17 (I) American Spirit AR-15 pistol.

18 (II) Bushmaster Carbon 15 pistol.

19 (III) Chiappa Firearms M4 Pistol GEN II.

20 (IV) CORE Rifle Systems CORE15 Roscoe pistol.

21 (V) Daniel Defense MK18 pistol.

22 (VI) DoubleStar Corporation AR pistol.

23 (VII) DPMS AR-15 pistol.

24 (VIII) Jesse James Nomad AR-15 pistol.

25 (IX) Olympic Arms AR-15 pistol.

26 (X) Osprey Armament MK-18 pistol.

- 1 (XI) POF USA AR pistols.
- 2 (XII) Rock River Arms LAR 15 pistol.
- 3 (XIII) Usselton Arms Air-Lite M-4 pistol.
- 4 (iii) Calico pistols.
- 5 (iv) DSA SA58 PKP FAL pistol.
- 6 (v) Encom MP-9 and MP-45.
- 7 (vi) Heckler & Koch model SP-89 pistol.
- 8 (vii) Intratec AB-10, TEC-22 Scorpion, TEC-9, and
- 9 TEC-DC9.
- 10 (viii) IWI Galil Ace pistol, UZI PRO pistol.
- 11 (ix) Kel-Tec PLR 16 pistol.
- 12 (x) All MAC types, including the following:
- 13 (I) MAC-10.
- 14 (II) MAC-11.
- 15 (III) Masterpiece Arms MPA A930 Mini Pistol,
- 16 MPA460 Pistol, MPA Tactical Pistol, and MPA Mini
- 17 Tactical Pistol.
- 18 (IV) Military Armament Corp. Ingram M-11.
- 19 (V) Velocity Arms VMAC.
- 20 (xi) Sig Sauer P556 pistol.
- 21 (xii) Sites Spectre.
- 22 (xiii) All Thompson types, including the
- 23 following:
- 24 (I) Thompson TA510D.
- 25 (II) Thompson TA5.
- 26 (xiv) All UZI types, including Micro-UZI.

1 (L) All of the following shotguns, copies, duplicates,  
2 variants, or altered facsimiles with the capability of any  
3 such weapon thereof:

4 (i) DERYA Anakon MC-1980, Anakon SD12.

5 (ii) Doruk Lethal shotguns.

6 (iii) Franchi LAW-12 and SPAS 12.

7 (iv) All IZHMASH Saiga 12 types, including the  
8 following:

9 (I) IZHMASH Saiga 12.

10 (II) IZHMASH Saiga 12S.

11 (III) IZHMASH Saiga 12S EXP-01.

12 (IV) IZHMASH Saiga 12K.

13 (V) IZHMASH Saiga 12K-030.

14 (VI) IZHMASH Saiga 12K-040 Taktika.

15 (v) Streetsweeper.

16 (vi) Striker 12.

17 (2) "Assault weapon" does not include:

18 (A) Any firearm that is an unserviceable firearm or  
19 has been made permanently inoperable.

20 (B) An antique firearm or a replica of an antique  
21 firearm.

22 (C) A firearm that is manually operated by bolt, pump,  
23 lever or slide action, unless the firearm is a shotgun  
24 with a revolving cylinder.

25 (D) Any air rifle as defined in Section 24.8-0.1 of  
26 this Code.

1           (E) Any handgun, as defined under the Firearm  
2           Concealed Carry Act, unless otherwise listed in this  
3           Section.

4           (3) "Assault weapon attachment" means any device capable  
5           of being attached to a firearm that is specifically designed  
6           for making or converting a firearm into any of the firearms  
7           listed in paragraph (1) of this subsection (a).

8           (4) "Antique firearm" has the meaning ascribed to it in 18  
9           U.S.C. 921(a)(16).

10          (5) ".50 caliber rifle" means a centerfire rifle capable  
11          of firing a .50 caliber cartridge. The term does not include  
12          any antique firearm, any shotgun including a shotgun that has  
13          a rifle barrel, or any muzzle-loader which uses black powder  
14          for hunting or historical reenactments.

15          (6) ".50 caliber cartridge" means a cartridge in .50 BMG  
16          caliber, either by designation or actual measurement, that is  
17          capable of being fired from a centerfire rifle. The term ".50  
18          caliber cartridge" does not include any memorabilia or display  
19          item that is filled with a permanent inert substance or that is  
20          otherwise permanently altered in a manner that prevents ready  
21          modification for use as live ammunition or shotgun ammunition  
22          with a caliber measurement that is equal to or greater than .50  
23          caliber.

24          (7) "Detachable magazine" means an ammunition feeding  
25          device that may be removed from a firearm without disassembly  
26          of the firearm action, including an ammunition feeding device

1 that may be readily removed from a firearm with the use of a  
2 bullet, cartridge, accessory, or other tool, or any other  
3 object that functions as a tool, including a bullet or  
4 cartridge.

5 (8) "Fixed magazine" means an ammunition feeding device  
6 that is permanently attached to a firearm, or contained in and  
7 not removable from a firearm, or that is otherwise not a  
8 detachable magazine, but does not include an attached tubular  
9 device designed to accept, and capable of operating only with,  
10 .22 caliber rimfire ammunition.

11 (b) Except as provided in subsections (c), (d), and (e),  
12 on or after the effective date of this amendatory Act of the  
13 102nd General Assembly, it is unlawful for any person within  
14 this State to knowingly manufacture, deliver, sell, import, or  
15 purchase or cause to be manufactured, delivered, sold,  
16 imported, or purchased by another, an assault weapon, assault  
17 weapon attachment, .50 caliber rifle, or .50 caliber  
18 cartridge.

19 (c) Except as otherwise provided in subsection (d),  
20 beginning January 1, 2024, it is unlawful for any person  
21 within this State to knowingly possess an assault weapon,  
22 assault weapon attachment, .50 caliber rifle, or .50 caliber  
23 cartridge.

24 (d) This Section does not apply to a person's possession  
25 of an assault weapon, assault weapon attachment, .50 caliber  
26 rifle, or .50 caliber cartridge device if the person lawfully

1 possessed that assault weapon, assault weapon attachment, .50  
2 caliber rifle, or .50 caliber cartridge prohibited by  
3 subsection (c) of this Section, if the person has provided in  
4 an endorsement affidavit, prior to January 1, 2024, under oath  
5 or affirmation and in the form and manner prescribed by the  
6 Illinois State Police, no later than October 1, 2023:

7 (1) the affiant's Firearm Owner's Identification Card  
8 number;

9 (2) an affirmation that the affiant: (i) possessed an  
10 assault weapon, assault weapon attachment, .50 caliber  
11 rifle, or .50 caliber cartridge before the effective date  
12 of this amendatory Act of the 102nd General Assembly; or  
13 (ii) inherited the assault weapon, assault weapon  
14 attachment, .50 caliber rifle, or .50 caliber cartridge  
15 from a person with an endorsement under this Section or  
16 from a person authorized under subdivisions (1) through  
17 (5) of subsection (e) to possess the assault weapon,  
18 assault weapon attachment, .50 caliber rifle, or .50  
19 caliber cartridge; and

20 (3) the make, model, caliber, and serial number of the  
21 .50 caliber rifle or assault weapon or assault weapons  
22 listed in paragraphs (J), (K), and (L) of subdivision (1)  
23 of subsection (a) of this Section possessed by the affiant  
24 prior to the effective date of this amendatory Act of the  
25 102nd General Assembly and any assault weapons identified  
26 and published by the Illinois State Police pursuant to

1           this subdivision (3). No later than October 1, 2023, and  
2           every October 1 thereafter, the Illinois State Police  
3           shall, via rulemaking, identify, publish, and make  
4           available on its website, the list of assault weapons  
5           subject to an endorsement affidavit under this subsection  
6           (d). The list shall identify, but is not limited to, the  
7           copies, duplicates, variants, and altered facsimiles of  
8           the assault weapons identified in paragraphs (J), (K), and  
9           (L) of subdivision (1) of subsection (a) of this Section  
10          and shall be consistent with the definition of "assault  
11          weapon" identified in this Section. The Illinois State  
12          Police may adopt emergency rulemaking in accordance with  
13          Section 5-45 of the Illinois Administrative Procedure Act.  
14          The adoption of emergency rules authorized by Section 5-45  
15          of the Illinois Administrative Procedure Act and this  
16          paragraph is deemed to be necessary for the public  
17          interest, safety, and welfare.

18          The affidavit form shall include the following statement  
19          printed in bold type: "Warning: Entering false information on  
20          this form is punishable as perjury under Section 32-2 of the  
21          Criminal Code of 2012. ~~Entering false information on this form  
22          is a violation of the Firearm Owners Identification Card Act."~~

23          In any administrative, civil, or criminal proceeding in  
24          this State, a completed endorsement affidavit submitted to the  
25          Illinois State Police by a person under this Section creates a  
26          rebuttable presumption that the person is entitled to possess



1 and transport the assault weapon, assault weapon attachment,  
2 .50 caliber rifle, or .50 caliber cartridge.

3 Beginning 90 days after the effective date of this  
4 amendatory Act of the 102nd General Assembly, a person  
5 authorized under this Section to possess an assault weapon,  
6 assault weapon attachment, .50 caliber rifle, or .50 caliber  
7 cartridge shall possess such items only:

8 (1) on private property owned or immediately  
9 controlled by the person;

10 (2) on private property that is not open to the public  
11 with the express permission of the person who owns or  
12 immediately controls such property;

13 (3) while on the premises of a licensed firearms  
14 dealer or gunsmith for the purpose of lawful repair;

15 (4) while engaged in the legal use of the assault  
16 weapon, assault weapon attachment, .50 caliber rifle, or  
17 .50 caliber cartridge at a properly licensed firing range  
18 or sport shooting competition venue; or

19 (5) while traveling to or from these locations,  
20 provided that the assault weapon, assault weapon  
21 attachment, or .50 caliber rifle is unloaded and the  
22 assault weapon, assault weapon attachment, .50 caliber  
23 rifle, or .50 caliber cartridge is enclosed in a case,  
24 firearm carrying box, shipping box, or other container.

25 Beginning on January 1, 2024, the person with the  
26 endorsement for an assault weapon, assault weapon attachment,

1 .50 caliber rifle, or .50 caliber cartridge or a person  
2 authorized under subdivisions (1) through (5) of subsection  
3 (e) to possess an assault weapon, assault weapon attachment,  
4 .50 caliber rifle, or .50 caliber cartridge may transfer the  
5 assault weapon, assault weapon attachment, .50 caliber rifle,  
6 or .50 caliber cartridge only to an heir, an individual  
7 residing in another state maintaining it in another state, or  
8 a dealer licensed as a federal firearms dealer under Section  
9 923 of the federal Gun Control Act of 1968. Within 10 days  
10 after transfer of the weapon except to an heir, the person  
11 shall notify the Illinois State Police of the name and address  
12 of the transferee ~~and comply with the requirements of~~  
13 ~~subsection (b) of Section 3 of the Firearm Owners~~  
14 ~~Identification Card Act.~~ The person to whom the weapon or  
15 ammunition is transferred shall, within 60 days of the  
16 transfer, complete an affidavit required under this Section. A  
17 person to whom the weapon is transferred may transfer it only  
18 as provided in this subsection.

19 Except as provided in subsection (e) and beginning on  
20 January 1, 2024, any person who moves into this State in  
21 possession of an assault weapon, assault weapon attachment,  
22 .50 caliber rifle, or .50 caliber cartridge shall, within 60  
23 days, ~~apply for a Firearm Owners Identification Card and~~  
24 complete an endorsement application as outlined in subsection  
25 (d).

26 Notwithstanding any other law, information contained in

1 the endorsement affidavit shall be confidential, is exempt  
2 from disclosure under the Freedom of Information Act, and  
3 shall not be disclosed, except to law enforcement agencies  
4 acting in the performance of their duties.

5 (e) The provisions of this Section regarding the purchase  
6 or possession of assault weapons, assault weapon attachments,  
7 .50 caliber rifles, and .50 cartridges, as well as the  
8 provisions of this Section that prohibit causing those items  
9 to be purchased or possessed, do not apply to:

10 (1) Peace officers, as defined in Section 2-13 of this  
11 Code.

12 (2) Qualified law enforcement officers and qualified  
13 retired law enforcement officers as defined in the Law  
14 Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B  
15 and 926C) and as recognized under Illinois law.

16 (3) Acquisition and possession by a federal, State, or  
17 local law enforcement agency for the purpose of equipping  
18 the agency's peace officers as defined in paragraph (1) or  
19 (2) of this subsection (e).

20 (4) Wardens, superintendents, and keepers of prisons,  
21 penitentiaries, jails, and other institutions for the  
22 detention of persons accused or convicted of an offense.

23 (5) Members of the Armed Services or Reserve Forces of  
24 the United States or the Illinois National Guard, while  
25 performing their official duties or while traveling to or  
26 from their places of duty.

1           (6) Any company that employs armed security officers  
2           in this State at a nuclear energy, storage, weapons, or  
3           development site or facility regulated by the federal  
4           Nuclear Regulatory Commission and any person employed as  
5           an armed security force member at a nuclear energy,  
6           storage, weapons, or development site or facility  
7           regulated by the federal Nuclear Regulatory Commission who  
8           has completed the background screening and training  
9           mandated by the rules and regulations of the federal  
10          Nuclear Regulatory Commission and while performing  
11          official duties.

12          (7) Any private security contractor agency licensed  
13          under the Private Detective, Private Alarm, Private  
14          Security, Fingerprint Vendor, and Locksmith Act of 2004  
15          that employs private security contractors and any private  
16          security contractor who is licensed and has been issued a  
17          firearm control card under the Private Detective, Private  
18          Alarm, Private Security, Fingerprint Vendor, and Locksmith  
19          Act of 2004 while performing official duties.

20          The provisions of this Section do not apply to the  
21          manufacture, delivery, sale, import, purchase, or possession  
22          of an assault weapon, assault weapon attachment, .50 caliber  
23          rifle, or .50 caliber cartridge or causing the manufacture,  
24          delivery, sale, importation, purchase, or possession of those  
25          items:

26                 (A) for sale or transfer to persons authorized under

1 subdivisions (1) through (7) of this subsection (e) to  
2 possess those items;

3 (B) for sale or transfer to the United States or any  
4 department or agency thereof; or

5 (C) for sale or transfer in another state or for  
6 export.

7 This Section does not apply to or affect any of the  
8 following:

9 (i) Possession of any firearm if that firearm is  
10 sanctioned by the International Olympic Committee and by  
11 USA Shooting, the national governing body for  
12 international shooting competition in the United States,  
13 but only when the firearm is in the actual possession of an  
14 Olympic target shooting competitor or target shooting  
15 coach for the purpose of storage, transporting to and from  
16 Olympic target shooting practice or events if the firearm  
17 is broken down in a nonfunctioning state, is not  
18 immediately accessible, or is unloaded and enclosed in a  
19 firearm case, carrying box, shipping box, or other similar  
20 portable container designed for the safe transportation of  
21 firearms, and when the Olympic target shooting competitor  
22 or target shooting coach is engaging in those practices or  
23 events. For the purposes of this paragraph (8), "firearm"  
24 has the meaning provided in Section 2-7.5 ~~1.1 of the~~  
25 ~~Firearm Owners Identification Card Act.~~

26 (ii) Any nonresident who transports, within 24 hours,

1 a weapon for any lawful purpose from any place where the  
2 nonresident may lawfully possess and carry that weapon to  
3 any other place where the nonresident may lawfully possess  
4 and carry that weapon if, during the transportation, the  
5 weapon is unloaded, and neither the weapon nor any  
6 ammunition being transported is readily accessible or is  
7 directly accessible from the passenger compartment of the  
8 transporting vehicle. In the case of a vehicle without a  
9 compartment separate from the driver's compartment, the  
10 weapon or ammunition shall be contained in a locked  
11 container other than the glove compartment or console.

12 (iii) Possession of a weapon at an event taking place  
13 at the World Shooting and Recreational Complex at Sparta,  
14 only while engaged in the legal use of the weapon, or while  
15 traveling to or from that location if the weapon is broken  
16 down in a nonfunctioning state, is not immediately  
17 accessible, or is unloaded and enclosed in a firearm case,  
18 carrying box, shipping box, or other similar portable  
19 container designed for the safe transportation of  
20 firearms.

21 (iv) Possession of a weapon only for hunting use  
22 expressly permitted under the Wildlife Code, or while  
23 traveling to or from a location authorized for this  
24 hunting use under the Wildlife Code if the weapon is  
25 broken down in a nonfunctioning state, is not immediately  
26 accessible, or is unloaded and enclosed in a firearm case,

1 carrying box, shipping box, or other similar portable  
2 container designed for the safe transportation of  
3 firearms. By October 1, 2023, the Illinois State Police,  
4 in consultation with the Department of Natural Resources,  
5 shall adopt rules concerning the list of applicable  
6 weapons approved under this subparagraph (iv). The  
7 Illinois State Police may adopt emergency rules in  
8 accordance with Section 5-45 of the Illinois  
9 Administrative Procedure Act. The adoption of emergency  
10 rules authorized by Section 5-45 of the Illinois  
11 Administrative Procedure Act and this paragraph is deemed  
12 to be necessary for the public interest, safety, and  
13 welfare.

14 (v) The manufacture, transportation, possession, sale,  
15 or rental of blank-firing assault weapons and .50 caliber  
16 rifles, or the weapon's respective attachments, to persons  
17 authorized or permitted, or both authorized and permitted,  
18 to acquire and possess these weapons or attachments for  
19 the purpose of rental for use solely as props for a motion  
20 picture, television, or video production or entertainment  
21 event.

22 Any person not subject to this Section may submit an  
23 endorsement affidavit if the person chooses.

24 (f) Any sale or transfer with a background check initiated  
25 to the Illinois State Police on or before the effective date of  
26 this amendatory Act of the 102nd General Assembly is allowed

1 to be completed after the effective date of this amendatory  
2 Act once an approval is issued by the Illinois State Police and  
3 any applicable waiting period under Section 24-3 has expired.

4 (g) The Illinois State Police shall take all steps  
5 necessary to carry out the requirements of this Section within  
6 by October 1, 2023.

7 (h) The Department of the State Police shall also develop  
8 and implement a public notice and public outreach campaign to  
9 promote awareness about the provisions of this amendatory Act  
10 of the 102nd General Assembly and to increase compliance with  
11 this Section.

12 (Source: P.A. 102-1116, eff. 1-10-23.)

13 (720 ILCS 5/24-1.10)

14 Sec. 24-1.10. Manufacture, delivery, sale, and possession  
15 of large capacity ammunition feeding devices.

16 (a) In this Section:

17 "Handgun" has the meaning ascribed to it in the Firearm  
18 Concealed Carry Act.

19 "Long gun" means a rifle or shotgun.

20 "Large capacity ammunition feeding device" means:

21 (1) a magazine, belt, drum, feed strip, or similar  
22 device that has a capacity of, or that can be readily  
23 restored or converted to accept, more than 10 rounds of  
24 ammunition for long guns and more than 15 rounds of  
25 ammunition for handguns; or



1           (2) any combination of parts from which a device  
2           described in paragraph (1) can be assembled.

3           "Large capacity ammunition feeding device" does not  
4           include an attached tubular device designed to accept, and  
5           capable of operating only with, .22 caliber rimfire  
6           ammunition. "Large capacity ammunition feeding device" does  
7           not include a tubular magazine that is contained in a  
8           lever-action firearm or any device that has been made  
9           permanently inoperable.

10          (b) Except as provided in subsections (e) and (f), it is  
11          unlawful for any person within this State to knowingly  
12          manufacture, deliver, sell, purchase, or cause to be  
13          manufactured, delivered, sold, or purchased a large capacity  
14          ammunition feeding device.

15          (c) Except as provided in subsections (d), (e), and (f),  
16          and beginning 90 days after the effective date of this  
17          amendatory Act of the 102nd General Assembly, it is unlawful  
18          to knowingly possess a large capacity ammunition feeding  
19          device.

20          (d) Subsection (c) does not apply to a person's possession  
21          of a large capacity ammunition feeding device if the person  
22          lawfully possessed that large capacity ammunition feeding  
23          device before the effective date of this amendatory Act of the  
24          102nd General Assembly, provided that the person shall possess  
25          such device only:

26                 (1) on private property owned or immediately

1 controlled by the person;

2 (2) on private property that is not open to the public  
3 with the express permission of the person who owns or  
4 immediately controls such property;

5 (3) while on the premises of a licensed firearms  
6 dealer or gunsmith for the purpose of lawful repair;

7 (4) while engaged in the legal use of the large  
8 capacity ammunition feeding device at a properly licensed  
9 firing range or sport shooting competition venue; or

10 (5) while traveling to or from these locations,  
11 provided that the large capacity ammunition feeding device  
12 is stored unloaded and enclosed in a case, firearm  
13 carrying box, shipping box, or other container.

14 A person authorized under this Section to possess a large  
15 capacity ammunition feeding device may transfer the large  
16 capacity ammunition feeding device only to an heir, an  
17 individual residing in another state maintaining it in another  
18 state, or a dealer licensed as a federal firearms dealer under  
19 Section 923 of the federal Gun Control Act of 1968. Within 10  
20 days after transfer of the large capacity ammunition feeding  
21 device except to an heir, the person shall notify the Illinois  
22 State Police of the name and address of the transferee ~~and~~  
23 ~~comply with the requirements of subsection (b) of Section 3 of~~  
24 ~~the Firearm Owners Identification Card Act.~~ The person to whom  
25 the large capacity ammunition feeding device is transferred  
26 shall, within 60 days of the transfer, notify the Illinois

1 State Police of the person's acquisition ~~and comply with the~~  
2 ~~requirements of subsection (b) of Section 3 of the Firearm~~  
3 ~~Owners Identification Card Act.~~ A person to whom the large  
4 capacity ammunition feeding device is transferred may transfer  
5 it only as provided in this subsection.

6 ~~Except as provided in subsections (e) and (f) and~~  
7 ~~beginning 90 days after the effective date of this amendatory~~  
8 ~~Act of the 102nd General Assembly, any person who moves into~~  
9 ~~this State in possession of a large capacity ammunition~~  
10 ~~feeding device shall, within 60 days, apply for a Firearm~~  
11 ~~Owners Identification Card.~~

12 (e) The provisions of this Section regarding the purchase  
13 or possession of large capacity ammunition feeding devices, as  
14 well as the provisions of this Section that prohibit causing  
15 those items to be purchased or possessed, do not apply to:

16 (1) Peace officers as defined in Section 2-13 of this  
17 Code.

18 (2) Qualified law enforcement officers and qualified  
19 retired law enforcement officers as defined in the Law  
20 Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B  
21 and 926C) and as recognized under Illinois law.

22 (3) A federal, State, or local law enforcement agency  
23 for the purpose of equipping the agency's peace officers  
24 as defined in paragraph (1) or (2) of this subsection (e).

25 (4) Wardens, superintendents, and keepers of prisons,  
26 penitentiaries, jails, and other institutions for the

1 detention of persons accused or convicted of an offense.

2 (5) Members of the Armed Services or Reserve Forces of  
3 the United States or the Illinois National Guard, while  
4 their official duties or while traveling to or from their  
5 places of duty.

6 (6) Any company that employs armed security officers  
7 in this State at a nuclear energy, storage, weapons, or  
8 development site or facility regulated by the federal  
9 Nuclear Regulatory Commission and any person employed as  
10 an armed security force member at a nuclear energy,  
11 storage, weapons, or development site or facility  
12 regulated by the federal Nuclear Regulatory Commission who  
13 has completed the background screening and training  
14 mandated by the rules and regulations of the federal  
15 Nuclear Regulatory Commission and while performing  
16 official duties.

17 (7) Any private security contractor agency licensed  
18 under the Private Detective, Private Alarm, Private  
19 Security, Fingerprint Vendor, and Locksmith Act of 2004  
20 that employs private security contractors and any private  
21 security contractor who is licensed and has been issued a  
22 firearm control card under the Private Detective, Private  
23 Alarm, Private Security, Fingerprint Vendor, and Locksmith  
24 Act of 2004 while performing official duties.

25 (f) This Section does not apply to or affect any of the  
26 following:

1           (1) Manufacture, delivery, sale, importation,  
2 purchase, or possession or causing to be manufactured,  
3 delivered, sold, imported, purchased, or possessed a large  
4 capacity ammunition feeding device:

5           (A) for sale or transfer to persons authorized  
6 under subdivisions (1) through (7) of subsection (e)  
7 to possess those items;

8           (B) for sale or transfer to the United States or  
9 any department or agency thereof; or

10           (C) for sale or transfer in another state or for  
11 export.

12           (2) Sale or rental of large capacity ammunition  
13 feeding devices for blank-firing assault weapons and .50  
14 caliber rifles, to persons authorized or permitted, or  
15 both authorized and permitted, to acquire these devices  
16 for the purpose of rental for use solely as props for a  
17 motion picture, television, or video production or  
18 entertainment event.

19           (g) Sentence. A person who knowingly manufactures,  
20 delivers, sells, purchases, possesses, or causes to be  
21 manufactured, delivered, sold, possessed, or purchased in  
22 violation of this Section a large capacity ammunition feeding  
23 device capable of holding more than 10 rounds of ammunition  
24 for long guns or more than 15 rounds of ammunition for handguns  
25 commits a petty offense with a fine of \$1,000 for each  
26 violation.

1 (h) The Department of the State Police shall also develop  
2 and implement a public notice and public outreach campaign to  
3 promote awareness about the provisions of this amendatory Act  
4 of the 102nd General Assembly and to increase compliance with  
5 this Section.

6 (Source: P.A. 102-1116, eff. 1-10-23.)

7 (720 ILCS 5/24-2)

8 Sec. 24-2. Exemptions.

9 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
10 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
11 the following:

12 (1) Peace officers, and any person summoned by a peace  
13 officer to assist in making arrests or preserving the  
14 peace, while actually engaged in assisting such officer.

15 (2) Wardens, superintendents and keepers of prisons,  
16 penitentiaries, jails and other institutions for the  
17 detention of persons accused or convicted of an offense,  
18 while in the performance of their official duty, or while  
19 commuting between their homes and places of employment.

20 (3) Members of the Armed Services or Reserve Forces of  
21 the United States or the Illinois National Guard or the  
22 Reserve Officers Training Corps, while in the performance  
23 of their official duty.

24 (4) Special agents employed by a railroad or a public  
25 utility to perform police functions, and guards of armored

1 car companies, while actually engaged in the performance  
2 of the duties of their employment or commuting between  
3 their homes and places of employment; and watchmen while  
4 actually engaged in the performance of the duties of their  
5 employment.

6 (5) Persons licensed as private security contractors,  
7 private detectives, or private alarm contractors, or  
8 employed by a private security contractor, private  
9 detective, or private alarm contractor agency licensed by  
10 the Department of Financial and Professional Regulation,  
11 if their duties include the carrying of a weapon under the  
12 provisions of the Private Detective, Private Alarm,  
13 Private Security, Fingerprint Vendor, and Locksmith Act of  
14 2004, while actually engaged in the performance of the  
15 duties of their employment or commuting between their  
16 homes and places of employment. A person shall be  
17 considered eligible for this exemption if he or she has  
18 completed the required 20 hours of training for a private  
19 security contractor, private detective, or private alarm  
20 contractor, or employee of a licensed private security  
21 contractor, private detective, or private alarm contractor  
22 agency and 28 hours of required firearm training, and has  
23 been issued a firearm control card by the Department of  
24 Financial and Professional Regulation. Conditions for the  
25 renewal of firearm control cards issued under the  
26 provisions of this Section shall be the same as for those

1 cards issued under the provisions of the Private  
2 Detective, Private Alarm, Private Security, Fingerprint  
3 Vendor, and Locksmith Act of 2004. The firearm control  
4 card shall be carried by the private security contractor,  
5 private detective, or private alarm contractor, or  
6 employee of the licensed private security contractor,  
7 private detective, or private alarm contractor agency at  
8 all times when he or she is in possession of a concealable  
9 weapon permitted by his or her firearm control card.

10 (6) Any person regularly employed in a commercial or  
11 industrial operation as a security guard for the  
12 protection of persons employed and private property  
13 related to such commercial or industrial operation, while  
14 actually engaged in the performance of his or her duty or  
15 traveling between sites or properties belonging to the  
16 employer, and who, as a security guard, is a member of a  
17 security force registered with the Department of Financial  
18 and Professional Regulation; provided that such security  
19 guard has successfully completed a course of study,  
20 approved by and supervised by the Department of Financial  
21 and Professional Regulation, consisting of not less than  
22 48 hours of training that includes the theory of law  
23 enforcement, liability for acts, and the handling of  
24 weapons. A person shall be considered eligible for this  
25 exemption if he or she has completed the required 20 hours  
26 of training for a security officer and 28 hours of



1 required firearm training, and has been issued a firearm  
2 control card by the Department of Financial and  
3 Professional Regulation. Conditions for the renewal of  
4 firearm control cards issued under the provisions of this  
5 Section shall be the same as for those cards issued under  
6 the provisions of the Private Detective, Private Alarm,  
7 Private Security, Fingerprint Vendor, and Locksmith Act of  
8 2004. The firearm control card shall be carried by the  
9 security guard at all times when he or she is in possession  
10 of a concealable weapon permitted by his or her firearm  
11 control card.

12 (7) Agents and investigators of the Illinois  
13 Legislative Investigating Commission authorized by the  
14 Commission to carry the weapons specified in subsections  
15 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
16 any investigation for the Commission.

17 (8) Persons employed by a financial institution as a  
18 security guard for the protection of other employees and  
19 property related to such financial institution, while  
20 actually engaged in the performance of their duties,  
21 commuting between their homes and places of employment, or  
22 traveling between sites or properties owned or operated by  
23 such financial institution, and who, as a security guard,  
24 is a member of a security force registered with the  
25 Department; provided that any person so employed has  
26 successfully completed a course of study, approved by and

1 supervised by the Department of Financial and Professional  
2 Regulation, consisting of not less than 48 hours of  
3 training which includes theory of law enforcement,  
4 liability for acts, and the handling of weapons. A person  
5 shall be considered to be eligible for this exemption if  
6 he or she has completed the required 20 hours of training  
7 for a security officer and 28 hours of required firearm  
8 training, and has been issued a firearm control card by  
9 the Department of Financial and Professional Regulation.  
10 Conditions for renewal of firearm control cards issued  
11 under the provisions of this Section shall be the same as  
12 for those issued under the provisions of the Private  
13 Detective, Private Alarm, Private Security, Fingerprint  
14 Vendor, and Locksmith Act of 2004. The firearm control  
15 card shall be carried by the security guard at all times  
16 when he or she is in possession of a concealable weapon  
17 permitted by his or her firearm control card. For purposes  
18 of this subsection, "financial institution" means a bank,  
19 savings and loan association, credit union or company  
20 providing armored car services.

21 (9) Any person employed by an armored car company to  
22 drive an armored car, while actually engaged in the  
23 performance of his duties.

24 (10) Persons who have been classified as peace  
25 officers pursuant to the Peace Officer Fire Investigation  
26 Act.

1           (11) Investigators of the Office of the State's  
2 Attorneys Appellate Prosecutor authorized by the board of  
3 governors of the Office of the State's Attorneys Appellate  
4 Prosecutor to carry weapons pursuant to Section 7.06 of  
5 the State's Attorneys Appellate Prosecutor's Act.

6           (12) Special investigators appointed by a State's  
7 Attorney under Section 3-9005 of the Counties Code.

8           (12.5) Probation officers while in the performance of  
9 their duties, or while commuting between their homes,  
10 places of employment or specific locations that are part  
11 of their assigned duties, with the consent of the chief  
12 judge of the circuit for which they are employed, if they  
13 have received weapons training according to requirements  
14 of the Peace Officer and Probation Officer Firearm  
15 Training Act.

16           (13) Court Security Officers while in the performance  
17 of their official duties, or while commuting between their  
18 homes and places of employment, with the consent of the  
19 Sheriff.

20           (13.5) A person employed as an armed security guard at  
21 a nuclear energy, storage, weapons or development site or  
22 facility regulated by the Nuclear Regulatory Commission  
23 who has completed the background screening and training  
24 mandated by the rules and regulations of the Nuclear  
25 Regulatory Commission.

26           (14) Manufacture, transportation, or sale of weapons

1 to persons authorized under subdivisions (1) through  
2 (13.5) of this subsection to possess those weapons.

3 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply  
4 to or affect any person carrying a concealed pistol, revolver,  
5 or handgun and the person has been issued a currently valid  
6 license under the Firearm Concealed Carry Act at the time of  
7 the commission of the offense.

8 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply  
9 to or affect a qualified current or retired law enforcement  
10 officer or a current or retired deputy, county correctional  
11 officer, or correctional officer of the Department of  
12 Corrections qualified under the laws of this State or under  
13 the federal Law Enforcement Officers Safety Act.

14 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
15 24-1.6 do not apply to or affect any of the following:

16 (1) Members of any club or organization organized for  
17 the purpose of practicing shooting at targets upon  
18 established target ranges, whether public or private, and  
19 patrons of such ranges, while such members or patrons are  
20 using their firearms on those target ranges.

21 (2) Duly authorized military or civil organizations  
22 while parading, with the special permission of the  
23 Governor.

24 (3) Hunters, trappers, or fishermen while engaged in  
25 lawful hunting, trapping, or fishing under the provisions  
26 of the Wildlife Code or the Fish and Aquatic Life Code.

1           (4) Transportation of weapons that are broken down in  
2 a non-functioning state or are not immediately accessible.

3           (5) Carrying or possessing any pistol, revolver, stun  
4 gun or taser or other firearm on the land or in the legal  
5 dwelling of another person as an invitee with that  
6 person's permission.

7           (c) Subsection 24-1(a)(7) does not apply to or affect any  
8 of the following:

9           (1) Peace officers while in performance of their  
10 official duties.

11           (2) Wardens, superintendents and keepers of prisons,  
12 penitentiaries, jails and other institutions for the  
13 detention of persons accused or convicted of an offense.

14           (3) Members of the Armed Services or Reserve Forces of  
15 the United States or the Illinois National Guard, while in  
16 the performance of their official duty.

17           (4) Manufacture, transportation, or sale of machine  
18 guns to persons authorized under subdivisions (1) through  
19 (3) of this subsection to possess machine guns, if the  
20 machine guns are broken down in a non-functioning state or  
21 are not immediately accessible.

22           (5) Persons licensed under federal law to manufacture  
23 any weapon from which 8 or more shots or bullets can be  
24 discharged by a single function of the firing device, or  
25 ammunition for such weapons, and actually engaged in the  
26 business of manufacturing such weapons or ammunition, but

1           only with respect to activities which are within the  
2           lawful scope of such business, such as the manufacture,  
3           transportation, or testing of such weapons or ammunition.  
4           This exemption does not authorize the general private  
5           possession of any weapon from which 8 or more shots or  
6           bullets can be discharged by a single function of the  
7           firing device, but only such possession and activities as  
8           are within the lawful scope of a licensed manufacturing  
9           business described in this paragraph.

10           During transportation, such weapons shall be broken  
11           down in a non-functioning state or not immediately  
12           accessible.

13           (6) The manufacture, transport, testing, delivery,  
14           transfer or sale, and all lawful commercial or  
15           experimental activities necessary thereto, of rifles,  
16           shotguns, and weapons made from rifles or shotguns, or  
17           ammunition for such rifles, shotguns or weapons, where  
18           engaged in by a person operating as a contractor or  
19           subcontractor pursuant to a contract or subcontract for  
20           the development and supply of such rifles, shotguns,  
21           weapons or ammunition to the United States government or  
22           any branch of the Armed Forces of the United States, when  
23           such activities are necessary and incident to fulfilling  
24           the terms of such contract.

25           The exemption granted under this subdivision (c)(6)  
26           shall also apply to any authorized agent of any such

1 contractor or subcontractor who is operating within the  
2 scope of his employment, where such activities involving  
3 such weapon, weapons or ammunition are necessary and  
4 incident to fulfilling the terms of such contract.

5 (7) A person possessing a rifle with a barrel or  
6 barrels less than 16 inches in length if: (A) the person  
7 has been issued a Curios and Relics license from the U.S.  
8 Bureau of Alcohol, Tobacco, Firearms and Explosives; or  
9 (B) the person is an active member of a bona fide,  
10 nationally recognized military re-enacting group and the  
11 modification is required and necessary to accurately  
12 portray the weapon for historical re-enactment purposes;  
13 the re-enactor is in possession of a valid and current  
14 re-enacting group membership credential; and the overall  
15 length of the weapon as modified is not less than 26  
16 inches.

17 (d) Subsection 24-1(a)(1) does not apply to the purchase,  
18 possession or carrying of a black-jack or slung-shot by a  
19 peace officer.

20 (e) Subsection 24-1(a)(8) does not apply to any owner,  
21 manager or authorized employee of any place specified in that  
22 subsection nor to any law enforcement officer.

23 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and  
24 Section 24-1.6 do not apply to members of any club or  
25 organization organized for the purpose of practicing shooting  
26 at targets upon established target ranges, whether public or

1 private, while using their firearms on those target ranges.

2 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply  
3 to:

4 (1) Members of the Armed Services or Reserve Forces of  
5 the United States or the Illinois National Guard, while in  
6 the performance of their official duty.

7 (2) Bonafide collectors of antique or surplus military  
8 ordnance.

9 (3) Laboratories having a department of forensic  
10 ballistics, or specializing in the development of  
11 ammunition or explosive ordnance.

12 (4) Commerce, preparation, assembly or possession of  
13 explosive bullets by manufacturers of ammunition licensed  
14 by the federal government, in connection with the supply  
15 of those organizations and persons exempted by subdivision  
16 (g)(1) of this Section, or like organizations and persons  
17 outside this State, or the transportation of explosive  
18 bullets to any organization or person exempted in this  
19 Section by a common carrier or by a vehicle owned or leased  
20 by an exempted manufacturer.

21 (g-5) Subsection 24-1(a)(6) does not apply to or affect  
22 persons licensed under federal law to manufacture any device  
23 or attachment of any kind designed, used, or intended for use  
24 in silencing the report of any firearm, firearms, or  
25 ammunition for those firearms equipped with those devices, and  
26 actually engaged in the business of manufacturing those



1 devices, firearms, or ammunition, but only with respect to  
2 activities that are within the lawful scope of that business,  
3 such as the manufacture, transportation, or testing of those  
4 devices, firearms, or ammunition. This exemption does not  
5 authorize the general private possession of any device or  
6 attachment of any kind designed, used, or intended for use in  
7 silencing the report of any firearm, but only such possession  
8 and activities as are within the lawful scope of a licensed  
9 manufacturing business described in this subsection (g-5).  
10 During transportation, these devices shall be detached from  
11 any weapon or not immediately accessible.

12 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
13 24-1.6 do not apply to or affect any parole agent or parole  
14 supervisor who meets the qualifications and conditions  
15 prescribed in Section 3-14-1.5 of the Unified Code of  
16 Corrections.

17 (g-7) Subsection 24-1(a)(6) does not apply to a peace  
18 officer while serving as a member of a tactical response team  
19 or special operations team. A peace officer may not personally  
20 own or apply for ownership of a device or attachment of any  
21 kind designed, used, or intended for use in silencing the  
22 report of any firearm. These devices shall be owned and  
23 maintained by lawfully recognized units of government whose  
24 duties include the investigation of criminal acts.

25 (g-10) (Blank).

26 (h) An information or indictment based upon a violation of

1 any subsection of this Article need not negative any  
2 exemptions contained in this Article. The defendant shall have  
3 the burden of proving such an exemption.

4 (i) Nothing in this Article shall prohibit, apply to, or  
5 affect the transportation, carrying, or possession, of any  
6 pistol or revolver, stun gun, taser, or other firearm  
7 consigned to a common carrier operating under license of the  
8 State of Illinois or the federal government, where such  
9 transportation, carrying, or possession is incident to the  
10 lawful transportation in which such common carrier is engaged;  
11 and nothing in this Article shall prohibit, apply to, or  
12 affect the transportation, carrying, or possession of any  
13 pistol, revolver, stun gun, taser, or other firearm, not the  
14 subject of and regulated by subsection 24-1(a)(7) or  
15 subsection 24-2(c) of this Article, which is unloaded and  
16 enclosed in a case, firearm carrying box, shipping box, or  
17 other container, by a person eligible under State and federal  
18 law to possess a firearm ~~the possessor of a valid Firearm~~  
19 ~~Owners Identification Card.~~

20 (Source: P.A. 101-80, eff. 7-12-19; 102-152, eff. 1-1-22;  
21 102-779, eff. 1-1-23; 102-837, eff. 5-13-22; revised  
22 12-14-22.)

23 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

24 Sec. 24-3. Unlawful sale or delivery of firearms.

25 (A) A person commits the offense of unlawful sale or

1 delivery of firearms when he or she knowingly does any of the  
2 following:

3 (a) Sells or gives any firearm of a size which may be  
4 concealed upon the person to any person under 18 years of  
5 age.

6 (b) Sells or gives any firearm to a person under 21  
7 years of age who has been convicted of a misdemeanor other  
8 than a traffic offense or adjudged delinquent.

9 (c) Sells or gives any firearm to any narcotic addict.

10 (d) Sells or gives any firearm to any person who has  
11 been convicted of a felony under the laws of this or any  
12 other jurisdiction.

13 (e) Sells or gives any firearm to any person who has  
14 been a patient in a mental institution within the past 5  
15 years. In this subsection (e):

16 "Mental institution" means any hospital,  
17 institution, clinic, evaluation facility, mental  
18 health center, or part thereof, which is used  
19 primarily for the care or treatment of persons with  
20 mental illness.

21 "Patient in a mental institution" means the person  
22 was admitted, either voluntarily or involuntarily, to  
23 a mental institution for mental health treatment,  
24 unless the treatment was voluntary and solely for an  
25 alcohol abuse disorder and no other secondary  
26 substance abuse disorder or mental illness.

1           (f) Sells or gives any firearms to any person who is a  
2 person with an intellectual disability.

3           (g) Delivers any firearm, incidental to a sale,  
4 without withholding delivery of the firearm for at least  
5 72 hours after application for its purchase has been made,  
6 or delivers a stun gun or taser, incidental to a sale,  
7 without withholding delivery of the stun gun or taser for  
8 at least 24 hours after application for its purchase has  
9 been made. However, this paragraph (g) does not apply to:

10 (1) the sale of a firearm to a law enforcement officer if  
11 the seller of the firearm knows that the person to whom he  
12 or she is selling the firearm is a law enforcement officer  
13 or the sale of a firearm to a person who desires to  
14 purchase a firearm for use in promoting the public  
15 interest incident to his or her employment as a bank  
16 guard, armed truck guard, or other similar employment; (2)  
17 a mail order sale of a firearm from a federally licensed  
18 firearms dealer to a nonresident of Illinois under which  
19 the firearm is mailed to a federally licensed firearms  
20 dealer outside the boundaries of Illinois; (3) (blank);  
21 (4) the sale of a firearm to a dealer licensed as a federal  
22 firearms dealer under Section 923 of the federal Gun  
23 Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or  
24 sale of any rifle, shotgun, or other long gun to a resident  
25 registered competitor or attendee or non-resident  
26 registered competitor or attendee by any dealer licensed

1 as a federal firearms dealer under Section 923 of the  
2 federal Gun Control Act of 1968 at competitive shooting  
3 events held at the World Shooting Complex sanctioned by a  
4 national governing body. For purposes of transfers or  
5 sales under subparagraph (5) of this paragraph (g), the  
6 Department of Natural Resources shall give notice to the  
7 Illinois State Police at least 30 calendar days prior to  
8 any competitive shooting events at the World Shooting  
9 Complex sanctioned by a national governing body. The  
10 notification shall be made on a form prescribed by the  
11 Illinois State Police. The sanctioning body shall provide  
12 a list of all registered competitors and attendees at  
13 least 24 hours before the events to the Illinois State  
14 Police. Any changes to the list of registered competitors  
15 and attendees shall be forwarded to the Illinois State  
16 Police as soon as practicable. The Illinois State Police  
17 must destroy the list of registered competitors and  
18 attendees no later than 30 days after the date of the  
19 event. Nothing in this paragraph (g) relieves a federally  
20 licensed firearm dealer from the requirements of  
21 conducting a NICS background check through the Illinois  
22 Point of Contact under 18 U.S.C. 922(t). For purposes of  
23 this paragraph (g), "application" means when the buyer and  
24 seller reach an agreement to purchase a firearm. For  
25 purposes of this paragraph (g), "national governing body"  
26 means a group of persons who adopt rules and formulate

1 policy on behalf of a national firearm sporting  
2 organization.

3 (h) While holding any license as a dealer, importer,  
4 manufacturer or pawnbroker under the federal Gun Control  
5 Act of 1968, manufactures, sells or delivers to any  
6 unlicensed person a handgun having a barrel, slide, frame  
7 or receiver which is a die casting of zinc alloy or any  
8 other nonhomogeneous metal which will melt or deform at a  
9 temperature of less than 800 degrees Fahrenheit. For  
10 purposes of this paragraph, (1) "firearm" has the meaning  
11 provided in Section 2-7.5 of the Criminal Code of 2012 ~~is~~  
12 ~~defined as in the Firearm Owners Identification Card Act;~~  
13 and (2) "handgun" is defined as a firearm designed to be  
14 held and fired by the use of a single hand, and includes a  
15 combination of parts from which such a firearm can be  
16 assembled.

17 (i) Sells or gives a firearm of any size to any person  
18 under 18 years of age who is not eligible under State or  
19 federal law to possess a firearm ~~does not possess a valid~~  
20 ~~Firearm Owner's Identification Card.~~

21 (j) Sells or gives a firearm while engaged in the  
22 business of selling firearms at wholesale or retail  
23 without being licensed as a federal firearms dealer under  
24 Section 923 of the federal Gun Control Act of 1968 (18  
25 U.S.C. 923). In this paragraph (j):

26 A person "engaged in the business" means a person who

1       devotes time, attention, and labor to engaging in the  
2       activity as a regular course of trade or business with the  
3       principal objective of livelihood and profit, but does not  
4       include a person who makes occasional repairs of firearms  
5       or who occasionally fits special barrels, stocks, or  
6       trigger mechanisms to firearms.

7       "With the principal objective of livelihood and  
8       profit" means that the intent underlying the sale or  
9       disposition of firearms is predominantly one of obtaining  
10      livelihood and pecuniary gain, as opposed to other  
11      intents, such as improving or liquidating a personal  
12      firearms collection; however, proof of profit shall not be  
13      required as to a person who engages in the regular and  
14      repetitive purchase and disposition of firearms for  
15      criminal purposes or terrorism.

16      (k) (Blank). ~~Sells or transfers ownership of a firearm~~  
17      ~~to a person who does not display to the seller or~~  
18      ~~transferor of the firearm either: (1) a currently valid~~  
19      ~~Firearm Owner's Identification Card that has previously~~  
20      ~~been issued in the transferee's name by the Illinois State~~  
21      ~~Police under the provisions of the Firearm Owners~~  
22      ~~Identification Card Act; or (2) a currently valid license~~  
23      ~~to carry a concealed firearm that has previously been~~  
24      ~~issued in the transferee's name by the Illinois State~~  
25      ~~Police under the Firearm Concealed Carry Act. This~~  
26      ~~paragraph (k) does not apply to the transfer of a firearm~~

1 ~~to a person who is exempt from the requirement of~~  
2 ~~possessing a Firearm Owner's Identification Card under~~  
3 ~~Section 2 of the Firearm Owners Identification Card Act.~~  
4 ~~For the purposes of this Section, a currently valid~~  
5 ~~Firearm Owner's Identification Card or license to carry a~~  
6 ~~concealed firearm means receipt of an approval number~~  
7 ~~issued in accordance with subsection (a-10) of Section 3~~  
8 ~~or Section 3.1 of the Firearm Owners Identification Card~~  
9 ~~Act.~~

10 (1) (Blank). ~~In addition to the other requirements~~  
11 ~~of this paragraph (k), all persons who are not~~  
12 ~~federally licensed firearms dealers must also have~~  
13 ~~complied with subsection (a-10) of Section 3 of the~~  
14 ~~Firearm Owners Identification Card Act by determining~~  
15 ~~the validity of a purchaser's Firearm Owner's~~  
16 ~~Identification Card.~~

17 (2) (Blank). ~~All sellers or transferors who have~~  
18 ~~complied with the requirements of subparagraph (1) of~~  
19 ~~this paragraph (k) shall not be liable for damages in~~  
20 ~~any civil action arising from the use or misuse by the~~  
21 ~~transferee of the firearm transferred, except for~~  
22 ~~willful or wanton misconduct on the part of the seller~~  
23 ~~or transferor.~~

24 (1) Not being entitled to the possession of a firearm,  
25 delivers the firearm, knowing it to have been stolen or  
26 converted. It may be inferred that a person who possesses



1 a firearm with knowledge that its serial number has been  
2 removed or altered has knowledge that the firearm is  
3 stolen or converted.

4 (B) Paragraph (h) of subsection (A) does not include  
5 firearms sold within 6 months after enactment of Public Act  
6 78-355 (approved August 21, 1973, effective October 1, 1973),  
7 nor is any firearm legally owned or possessed by any citizen or  
8 purchased by any citizen within 6 months after the enactment  
9 of Public Act 78-355 subject to confiscation or seizure under  
10 the provisions of that Public Act. Nothing in Public Act  
11 78-355 shall be construed to prohibit the gift or trade of any  
12 firearm if that firearm was legally held or acquired within 6  
13 months after the enactment of that Public Act.

14 (C) Sentence.

15 (1) Any person convicted of unlawful sale or delivery  
16 of firearms in violation of paragraph (c), (e), (f), (g),  
17 or (h) of subsection (A) commits a Class 4 felony.

18 (2) Any person convicted of unlawful sale or delivery  
19 of firearms in violation of paragraph (b) or (i) of  
20 subsection (A) commits a Class 3 felony.

21 (3) Any person convicted of unlawful sale or delivery  
22 of firearms in violation of paragraph (a) of subsection  
23 (A) commits a Class 2 felony.

24 (4) Any person convicted of unlawful sale or delivery  
25 of firearms in violation of paragraph (a), (b), or (i) of  
26 subsection (A) in any school, on the real property

1 comprising a school, within 1,000 feet of the real  
2 property comprising a school, at a school related  
3 activity, or on or within 1,000 feet of any conveyance  
4 owned, leased, or contracted by a school or school  
5 district to transport students to or from school or a  
6 school related activity, regardless of the time of day or  
7 time of year at which the offense was committed, commits a  
8 Class 1 felony. Any person convicted of a second or  
9 subsequent violation of unlawful sale or delivery of  
10 firearms in violation of paragraph (a), (b), or (i) of  
11 subsection (A) in any school, on the real property  
12 comprising a school, within 1,000 feet of the real  
13 property comprising a school, at a school related  
14 activity, or on or within 1,000 feet of any conveyance  
15 owned, leased, or contracted by a school or school  
16 district to transport students to or from school or a  
17 school related activity, regardless of the time of day or  
18 time of year at which the offense was committed, commits a  
19 Class 1 felony for which the sentence shall be a term of  
20 imprisonment of no less than 5 years and no more than 15  
21 years.

22 (5) Any person convicted of unlawful sale or delivery  
23 of firearms in violation of paragraph (a) or (i) of  
24 subsection (A) in residential property owned, operated, or  
25 managed by a public housing agency or leased by a public  
26 housing agency as part of a scattered site or mixed-income

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

12 (6) Any person convicted of unlawful sale or delivery  
13 of firearms in violation of paragraph (j) of subsection  
14 (A) commits a Class A misdemeanor. A second or subsequent  
15 violation is a Class 4 felony.

16 (7) (Blank). ~~Any person convicted of unlawful sale or~~  
17 ~~delivery of firearms in violation of paragraph (k) of~~  
18 ~~subsection (A) commits a Class 4 felony, except that a~~  
19 ~~violation of subparagraph (1) of paragraph (k) of~~  
20 ~~subsection (A) shall not be punishable as a crime or petty~~  
21 ~~offense. A third or subsequent conviction for a violation~~  
22 ~~of paragraph (k) of subsection (A) is a Class 1 felony.~~

23 (8) A person 18 years of age or older convicted of  
24 unlawful sale or delivery of firearms in violation of  
25 paragraph (a) or (i) of subsection (A), when the firearm  
26 that was sold or given to another person under 18 years of

1 age was used in the commission of or attempt to commit a  
2 forcible felony, shall be fined or imprisoned, or both,  
3 not to exceed the maximum provided for the most serious  
4 forcible felony so committed or attempted by the person  
5 under 18 years of age who was sold or given the firearm.

6 (9) Any person convicted of unlawful sale or delivery  
7 of firearms in violation of paragraph (d) of subsection  
8 (A) commits a Class 3 felony.

9 (10) Any person convicted of unlawful sale or delivery  
10 of firearms in violation of paragraph (l) of subsection  
11 (A) commits a Class 2 felony if the delivery is of one  
12 firearm. Any person convicted of unlawful sale or delivery  
13 of firearms in violation of paragraph (l) of subsection  
14 (A) commits a Class 1 felony if the delivery is of not less  
15 than 2 and not more than 5 firearms at the same time or  
16 within a one-year period. Any person convicted of unlawful  
17 sale or delivery of firearms in violation of paragraph (l)  
18 of subsection (A) commits a Class X felony for which he or  
19 she shall be sentenced to a term of imprisonment of not  
20 less than 6 years and not more than 30 years if the  
21 delivery is of not less than 6 and not more than 10  
22 firearms at the same time or within a 2-year period. Any  
23 person convicted of unlawful sale or delivery of firearms  
24 in violation of paragraph (l) of subsection (A) commits a  
25 Class X felony for which he or she shall be sentenced to a  
26 term of imprisonment of not less than 6 years and not more

1 than 40 years if the delivery is of not less than 11 and  
2 not more than 20 firearms at the same time or within a  
3 3-year period. Any person convicted of unlawful sale or  
4 delivery of firearms in violation of paragraph (l) of  
5 subsection (A) commits a Class X felony for which he or she  
6 shall be sentenced to a term of imprisonment of not less  
7 than 6 years and not more than 50 years if the delivery is  
8 of not less than 21 and not more than 30 firearms at the  
9 same time or within a 4-year period. Any person convicted  
10 of unlawful sale or delivery of firearms in violation of  
11 paragraph (l) of subsection (A) commits a Class X felony  
12 for which he or she shall be sentenced to a term of  
13 imprisonment of not less than 6 years and not more than 60  
14 years if the delivery is of 31 or more firearms at the same  
15 time or within a 5-year period.

16 (D) For purposes of this Section:

17 "School" means a public or private elementary or secondary  
18 school, community college, college, or university.

19 "School related activity" means any sporting, social,  
20 academic, or other activity for which students' attendance or  
21 participation is sponsored, organized, or funded in whole or  
22 in part by a school or school district.

23 (E) (Blank). ~~A prosecution for a violation of paragraph~~  
24 ~~(k) of subsection (A) of this Section may be commenced within 6~~  
25 ~~years after the commission of the offense. A prosecution for a~~  
26 ~~violation of this Section other than paragraph (g) of~~

1 ~~subsection (A) of this Section may be commenced within 5 years~~  
2 ~~after the commission of the offense defined in the particular~~  
3 ~~paragraph.~~

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

6 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

7 Sec. 24-3.1. Unlawful possession of firearms and firearm  
8 ammunition.

9 (a) A person commits the offense of unlawful possession of  
10 firearms or firearm ammunition when:

11 (1) He is under 18 years of age and has in his  
12 possession any firearm of a size which may be concealed  
13 upon the person; or

14 (2) He is under 21 years of age, has been convicted of  
15 a misdemeanor other than a traffic offense or adjudged  
16 delinquent and has any firearms or firearm ammunition in  
17 his possession; or

18 (3) He is a narcotic addict and has any firearms or  
19 firearm ammunition in his possession; or

20 (4) He has been a patient in a mental institution  
21 within the past 5 years and has any firearms or firearm  
22 ammunition in his possession. For purposes of this  
23 paragraph (4):

24 "Mental institution" means any hospital,  
25 institution, clinic, evaluation facility, mental

1 health center, or part thereof, which is used  
2 primarily for the care or treatment of persons with  
3 mental illness.

4 "Patient in a mental institution" means the person  
5 was admitted, either voluntarily or involuntarily, to  
6 a mental institution for mental health treatment,  
7 unless the treatment was voluntary and solely for an  
8 alcohol abuse disorder and no other secondary  
9 substance abuse disorder or mental illness; or

10 (5) He is a person with an intellectual disability and  
11 has any firearms or firearm ammunition in his possession;  
12 or

13 (6) He has in his possession any explosive bullet.

14 For purposes of this paragraph "explosive bullet" means  
15 the projectile portion of an ammunition cartridge which  
16 contains or carries an explosive charge which will explode  
17 upon contact with the flesh of a human or an animal.

18 "Cartridge" means a tubular metal case having a projectile  
19 affixed at the front thereof and a cap or primer at the rear  
20 end thereof, with the propellant contained in such tube  
21 between the projectile and the cap.

22 (a-5) A person prohibited from possessing a firearm under  
23 this Section may petition the Director of the Illinois State  
24 Police for a hearing and relief from the prohibition, unless  
25 the prohibition was based upon a forcible felony, stalking,  
26 aggravated stalking, domestic battery, any violation of the

1 Illinois Controlled Substances Act, the Methamphetamine  
2 Control and Community Protection Act, or the Cannabis Control  
3 Act that is classified as a Class 2 or greater felony, any  
4 felony violation of Article 24 of the Criminal Code of 1961 or  
5 the Criminal Code of 2012, or any adjudication as a delinquent  
6 minor for the commission of an offense that if committed by an  
7 adult would be a felony, in which case the person may petition  
8 the circuit court in writing in the county of his or her  
9 residence for a hearing and relief from the prohibition. The  
10 Director or court may grant the relief if it is established by  
11 the petitioner to the court's or Director's satisfaction that:

12 (1) when in the circuit court, the State's Attorney  
13 has been served with a written copy of the petition at  
14 least 30 days before any hearing in the circuit court and  
15 at the hearing the State's Attorney was afforded an  
16 opportunity to present evidence and object to the  
17 petition;

18 (2) the petitioner has not been convicted of a  
19 forcible felony under the laws of this State or any other  
20 jurisdiction within 20 years of the filing of the  
21 petition, or at least 20 years have passed since the end of  
22 any period of imprisonment imposed in relation to that  
23 conviction;

24 (3) the circumstances regarding a criminal conviction,  
25 where applicable, the petitioner's criminal history and  
26 his reputation are such that the petitioner will not be



1       likely to act in a manner dangerous to public safety;

2       (4) granting relief would not be contrary to the  
3       public interest; and

4       (5) granting relief would not be contrary to federal  
5       law.

6       (b) Sentence.

7       Unlawful possession of firearms, other than handguns, and  
8       firearm ammunition is a Class A misdemeanor. Unlawful  
9       possession of handguns is a Class 4 felony. The possession of  
10      each firearm or firearm ammunition in violation of this  
11      Section constitutes a single and separate violation.

12      (c) Nothing in paragraph (1) of subsection (a) of this  
13      Section prohibits a person under 18 years of age from  
14      participating in any lawful recreational activity with a  
15      firearm such as, but not limited to, practice shooting at  
16      targets upon established public or private target ranges or  
17      hunting, trapping, or fishing in accordance with the Wildlife  
18      Code or the Fish and Aquatic Life Code.

19      (Source: P.A. 99-143, eff. 7-27-15.)

20      (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

21      Sec. 24-3.2. Unlawful discharge of firearm projectiles.

22      (a) A person commits the offense of unlawful discharge of  
23      firearm projectiles when he or she knowingly or recklessly  
24      uses an armor piercing bullet, dragon's breath shotgun shell,  
25      bolo shell, or flechette shell in violation of this Section.

1 For purposes of this Section:

2 "Armor piercing bullet" means any handgun bullet or  
3 handgun ammunition with projectiles or projectile cores  
4 constructed entirely (excluding the presence of traces of  
5 other substances) from tungsten alloys, steel, iron, brass,  
6 bronze, beryllium copper or depleted uranium, or fully  
7 jacketed bullets larger than 22 caliber whose jacket has a  
8 weight of more than 25% of the total weight of the projectile,  
9 and excluding those handgun projectiles whose cores are  
10 composed of soft materials such as lead or lead alloys, zinc or  
11 zinc alloys, frangible projectiles designed primarily for  
12 sporting purposes, and any other projectiles or projectile  
13 cores that the U. S. Secretary of the Treasury finds to be  
14 primarily intended to be used for sporting purposes or  
15 industrial purposes or that otherwise does not constitute  
16 "armor piercing ammunition" as that term is defined by federal  
17 law.

18 "Dragon's breath shotgun shell" means any shotgun shell  
19 that contains exothermic pyrophoric mesh metal as the  
20 projectile and is designed for the purpose of throwing or  
21 spewing a flame or fireball to simulate a flame-thrower.

22 "Bolo shell" means any shell that can be fired in a firearm  
23 and expels as projectiles 2 or more metal balls connected by  
24 solid metal wire.

25 "Flechette shell" means any shell that can be fired in a  
26 firearm and expels 2 or more pieces of fin-stabilized solid

1 metal wire or 2 or more solid dart-type projectiles.

2 (b) A person commits a Class X felony when he or she,  
3 knowing that a firearm, ~~as defined in Section 1.1 of the~~  
4 ~~Firearm Owners Identification Card Act,~~ is loaded with an  
5 armor piercing bullet, dragon's breath shotgun shell, bolo  
6 shell, or flechette shell, intentionally or recklessly  
7 discharges such firearm and such bullet or shell strikes any  
8 other person.

9 (c) Any person who possesses, concealed on or about his or  
10 her person, an armor piercing bullet, dragon's breath shotgun  
11 shell, bolo shell, or flechette shell and a firearm suitable  
12 for the discharge thereof is guilty of a Class 2 felony.

13 (d) This Section does not apply to or affect any of the  
14 following:

15 (1) Peace officers;

16 (2) Wardens, superintendents and keepers of prisons,  
17 penitentiaries, jails and other institutions for the  
18 detention of persons accused or convicted of an offense;

19 (3) Members of the Armed Services or Reserve Forces of  
20 the United States or the Illinois National Guard while in  
21 the performance of their official duties;

22 (4) Federal officials required to carry firearms,  
23 while engaged in the performance of their official duties;

24 (5) United States Marshals, while engaged in the  
25 performance of their official duties.

26 (Source: P.A. 92-423, eff. 1-1-02.)

1 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

2 Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

3 (a) It shall be unlawful for any person who holds a license  
4 to sell at retail any alcoholic liquor issued by the Illinois  
5 Liquor Control Commission or local liquor control commissioner  
6 under the Liquor Control Act of 1934 or an agent or employee of  
7 the licensee to sell or deliver to any other person a firearm  
8 in or on the real property of the establishment where the  
9 licensee is licensed to sell alcoholic liquors unless the sale  
10 or delivery of the firearm is otherwise lawful under this  
11 Article ~~and under the Firearm Owners Identification Card Act.~~

12 (b) Sentence. A violation of subsection (a) of this  
13 Section is a Class 4 felony.

14 (Source: P.A. 87-591.)

15 (720 ILCS 5/24-3.5)

16 Sec. 24-3.5. Unlawful purchase of a firearm.

17 (a) For purposes of this Section, "firearms transaction  
18 record form" means a form:

19 (1) executed by a transferee of a firearm stating: (i)  
20 the transferee's name and address (including county or  
21 similar political subdivision); (ii) whether the  
22 transferee is a citizen of the United States; (iii) the  
23 transferee's State of residence; and (iv) the date and  
24 place of birth, height, weight, and race of the

1 transferee; and

2 (2) on which the transferee certifies that he or she  
3 is not prohibited by federal law from transporting or  
4 shipping a firearm in interstate or foreign commerce or  
5 receiving a firearm that has been shipped or transported  
6 in interstate or foreign commerce or possessing a firearm  
7 in or affecting commerce.

8 (b) A person commits the offense of unlawful purchase of a  
9 firearm who knowingly purchases or attempts to purchase a  
10 firearm with the intent to deliver that firearm to another  
11 person who is prohibited by federal or State law from  
12 possessing a firearm.

13 (c) A person commits the offense of unlawful purchase of a  
14 firearm when he or she, in purchasing or attempting to  
15 purchase a firearm, intentionally provides false or misleading  
16 information on a United States Department of the Treasury,  
17 Bureau of Alcohol, Tobacco and Firearms firearms transaction  
18 record form.

19 (d) Exemption. It is not a violation of subsection (b) of  
20 this Section for a person to make a gift or loan of a firearm  
21 to a person who is not prohibited by federal or State law from  
22 possessing a firearm ~~if the transfer of the firearm is made in~~  
23 ~~accordance with Section 3 of the Firearm Owners Identification~~  
24 ~~Card Act.~~

25 (e) Sentence.

26 (1) A person who commits the offense of unlawful

1 purchase of a firearm:

2 (A) is guilty of a Class 2 felony for purchasing or  
3 attempting to purchase one firearm;

4 (B) is guilty of a Class 1 felony for purchasing or  
5 attempting to purchase not less than 2 firearms and  
6 not more than 5 firearms at the same time or within a  
7 one year period;

8 (C) is guilty of a Class X felony for which the  
9 offender shall be sentenced to a term of imprisonment  
10 of not less than 9 years and not more than 40 years for  
11 purchasing or attempting to purchase not less than 6  
12 firearms at the same time or within a 2 year period.

13 (2) In addition to any other penalty that may be  
14 imposed for a violation of this Section, the court may  
15 sentence a person convicted of a violation of subsection  
16 (c) of this Section to a fine not to exceed \$250,000 for  
17 each violation.

18 (f) A prosecution for unlawful purchase of a firearm may  
19 be commenced within 6 years after the commission of the  
20 offense.

21 (Source: P.A. 95-882, eff. 1-1-09.)

22 (720 ILCS 5/24-3B)

23 Sec. 24-3B. Firearms trafficking.

24 (a) A person commits firearms trafficking when he or she  
25 is prohibited under federal or State law from possessing a

1 ~~firearm has not been issued a currently valid Firearm Owner's~~  
2 ~~Identification Card~~ and knowingly:

3 (1) brings, or causes to be brought, into this State,  
4 a firearm or firearm ammunition for the purpose of sale,  
5 delivery, or transfer to any other person or with the  
6 intent to sell, deliver, or transfer the firearm or  
7 firearm ammunition to any other person; or

8 (2) brings, or causes to be brought, into this State,  
9 a firearm and firearm ammunition for the purpose of sale,  
10 delivery, or transfer to any other person or with the  
11 intent to sell, deliver, or transfer the firearm and  
12 firearm ammunition to any other person.

13 (a-5) (Blank). ~~This Section does not apply to:~~

14 ~~(1) a person exempt under Section 2 of the Firearm~~  
15 ~~Owners Identification Card Act from the requirement of~~  
16 ~~having possession of a Firearm Owner's Identification Card~~  
17 ~~previously issued in his or her name by the Illinois State~~  
18 ~~Police in order to acquire or possess a firearm or firearm~~  
19 ~~ammunition;~~

20 ~~(2) a common carrier under subsection (i) of Section~~  
21 ~~24-2 of this Code; or~~

22 ~~(3) a non-resident who may lawfully possess a firearm~~  
23 ~~in his or her resident state.~~

24 (b) Sentence.

25 (1) Firearms trafficking is a Class 1 felony for which  
26 the person, if sentenced to a term of imprisonment, shall

1           be sentenced to not less than 4 years and not more than 20  
2           years.

3           (2) Firearms trafficking by a person who has been  
4           previously convicted of firearms trafficking, gunrunning,  
5           or a felony offense for the unlawful sale, delivery, or  
6           transfer of a firearm or firearm ammunition in this State  
7           or another jurisdiction is a Class X felony.

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

9           (720 ILCS 5/24-4.1)

10          Sec. 24-4.1. Report of lost or stolen firearms.

11          (a) If a person ~~who possesses a valid Firearm Owner's~~  
12 ~~Identification Card and~~ who possesses or acquires a firearm  
13 thereafter loses the firearm, or if the firearm is stolen from  
14 the person, the person must report the loss or theft to the  
15 local law enforcement agency within 72 hours after obtaining  
16 knowledge of the loss or theft.

17          (b) A law enforcement agency having jurisdiction shall  
18 take a written report and shall, as soon as practical, enter  
19 the firearm's serial number as stolen into the Law Enforcement  
20 Agencies Data System (LEADS).

21          (c) A person shall not be in violation of this Section if:

22               (1) the failure to report is due to an act of God, act  
23 of war, or inability of a law enforcement agency to  
24 receive the report;

25               (2) the person is hospitalized, in a coma, or is



1 otherwise seriously physically or mentally impaired as to  
2 prevent the person from reporting; or

3 (3) the person's designee makes a report if the person  
4 is unable to make the report.

5 (d) Sentence. A person who violates this Section is guilty  
6 of a petty offense for a first violation. A second or  
7 subsequent violation of this Section is a Class A misdemeanor.

8 (Source: P.A. 98-508, eff. 8-19-13.)

9 (720 ILCS 5/24-4.5 new)

10 Sec. 24-4.5. Dial up system.

11 (a) The Illinois State Police shall provide a dial up  
12 telephone system or utilize other existing technology which  
13 shall be used by any federally licensed firearm dealer, gun  
14 show promoter, or gun show vendor who is to transfer a firearm,  
15 stun gun, or taser under the provisions of this Code. The  
16 Illinois State Police may utilize existing technology which  
17 allows the caller to be charged a fee not to exceed \$2. Fees  
18 collected by the Illinois State Police shall be deposited in  
19 the State Police Services Fund and used to provide the  
20 service.

21 (b) Upon receiving a request from a federally licensed  
22 firearm dealer, gun show promoter, or gun show vendor, the  
23 Illinois State Police shall immediately approve, or within the  
24 time period established by Section 24-3 of this Code regarding  
25 the delivery of firearms, stun guns, and tasers notify the

1 inquiring dealer, gun show promoter, or gun show vendor of any  
2 objection that would disqualify the transferee from acquiring  
3 or possessing a firearm, stun gun, or taser. In conducting the  
4 inquiry, the Illinois State Police shall initiate and complete  
5 an automated search of its criminal history record information  
6 files and those of the Federal Bureau of Investigation,  
7 including the National Instant Criminal Background Check  
8 System, and of the files of the Department of Human Services  
9 relating to mental health and developmental disabilities to  
10 obtain any felony conviction or patient hospitalization  
11 information which would disqualify a person from obtaining a  
12 firearm.

13 (c) If receipt of a firearm would not violate Section 24-3  
14 of this Code or federal law, the Illinois State Police shall:

15 (1) assign a unique identification number to the  
16 transfer; and

17 (2) provide the licensee, gun show promoter, or gun  
18 show vendor with the number.

19 (d) Approvals issued by the Illinois State Police for the  
20 purchase of a firearm are valid for 30 days from the date of  
21 issue.

22 (e) (1) The Illinois State Police must act as the Illinois  
23 Point of Contact for the National Instant Criminal Background  
24 Check System.

25 (2) The Illinois State Police and the Department of Human  
26 Services shall, in accordance with State and federal law

1 regarding confidentiality, enter into a memorandum of  
2 understanding with the Federal Bureau of Investigation for the  
3 purpose of implementing the National Instant Criminal  
4 Background Check System in the State. The Department of State  
5 Police shall report the name, date of birth, and physical  
6 description of any person prohibited from possessing a firearm  
7 under this Code or 18 U.S.C. 922(g) and (n) to the National  
8 Instant Criminal Background Check System Index, Denied Persons  
9 Files.

10 (f) The Illinois State Police shall adopt rules not  
11 inconsistent with this Section to implement this system.

12 (720 ILCS 5/24-5.1)

13 Sec. 24-5.1. Serialization of unfinished frames or  
14 receivers; prohibition on unserialized firearms; exceptions;  
15 penalties.

16 (a) In this Section:

17 "Bona fide supplier" means an established business entity  
18 engaged in the development and sale of firearms parts to one or  
19 more federal firearms manufacturers or federal firearms  
20 importers.

21 "Federal firearms dealer" means a licensed manufacturer  
22 pursuant to 18 U.S.C. 921(a)(11).

23 "Federal firearms importer" means a licensed importer  
24 pursuant to 18 U.S.C. 921(a)(9).

25 "Federal firearms manufacturer" means a licensed

1 manufacturer pursuant to 18 U.S.C. 921(a)(10).

2 "Frame or receiver" means a part of a firearm that, when  
3 the complete weapon is assembled, is visible from the exterior  
4 and provides housing or a structure designed to hold or  
5 integrate one or more fire control components, even if pins or  
6 other attachments are required to connect those components to  
7 the housing or structure. For models of firearms in which  
8 multiple parts provide such housing or structure, the part or  
9 parts that the Director of the federal Bureau of Alcohol,  
10 Tobacco, Firearms and Explosives has determined are a frame or  
11 receiver constitute the frame or receiver. For purposes of  
12 this definition, "fire control component" means a component  
13 necessary for the firearm to initiate, complete, or continue  
14 the firing sequence, including any of the following: hammer,  
15 bolt, bolt carrier, breechblock, cylinder, trigger mechanism,  
16 firing pin, striker, or slide rails.

17 "Security exemplar" means an object to be fabricated at  
18 the direction of the United States Attorney General that is  
19 (1) constructed of 3.7 ounces of material type 17-4 PH  
20 stainless steel in a shape resembling a handgun and (2)  
21 suitable for testing and calibrating metal detectors.

22 "Three-dimensional printer" means a computer or  
23 computer-drive machine capable of producing a  
24 three-dimensional object from a digital model.

25 "Undetectable firearm" means (1) a firearm constructed  
26 entirely of non-metal substances; (2) a firearm that, after

1 removal of all parts but the major components of the firearm,  
2 is not detectable by walk-through metal detectors calibrated  
3 and operated to detect the security exemplar; or (3) a firearm  
4 that includes a major component of a firearm, which, if  
5 subject to the types of detection devices commonly used at  
6 airports for security screening, would not generate an image  
7 that accurately depicts the shape of the component.  
8 "Undetectable firearm" does not include a firearm subject to  
9 the provisions of 18 U.S.C. 922(p) (3) through (6).

10 "Unfinished frame or receiver" means any forging, casting,  
11 printing, extrusion, machined body, or similar article that:

12 (1) has reached a stage in manufacture where it may  
13 readily be completed, assembled, or converted to be a  
14 functional firearm; or

15 (2) is marketed or sold to the public to become or be  
16 used as the frame or receiver of a functional firearm once  
17 completed, assembled, or converted.

18 "Unserialized" means lacking a serial number imprinted by:

19 (1) a federal firearms manufacturer, federal firearms  
20 importer, federal firearms dealer, or other federal  
21 licensee authorized to provide marking services, pursuant  
22 to a requirement under federal law; or

23 (2) a federal firearms dealer or other federal  
24 licensee authorized to provide marking services pursuant  
25 to subsection (f) of this Section.

26 (b) It is unlawful for any person to knowingly sell, offer

1 to sell, or transfer an unserialized unfinished frame or  
2 receiver or unserialized firearm, including those produced  
3 using a three-dimensional printer, unless the party purchasing  
4 or receiving the unfinished frame or receiver or unserialized  
5 firearm is a federal firearms importer, federal firearms  
6 manufacturer, or federal firearms dealer.

7 (c) Beginning 180 days after the effective date of this  
8 amendatory Act of the 102nd General Assembly, it is unlawful  
9 for any person to knowingly possess, transport, or receive an  
10 unfinished frame or receiver, unless:

11 (1) the party possessing or receiving the unfinished  
12 frame or receiver is a federal firearms importer or  
13 federal firearms manufacturer;

14 (2) the unfinished frame or receiver is possessed or  
15 transported by a person for transfer to a federal firearms  
16 importer or federal firearms manufacturer; or

17 (3) the unfinished frame or receiver has been  
18 imprinted with a serial number issued by a federal  
19 firearms importer or federal firearms manufacturer in  
20 compliance with subsection (f) of this Section.

21 (d) Beginning 180 days after the effective date of this  
22 amendatory Act of the 102nd General Assembly, unless the party  
23 receiving the firearm is a federal firearms importer or  
24 federal firearms manufacturer, it is unlawful for any person  
25 to knowingly possess, purchase, transport, or receive a  
26 firearm that is not imprinted with a serial number by (1) a

1 federal firearms importer or federal firearms manufacturer in  
2 compliance with all federal laws and regulations regulating  
3 the manufacture and import of firearms or (2) a federal  
4 firearms manufacturer, federal firearms dealer, or other  
5 federal licensee authorized to provide marking services in  
6 compliance with the unserialized firearm serialization process  
7 under subsection (f) of this Section.

8 (e) Any firearm or unfinished frame or receiver  
9 manufactured using a three-dimensional printer must also be  
10 serialized in accordance with the requirements of subsection  
11 (f) within 30 days after the effective date of this amendatory  
12 Act of the 102nd General Assembly, or prior to reaching a stage  
13 of manufacture where it may be readily completed, assembled,  
14 or converted to be a functional firearm.

15 (f) Unserialized unfinished frames or receivers and  
16 unserialized firearms serialized pursuant to this Section  
17 shall be serialized in compliance with all of the following:

18 (1) An unserialized unfinished frame or receiver and  
19 unserialized firearm shall be serialized by a federally  
20 licensed firearms dealer or other federal licensee  
21 authorized to provide marking services with the licensee's  
22 abbreviated federal firearms license number as a prefix  
23 (which is the first 3 and last 5 digits) followed by a  
24 hyphen, and then followed by a number as a suffix, such as  
25 12345678-(number). The serial number or numbers must be  
26 placed in a manner that accords with the requirements

1 under federal law for affixing serial numbers to firearms,  
2 including the requirements that the serial number or  
3 numbers be at the minimum size and depth, and not  
4 susceptible to being readily obliterated, altered, or  
5 removed, and the licensee must retain records that accord  
6 with the requirements under federal law in the case of the  
7 sale of a firearm. The imprinting of any serial number  
8 upon a undetectable firearm must be done on a steel plaque  
9 in compliance with 18 U.S.C. 922(p).

10 (2) Every federally licensed firearms dealer or other  
11 federal licensee that engraves, casts, stamps, or  
12 otherwise conspicuously and permanently places a unique  
13 serial number pursuant to this Section shall maintain a  
14 record of such indefinitely. Licensees subject to the  
15 Firearm Dealer License Certification Act shall make all  
16 records accessible for inspection upon the request of the  
17 Illinois State Police or a law enforcement agency in  
18 accordance with Section 5-35 of the Firearm Dealer License  
19 Certification Act.

20 (3) Every federally licensed firearms dealer or other  
21 federal licensee that engraves, casts, stamps, or  
22 otherwise conspicuously and permanently places a unique  
23 serial number pursuant to this Section shall record it at  
24 the time of every transaction involving the transfer of a  
25 firearm, rifle, shotgun, finished frame or receiver, or  
26 unfinished frame or receiver that has been so marked in



1 compliance with the federal guidelines set forth in 27 CFR  
2 478.124.

3 (4) (Blank). ~~Every federally licensed firearms dealer~~  
4 ~~or other federal licensee that engraves, casts, stamps, or~~  
5 ~~otherwise conspicuously and permanently places a unique~~  
6 ~~serial number pursuant to this Section shall review and~~  
7 ~~confirm the validity of the owner's Firearm Owner's~~  
8 ~~Identification Card issued under the Firearm Owners~~  
9 ~~Identification Card Act prior to returning the firearm to~~  
10 ~~the owner.~~

11 (g) Within 30 days after the effective date of this  
12 amendatory Act of the 102nd General Assembly, the Director of  
13 the Illinois State Police shall issue a public notice  
14 regarding the provisions of this Section. The notice shall  
15 include posting on the Illinois State Police website and may  
16 include written notification or any other means of  
17 communication statewide to all Illinois-based federal firearms  
18 manufacturers, federal firearms dealers, or other federal  
19 licensees authorized to provide marking services in compliance  
20 with the serialization process in subsection (f) in order to  
21 educate the public.

22 (h) Exceptions. This Section does not apply to an  
23 unserialized unfinished frame or receiver or an unserialized  
24 firearm that:

25 (1) has been rendered permanently inoperable;

26 (2) is an antique firearm, as defined in 18 U.S.C.

1 921(a)(16);

2 (3) was manufactured prior to October 22, 1968;

3 (4) is an unfinished frame or receiver and is  
4 possessed by a bona fide supplier exclusively for transfer  
5 to a federal firearms manufacturer or federal firearms  
6 importer, or is possessed by a federal firearms  
7 manufacturer or federal firearms importer in compliance  
8 with all federal laws and regulations regulating the  
9 manufacture and import of firearms; except this exemption  
10 does not apply if an unfinished frame or receiver is  
11 possessed for transfer or is transferred to a person other  
12 than a federal firearms manufacturer or federal firearms  
13 importer; or

14 (5) is possessed by a person who received the  
15 unserialized unfinished frame or receiver or unserialized  
16 firearm through inheritance, and is not otherwise  
17 prohibited from possessing the unserialized unfinished  
18 frame or receiver or unserialized firearm, for a period  
19 not exceeding 30 days after inheriting the unserialized  
20 unfinished frame or receiver or unserialized firearm.

21 (i) Penalties.

22 (1) A person who violates subsection (c) or (d) is  
23 guilty of a Class A misdemeanor for a first violation and  
24 is guilty of a Class 3 felony for a second or subsequent  
25 violation.

26 (2) A person who violates subsection (b) is guilty of

1 a Class 4 felony for a first violation and is guilty of a  
2 Class 2 felony for a second or subsequent violation.

3 (Source: P.A. 102-889, eff. 5-18-22.)

4 (720 ILCS 5/24-9)

5 Sec. 24-9. Firearms; Child Protection.

6 (a) Except as provided in subsection (c), it is unlawful  
7 for any person to store or leave, within premises under his or  
8 her control, a firearm if the person knows or has reason to  
9 believe that a minor under the age of 14 years ~~who does not~~  
10 ~~have a Firearm Owners Identification Card~~ is likely to gain  
11 access to the firearm without the lawful permission of the  
12 person possessing the firearm, minor's parent, guardian, or  
13 person having charge of the minor, and the minor causes death  
14 or great bodily harm with the firearm, unless the firearm is:

15 (1) secured by a device or mechanism, other than the  
16 firearm safety, designed to render a firearm temporarily  
17 inoperable; or

18 (2) placed in a securely locked box or container; or

19 (3) placed in some other location that a reasonable  
20 person would believe to be secure from a minor under the  
21 age of 14 years.

22 (b) Sentence. A person who violates this Section is guilty  
23 of a Class C misdemeanor and shall be fined not less than  
24 \$1,000. A second or subsequent violation of this Section is a  
25 Class A misdemeanor.

1 (c) Subsection (a) does not apply:

2 (1) if the minor under 14 years of age gains access to  
3 a firearm and uses it in a lawful act of self-defense or  
4 defense of another; or

5 (2) to any firearm obtained by a minor under the age of  
6 14 because of an unlawful entry of the premises by the  
7 minor or another person.

8 (d) (Blank). ~~For the purposes of this Section, "firearm"~~  
9 ~~has the meaning ascribed to it in Section 1.1 of the Firearm~~  
10 ~~Owners Identification Card Act.~~

11 (Source: P.A. 91-18, eff. 1-1-00.)

12 Section 80. The Methamphetamine Control and Community  
13 Protection Act is amended by changing Section 10 as follows:

14 (720 ILCS 646/10)

15 Sec. 10. Definitions. As used in this Act:

16 "Anhydrous ammonia" has the meaning provided in subsection  
17 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

18 "Anhydrous ammonia equipment" means all items used to  
19 store, hold, contain, handle, transfer, transport, or apply  
20 anhydrous ammonia for lawful purposes.

21 "Booby trap" means any device designed to cause physical  
22 injury when triggered by an act of a person approaching,  
23 entering, or moving through a structure, a vehicle, or any  
24 location where methamphetamine has been manufactured, is being

1 manufactured, or is intended to be manufactured.

2 "Deliver" or "delivery" has the meaning provided in  
3 subsection (h) of Section 102 of the Illinois Controlled  
4 Substances Act.

5 "Director" means the Director of the Illinois State Police  
6 or the Director's designated agents.

7 "Dispose" or "disposal" means to abandon, discharge,  
8 release, deposit, inject, dump, spill, leak, or place  
9 methamphetamine waste onto or into any land, water, or well of  
10 any type so that the waste has the potential to enter the  
11 environment, be emitted into the air, or be discharged into  
12 the soil or any waters, including groundwater.

13 "Emergency response" means the act of collecting evidence  
14 from or securing a methamphetamine laboratory site,  
15 methamphetamine waste site or other methamphetamine-related  
16 site and cleaning up the site, whether these actions are  
17 performed by public entities or private contractors paid by  
18 public entities.

19 "Emergency service provider" means a local, State, or  
20 federal peace officer, firefighter, emergency medical  
21 technician-ambulance, emergency medical  
22 technician-intermediate, emergency medical  
23 technician-paramedic, ambulance driver, or other medical or  
24 first aid personnel rendering aid, or any agent or designee of  
25 the foregoing.

26 "Finished methamphetamine" means methamphetamine in a form

1 commonly used for personal consumption.

2 "Firearm" has the meaning provided in Section 2-7.5 of the  
3 Criminal Code of 2012 ~~1.1 of the Firearm Owners Identification~~  
4 ~~Card Act.~~

5 "Manufacture" means to produce, prepare, compound,  
6 convert, process, synthesize, concentrate, purify, separate,  
7 extract, or package any methamphetamine, methamphetamine  
8 precursor, methamphetamine manufacturing catalyst,  
9 methamphetamine manufacturing reagent, methamphetamine  
10 manufacturing solvent, or any substance containing any of the  
11 foregoing.

12 "Methamphetamine" means the chemical methamphetamine (a  
13 Schedule II controlled substance under the Illinois Controlled  
14 Substances Act) or any salt, optical isomer, salt of optical  
15 isomer, or analog thereof, with the exception of  
16 3,4-Methylenedioxymethamphetamine (MDMA) or any other  
17 scheduled substance with a separate listing under the Illinois  
18 Controlled Substances Act.

19 "Methamphetamine manufacturing catalyst" means any  
20 substance that has been used, is being used, or is intended to  
21 be used to activate, accelerate, extend, or improve a chemical  
22 reaction involved in the manufacture of methamphetamine.

23 "Methamphetamine manufacturing environment" means a  
24 structure or vehicle in which:

- 25 (1) methamphetamine is being or has been manufactured;  
26 (2) chemicals that are being used, have been used, or

1 are intended to be used to manufacture methamphetamine are  
2 stored;

3 (3) methamphetamine manufacturing materials that have  
4 been used to manufacture methamphetamine are stored; or

5 (4) methamphetamine manufacturing waste is stored.

6 "Methamphetamine manufacturing material" means any  
7 methamphetamine precursor, substance containing any  
8 methamphetamine precursor, methamphetamine manufacturing  
9 catalyst, substance containing any methamphetamine  
10 manufacturing catalyst, methamphetamine manufacturing  
11 reagent, substance containing any methamphetamine  
12 manufacturing reagent, methamphetamine manufacturing solvent,  
13 substance containing any methamphetamine manufacturing  
14 solvent, or any other chemical, substance, ingredient,  
15 equipment, apparatus, or item that is being used, has been  
16 used, or is intended to be used in the manufacture of  
17 methamphetamine.

18 "Methamphetamine manufacturing reagent" means any  
19 substance other than a methamphetamine manufacturing catalyst  
20 that has been used, is being used, or is intended to be used to  
21 react with and chemically alter any methamphetamine precursor.

22 "Methamphetamine manufacturing solvent" means any  
23 substance that has been used, is being used, or is intended to  
24 be used as a medium in which any methamphetamine precursor,  
25 methamphetamine manufacturing catalyst, methamphetamine  
26 manufacturing reagent, or any substance containing any of the

1     foregoing is dissolved, diluted, or washed during any part of  
2     the methamphetamine manufacturing process.

3             "Methamphetamine manufacturing waste" means any chemical,  
4     substance, ingredient, equipment, apparatus, or item that is  
5     left over from, results from, or is produced by the process of  
6     manufacturing methamphetamine, other than finished  
7     methamphetamine.

8             "Methamphetamine precursor" means ephedrine,  
9     pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,  
10    phenylacetone, phenyl-2-propanone, P2P, or any salt, optical  
11    isomer, or salt of an optical isomer of any of these chemicals.

12            "Multi-unit dwelling" means a unified structure used or  
13    intended for use as a habitation, home, or residence that  
14    contains 2 or more condominiums, apartments, hotel rooms,  
15    motel rooms, or other living units.

16            "Package" means an item marked for retail sale that is not  
17    designed to be further broken down or subdivided for the  
18    purpose of retail sale.

19            "Participate" or "participation" in the manufacture of  
20    methamphetamine means to produce, prepare, compound, convert,  
21    process, synthesize, concentrate, purify, separate, extract,  
22    or package any methamphetamine, methamphetamine precursor,  
23    methamphetamine manufacturing catalyst, methamphetamine  
24    manufacturing reagent, methamphetamine manufacturing solvent,  
25    or any substance containing any of the foregoing, or to assist  
26    in any of these actions, or to attempt to take any of these



1 actions, regardless of whether this action or these actions  
2 result in the production of finished methamphetamine.

3 "Person with a disability" means a person who suffers from  
4 a permanent physical or mental impairment resulting from  
5 disease, injury, functional disorder, or congenital condition  
6 which renders the person incapable of adequately providing for  
7 his or her own health and personal care.

8 "Procure" means to purchase, steal, gather, or otherwise  
9 obtain, by legal or illegal means, or to cause another to take  
10 such action.

11 "Second or subsequent offense" means an offense under this  
12 Act committed by an offender who previously committed an  
13 offense under this Act, the Illinois Controlled Substances  
14 Act, the Cannabis Control Act, or another Act of this State,  
15 another state, or the United States relating to  
16 methamphetamine, cannabis, or any other controlled substance.

17 "Standard dosage form", as used in relation to any  
18 methamphetamine precursor, means that the methamphetamine  
19 precursor is contained in a pill, tablet, capsule, caplet, gel  
20 cap, or liquid cap that has been manufactured by a lawful  
21 entity and contains a standard quantity of methamphetamine  
22 precursor.

23 "Unauthorized container", as used in relation to anhydrous  
24 ammonia, means any container that is not designed for the  
25 specific and sole purpose of holding, storing, transporting,  
26 or applying anhydrous ammonia. "Unauthorized container"

1 includes, but is not limited to, any propane tank, fire  
2 extinguisher, oxygen cylinder, gasoline can, food or beverage  
3 cooler, or compressed gas cylinder used in dispensing fountain  
4 drinks. "Unauthorized container" does not encompass anhydrous  
5 ammonia manufacturing plants, refrigeration systems where  
6 anhydrous ammonia is used solely as a refrigerant, anhydrous  
7 ammonia transportation pipelines, anhydrous ammonia tankers,  
8 or anhydrous ammonia barges.

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

10 Section 85. The Code of Criminal Procedure of 1963 is  
11 amended by changing Sections 102-7.1, 110-10, 112A-11.1,  
12 112A-11.2, 112A-14, and 112A-14.7 as follows:

13 (725 ILCS 5/102-7.1)

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

15 Sec. 102-7.1. "Category A offense". "Category A offense"  
16 means a Class 1 felony, Class 2 felony, Class X felony, first  
17 degree murder, a violation of Section 11-204 of the Illinois  
18 Vehicle Code, a second or subsequent violation of Section  
19 11-501 of the Illinois Vehicle Code, a violation of subsection  
20 (d) of Section 11-501 of the Illinois Vehicle Code, a  
21 violation of Section 11-401 of the Illinois Vehicle Code if  
22 the accident results in injury and the person failed to report  
23 the accident within 30 minutes, a violation of Section 9-3,  
24 9-3.4, 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5,

1 11-25, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5,  
2 12-6, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5,  
3 24-3, 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a  
4 second or subsequent violation of 12-3.2 or 12-3.4 of the  
5 Criminal Code of 2012, a violation of paragraph (5) or (6) of  
6 subsection (b) of Section 10-9 of the Criminal Code of 2012, a  
7 violation of subsection (b) or (c) or paragraph (1) or (2) of  
8 subsection (a) of Section 11-1.50 of the Criminal Code of  
9 2012, a violation of Section 12-7 of the Criminal Code of 2012  
10 if the defendant inflicts bodily harm on the victim to obtain a  
11 confession, statement, or information, a violation of Section  
12 12-7.5 of the Criminal Code of 2012 if the action results in  
13 bodily harm, a violation of paragraph (3) of subsection (b) of  
14 Section 17-2 of the Criminal Code of 2012, a violation of  
15 subdivision (a)(7)(ii) of Section 24-1 of the Criminal Code of  
16 2012, a violation of paragraph (6) of subsection (a) of  
17 Section 24-1 of the Criminal Code of 2012, a first violation of  
18 Section 24-1.6 of the Criminal Code of 2012 by a person 18  
19 years of age or older where the factors listed in both items  
20 (A) and (C) or both items (A-5) and (C) of paragraph (3) of  
21 subsection (a) of Section 24-1.6 of the Criminal Code of 2012  
22 are present, a Class 3 felony violation of paragraph (1) of  
23 subsection (a) of Section 2 of the Firearm Owners  
24 Identification Card Act committed before the effective date of  
25 this amendatory Act of the 103rd General Assembly, or a  
26 violation of Section 10 of the Sex Offender Registration Act.

1 (Source: P.A. 100-1, eff. 1-1-18; 100-929, eff. 1-1-19.)

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

3 Sec. 102-7.1. "Category A offense". "Category A offense"  
4 means a Class 1 felony, Class 2 felony, Class X felony, first  
5 degree murder, a violation of Section 11-204 of the Illinois  
6 Vehicle Code, a second or subsequent violation of Section  
7 11-501 of the Illinois Vehicle Code, a violation of subsection  
8 (d) of Section 11-501 of the Illinois Vehicle Code, a  
9 violation of Section 11-401 of the Illinois Vehicle Code if  
10 the crash results in injury and the person failed to report the  
11 crash within 30 minutes, a violation of Section 9-3, 9-3.4,  
12 10-3, 10-3.1, 10-5, 11-6, 11-9.2, 11-20.1, 11-23.5, 11-25,  
13 12-2, 12-3, 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-5, 12-6,  
14 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12C-5, 24-1.1, 24-1.5, 24-3,  
15 25-1, 26.5-2, or 48-1 of the Criminal Code of 2012, a second or  
16 subsequent violation of 12-3.2 or 12-3.4 of the Criminal Code  
17 of 2012, a violation of paragraph (5) or (6) of subsection (b)  
18 of Section 10-9 of the Criminal Code of 2012, a violation of  
19 subsection (b) or (c) or paragraph (1) or (2) of subsection (a)  
20 of Section 11-1.50 of the Criminal Code of 2012, a violation of  
21 Section 12-7 of the Criminal Code of 2012 if the defendant  
22 inflicts bodily harm on the victim to obtain a confession,  
23 statement, or information, a violation of Section 12-7.5 of  
24 the Criminal Code of 2012 if the action results in bodily harm,  
25 a violation of paragraph (3) of subsection (b) of Section 17-2

1 of the Criminal Code of 2012, a violation of subdivision  
2 (a)(7)(ii) of Section 24-1 of the Criminal Code of 2012, a  
3 violation of paragraph (6) of subsection (a) of Section 24-1  
4 of the Criminal Code of 2012, a first violation of Section  
5 24-1.6 of the Criminal Code of 2012 by a person 18 years of age  
6 or older where the factors listed in both items (A) and (C) or  
7 both items (A-5) and (C) of paragraph (3) of subsection (a) of  
8 Section 24-1.6 of the Criminal Code of 2012 are present, a  
9 Class 3 felony violation of paragraph (1) of subsection (a) of  
10 Section 2 of the Firearm Owners Identification Card Act  
11 committed before the effective date of this amendatory Act of  
12 the 103rd General Assembly, or a violation of Section 10 of the  
13 Sex Offender Registration Act.

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

15 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

16 Sec. 110-10. Conditions of pretrial release.

17 (a) If a person is released prior to conviction, the  
18 conditions of pretrial release shall be that he or she will:

19 (1) Appear to answer the charge in the court having  
20 jurisdiction on a day certain and thereafter as ordered by  
21 the court until discharged or final order of the court;

22 (2) Submit himself or herself to the orders and  
23 process of the court;

24 (3) (Blank);

25 (4) Not violate any criminal statute of any

1 jurisdiction;

2 (5) At a time and place designated by the court,  
3 surrender all firearms in his or her possession to a law  
4 enforcement officer designated by the court to take  
5 custody of and impound the firearms ~~and physically~~  
6 ~~surrender his or her Firearm Owner's Identification Card~~  
7 to the clerk of the circuit court when the offense the  
8 person has been charged with is a forcible felony,  
9 stalking, aggravated stalking, domestic battery, any  
10 violation of the Illinois Controlled Substances Act, the  
11 Methamphetamine Control and Community Protection Act, or  
12 the Cannabis Control Act that is classified as a Class 2 or  
13 greater felony, or any felony violation of Article 24 of  
14 the Criminal Code of 1961 or the Criminal Code of 2012; the  
15 court may, however, forgo the imposition of this condition  
16 when the circumstances of the case clearly do not warrant  
17 it or when its imposition would be impractical; ~~if the~~  
18 ~~Firearm Owner's Identification Card is confiscated, the~~  
19 ~~clerk of the circuit court shall mail the confiscated card~~  
20 ~~to the Illinois State Police;~~ all legally possessed  
21 firearms shall be returned to the person upon the charges  
22 being dismissed, or if the person is found not guilty,  
23 unless the finding of not guilty is by reason of insanity;  
24 and

25 (6) At a time and place designated by the court,  
26 submit to a psychological evaluation when the person has

1           been charged with a violation of item (4) of subsection  
2           (a) of Section 24-1 of the Criminal Code of 1961 or the  
3           Criminal Code of 2012 and that violation occurred in a  
4           school or in any conveyance owned, leased, or contracted  
5           by a school to transport students to or from school or a  
6           school-related activity, or on any public way within 1,000  
7           feet of real property comprising any school.

8           Psychological evaluations ordered pursuant to this Section  
9           shall be completed promptly and made available to the State,  
10          the defendant, and the court. As a further condition of  
11          pretrial release under these circumstances, the court shall  
12          order the defendant to refrain from entering upon the property  
13          of the school, including any conveyance owned, leased, or  
14          contracted by a school to transport students to or from school  
15          or a school-related activity, or on any public way within  
16          1,000 feet of real property comprising any school. Upon  
17          receipt of the psychological evaluation, either the State or  
18          the defendant may request a change in the conditions of  
19          pretrial release, pursuant to Section 110-6 of this Code. The  
20          court may change the conditions of pretrial release to include  
21          a requirement that the defendant follow the recommendations of  
22          the psychological evaluation, including undergoing psychiatric  
23          treatment. The conclusions of the psychological evaluation and  
24          any statements elicited from the defendant during its  
25          administration are not admissible as evidence of guilt during  
26          the course of any trial on the charged offense, unless the

1 defendant places his or her mental competency in issue.

2 (b) Additional conditions of release shall be set only  
3 when it is determined that they are necessary to ensure the  
4 defendant's appearance in court, ensure the defendant does not  
5 commit any criminal offense, ensure the defendant complies  
6 with all conditions of pretrial release, prevent the  
7 defendant's unlawful interference with the orderly  
8 administration of justice, or ensure compliance with the rules  
9 and procedures of problem solving courts. However, conditions  
10 shall include the least restrictive means and be  
11 individualized. Conditions shall not mandate rehabilitative  
12 services unless directly tied to the risk of pretrial  
13 misconduct. Conditions of supervision shall not include  
14 punitive measures such as community service work or  
15 restitution. Conditions may include the following:

16 (0.05) Not depart this State without leave of the  
17 court;

18 (1) Report to or appear in person before such person  
19 or agency as the court may direct;

20 (2) Refrain from possessing a firearm or other  
21 dangerous weapon;

22 (3) Refrain from approaching or communicating with  
23 particular persons or classes of persons;

24 (4) Refrain from going to certain described geographic  
25 areas or premises;

26 (5) Be placed under direct supervision of the Pretrial



1 Services Agency, Probation Department or Court Services  
2 Department in a pretrial home supervision capacity with or  
3 without the use of an approved electronic monitoring  
4 device subject to Article 8A of Chapter V of the Unified  
5 Code of Corrections;

6 (6) For persons charged with violating Section 11-501  
7 of the Illinois Vehicle Code, refrain from operating a  
8 motor vehicle not equipped with an ignition interlock  
9 device, as defined in Section 1-129.1 of the Illinois  
10 Vehicle Code, pursuant to the rules promulgated by the  
11 Secretary of State for the installation of ignition  
12 interlock devices. Under this condition the court may  
13 allow a defendant who is not self-employed to operate a  
14 vehicle owned by the defendant's employer that is not  
15 equipped with an ignition interlock device in the course  
16 and scope of the defendant's employment;

17 (7) Comply with the terms and conditions of an order  
18 of protection issued by the court under the Illinois  
19 Domestic Violence Act of 1986 or an order of protection  
20 issued by the court of another state, tribe, or United  
21 States territory;

22 (8) Sign a written admonishment requiring that he or  
23 she comply with the provisions of Section 110-12 regarding  
24 any change in his or her address. The defendant's address  
25 shall at all times remain a matter of record with the clerk  
26 of the court; and

1           (9) Such other reasonable conditions as the court may  
2           impose, so long as these conditions are the least  
3           restrictive means to achieve the goals listed in  
4           subsection (b), are individualized, and are in accordance  
5           with national best practices as detailed in the Pretrial  
6           Supervision Standards of the Supreme Court.

7           The defendant shall receive verbal and written  
8           notification of conditions of pretrial release and future  
9           court dates, including the date, time, and location of court.

10          (c) When a person is charged with an offense under Section  
11          11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
12          12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
13          Criminal Code of 2012, involving a victim who is a minor under  
14          18 years of age living in the same household with the defendant  
15          at the time of the offense, in releasing the defendant, the  
16          judge shall impose conditions to restrict the defendant's  
17          access to the victim which may include, but are not limited to  
18          conditions that he will:

19                 1. Vacate the household.

20                 2. Make payment of temporary support to his  
21                 dependents.

22                 3. Refrain from contact or communication with the  
23                 child victim, except as ordered by the court.

24          (d) When a person is charged with a criminal offense and  
25          the victim is a family or household member as defined in  
26          Article 112A, conditions shall be imposed at the time of the

1 defendant's release that restrict the defendant's access to  
2 the victim. Unless provided otherwise by the court, the  
3 restrictions shall include requirements that the defendant do  
4 the following:

5 (1) refrain from contact or communication with the  
6 victim for a minimum period of 72 hours following the  
7 defendant's release; and

8 (2) refrain from entering or remaining at the victim's  
9 residence for a minimum period of 72 hours following the  
10 defendant's release.

11 (e) Local law enforcement agencies shall develop  
12 standardized pretrial release forms for use in cases involving  
13 family or household members as defined in Article 112A,  
14 including specific conditions of pretrial release as provided  
15 in subsection (d). Failure of any law enforcement department  
16 to develop or use those forms shall in no way limit the  
17 applicability and enforcement of subsections (d) and (f).

18 (f) If the defendant is released after conviction  
19 following appeal or other post-conviction proceeding, the  
20 conditions of the pretrial release shall be that he will, in  
21 addition to the conditions set forth in subsections (a) and  
22 (b) hereof:

23 (1) Duly prosecute his appeal;

24 (2) Appear at such time and place as the court may  
25 direct;

26 (3) Not depart this State without leave of the court;

1 (4) Comply with such other reasonable conditions as  
2 the court may impose; and

3 (5) If the judgment is affirmed or the cause reversed  
4 and remanded for a new trial, forthwith surrender to the  
5 officer from whose custody he was released.

6 (g) Upon a finding of guilty for any felony offense, the  
7 defendant shall physically surrender, at a time and place  
8 designated by the court, any and all firearms in his or her  
9 possession ~~and his or her Firearm Owner's Identification Card~~  
10 as a condition of being released pending sentencing.

11 (Source: P.A. 101-138, eff. 1-1-20; 101-652, eff. 1-1-23;  
12 102-1104, eff. 1-1-23.)

13 (725 ILCS 5/112A-11.1)

14 Sec. 112A-11.1. Procedure for determining whether certain  
15 misdemeanor crimes are crimes of domestic violence for  
16 purposes of federal law.

17 (a) When a defendant has been charged with a violation of  
18 Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or 12-3.5 of the  
19 Criminal Code of 1961 or the Criminal Code of 2012, the State  
20 may, at arraignment or no later than 45 days after  
21 arraignment, for the purpose of notification to the Illinois  
22 State Police ~~Firearm Owner's Identification Card Office~~, serve  
23 on the defendant and file with the court a notice alleging that  
24 conviction of the offense would subject the defendant to the  
25 prohibitions of 18 U.S.C. 922(g)(9) because of the

1 relationship between the defendant and the alleged victim and  
2 the nature of the alleged offense.

3 (b) The notice shall include the name of the person  
4 alleged to be the victim of the crime and shall specify the  
5 nature of the alleged relationship as set forth in 18 U.S.C.  
6 921(a)(33)(A)(ii). It shall also specify the element of the  
7 charged offense which requires the use or attempted use of  
8 physical force, or the threatened use of a deadly weapon, as  
9 set forth 18 U.S.C. 921(a)(33)(A)(ii). It shall also include  
10 notice that the defendant is entitled to a hearing on the  
11 allegation contained in the notice and that if the allegation  
12 is sustained, that determination and conviction shall be  
13 reported to the Illinois State Police ~~Firearm Owner's~~  
14 ~~Identification Card Office.~~

15 (c) After having been notified as provided in subsection  
16 (b) of this Section, the defendant may stipulate or admit,  
17 orally on the record or in writing, that conviction of the  
18 offense would subject the defendant to the prohibitions of 18  
19 U.S.C. 922(g)(9). In that case, the applicability of 18 U.S.C.  
20 922(g)(9) shall be deemed established for purposes of Section  
21 112A-11.2. If the defendant denies the applicability of 18  
22 U.S.C. 922(g)(9) as alleged in the notice served by the State,  
23 or stands mute with respect to that allegation, then the State  
24 shall bear the burden to prove beyond a reasonable doubt that  
25 the offense is one to which the prohibitions of 18 U.S.C.  
26 922(g)(9) apply. The court may consider reliable hearsay

1 evidence submitted by either party provided that it is  
2 relevant to the determination of the allegation. Facts  
3 previously proven at trial or elicited at the time of entry of  
4 a plea of guilty shall be deemed established beyond a  
5 reasonable doubt and shall not be relitigated. At the  
6 conclusion of the hearing, or upon a stipulation or admission,  
7 as applicable, the court shall make a specific written  
8 determination with respect to the allegation.

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

10 (725 ILCS 5/112A-11.2)

11 Sec. 112A-11.2. Notification to the Illinois State Police  
12 ~~Firearm Owner's Identification Card Office~~ of determinations  
13 in certain misdemeanor cases. Upon judgment of conviction of a  
14 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
15 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
16 2012 when the defendant has been determined, under Section  
17 112A-11.1, to be subject to the prohibitions of 18 U.S.C.  
18 922(g)(9), the circuit court clerk shall include notification  
19 and a copy of the written determination in a report of the  
20 conviction to the Illinois State Police ~~Firearm Owner's~~  
21 ~~Identification Card Office~~ to enable the office to report that  
22 determination to the Federal Bureau of Investigation and  
23 assist the Bureau in identifying persons prohibited from  
24 purchasing and possessing a firearm pursuant to the provisions  
25 of 18 U.S.C. 922.

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

2 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

3 Sec. 112A-14. Domestic violence order of protection;  
4 remedies.

5 (a) (Blank).

6 (b) The court may order any of the remedies listed in this  
7 subsection (b). The remedies listed in this subsection (b)  
8 shall be in addition to other civil or criminal remedies  
9 available to petitioner.

10 (1) Prohibition of abuse. Prohibit respondent's  
11 harassment, interference with personal liberty,  
12 intimidation of a dependent, physical abuse, or willful  
13 deprivation, as defined in this Article, if such abuse has  
14 occurred or otherwise appears likely to occur if not  
15 prohibited.

16 (2) Grant of exclusive possession of residence.  
17 Prohibit respondent from entering or remaining in any  
18 residence, household, or premises of the petitioner,  
19 including one owned or leased by respondent, if petitioner  
20 has a right to occupancy thereof. The grant of exclusive  
21 possession of the residence, household, or premises shall  
22 not affect title to real property, nor shall the court be  
23 limited by the standard set forth in subsection (c-2) of  
24 Section 501 of the Illinois Marriage and Dissolution of  
25 Marriage Act.

1           (A) Right to occupancy. A party has a right to  
2 occupancy of a residence or household if it is solely  
3 or jointly owned or leased by that party, that party's  
4 spouse, a person with a legal duty to support that  
5 party or a minor child in that party's care, or by any  
6 person or entity other than the opposing party that  
7 authorizes that party's occupancy (e.g., a domestic  
8 violence shelter). Standards set forth in subparagraph  
9 (B) shall not preclude equitable relief.

10           (B) Presumption of hardships. If petitioner and  
11 respondent each has the right to occupancy of a  
12 residence or household, the court shall balance (i)  
13 the hardships to respondent and any minor child or  
14 dependent adult in respondent's care resulting from  
15 entry of this remedy with (ii) the hardships to  
16 petitioner and any minor child or dependent adult in  
17 petitioner's care resulting from continued exposure to  
18 the risk of abuse (should petitioner remain at the  
19 residence or household) or from loss of possession of  
20 the residence or household (should petitioner leave to  
21 avoid the risk of abuse). When determining the balance  
22 of hardships, the court shall also take into account  
23 the accessibility of the residence or household.  
24 Hardships need not be balanced if respondent does not  
25 have a right to occupancy.

26           The balance of hardships is presumed to favor



1 possession by petitioner unless the presumption is  
2 rebutted by a preponderance of the evidence, showing  
3 that the hardships to respondent substantially  
4 outweigh the hardships to petitioner and any minor  
5 child or dependent adult in petitioner's care. The  
6 court, on the request of petitioner or on its own  
7 motion, may order respondent to provide suitable,  
8 accessible, alternate housing for petitioner instead  
9 of excluding respondent from a mutual residence or  
10 household.

11 (3) Stay away order and additional prohibitions. Order  
12 respondent to stay away from petitioner or any other  
13 person protected by the domestic violence order of  
14 protection, or prohibit respondent from entering or  
15 remaining present at petitioner's school, place of  
16 employment, or other specified places at times when  
17 petitioner is present, or both, if reasonable, given the  
18 balance of hardships. Hardships need not be balanced for  
19 the court to enter a stay away order or prohibit entry if  
20 respondent has no right to enter the premises.

21 (A) If a domestic violence order of protection  
22 grants petitioner exclusive possession of the  
23 residence, prohibits respondent from entering the  
24 residence, or orders respondent to stay away from  
25 petitioner or other protected persons, then the court  
26 may allow respondent access to the residence to remove

1 items of clothing and personal adornment used  
2 exclusively by respondent, medications, and other  
3 items as the court directs. The right to access shall  
4 be exercised on only one occasion as the court directs  
5 and in the presence of an agreed-upon adult third  
6 party or law enforcement officer.

7 (B) When the petitioner and the respondent attend  
8 the same public, private, or non-public elementary,  
9 middle, or high school, the court when issuing a  
10 domestic violence order of protection and providing  
11 relief shall consider the severity of the act, any  
12 continuing physical danger or emotional distress to  
13 the petitioner, the educational rights guaranteed to  
14 the petitioner and respondent under federal and State  
15 law, the availability of a transfer of the respondent  
16 to another school, a change of placement or a change of  
17 program of the respondent, the expense, difficulty,  
18 and educational disruption that would be caused by a  
19 transfer of the respondent to another school, and any  
20 other relevant facts of the case. The court may order  
21 that the respondent not attend the public, private, or  
22 non-public elementary, middle, or high school attended  
23 by the petitioner, order that the respondent accept a  
24 change of placement or change of program, as  
25 determined by the school district or private or  
26 non-public school, or place restrictions on the

1 respondent's movements within the school attended by  
2 the petitioner. The respondent bears the burden of  
3 proving by a preponderance of the evidence that a  
4 transfer, change of placement, or change of program of  
5 the respondent is not available. The respondent also  
6 bears the burden of production with respect to the  
7 expense, difficulty, and educational disruption that  
8 would be caused by a transfer of the respondent to  
9 another school. A transfer, change of placement, or  
10 change of program is not unavailable to the respondent  
11 solely on the ground that the respondent does not  
12 agree with the school district's or private or  
13 non-public school's transfer, change of placement, or  
14 change of program or solely on the ground that the  
15 respondent fails or refuses to consent or otherwise  
16 does not take an action required to effectuate a  
17 transfer, change of placement, or change of program.  
18 When a court orders a respondent to stay away from the  
19 public, private, or non-public school attended by the  
20 petitioner and the respondent requests a transfer to  
21 another attendance center within the respondent's  
22 school district or private or non-public school, the  
23 school district or private or non-public school shall  
24 have sole discretion to determine the attendance  
25 center to which the respondent is transferred. If the  
26 court order results in a transfer of the minor

1           respondent to another attendance center, a change in  
2           the respondent's placement, or a change of the  
3           respondent's program, the parents, guardian, or legal  
4           custodian of the respondent is responsible for  
5           transportation and other costs associated with the  
6           transfer or change.

7           (C) The court may order the parents, guardian, or  
8           legal custodian of a minor respondent to take certain  
9           actions or to refrain from taking certain actions to  
10          ensure that the respondent complies with the order. If  
11          the court orders a transfer of the respondent to  
12          another school, the parents, guardian, or legal  
13          custodian of the respondent is responsible for  
14          transportation and other costs associated with the  
15          change of school by the respondent.

16          (4) Counseling. Require or recommend the respondent to  
17          undergo counseling for a specified duration with a social  
18          worker,        psychologist,        clinical        psychologist,  
19          psychiatrist, family service agency, alcohol or substance  
20          abuse program, mental health center guidance counselor,  
21          agency providing services to elders, program designed for  
22          domestic violence abusers, or any other guidance service  
23          the court deems appropriate. The court may order the  
24          respondent in any intimate partner relationship to report  
25          to an Illinois Department of Human Services protocol  
26          approved partner abuse intervention program for an

1 assessment and to follow all recommended treatment.

2 (5) Physical care and possession of the minor child.  
3 In order to protect the minor child from abuse, neglect,  
4 or unwarranted separation from the person who has been the  
5 minor child's primary caretaker, or to otherwise protect  
6 the well-being of the minor child, the court may do either  
7 or both of the following: (i) grant petitioner physical  
8 care or possession of the minor child, or both, or (ii)  
9 order respondent to return a minor child to, or not remove  
10 a minor child from, the physical care of a parent or person  
11 in loco parentis.

12 If the respondent is charged with abuse (as defined in  
13 Section 112A-3 of this Code) of a minor child, there shall  
14 be a rebuttable presumption that awarding physical care to  
15 respondent would not be in the minor child's best  
16 interest.

17 (6) Temporary allocation of parental responsibilities  
18 and significant decision-making responsibilities. Award  
19 temporary significant decision-making responsibility to  
20 petitioner in accordance with this Section, the Illinois  
21 Marriage and Dissolution of Marriage Act, the Illinois  
22 Parentage Act of 2015, and this State's Uniform  
23 Child-Custody Jurisdiction and Enforcement Act.

24 If the respondent is charged with abuse (as defined in  
25 Section 112A-3 of this Code) of a minor child, there shall  
26 be a rebuttable presumption that awarding temporary

1 significant decision-making responsibility to respondent  
2 would not be in the child's best interest.

3 (7) Parenting time. Determine the parenting time, if  
4 any, of respondent in any case in which the court awards  
5 physical care or temporary significant decision-making  
6 responsibility of a minor child to petitioner. The court  
7 shall restrict or deny respondent's parenting time with a  
8 minor child if the court finds that respondent has done or  
9 is likely to do any of the following:

10 (i) abuse or endanger the minor child during  
11 parenting time;

12 (ii) use the parenting time as an opportunity to  
13 abuse or harass petitioner or petitioner's family or  
14 household members;

15 (iii) improperly conceal or detain the minor  
16 child; or

17 (iv) otherwise act in a manner that is not in the  
18 best interests of the minor child.

19 The court shall not be limited by the standards set  
20 forth in Section 603.10 of the Illinois Marriage and  
21 Dissolution of Marriage Act. If the court grants parenting  
22 time, the order shall specify dates and times for the  
23 parenting time to take place or other specific parameters  
24 or conditions that are appropriate. No order for parenting  
25 time shall refer merely to the term "reasonable parenting  
26 time". Petitioner may deny respondent access to the minor

1 child if, when respondent arrives for parenting time,  
2 respondent is under the influence of drugs or alcohol and  
3 constitutes a threat to the safety and well-being of  
4 petitioner or petitioner's minor children or is behaving  
5 in a violent or abusive manner. If necessary to protect  
6 any member of petitioner's family or household from future  
7 abuse, respondent shall be prohibited from coming to  
8 petitioner's residence to meet the minor child for  
9 parenting time, and the petitioner and respondent shall  
10 submit to the court their recommendations for reasonable  
11 alternative arrangements for parenting time. A person may  
12 be approved to supervise parenting time only after filing  
13 an affidavit accepting that responsibility and  
14 acknowledging accountability to the court.

15 (8) Removal or concealment of minor child. Prohibit  
16 respondent from removing a minor child from the State or  
17 concealing the child within the State.

18 (9) Order to appear. Order the respondent to appear in  
19 court, alone or with a minor child, to prevent abuse,  
20 neglect, removal or concealment of the child, to return  
21 the child to the custody or care of the petitioner, or to  
22 permit any court-ordered interview or examination of the  
23 child or the respondent.

24 (10) Possession of personal property. Grant petitioner  
25 exclusive possession of personal property and, if  
26 respondent has possession or control, direct respondent to

1 promptly make it available to petitioner, if:

2 (i) petitioner, but not respondent, owns the  
3 property; or

4 (ii) the petitioner and respondent own the  
5 property jointly; sharing it would risk abuse of  
6 petitioner by respondent or is impracticable; and the  
7 balance of hardships favors temporary possession by  
8 petitioner.

9 If petitioner's sole claim to ownership of the  
10 property is that it is marital property, the court may  
11 award petitioner temporary possession thereof under the  
12 standards of subparagraph (ii) of this paragraph only if a  
13 proper proceeding has been filed under the Illinois  
14 Marriage and Dissolution of Marriage Act, as now or  
15 hereafter amended.

16 No order under this provision shall affect title to  
17 property.

18 (11) Protection of property. Forbid the respondent  
19 from taking, transferring, encumbering, concealing,  
20 damaging, or otherwise disposing of any real or personal  
21 property, except as explicitly authorized by the court,  
22 if:

23 (i) petitioner, but not respondent, owns the  
24 property; or

25 (ii) the petitioner and respondent own the  
26 property jointly, and the balance of hardships favors



1           granting this remedy.

2           If petitioner's sole claim to ownership of the  
3 property is that it is marital property, the court may  
4 grant petitioner relief under subparagraph (ii) of this  
5 paragraph only if a proper proceeding has been filed under  
6 the Illinois Marriage and Dissolution of Marriage Act, as  
7 now or hereafter amended.

8           The court may further prohibit respondent from  
9 improperly using the financial or other resources of an  
10 aged member of the family or household for the profit or  
11 advantage of respondent or of any other person.

12           (11.5) Protection of animals. Grant the petitioner the  
13 exclusive care, custody, or control of any animal owned,  
14 possessed, leased, kept, or held by either the petitioner  
15 or the respondent or a minor child residing in the  
16 residence or household of either the petitioner or the  
17 respondent and order the respondent to stay away from the  
18 animal and forbid the respondent from taking,  
19 transferring, encumbering, concealing, harming, or  
20 otherwise disposing of the animal.

21           (12) Order for payment of support. Order respondent to  
22 pay temporary support for the petitioner or any child in  
23 the petitioner's care or over whom the petitioner has been  
24 allocated parental responsibility, when the respondent has  
25 a legal obligation to support that person, in accordance  
26 with the Illinois Marriage and Dissolution of Marriage

1 Act, which shall govern, among other matters, the amount  
2 of support, payment through the clerk and withholding of  
3 income to secure payment. An order for child support may  
4 be granted to a petitioner with lawful physical care of a  
5 child, or an order or agreement for physical care of a  
6 child, prior to entry of an order allocating significant  
7 decision-making responsibility. Such a support order shall  
8 expire upon entry of a valid order allocating parental  
9 responsibility differently and vacating petitioner's  
10 significant decision-making responsibility unless  
11 otherwise provided in the order.

12 (13) Order for payment of losses. Order respondent to  
13 pay petitioner for losses suffered as a direct result of  
14 the abuse. Such losses shall include, but not be limited  
15 to, medical expenses, lost earnings or other support,  
16 repair or replacement of property damaged or taken,  
17 reasonable attorney's fees, court costs, and moving or  
18 other travel expenses, including additional reasonable  
19 expenses for temporary shelter and restaurant meals.

20 (i) Losses affecting family needs. If a party is  
21 entitled to seek maintenance, child support, or  
22 property distribution from the other party under the  
23 Illinois Marriage and Dissolution of Marriage Act, as  
24 now or hereafter amended, the court may order  
25 respondent to reimburse petitioner's actual losses, to  
26 the extent that such reimbursement would be

1 "appropriate temporary relief", as authorized by  
2 subsection (a) (3) of Section 501 of that Act.

3 (ii) Recovery of expenses. In the case of an  
4 improper concealment or removal of a minor child, the  
5 court may order respondent to pay the reasonable  
6 expenses incurred or to be incurred in the search for  
7 and recovery of the minor child, including, but not  
8 limited to, legal fees, court costs, private  
9 investigator fees, and travel costs.

10 (14) Prohibition of entry. Prohibit the respondent  
11 from entering or remaining in the residence or household  
12 while the respondent is under the influence of alcohol or  
13 drugs and constitutes a threat to the safety and  
14 well-being of the petitioner or the petitioner's children.

15 (14.5) Prohibition of firearm possession.

16 (A) A person who is subject to an existing  
17 domestic violence order of protection issued under  
18 this Code may not lawfully possess firearms, stun  
19 guns, or tasers ~~weapons or a Firearm Owner's~~  
20 ~~Identification Card under Section 8.2 of the Firearm~~  
21 ~~Owners Identification Card Act.~~

22 (B) Any firearms in the possession of the  
23 respondent, except as provided in subparagraph (C) of  
24 this paragraph (14.5), shall be ordered by the court  
25 to be turned over to a person who is not prohibited  
26 under State or federal law from possessing firearms

1 ~~with a valid Firearm Owner's Identification Card for~~  
2 ~~safekeeping. The court shall issue an order that the~~  
3 ~~respondent comply with Section 9.5 of the Firearm~~  
4 ~~Owners Identification Card Act.~~

5 (C) If the respondent is a peace officer as  
6 defined in Section 2-13 of the Criminal Code of 2012,  
7 the court shall order that any firearms used by the  
8 respondent in the performance of his or her duties as a  
9 peace officer be surrendered to the chief law  
10 enforcement executive of the agency in which the  
11 respondent is employed, who shall retain the firearms  
12 for safekeeping for the duration of the domestic  
13 violence order of protection.

14 (D) Upon expiration of the period of safekeeping,  
15 if the firearms ~~or Firearm Owner's Identification Card~~  
16 cannot be returned to respondent because respondent  
17 cannot be located, fails to respond to requests to  
18 retrieve the firearms, or is not lawfully eligible to  
19 possess a firearm, upon petition from the local law  
20 enforcement agency, the court may order the local law  
21 enforcement agency to destroy the firearms, use the  
22 firearms for training purposes, or for any other  
23 application as deemed appropriate by the local law  
24 enforcement agency; or that the firearms be turned  
25 over to a third party who is lawfully eligible to  
26 possess firearms, and who does not reside with

1           respondent.

2           (15) Prohibition of access to records. If a domestic  
3 violence order of protection prohibits respondent from  
4 having contact with the minor child, or if petitioner's  
5 address is omitted under subsection (b) of Section 112A-5  
6 of this Code, or if necessary to prevent abuse or wrongful  
7 removal or concealment of a minor child, the order shall  
8 deny respondent access to, and prohibit respondent from  
9 inspecting, obtaining, or attempting to inspect or obtain,  
10 school or any other records of the minor child who is in  
11 the care of petitioner.

12           (16) Order for payment of shelter services. Order  
13 respondent to reimburse a shelter providing temporary  
14 housing and counseling services to the petitioner for the  
15 cost of the services, as certified by the shelter and  
16 deemed reasonable by the court.

17           (17) Order for injunctive relief. Enter injunctive  
18 relief necessary or appropriate to prevent further abuse  
19 of a family or household member or to effectuate one of the  
20 granted remedies, if supported by the balance of  
21 hardships. If the harm to be prevented by the injunction  
22 is abuse or any other harm that one of the remedies listed  
23 in paragraphs (1) through (16) of this subsection is  
24 designed to prevent, no further evidence is necessary to  
25 establish that the harm is an irreparable injury.

26           (18) Telephone services.

1 (A) Unless a condition described in subparagraph  
2 (B) of this paragraph exists, the court may, upon  
3 request by the petitioner, order a wireless telephone  
4 service provider to transfer to the petitioner the  
5 right to continue to use a telephone number or numbers  
6 indicated by the petitioner and the financial  
7 responsibility associated with the number or numbers,  
8 as set forth in subparagraph (C) of this paragraph. In  
9 this paragraph (18), the term "wireless telephone  
10 service provider" means a provider of commercial  
11 mobile service as defined in 47 U.S.C. 332. The  
12 petitioner may request the transfer of each telephone  
13 number that the petitioner, or a minor child in his or  
14 her custody, uses. The clerk of the court shall serve  
15 the order on the wireless telephone service provider's  
16 agent for service of process provided to the Illinois  
17 Commerce Commission. The order shall contain all of  
18 the following:

19 (i) The name and billing telephone number of  
20 the account holder including the name of the  
21 wireless telephone service provider that serves  
22 the account.

23 (ii) Each telephone number that will be  
24 transferred.

25 (iii) A statement that the provider transfers  
26 to the petitioner all financial responsibility for

1           and right to the use of any telephone number  
2           transferred under this paragraph.

3           (B) A wireless telephone service provider shall  
4           terminate the respondent's use of, and shall transfer  
5           to the petitioner use of, the telephone number or  
6           numbers indicated in subparagraph (A) of this  
7           paragraph unless it notifies the petitioner, within 72  
8           hours after it receives the order, that one of the  
9           following applies:

10                  (i) The account holder named in the order has  
11                  terminated the account.

12                  (ii) A difference in network technology would  
13                  prevent or impair the functionality of a device on  
14                  a network if the transfer occurs.

15                  (iii) The transfer would cause a geographic or  
16                  other limitation on network or service provision  
17                  to the petitioner.

18                  (iv) Another technological or operational  
19                  issue would prevent or impair the use of the  
20                  telephone number if the transfer occurs.

21           (C) The petitioner assumes all financial  
22           responsibility for and right to the use of any  
23           telephone number transferred under this paragraph. In  
24           this paragraph, "financial responsibility" includes  
25           monthly service costs and costs associated with any  
26           mobile device associated with the number.

1 (D) A wireless telephone service provider may  
2 apply to the petitioner its routine and customary  
3 requirements for establishing an account or  
4 transferring a number, including requiring the  
5 petitioner to provide proof of identification,  
6 financial information, and customer preferences.

7 (E) Except for willful or wanton misconduct, a  
8 wireless telephone service provider is immune from  
9 civil liability for its actions taken in compliance  
10 with a court order issued under this paragraph.

11 (F) All wireless service providers that provide  
12 services to residential customers shall provide to the  
13 Illinois Commerce Commission the name and address of  
14 an agent for service of orders entered under this  
15 paragraph (18). Any change in status of the registered  
16 agent must be reported to the Illinois Commerce  
17 Commission within 30 days of such change.

18 (G) The Illinois Commerce Commission shall  
19 maintain the list of registered agents for service for  
20 each wireless telephone service provider on the  
21 Commission's website. The Commission may consult with  
22 wireless telephone service providers and the Circuit  
23 Court Clerks on the manner in which this information  
24 is provided and displayed.

25 (c) Relevant factors; findings.

26 (1) In determining whether to grant a specific remedy,



1 other than payment of support, the court shall consider  
2 relevant factors, including, but not limited to, the  
3 following:

4 (i) the nature, frequency, severity, pattern, and  
5 consequences of the respondent's past abuse of the  
6 petitioner or any family or household member,  
7 including the concealment of his or her location in  
8 order to evade service of process or notice, and the  
9 likelihood of danger of future abuse to petitioner or  
10 any member of petitioner's or respondent's family or  
11 household; and

12 (ii) the danger that any minor child will be  
13 abused or neglected or improperly relocated from the  
14 jurisdiction, improperly concealed within the State,  
15 or improperly separated from the child's primary  
16 caretaker.

17 (2) In comparing relative hardships resulting to the  
18 parties from loss of possession of the family home, the  
19 court shall consider relevant factors, including, but not  
20 limited to, the following:

21 (i) availability, accessibility, cost, safety,  
22 adequacy, location, and other characteristics of  
23 alternate housing for each party and any minor child  
24 or dependent adult in the party's care;

25 (ii) the effect on the party's employment; and

26 (iii) the effect on the relationship of the party,

1 and any minor child or dependent adult in the party's  
2 care, to family, school, church, and community.

3 (3) Subject to the exceptions set forth in paragraph  
4 (4) of this subsection (c), the court shall make its  
5 findings in an official record or in writing, and shall at  
6 a minimum set forth the following:

7 (i) That the court has considered the applicable  
8 relevant factors described in paragraphs (1) and (2)  
9 of this subsection (c).

10 (ii) Whether the conduct or actions of respondent,  
11 unless prohibited, will likely cause irreparable harm  
12 or continued abuse.

13 (iii) Whether it is necessary to grant the  
14 requested relief in order to protect petitioner or  
15 other alleged abused persons.

16 (4) (Blank).

17 (5) Never married parties. No rights or  
18 responsibilities for a minor child born outside of  
19 marriage attach to a putative father until a father and  
20 child relationship has been established under the Illinois  
21 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
22 the Illinois Public Aid Code, Section 12 of the Vital  
23 Records Act, the Juvenile Court Act of 1987, the Probate  
24 Act of 1975, the Uniform Interstate Family Support Act,  
25 the Expedited Child Support Act of 1990, any judicial,  
26 administrative, or other act of another state or

1 territory, any other statute of this State, or by any  
2 foreign nation establishing the father and child  
3 relationship, any other proceeding substantially in  
4 conformity with the federal Personal Responsibility and  
5 Work Opportunity Reconciliation Act of 1996, or when both  
6 parties appeared in open court or at an administrative  
7 hearing acknowledging under oath or admitting by  
8 affirmation the existence of a father and child  
9 relationship. Absent such an adjudication, no putative  
10 father shall be granted temporary allocation of parental  
11 responsibilities, including parenting time with the minor  
12 child, or physical care and possession of the minor child,  
13 nor shall an order of payment for support of the minor  
14 child be entered.

15 (d) Balance of hardships; findings. If the court finds  
16 that the balance of hardships does not support the granting of  
17 a remedy governed by paragraph (2), (3), (10), (11), or (16) of  
18 subsection (b) of this Section, which may require such  
19 balancing, the court's findings shall so indicate and shall  
20 include a finding as to whether granting the remedy will  
21 result in hardship to respondent that would substantially  
22 outweigh the hardship to petitioner from denial of the remedy.  
23 The findings shall be an official record or in writing.

24 (e) Denial of remedies. Denial of any remedy shall not be  
25 based, in whole or in part, on evidence that:

26 (1) respondent has cause for any use of force, unless

1 that cause satisfies the standards for justifiable use of  
2 force provided by Article 7 of the Criminal Code of 2012;

3 (2) respondent was voluntarily intoxicated;

4 (3) petitioner acted in self-defense or defense of  
5 another, provided that, if petitioner utilized force, such  
6 force was justifiable under Article 7 of the Criminal Code  
7 of 2012;

8 (4) petitioner did not act in self-defense or defense  
9 of another;

10 (5) petitioner left the residence or household to  
11 avoid further abuse by respondent;

12 (6) petitioner did not leave the residence or  
13 household to avoid further abuse by respondent; or

14 (7) conduct by any family or household member excused  
15 the abuse by respondent, unless that same conduct would  
16 have excused such abuse if the parties had not been family  
17 or household members.

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

20 (725 ILCS 5/112A-14.7)

21 Sec. 112A-14.7. Stalking no contact order; remedies.

22 (a) The court may order any of the remedies listed in this  
23 Section. The remedies listed in this Section shall be in  
24 addition to other civil or criminal remedies available to  
25 petitioner. A stalking no contact order shall order one or

1 more of the following:

2 (1) prohibit the respondent from threatening to commit  
3 or committing stalking;

4 (2) order the respondent not to have any contact with  
5 the petitioner or a third person specifically named by the  
6 court;

7 (3) prohibit the respondent from knowingly coming  
8 within, or knowingly remaining within a specified distance  
9 of the petitioner or the petitioner's residence, school,  
10 daycare, or place of employment, or any specified place  
11 frequented by the petitioner; however, the court may order  
12 the respondent to stay away from the respondent's own  
13 residence, school, or place of employment only if the  
14 respondent has been provided actual notice of the  
15 opportunity to appear and be heard on the petition;

16 (4) prohibit the respondent from ~~possessing a Firearm~~  
17 ~~Owners Identification Card, or~~ possessing or buying  
18 firearms; and

19 (5) order other injunctive relief the court determines  
20 to be necessary to protect the petitioner or third party  
21 specifically named by the court.

22 (b) When the petitioner and the respondent attend the same  
23 public, private, or non-public elementary, middle, or high  
24 school, the court when issuing a stalking no contact order and  
25 providing relief shall consider the severity of the act, any  
26 continuing physical danger or emotional distress to the

1 petitioner, the educational rights guaranteed to the  
2 petitioner and respondent under federal and State law, the  
3 availability of a transfer of the respondent to another  
4 school, a change of placement or a change of program of the  
5 respondent, the expense, difficulty, and educational  
6 disruption that would be caused by a transfer of the  
7 respondent to another school, and any other relevant facts of  
8 the case. The court may order that the respondent not attend  
9 the public, private, or non-public elementary, middle, or high  
10 school attended by the petitioner, order that the respondent  
11 accept a change of placement or program, as determined by the  
12 school district or private or non-public school, or place  
13 restrictions on the respondent's movements within the school  
14 attended by the petitioner. The respondent bears the burden of  
15 proving by a preponderance of the evidence that a transfer,  
16 change of placement, or change of program of the respondent is  
17 not available. The respondent also bears the burden of  
18 production with respect to the expense, difficulty, and  
19 educational disruption that would be caused by a transfer of  
20 the respondent to another school. A transfer, change of  
21 placement, or change of program is not unavailable to the  
22 respondent solely on the ground that the respondent does not  
23 agree with the school district's or private or non-public  
24 school's transfer, change of placement, or change of program  
25 or solely on the ground that the respondent fails or refuses to  
26 consent to or otherwise does not take an action required to

1 effectuate a transfer, change of placement, or change of  
2 program. When a court orders a respondent to stay away from the  
3 public, private, or non-public school attended by the  
4 petitioner and the respondent requests a transfer to another  
5 attendance center within the respondent's school district or  
6 private or non-public school, the school district or private  
7 or non-public school shall have sole discretion to determine  
8 the attendance center to which the respondent is transferred.  
9 If the court order results in a transfer of the minor  
10 respondent to another attendance center, a change in the  
11 respondent's placement, or a change of the respondent's  
12 program, the parents, guardian, or legal custodian of the  
13 respondent is responsible for transportation and other costs  
14 associated with the transfer or change.

15 (c) The court may order the parents, guardian, or legal  
16 custodian of a minor respondent to take certain actions or to  
17 refrain from taking certain actions to ensure that the  
18 respondent complies with the order. If the court orders a  
19 transfer of the respondent to another school, the parents,  
20 guardian, or legal custodian of the respondent are responsible  
21 for transportation and other costs associated with the change  
22 of school by the respondent.

23 (d) The court shall not hold a school district or private  
24 or non-public school or any of its employees in civil or  
25 criminal contempt unless the school district or private or  
26 non-public school has been allowed to intervene.

1 (e) The court may hold the parents, guardian, or legal  
2 custodian of a minor respondent in civil or criminal contempt  
3 for a violation of any provision of any order entered under  
4 this Article for conduct of the minor respondent in violation  
5 of this Article if the parents, guardian, or legal custodian  
6 directed, encouraged, or assisted the respondent minor in the  
7 conduct.

8 (f) Monetary damages are not recoverable as a remedy.

9 (g) If the stalking no contact order prohibits the  
10 respondent from ~~possessing a Firearm Owner's Identification~~  
11 ~~Card, or~~ possessing or buying firearms; the court shall  
12 confiscate the respondent's firearms and firearm ammunition  
13 ~~Firearm Owner's Identification Card and immediately return the~~  
14 ~~card to the Illinois State Police Firearm Owner's~~  
15 ~~Identification Card Office.~~

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

17 Section 90. The Unified Code of Corrections is amended by  
18 changing Sections 5-4.5-110, 5-5-3, 5-5-3.2, and 5-6-3 as  
19 follows:

20 (730 ILCS 5/5-4.5-110)

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

22 Sec. 5-4.5-110. SENTENCING GUIDELINES FOR INDIVIDUALS WITH  
23 PRIOR FELONY FIREARM-RELATED OR OTHER SPECIFIED CONVICTIONS.

24 (a) DEFINITIONS. For the purposes of this Section:



1 "Firearm" has the meaning ascribed to it in Section  
2 2-7.5 of the Criminal Code of 2012 ~~1.1 of the Firearm~~  
3 ~~Owners Identification Card Act.~~

4 "Qualifying predicate offense" means the following  
5 offenses under the Criminal Code of 2012:

6 (A) aggravated unlawful use of a weapon under  
7 Section 24-1.6 or similar offense under the Criminal  
8 Code of 1961, when the weapon is a firearm;

9 (B) unlawful use or possession of a weapon by a  
10 felon under Section 24-1.1 or similar offense under  
11 the Criminal Code of 1961, when the weapon is a  
12 firearm;

13 (C) first degree murder under Section 9-1 or  
14 similar offense under the Criminal Code of 1961;

15 (D) attempted first degree murder with a firearm  
16 or similar offense under the Criminal Code of 1961;

17 (E) aggravated kidnapping with a firearm under  
18 paragraph (6) or (7) of subsection (a) of Section 10-2  
19 or similar offense under the Criminal Code of 1961;

20 (F) aggravated battery with a firearm under  
21 subsection (e) of Section 12-3.05 or similar offense  
22 under the Criminal Code of 1961;

23 (G) aggravated criminal sexual assault under  
24 Section 11-1.30 or similar offense under the Criminal  
25 Code of 1961;

26 (H) predatory criminal sexual assault of a child

1 under Section 11-1.40 or similar offense under the  
2 Criminal Code of 1961;

3 (I) armed robbery under Section 18-2 or similar  
4 offense under the Criminal Code of 1961;

5 (J) vehicular hijacking under Section 18-3 or  
6 similar offense under the Criminal Code of 1961;

7 (K) aggravated vehicular hijacking under Section  
8 18-4 or similar offense under the Criminal Code of  
9 1961;

10 (L) home invasion with a firearm under paragraph  
11 (3), (4), or (5) of subsection (a) of Section 19-6 or  
12 similar offense under the Criminal Code of 1961;

13 (M) aggravated discharge of a firearm under  
14 Section 24-1.2 or similar offense under the Criminal  
15 Code of 1961;

16 (N) aggravated discharge of a machine gun or a  
17 firearm equipped with a device designed or used for  
18 silencing the report of a firearm under Section  
19 24-1.2-5 or similar offense under the Criminal Code of  
20 1961;

21 (O) unlawful use of firearm projectiles under  
22 Section 24-2.1 or similar offense under the Criminal  
23 Code of 1961;

24 (P) manufacture, sale, or transfer of bullets or  
25 shells represented to be armor piercing bullets,  
26 dragon's breath shotgun shells, bolo shells, or

1 flechette shells under Section 24-2.2 or similar  
2 offense under the Criminal Code of 1961;

3 (Q) unlawful sale or delivery of firearms under  
4 Section 24-3 or similar offense under the Criminal  
5 Code of 1961;

6 (R) unlawful discharge of firearm projectiles  
7 under Section 24-3.2 or similar offense under the  
8 Criminal Code of 1961;

9 (S) unlawful sale or delivery of firearms on  
10 school premises of any school under Section 24-3.3 or  
11 similar offense under the Criminal Code of 1961;

12 (T) unlawful purchase of a firearm under Section  
13 24-3.5 or similar offense under the Criminal Code of  
14 1961;

15 (U) use of a stolen firearm in the commission of an  
16 offense under Section 24-3.7 or similar offense under  
17 the Criminal Code of 1961;

18 (V) possession of a stolen firearm under Section  
19 24-3.8 or similar offense under the Criminal Code of  
20 1961;

21 (W) aggravated possession of a stolen firearm  
22 under Section 24-3.9 or similar offense under the  
23 Criminal Code of 1961;

24 (X) gunrunning under Section 24-3A or similar  
25 offense under the Criminal Code of 1961;

26 (Y) defacing identification marks of firearms

1 under Section 24-5 or similar offense under the  
2 Criminal Code of 1961; and

3 (Z) armed violence under Section 33A-2 or similar  
4 offense under the Criminal Code of 1961.

5 (b) APPLICABILITY. For an offense committed on or after  
6 January 1, 2018 (the effective date of Public Act 100-3) and  
7 before January 1, 2024, when a person is convicted of unlawful  
8 use or possession of a weapon by a felon, when the weapon is a  
9 firearm, or aggravated unlawful use of a weapon, when the  
10 weapon is a firearm, after being previously convicted of a  
11 qualifying predicate offense the person shall be subject to  
12 the sentencing guidelines under this Section.

13 (c) SENTENCING GUIDELINES.

14 (1) When a person is convicted of unlawful use or  
15 possession of a weapon by a felon, when the weapon is a  
16 firearm, and that person has been previously convicted of  
17 a qualifying predicate offense, the person shall be  
18 sentenced to a term of imprisonment within the sentencing  
19 range of not less than 7 years and not more than 14 years,  
20 unless the court finds that a departure from the  
21 sentencing guidelines under this paragraph is warranted  
22 under subsection (d) of this Section.

23 (2) When a person is convicted of aggravated unlawful  
24 use of a weapon, when the weapon is a firearm, and that  
25 person has been previously convicted of a qualifying  
26 predicate offense, the person shall be sentenced to a term

1 of imprisonment within the sentencing range of not less  
2 than 6 years and not more than 7 years, unless the court  
3 finds that a departure from the sentencing guidelines  
4 under this paragraph is warranted under subsection (d) of  
5 this Section.

6 (3) The sentencing guidelines in paragraphs (1) and  
7 (2) of this subsection (c) apply only to offenses  
8 committed on and after January 1, 2018 (the effective date  
9 of Public Act 100-3) and before January 1, 2024.

10 (d) DEPARTURE FROM SENTENCING GUIDELINES.

11 (1) At the sentencing hearing conducted under Section  
12 5-4-1 of this Code, the court may depart from the  
13 sentencing guidelines provided in subsection (c) of this  
14 Section and impose a sentence otherwise authorized by law  
15 for the offense if the court, after considering any factor  
16 under paragraph (2) of this subsection (d) relevant to the  
17 nature and circumstances of the crime and to the history  
18 and character of the defendant, finds on the record  
19 substantial and compelling justification that the sentence  
20 within the sentencing guidelines would be unduly harsh and  
21 that a sentence otherwise authorized by law would be  
22 consistent with public safety and does not deprecate the  
23 seriousness of the offense.

24 (2) In deciding whether to depart from the sentencing  
25 guidelines under this paragraph, the court shall consider:

26 (A) the age, immaturity, or limited mental

1 capacity of the defendant at the time of commission of  
2 the qualifying predicate or current offense, including  
3 whether the defendant was suffering from a mental or  
4 physical condition insufficient to constitute a  
5 defense but significantly reduced the defendant's  
6 culpability;

7 (B) the nature and circumstances of the qualifying  
8 predicate offense;

9 (C) the time elapsed since the qualifying  
10 predicate offense;

11 (D) the nature and circumstances of the current  
12 offense;

13 (E) the defendant's prior criminal history;

14 (F) whether the defendant committed the qualifying  
15 predicate or current offense under specific and  
16 credible duress, coercion, threat, or compulsion;

17 (G) whether the defendant aided in the  
18 apprehension of another felon or testified truthfully  
19 on behalf of another prosecution of a felony; and

20 (H) whether departure is in the interest of the  
21 person's rehabilitation, including employment or  
22 educational or vocational training, after taking into  
23 account any past rehabilitation efforts or  
24 dispositions of probation or supervision, and the  
25 defendant's cooperation or response to rehabilitation.

26 (3) When departing from the sentencing guidelines

1 under this Section, the court shall specify on the record,  
2 the particular evidence, information, factor or factors,  
3 or other reasons which led to the departure from the  
4 sentencing guidelines. When departing from the sentencing  
5 range in accordance with this subsection (d), the court  
6 shall indicate on the sentencing order which departure  
7 factor or factors outlined in paragraph (2) of this  
8 subsection (d) led to the sentence imposed. The sentencing  
9 order shall be filed with the clerk of the court and shall  
10 be a public record.

11 (e) This Section is repealed on January 1, 2024.

12 (Source: P.A. 102-1109, eff. 12-21-22.)

13 (730 ILCS 5/5-5-3)

14 Sec. 5-5-3. Disposition.

15 (a) (Blank).

16 (b) (Blank).

17 (c) (1) (Blank).

18 (2) A period of probation, a term of periodic imprisonment  
19 or conditional discharge shall not be imposed for the  
20 following offenses. The court shall sentence the offender to  
21 not less than the minimum term of imprisonment set forth in  
22 this Code for the following offenses, and may order a fine or  
23 restitution or both in conjunction with such term of  
24 imprisonment:

25 (A) First degree murder where the death penalty is not

1 imposed.

2 (B) Attempted first degree murder.

3 (C) A Class X felony.

4 (D) A violation of Section 401.1 or 407 of the  
5 Illinois Controlled Substances Act, or a violation of  
6 subdivision (c)(1.5) of Section 401 of that Act which  
7 relates to more than 5 grams of a substance containing  
8 fentanyl or an analog thereof.

9 (D-5) A violation of subdivision (c)(1) of Section 401  
10 of the Illinois Controlled Substances Act which relates to  
11 3 or more grams of a substance containing heroin or an  
12 analog thereof.

13 (E) (Blank).

14 (F) A Class 1 or greater felony if the offender had  
15 been convicted of a Class 1 or greater felony, including  
16 any state or federal conviction for an offense that  
17 contained, at the time it was committed, the same elements  
18 as an offense now (the date of the offense committed after  
19 the prior Class 1 or greater felony) classified as a Class  
20 1 or greater felony, within 10 years of the date on which  
21 the offender committed the offense for which he or she is  
22 being sentenced, except as otherwise provided in Section  
23 40-10 of the Substance Use Disorder Act.

24 (F-3) A Class 2 or greater felony sex offense or  
25 felony firearm offense if the offender had been convicted  
26 of a Class 2 or greater felony, including any state or



1 federal conviction for an offense that contained, at the  
2 time it was committed, the same elements as an offense now  
3 (the date of the offense committed after the prior Class 2  
4 or greater felony) classified as a Class 2 or greater  
5 felony, within 10 years of the date on which the offender  
6 committed the offense for which he or she is being  
7 sentenced, except as otherwise provided in Section 40-10  
8 of the Substance Use Disorder Act.

9 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6  
10 of the Criminal Code of 1961 or the Criminal Code of 2012  
11 for which imprisonment is prescribed in those Sections.

12 (G) Residential burglary, except as otherwise provided  
13 in Section 40-10 of the Substance Use Disorder Act.

14 (H) Criminal sexual assault.

15 (I) Aggravated battery of a senior citizen as  
16 described in Section 12-4.6 or subdivision (a)(4) of  
17 Section 12-3.05 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012.

19 (J) A forcible felony if the offense was related to  
20 the activities of an organized gang.

21 Before July 1, 1994, for the purposes of this  
22 paragraph, "organized gang" means an association of 5 or  
23 more persons, with an established hierarchy, that  
24 encourages members of the association to perpetrate crimes  
25 or provides support to the members of the association who  
26 do commit crimes.

1           Beginning July 1, 1994, for the purposes of this  
2 paragraph, "organized gang" has the meaning ascribed to it  
3 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
4 Prevention Act.

5           (K) Vehicular hijacking.

6           (L) A second or subsequent conviction for the offense  
7 of hate crime when the underlying offense upon which the  
8 hate crime is based is felony aggravated assault or felony  
9 mob action.

10          (M) A second or subsequent conviction for the offense  
11 of institutional vandalism if the damage to the property  
12 exceeds \$300.

13          (N) A Class 3 felony violation of paragraph (1) of  
14 subsection (a) of Section 2 of the Firearm Owners  
15 Identification Card Act committed before the effective  
16 date of this amendatory Act of the 103rd General Assembly.

17          (O) A violation of Section 12-6.1 or 12-6.5 of the  
18 Criminal Code of 1961 or the Criminal Code of 2012.

19          (P) A violation of paragraph (1), (2), (3), (4), (5),  
20 or (7) of subsection (a) of Section 11-20.1 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012.

22          (P-5) A violation of paragraph (6) of subsection (a)  
23 of Section 11-20.1 of the Criminal Code of 1961 or the  
24 Criminal Code of 2012 if the victim is a household or  
25 family member of the defendant.

26          (Q) A violation of subsection (b) or (b-5) of Section

1           20-1, Section 20-1.2, or Section 20-1.3 of the Criminal  
2 Code of 1961 or the Criminal Code of 2012.

3           (R) A violation of Section 24-3A of the Criminal Code  
4 of 1961 or the Criminal Code of 2012.

5           (S) (Blank).

6           (T) (Blank).

7           (U) A second or subsequent violation of Section 6-303  
8 of the Illinois Vehicle Code committed while his or her  
9 driver's license, permit, or privilege was revoked because  
10 of a violation of Section 9-3 of the Criminal Code of 1961  
11 or the Criminal Code of 2012, relating to the offense of  
12 reckless homicide, or a similar provision of a law of  
13 another state.

14           (V) A violation of paragraph (4) of subsection (c) of  
15 Section 11-20.1B or paragraph (4) of subsection (c) of  
16 Section 11-20.3 of the Criminal Code of 1961, or paragraph  
17 (6) of subsection (a) of Section 11-20.1 of the Criminal  
18 Code of 2012 when the victim is under 13 years of age and  
19 the defendant has previously been convicted under the laws  
20 of this State or any other state of the offense of child  
21 pornography, aggravated child pornography, aggravated  
22 criminal sexual abuse, aggravated criminal sexual assault,  
23 predatory criminal sexual assault of a child, or any of  
24 the offenses formerly known as rape, deviate sexual  
25 assault, indecent liberties with a child, or aggravated  
26 indecent liberties with a child where the victim was under

1 the age of 18 years or an offense that is substantially  
2 equivalent to those offenses.

3 (W) A violation of Section 24-3.5 of the Criminal Code  
4 of 1961 or the Criminal Code of 2012.

5 (X) A violation of subsection (a) of Section 31-1a of  
6 the Criminal Code of 1961 or the Criminal Code of 2012.

7 (Y) A conviction for unlawful possession of a firearm  
8 by a street gang member when the firearm was loaded or  
9 contained firearm ammunition.

10 (Z) A Class 1 felony committed while he or she was  
11 serving a term of probation or conditional discharge for a  
12 felony.

13 (AA) Theft of property exceeding \$500,000 and not  
14 exceeding \$1,000,000 in value.

15 (BB) Laundering of criminally derived property of a  
16 value exceeding \$500,000.

17 (CC) Knowingly selling, offering for sale, holding for  
18 sale, or using 2,000 or more counterfeit items or  
19 counterfeit items having a retail value in the aggregate  
20 of \$500,000 or more.

21 (DD) A conviction for aggravated assault under  
22 paragraph (6) of subsection (c) of Section 12-2 of the  
23 Criminal Code of 1961 or the Criminal Code of 2012 if the  
24 firearm is aimed toward the person against whom the  
25 firearm is being used.

26 (EE) A conviction for a violation of paragraph (2) of

1 subsection (a) of Section 24-3B of the Criminal Code of  
2 2012.

3 (3) (Blank).

4 (4) A minimum term of imprisonment of not less than 10  
5 consecutive days or 30 days of community service shall be  
6 imposed for a violation of paragraph (c) of Section 6-303 of  
7 the Illinois Vehicle Code.

8 (4.1) (Blank).

9 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
10 this subsection (c), a minimum of 100 hours of community  
11 service shall be imposed for a second violation of Section  
12 6-303 of the Illinois Vehicle Code.

13 (4.3) A minimum term of imprisonment of 30 days or 300  
14 hours of community service, as determined by the court, shall  
15 be imposed for a second violation of subsection (c) of Section  
16 6-303 of the Illinois Vehicle Code.

17 (4.4) Except as provided in paragraphs (4.5), (4.6), and  
18 (4.9) of this subsection (c), a minimum term of imprisonment  
19 of 30 days or 300 hours of community service, as determined by  
20 the court, shall be imposed for a third or subsequent  
21 violation of Section 6-303 of the Illinois Vehicle Code. The  
22 court may give credit toward the fulfillment of community  
23 service hours for participation in activities and treatment as  
24 determined by court services.

25 (4.5) A minimum term of imprisonment of 30 days shall be  
26 imposed for a third violation of subsection (c) of Section

1 6-303 of the Illinois Vehicle Code.

2 (4.6) Except as provided in paragraph (4.10) of this  
3 subsection (c), a minimum term of imprisonment of 180 days  
4 shall be imposed for a fourth or subsequent violation of  
5 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

6 (4.7) A minimum term of imprisonment of not less than 30  
7 consecutive days, or 300 hours of community service, shall be  
8 imposed for a violation of subsection (a-5) of Section 6-303  
9 of the Illinois Vehicle Code, as provided in subsection (b-5)  
10 of that Section.

11 (4.8) A mandatory prison sentence shall be imposed for a  
12 second violation of subsection (a-5) of Section 6-303 of the  
13 Illinois Vehicle Code, as provided in subsection (c-5) of that  
14 Section. The person's driving privileges shall be revoked for  
15 a period of not less than 5 years from the date of his or her  
16 release from prison.

17 (4.9) A mandatory prison sentence of not less than 4 and  
18 not more than 15 years shall be imposed for a third violation  
19 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
20 Code, as provided in subsection (d-2.5) of that Section. The  
21 person's driving privileges shall be revoked for the remainder  
22 of his or her life.

23 (4.10) A mandatory prison sentence for a Class 1 felony  
24 shall be imposed, and the person shall be eligible for an  
25 extended term sentence, for a fourth or subsequent violation  
26 of subsection (a-5) of Section 6-303 of the Illinois Vehicle

1 Code, as provided in subsection (d-3.5) of that Section. The  
2 person's driving privileges shall be revoked for the remainder  
3 of his or her life.

4 (5) The court may sentence a corporation or unincorporated  
5 association convicted of any offense to:

6 (A) a period of conditional discharge;

7 (B) a fine;

8 (C) make restitution to the victim under Section 5-5-6  
9 of this Code.

10 (5.1) In addition to any other penalties imposed, and  
11 except as provided in paragraph (5.2) or (5.3), a person  
12 convicted of violating subsection (c) of Section 11-907 of the  
13 Illinois Vehicle Code shall have his or her driver's license,  
14 permit, or privileges suspended for at least 90 days but not  
15 more than one year, if the violation resulted in damage to the  
16 property of another person.

17 (5.2) In addition to any other penalties imposed, and  
18 except as provided in paragraph (5.3), a person convicted of  
19 violating subsection (c) of Section 11-907 of the Illinois  
20 Vehicle Code shall have his or her driver's license, permit,  
21 or privileges suspended for at least 180 days but not more than  
22 2 years, if the violation resulted in injury to another  
23 person.

24 (5.3) In addition to any other penalties imposed, a person  
25 convicted of violating subsection (c) of Section 11-907 of the  
26 Illinois Vehicle Code shall have his or her driver's license,

1 permit, or privileges suspended for 2 years, if the violation  
2 resulted in the death of another person.

3 (5.4) In addition to any other penalties imposed, a person  
4 convicted of violating Section 3-707 of the Illinois Vehicle  
5 Code shall have his or her driver's license, permit, or  
6 privileges suspended for 3 months and until he or she has paid  
7 a reinstatement fee of \$100.

8 (5.5) In addition to any other penalties imposed, a person  
9 convicted of violating Section 3-707 of the Illinois Vehicle  
10 Code during a period in which his or her driver's license,  
11 permit, or privileges were suspended for a previous violation  
12 of that Section shall have his or her driver's license,  
13 permit, or privileges suspended for an additional 6 months  
14 after the expiration of the original 3-month suspension and  
15 until he or she has paid a reinstatement fee of \$100.

16 (6) (Blank).

17 (7) (Blank).

18 (8) (Blank).

19 (9) A defendant convicted of a second or subsequent  
20 offense of ritualized abuse of a child may be sentenced to a  
21 term of natural life imprisonment.

22 (10) (Blank).

23 (11) The court shall impose a minimum fine of \$1,000 for a  
24 first offense and \$2,000 for a second or subsequent offense  
25 upon a person convicted of or placed on supervision for  
26 battery when the individual harmed was a sports official or



1 coach at any level of competition and the act causing harm to  
2 the sports official or coach occurred within an athletic  
3 facility or within the immediate vicinity of the athletic  
4 facility at which the sports official or coach was an active  
5 participant of the athletic contest held at the athletic  
6 facility. For the purposes of this paragraph (11), "sports  
7 official" means a person at an athletic contest who enforces  
8 the rules of the contest, such as an umpire or referee;  
9 "athletic facility" means an indoor or outdoor playing field  
10 or recreational area where sports activities are conducted;  
11 and "coach" means a person recognized as a coach by the  
12 sanctioning authority that conducted the sporting event.

13 (12) A person may not receive a disposition of court  
14 supervision for a violation of Section 5-16 of the Boat  
15 Registration and Safety Act if that person has previously  
16 received a disposition of court supervision for a violation of  
17 that Section.

18 (13) A person convicted of or placed on court supervision  
19 for an assault or aggravated assault when the victim and the  
20 offender are family or household members as defined in Section  
21 103 of the Illinois Domestic Violence Act of 1986 or convicted  
22 of domestic battery or aggravated domestic battery may be  
23 required to attend a Partner Abuse Intervention Program under  
24 protocols set forth by the Illinois Department of Human  
25 Services under such terms and conditions imposed by the court.  
26 The costs of such classes shall be paid by the offender.

1           (d) In any case in which a sentence originally imposed is  
2 vacated, the case shall be remanded to the trial court. The  
3 trial court shall hold a hearing under Section 5-4-1 of this  
4 Code which may include evidence of the defendant's life, moral  
5 character and occupation during the time since the original  
6 sentence was passed. The trial court shall then impose  
7 sentence upon the defendant. The trial court may impose any  
8 sentence which could have been imposed at the original trial  
9 subject to Section 5-5-4 of this Code. If a sentence is vacated  
10 on appeal or on collateral attack due to the failure of the  
11 trier of fact at trial to determine beyond a reasonable doubt  
12 the existence of a fact (other than a prior conviction)  
13 necessary to increase the punishment for the offense beyond  
14 the statutory maximum otherwise applicable, either the  
15 defendant may be re-sentenced to a term within the range  
16 otherwise provided or, if the State files notice of its  
17 intention to again seek the extended sentence, the defendant  
18 shall be afforded a new trial.

19           (e) In cases where prosecution for aggravated criminal  
20 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
21 Code of 1961 or the Criminal Code of 2012 results in conviction  
22 of a defendant who was a family member of the victim at the  
23 time of the commission of the offense, the court shall  
24 consider the safety and welfare of the victim and may impose a  
25 sentence of probation only where:

26           (1) the court finds (A) or (B) or both are

1 appropriate:

2 (A) the defendant is willing to undergo a court  
3 approved counseling program for a minimum duration of  
4 2 years; or

5 (B) the defendant is willing to participate in a  
6 court approved plan, including, but not limited to,  
7 the defendant's:

8 (i) removal from the household;

9 (ii) restricted contact with the victim;

10 (iii) continued financial support of the  
11 family;

12 (iv) restitution for harm done to the victim;

13 and

14 (v) compliance with any other measures that  
15 the court may deem appropriate; and

16 (2) the court orders the defendant to pay for the  
17 victim's counseling services, to the extent that the court  
18 finds, after considering the defendant's income and  
19 assets, that the defendant is financially capable of  
20 paying for such services, if the victim was under 18 years  
21 of age at the time the offense was committed and requires  
22 counseling as a result of the offense.

23 Probation may be revoked or modified pursuant to Section  
24 5-6-4; except where the court determines at the hearing that  
25 the defendant violated a condition of his or her probation  
26 restricting contact with the victim or other family members or

1 commits another offense with the victim or other family  
2 members, the court shall revoke the defendant's probation and  
3 impose a term of imprisonment.

4 For the purposes of this Section, "family member" and  
5 "victim" shall have the meanings ascribed to them in Section  
6 11-0.1 of the Criminal Code of 2012.

7 (f) (Blank).

8 (g) Whenever a defendant is convicted of an offense under  
9 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
10 11-14.3, 11-14.4 except for an offense that involves keeping a  
11 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
12 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
13 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012, the defendant shall undergo medical  
15 testing to determine whether the defendant has any sexually  
16 transmissible disease, including a test for infection with  
17 human immunodeficiency virus (HIV) or any other identified  
18 causative agent of acquired immunodeficiency syndrome (AIDS).  
19 Any such medical test shall be performed only by appropriately  
20 licensed medical practitioners and may include an analysis of  
21 any bodily fluids as well as an examination of the defendant's  
22 person. Except as otherwise provided by law, the results of  
23 such test shall be kept strictly confidential by all medical  
24 personnel involved in the testing and must be personally  
25 delivered in a sealed envelope to the judge of the court in  
26 which the conviction was entered for the judge's inspection in

1 camera. Acting in accordance with the best interests of the  
2 victim and the public, the judge shall have the discretion to  
3 determine to whom, if anyone, the results of the testing may be  
4 revealed. The court shall notify the defendant of the test  
5 results. The court shall also notify the victim if requested  
6 by the victim, and if the victim is under the age of 15 and if  
7 requested by the victim's parents or legal guardian, the court  
8 shall notify the victim's parents or legal guardian of the  
9 test results. The court shall provide information on the  
10 availability of HIV testing and counseling at Department of  
11 Public Health facilities to all parties to whom the results of  
12 the testing are revealed and shall direct the State's Attorney  
13 to provide the information to the victim when possible. The  
14 court shall order that the cost of any such test shall be paid  
15 by the county and may be taxed as costs against the convicted  
16 defendant.

17 (g-5) When an inmate is tested for an airborne  
18 communicable disease, as determined by the Illinois Department  
19 of Public Health, including, but not limited to, tuberculosis,  
20 the results of the test shall be personally delivered by the  
21 warden or his or her designee in a sealed envelope to the judge  
22 of the court in which the inmate must appear for the judge's  
23 inspection in camera if requested by the judge. Acting in  
24 accordance with the best interests of those in the courtroom,  
25 the judge shall have the discretion to determine what if any  
26 precautions need to be taken to prevent transmission of the

1 disease in the courtroom.

2 (h) Whenever a defendant is convicted of an offense under  
3 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
4 defendant shall undergo medical testing to determine whether  
5 the defendant has been exposed to human immunodeficiency virus  
6 (HIV) or any other identified causative agent of acquired  
7 immunodeficiency syndrome (AIDS). Except as otherwise provided  
8 by law, the results of such test shall be kept strictly  
9 confidential by all medical personnel involved in the testing  
10 and must be personally delivered in a sealed envelope to the  
11 judge of the court in which the conviction was entered for the  
12 judge's inspection in camera. Acting in accordance with the  
13 best interests of the public, the judge shall have the  
14 discretion to determine to whom, if anyone, the results of the  
15 testing may be revealed. The court shall notify the defendant  
16 of a positive test showing an infection with the human  
17 immunodeficiency virus (HIV). The court shall provide  
18 information on the availability of HIV testing and counseling  
19 at Department of Public Health facilities to all parties to  
20 whom the results of the testing are revealed and shall direct  
21 the State's Attorney to provide the information to the victim  
22 when possible. The court shall order that the cost of any such  
23 test shall be paid by the county and may be taxed as costs  
24 against the convicted defendant.

25 (i) All fines and penalties imposed under this Section for  
26 any violation of Chapters 3, 4, 6, and 11 of the Illinois

1 Vehicle Code, or a similar provision of a local ordinance, and  
2 any violation of the Child Passenger Protection Act, or a  
3 similar provision of a local ordinance, shall be collected and  
4 disbursed by the circuit clerk as provided under the Criminal  
5 and Traffic Assessment Act.

6 (j) In cases when prosecution for any violation of Section  
7 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
8 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
9 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
10 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
11 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
12 Code of 2012, any violation of the Illinois Controlled  
13 Substances Act, any violation of the Cannabis Control Act, or  
14 any violation of the Methamphetamine Control and Community  
15 Protection Act results in conviction, a disposition of court  
16 supervision, or an order of probation granted under Section 10  
17 of the Cannabis Control Act, Section 410 of the Illinois  
18 Controlled Substances Act, or Section 70 of the  
19 Methamphetamine Control and Community Protection Act of a  
20 defendant, the court shall determine whether the defendant is  
21 employed by a facility or center as defined under the Child  
22 Care Act of 1969, a public or private elementary or secondary  
23 school, or otherwise works with children under 18 years of age  
24 on a daily basis. When a defendant is so employed, the court  
25 shall order the Clerk of the Court to send a copy of the  
26 judgment of conviction or order of supervision or probation to

1 the defendant's employer by certified mail. If the employer of  
2 the defendant is a school, the Clerk of the Court shall direct  
3 the mailing of a copy of the judgment of conviction or order of  
4 supervision or probation to the appropriate regional  
5 superintendent of schools. The regional superintendent of  
6 schools shall notify the State Board of Education of any  
7 notification under this subsection.

8 (j-5) A defendant at least 17 years of age who is convicted  
9 of a felony and who has not been previously convicted of a  
10 misdemeanor or felony and who is sentenced to a term of  
11 imprisonment in the Illinois Department of Corrections shall  
12 as a condition of his or her sentence be required by the court  
13 to attend educational courses designed to prepare the  
14 defendant for a high school diploma and to work toward a high  
15 school diploma or to work toward passing high school  
16 equivalency testing or to work toward completing a vocational  
17 training program offered by the Department of Corrections. If  
18 a defendant fails to complete the educational training  
19 required by his or her sentence during the term of  
20 incarceration, the Prisoner Review Board shall, as a condition  
21 of mandatory supervised release, require the defendant, at his  
22 or her own expense, to pursue a course of study toward a high  
23 school diploma or passage of high school equivalency testing.  
24 The Prisoner Review Board shall revoke the mandatory  
25 supervised release of a defendant who wilfully fails to comply  
26 with this subsection (j-5) upon his or her release from



1 confinement in a penal institution while serving a mandatory  
2 supervised release term; however, the inability of the  
3 defendant after making a good faith effort to obtain financial  
4 aid or pay for the educational training shall not be deemed a  
5 wilful failure to comply. The Prisoner Review Board shall  
6 recommit the defendant whose mandatory supervised release term  
7 has been revoked under this subsection (j-5) as provided in  
8 Section 3-3-9. This subsection (j-5) does not apply to a  
9 defendant who has a high school diploma or has successfully  
10 passed high school equivalency testing. This subsection (j-5)  
11 does not apply to a defendant who is determined by the court to  
12 be a person with a developmental disability or otherwise  
13 mentally incapable of completing the educational or vocational  
14 program.

15 (k) (Blank).

16 (l) (A) Except as provided in paragraph (C) of subsection  
17 (l), whenever a defendant, who is not a citizen or national of  
18 the United States, is convicted of any felony or misdemeanor  
19 offense, the court after sentencing the defendant may, upon  
20 motion of the State's Attorney, hold sentence in abeyance and  
21 remand the defendant to the custody of the Attorney General of  
22 the United States or his or her designated agent to be deported  
23 when:

24 (1) a final order of deportation has been issued  
25 against the defendant pursuant to proceedings under the  
26 Immigration and Nationality Act, and

1           (2) the deportation of the defendant would not  
2 deprecate the seriousness of the defendant's conduct and  
3 would not be inconsistent with the ends of justice.

4           Otherwise, the defendant shall be sentenced as provided in  
5 this Chapter V.

6           (B) If the defendant has already been sentenced for a  
7 felony or misdemeanor offense, or has been placed on probation  
8 under Section 10 of the Cannabis Control Act, Section 410 of  
9 the Illinois Controlled Substances Act, or Section 70 of the  
10 Methamphetamine Control and Community Protection Act, the  
11 court may, upon motion of the State's Attorney to suspend the  
12 sentence imposed, commit the defendant to the custody of the  
13 Attorney General of the United States or his or her designated  
14 agent when:

15           (1) a final order of deportation has been issued  
16 against the defendant pursuant to proceedings under the  
17 Immigration and Nationality Act, and

18           (2) the deportation of the defendant would not  
19 deprecate the seriousness of the defendant's conduct and  
20 would not be inconsistent with the ends of justice.

21           (C) This subsection (1) does not apply to offenders who  
22 are subject to the provisions of paragraph (2) of subsection  
23 (a) of Section 3-6-3.

24           (D) Upon motion of the State's Attorney, if a defendant  
25 sentenced under this Section returns to the jurisdiction of  
26 the United States, the defendant shall be recommitted to the

1 custody of the county from which he or she was sentenced.  
2 Thereafter, the defendant shall be brought before the  
3 sentencing court, which may impose any sentence that was  
4 available under Section 5-5-3 at the time of initial  
5 sentencing. In addition, the defendant shall not be eligible  
6 for additional earned sentence credit as provided under  
7 Section 3-6-3.

8 (m) A person convicted of criminal defacement of property  
9 under Section 21-1.3 of the Criminal Code of 1961 or the  
10 Criminal Code of 2012, in which the property damage exceeds  
11 \$300 and the property damaged is a school building, shall be  
12 ordered to perform community service that may include cleanup,  
13 removal, or painting over the defacement.

14 (n) The court may sentence a person convicted of a  
15 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
16 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
17 of 1961 or the Criminal Code of 2012 (i) to an impact  
18 incarceration program if the person is otherwise eligible for  
19 that program under Section 5-8-1.1, (ii) to community service,  
20 or (iii) if the person has a substance use disorder, as defined  
21 in the Substance Use Disorder Act, to a treatment program  
22 licensed under that Act.

23 (o) Whenever a person is convicted of a sex offense as  
24 defined in Section 2 of the Sex Offender Registration Act, the  
25 defendant's driver's license or permit shall be subject to  
26 renewal on an annual basis in accordance with the provisions

1 of license renewal established by the Secretary of State.

2 (Source: P.A. 101-81, eff. 7-12-19; 102-168, eff. 7-27-21;  
3 102-531, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.  
4 5-27-22.)

5 (730 ILCS 5/5-5-3.2)

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

7 Sec. 5-5-3.2. Factors in aggravation and extended-term  
8 sentencing.

9 (a) The following factors shall be accorded weight in  
10 favor of imposing a term of imprisonment or may be considered  
11 by the court as reasons to impose a more severe sentence under  
12 Section 5-8-1 or Article 4.5 of Chapter V:

13 (1) the defendant's conduct caused or threatened  
14 serious harm;

15 (2) the defendant received compensation for committing  
16 the offense;

17 (3) the defendant has a history of prior delinquency  
18 or criminal activity;

19 (4) the defendant, by the duties of his office or by  
20 his position, was obliged to prevent the particular  
21 offense committed or to bring the offenders committing it  
22 to justice;

23 (5) the defendant held public office at the time of  
24 the offense, and the offense related to the conduct of  
25 that office;

1           (6) the defendant utilized his professional reputation  
2           or position in the community to commit the offense, or to  
3           afford him an easier means of committing it;

4           (7) the sentence is necessary to deter others from  
5           committing the same crime;

6           (8) the defendant committed the offense against a  
7           person 60 years of age or older or such person's property;

8           (9) the defendant committed the offense against a  
9           person who has a physical disability or such person's  
10          property;

11          (10) by reason of another individual's actual or  
12          perceived race, color, creed, religion, ancestry, gender,  
13          sexual orientation, physical or mental disability, or  
14          national origin, the defendant committed the offense  
15          against (i) the person or property of that individual;  
16          (ii) the person or property of a person who has an  
17          association with, is married to, or has a friendship with  
18          the other individual; or (iii) the person or property of a  
19          relative (by blood or marriage) of a person described in  
20          clause (i) or (ii). For the purposes of this Section,  
21          "sexual orientation" has the meaning ascribed to it in  
22          paragraph (O-1) of Section 1-103 of the Illinois Human  
23          Rights Act;

24          (11) the offense took place in a place of worship or on  
25          the grounds of a place of worship, immediately prior to,  
26          during or immediately following worship services. For

1 purposes of this subparagraph, "place of worship" shall  
2 mean any church, synagogue or other building, structure or  
3 place used primarily for religious worship;

4 (12) the defendant was convicted of a felony committed  
5 while he was on pretrial release or his own recognizance  
6 pending trial for a prior felony and was convicted of such  
7 prior felony, or the defendant was convicted of a felony  
8 committed while he was serving a period of probation,  
9 conditional discharge, or mandatory supervised release  
10 under subsection (d) of Section 5-8-1 for a prior felony;

11 (13) the defendant committed or attempted to commit a  
12 felony while he was wearing a bulletproof vest. For the  
13 purposes of this paragraph (13), a bulletproof vest is any  
14 device which is designed for the purpose of protecting the  
15 wearer from bullets, shot or other lethal projectiles;

16 (14) the defendant held a position of trust or  
17 supervision such as, but not limited to, family member as  
18 defined in Section 11-0.1 of the Criminal Code of 2012,  
19 teacher, scout leader, baby sitter, or day care worker, in  
20 relation to a victim under 18 years of age, and the  
21 defendant committed an offense in violation of Section  
22 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
23 11-14.4 except for an offense that involves keeping a  
24 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
25 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
26 or 12-16 of the Criminal Code of 1961 or the Criminal Code

1 of 2012 against that victim;

2 (15) the defendant committed an offense related to the  
3 activities of an organized gang. For the purposes of this  
4 factor, "organized gang" has the meaning ascribed to it in  
5 Section 10 of the Streetgang Terrorism Omnibus Prevention  
6 Act;

7 (16) the defendant committed an offense in violation  
8 of one of the following Sections while in a school,  
9 regardless of the time of day or time of year; on any  
10 conveyance owned, leased, or contracted by a school to  
11 transport students to or from school or a school related  
12 activity; on the real property of a school; or on a public  
13 way within 1,000 feet of the real property comprising any  
14 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,  
15 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,  
16 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,  
17 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,  
18 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except  
19 for subdivision (a)(4) or (g)(1), of the Criminal Code of  
20 1961 or the Criminal Code of 2012;

21 (16.5) the defendant committed an offense in violation  
22 of one of the following Sections while in a day care  
23 center, regardless of the time of day or time of year; on  
24 the real property of a day care center, regardless of the  
25 time of day or time of year; or on a public way within  
26 1,000 feet of the real property comprising any day care

1 center, regardless of the time of day or time of year:  
2 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
3 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
4 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
5 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
6 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
7 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
8 Criminal Code of 2012;

9 (17) the defendant committed the offense by reason of  
10 any person's activity as a community policing volunteer or  
11 to prevent any person from engaging in activity as a  
12 community policing volunteer. For the purpose of this  
13 Section, "community policing volunteer" has the meaning  
14 ascribed to it in Section 2-3.5 of the Criminal Code of  
15 2012;

16 (18) the defendant committed the offense in a nursing  
17 home or on the real property comprising a nursing home.  
18 For the purposes of this paragraph (18), "nursing home"  
19 means a skilled nursing or intermediate long term care  
20 facility that is subject to license by the Illinois  
21 Department of Public Health under the Nursing Home Care  
22 Act, the Specialized Mental Health Rehabilitation Act of  
23 2013, the ID/DD Community Care Act, or the MC/DD Act;

24 (19) the defendant was a federally licensed firearm  
25 dealer and was previously convicted of a violation of  
26 subsection (a) of Section 3 of the Firearm Owners



1 Identification Card Act before its repeal by this  
2 amendatory Act of the 103rd General Assembly and has now  
3 committed either a felony violation of the Firearm Owners  
4 Identification Card Act or an act of armed violence while  
5 armed with a firearm;

6 (20) the defendant (i) committed the offense of  
7 reckless homicide under Section 9-3 of the Criminal Code  
8 of 1961 or the Criminal Code of 2012 or the offense of  
9 driving under the influence of alcohol, other drug or  
10 drugs, intoxicating compound or compounds or any  
11 combination thereof under Section 11-501 of the Illinois  
12 Vehicle Code or a similar provision of a local ordinance  
13 and (ii) was operating a motor vehicle in excess of 20  
14 miles per hour over the posted speed limit as provided in  
15 Article VI of Chapter 11 of the Illinois Vehicle Code;

16 (21) the defendant (i) committed the offense of  
17 reckless driving or aggravated reckless driving under  
18 Section 11-503 of the Illinois Vehicle Code and (ii) was  
19 operating a motor vehicle in excess of 20 miles per hour  
20 over the posted speed limit as provided in Article VI of  
21 Chapter 11 of the Illinois Vehicle Code;

22 (22) the defendant committed the offense against a  
23 person that the defendant knew, or reasonably should have  
24 known, was a member of the Armed Forces of the United  
25 States serving on active duty. For purposes of this clause  
26 (22), the term "Armed Forces" means any of the Armed

1 Forces of the United States, including a member of any  
2 reserve component thereof or National Guard unit called to  
3 active duty;

4 (23) the defendant committed the offense against a  
5 person who was elderly or infirm or who was a person with a  
6 disability by taking advantage of a family or fiduciary  
7 relationship with the elderly or infirm person or person  
8 with a disability;

9 (24) the defendant committed any offense under Section  
10 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
11 of 2012 and possessed 100 or more images;

12 (25) the defendant committed the offense while the  
13 defendant or the victim was in a train, bus, or other  
14 vehicle used for public transportation;

15 (26) the defendant committed the offense of child  
16 pornography or aggravated child pornography, specifically  
17 including paragraph (1), (2), (3), (4), (5), or (7) of  
18 subsection (a) of Section 11-20.1 of the Criminal Code of  
19 1961 or the Criminal Code of 2012 where a child engaged in,  
20 solicited for, depicted in, or posed in any act of sexual  
21 penetration or bound, fettered, or subject to sadistic,  
22 masochistic, or sadomasochistic abuse in a sexual context  
23 and specifically including paragraph (1), (2), (3), (4),  
24 (5), or (7) of subsection (a) of Section 11-20.1B or  
25 Section 11-20.3 of the Criminal Code of 1961 where a child  
26 engaged in, solicited for, depicted in, or posed in any

1 act of sexual penetration or bound, fettered, or subject  
2 to sadistic, masochistic, or sadomasochistic abuse in a  
3 sexual context;

4 (27) the defendant committed the offense of first  
5 degree murder, assault, aggravated assault, battery,  
6 aggravated battery, robbery, armed robbery, or aggravated  
7 robbery against a person who was a veteran and the  
8 defendant knew, or reasonably should have known, that the  
9 person was a veteran performing duties as a representative  
10 of a veterans' organization. For the purposes of this  
11 paragraph (27), "veteran" means an Illinois resident who  
12 has served as a member of the United States Armed Forces, a  
13 member of the Illinois National Guard, or a member of the  
14 United States Reserve Forces; and "veterans' organization"  
15 means an organization comprised of members of which  
16 substantially all are individuals who are veterans or  
17 spouses, widows, or widowers of veterans, the primary  
18 purpose of which is to promote the welfare of its members  
19 and to provide assistance to the general public in such a  
20 way as to confer a public benefit;

21 (28) the defendant committed the offense of assault,  
22 aggravated assault, battery, aggravated battery, robbery,  
23 armed robbery, or aggravated robbery against a person that  
24 the defendant knew or reasonably should have known was a  
25 letter carrier or postal worker while that person was  
26 performing his or her duties delivering mail for the

1 United States Postal Service;

2 (29) the defendant committed the offense of criminal  
3 sexual assault, aggravated criminal sexual assault,  
4 criminal sexual abuse, or aggravated criminal sexual abuse  
5 against a victim with an intellectual disability, and the  
6 defendant holds a position of trust, authority, or  
7 supervision in relation to the victim;

8 (30) the defendant committed the offense of promoting  
9 juvenile prostitution, patronizing a prostitute, or  
10 patronizing a minor engaged in prostitution and at the  
11 time of the commission of the offense knew that the  
12 prostitute or minor engaged in prostitution was in the  
13 custody or guardianship of the Department of Children and  
14 Family Services;

15 (31) the defendant (i) committed the offense of  
16 driving while under the influence of alcohol, other drug  
17 or drugs, intoxicating compound or compounds or any  
18 combination thereof in violation of Section 11-501 of the  
19 Illinois Vehicle Code or a similar provision of a local  
20 ordinance and (ii) the defendant during the commission of  
21 the offense was driving his or her vehicle upon a roadway  
22 designated for one-way traffic in the opposite direction  
23 of the direction indicated by official traffic control  
24 devices;

25 (32) the defendant committed the offense of reckless  
26 homicide while committing a violation of Section 11-907 of

1 the Illinois Vehicle Code;

2 (33) the defendant was found guilty of an  
3 administrative infraction related to an act or acts of  
4 public indecency or sexual misconduct in the penal  
5 institution. In this paragraph (33), "penal institution"  
6 has the same meaning as in Section 2-14 of the Criminal  
7 Code of 2012; or

8 (34) the defendant committed the offense of leaving  
9 the scene of an accident in violation of subsection (b) of  
10 Section 11-401 of the Illinois Vehicle Code and the  
11 accident resulted in the death of a person and at the time  
12 of the offense, the defendant was: (i) driving under the  
13 influence of alcohol, other drug or drugs, intoxicating  
14 compound or compounds or any combination thereof as  
15 defined by Section 11-501 of the Illinois Vehicle Code; or  
16 (ii) operating the motor vehicle while using an electronic  
17 communication device as defined in Section 12-610.2 of the  
18 Illinois Vehicle Code.

19 For the purposes of this Section:

20 "School" is defined as a public or private elementary or  
21 secondary school, community college, college, or university.

22 "Day care center" means a public or private State  
23 certified and licensed day care center as defined in Section  
24 2.09 of the Child Care Act of 1969 that displays a sign in  
25 plain view stating that the property is a day care center.

26 "Intellectual disability" means significantly subaverage

1 intellectual functioning which exists concurrently with  
2 impairment in adaptive behavior.

3 "Public transportation" means the transportation or  
4 conveyance of persons by means available to the general  
5 public, and includes paratransit services.

6 "Traffic control devices" means all signs, signals,  
7 markings, and devices that conform to the Illinois Manual on  
8 Uniform Traffic Control Devices, placed or erected by  
9 authority of a public body or official having jurisdiction,  
10 for the purpose of regulating, warning, or guiding traffic.

11 (b) The following factors, related to all felonies, may be  
12 considered by the court as reasons to impose an extended term  
13 sentence under Section 5-8-2 upon any offender:

14 (1) When a defendant is convicted of any felony, after  
15 having been previously convicted in Illinois or any other  
16 jurisdiction of the same or similar class felony or  
17 greater class felony, when such conviction has occurred  
18 within 10 years after the previous conviction, excluding  
19 time spent in custody, and such charges are separately  
20 brought and tried and arise out of different series of  
21 acts; or

22 (2) When a defendant is convicted of any felony and  
23 the court finds that the offense was accompanied by  
24 exceptionally brutal or heinous behavior indicative of  
25 wanton cruelty; or

26 (3) When a defendant is convicted of any felony

1 committed against:

2 (i) a person under 12 years of age at the time of  
3 the offense or such person's property;

4 (ii) a person 60 years of age or older at the time  
5 of the offense or such person's property; or

6 (iii) a person who had a physical disability at  
7 the time of the offense or such person's property; or

8 (4) When a defendant is convicted of any felony and  
9 the offense involved any of the following types of  
10 specific misconduct committed as part of a ceremony, rite,  
11 initiation, observance, performance, practice or activity  
12 of any actual or ostensible religious, fraternal, or  
13 social group:

14 (i) the brutalizing or torturing of humans or  
15 animals;

16 (ii) the theft of human corpses;

17 (iii) the kidnapping of humans;

18 (iv) the desecration of any cemetery, religious,  
19 fraternal, business, governmental, educational, or  
20 other building or property; or

21 (v) ritualized abuse of a child; or

22 (5) When a defendant is convicted of a felony other  
23 than conspiracy and the court finds that the felony was  
24 committed under an agreement with 2 or more other persons  
25 to commit that offense and the defendant, with respect to  
26 the other individuals, occupied a position of organizer,

1 supervisor, financier, or any other position of management  
2 or leadership, and the court further finds that the felony  
3 committed was related to or in furtherance of the criminal  
4 activities of an organized gang or was motivated by the  
5 defendant's leadership in an organized gang; or

6 (6) When a defendant is convicted of an offense  
7 committed while using a firearm with a laser sight  
8 attached to it. For purposes of this paragraph, "laser  
9 sight" has the meaning ascribed to it in Section 26-7 of  
10 the Criminal Code of 2012; or

11 (7) When a defendant who was at least 17 years of age  
12 at the time of the commission of the offense is convicted  
13 of a felony and has been previously adjudicated a  
14 delinquent minor under the Juvenile Court Act of 1987 for  
15 an act that if committed by an adult would be a Class X or  
16 Class 1 felony when the conviction has occurred within 10  
17 years after the previous adjudication, excluding time  
18 spent in custody; or

19 (8) When a defendant commits any felony and the  
20 defendant used, possessed, exercised control over, or  
21 otherwise directed an animal to assault a law enforcement  
22 officer engaged in the execution of his or her official  
23 duties or in furtherance of the criminal activities of an  
24 organized gang in which the defendant is engaged; or

25 (9) When a defendant commits any felony and the  
26 defendant knowingly video or audio records the offense



1 with the intent to disseminate the recording.

2 (c) The following factors may be considered by the court  
3 as reasons to impose an extended term sentence under Section  
4 5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed  
5 offenses:

6 (1) When a defendant is convicted of first degree  
7 murder, after having been previously convicted in Illinois  
8 of any offense listed under paragraph (c)(2) of Section  
9 5-5-3 (730 ILCS 5/5-5-3), when that conviction has  
10 occurred within 10 years after the previous conviction,  
11 excluding time spent in custody, and the charges are  
12 separately brought and tried and arise out of different  
13 series of acts.

14 (1.5) When a defendant is convicted of first degree  
15 murder, after having been previously convicted of domestic  
16 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
17 (720 ILCS 5/12-3.3) committed on the same victim or after  
18 having been previously convicted of violation of an order  
19 of protection (720 ILCS 5/12-30) in which the same victim  
20 was the protected person.

21 (2) When a defendant is convicted of voluntary  
22 manslaughter, second degree murder, involuntary  
23 manslaughter, or reckless homicide in which the defendant  
24 has been convicted of causing the death of more than one  
25 individual.

26 (3) When a defendant is convicted of aggravated

1 criminal sexual assault or criminal sexual assault, when  
2 there is a finding that aggravated criminal sexual assault  
3 or criminal sexual assault was also committed on the same  
4 victim by one or more other individuals, and the defendant  
5 voluntarily participated in the crime with the knowledge  
6 of the participation of the others in the crime, and the  
7 commission of the crime was part of a single course of  
8 conduct during which there was no substantial change in  
9 the nature of the criminal objective.

10 (4) If the victim was under 18 years of age at the time  
11 of the commission of the offense, when a defendant is  
12 convicted of aggravated criminal sexual assault or  
13 predatory criminal sexual assault of a child under  
14 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
15 of Section 12-14.1 of the Criminal Code of 1961 or the  
16 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

17 (5) When a defendant is convicted of a felony  
18 violation of Section 24-1 of the Criminal Code of 1961 or  
19 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
20 finding that the defendant is a member of an organized  
21 gang.

22 (6) When a defendant was convicted of unlawful use of  
23 weapons under Section 24-1 of the Criminal Code of 1961 or  
24 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
25 a weapon that is not readily distinguishable as one of the  
26 weapons enumerated in Section 24-1 of the Criminal Code of

1 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

2 (7) When a defendant is convicted of an offense  
3 involving the illegal manufacture of a controlled  
4 substance under Section 401 of the Illinois Controlled  
5 Substances Act (720 ILCS 570/401), the illegal manufacture  
6 of methamphetamine under Section 25 of the Methamphetamine  
7 Control and Community Protection Act (720 ILCS 646/25), or  
8 the illegal possession of explosives and an emergency  
9 response officer in the performance of his or her duties  
10 is killed or injured at the scene of the offense while  
11 responding to the emergency caused by the commission of  
12 the offense. In this paragraph, "emergency" means a  
13 situation in which a person's life, health, or safety is  
14 in jeopardy; and "emergency response officer" means a  
15 peace officer, community policing volunteer, fireman,  
16 emergency medical technician-ambulance, emergency medical  
17 technician-intermediate, emergency medical  
18 technician-paramedic, ambulance driver, other medical  
19 assistance or first aid personnel, or hospital emergency  
20 room personnel.

21 (8) When the defendant is convicted of attempted mob  
22 action, solicitation to commit mob action, or conspiracy  
23 to commit mob action under Section 8-1, 8-2, or 8-4 of the  
24 Criminal Code of 2012, where the criminal object is a  
25 violation of Section 25-1 of the Criminal Code of 2012,  
26 and an electronic communication is used in the commission

1 of the offense. For the purposes of this paragraph (8),  
2 "electronic communication" shall have the meaning provided  
3 in Section 26.5-0.1 of the Criminal Code of 2012.

4 (d) For the purposes of this Section, "organized gang" has  
5 the meaning ascribed to it in Section 10 of the Illinois  
6 Streetgang Terrorism Omnibus Prevention Act.

7 (e) The court may impose an extended term sentence under  
8 Article 4.5 of Chapter V upon an offender who has been  
9 convicted of a felony violation of Section 11-1.20, 11-1.30,  
10 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
11 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
12 when the victim of the offense is under 18 years of age at the  
13 time of the commission of the offense and, during the  
14 commission of the offense, the victim was under the influence  
15 of alcohol, regardless of whether or not the alcohol was  
16 supplied by the offender; and the offender, at the time of the  
17 commission of the offense, knew or should have known that the  
18 victim had consumed alcohol.

19 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;  
20 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.  
21 8-20-21.)

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

23 Sec. 5-5-3.2. Factors in aggravation and extended-term  
24 sentencing.

25 (a) The following factors shall be accorded weight in

1 favor of imposing a term of imprisonment or may be considered  
2 by the court as reasons to impose a more severe sentence under  
3 Section 5-8-1 or Article 4.5 of Chapter V:

4 (1) the defendant's conduct caused or threatened  
5 serious harm;

6 (2) the defendant received compensation for committing  
7 the offense;

8 (3) the defendant has a history of prior delinquency  
9 or criminal activity;

10 (4) the defendant, by the duties of his office or by  
11 his position, was obliged to prevent the particular  
12 offense committed or to bring the offenders committing it  
13 to justice;

14 (5) the defendant held public office at the time of  
15 the offense, and the offense related to the conduct of  
16 that office;

17 (6) the defendant utilized his professional reputation  
18 or position in the community to commit the offense, or to  
19 afford him an easier means of committing it;

20 (7) the sentence is necessary to deter others from  
21 committing the same crime;

22 (8) the defendant committed the offense against a  
23 person 60 years of age or older or such person's property;

24 (9) the defendant committed the offense against a  
25 person who has a physical disability or such person's  
26 property;

1           (10) by reason of another individual's actual or  
2           perceived race, color, creed, religion, ancestry, gender,  
3           sexual orientation, physical or mental disability, or  
4           national origin, the defendant committed the offense  
5           against (i) the person or property of that individual;  
6           (ii) the person or property of a person who has an  
7           association with, is married to, or has a friendship with  
8           the other individual; or (iii) the person or property of a  
9           relative (by blood or marriage) of a person described in  
10          clause (i) or (ii). For the purposes of this Section,  
11          "sexual orientation" has the meaning ascribed to it in  
12          paragraph (0-1) of Section 1-103 of the Illinois Human  
13          Rights Act;

14          (11) the offense took place in a place of worship or on  
15          the grounds of a place of worship, immediately prior to,  
16          during or immediately following worship services. For  
17          purposes of this subparagraph, "place of worship" shall  
18          mean any church, synagogue or other building, structure or  
19          place used primarily for religious worship;

20          (12) the defendant was convicted of a felony committed  
21          while he was on pretrial release or his own recognizance  
22          pending trial for a prior felony and was convicted of such  
23          prior felony, or the defendant was convicted of a felony  
24          committed while he was serving a period of probation,  
25          conditional discharge, or mandatory supervised release  
26          under subsection (d) of Section 5-8-1 for a prior felony;

1           (13) the defendant committed or attempted to commit a  
2 felony while he was wearing a bulletproof vest. For the  
3 purposes of this paragraph (13), a bulletproof vest is any  
4 device which is designed for the purpose of protecting the  
5 wearer from bullets, shot or other lethal projectiles;

6           (14) the defendant held a position of trust or  
7 supervision such as, but not limited to, family member as  
8 defined in Section 11-0.1 of the Criminal Code of 2012,  
9 teacher, scout leader, baby sitter, or day care worker, in  
10 relation to a victim under 18 years of age, and the  
11 defendant committed an offense in violation of Section  
12 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
13 11-14.4 except for an offense that involves keeping a  
14 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
15 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
16 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
17 of 2012 against that victim;

18           (15) the defendant committed an offense related to the  
19 activities of an organized gang. For the purposes of this  
20 factor, "organized gang" has the meaning ascribed to it in  
21 Section 10 of the Streetgang Terrorism Omnibus Prevention  
22 Act;

23           (16) the defendant committed an offense in violation  
24 of one of the following Sections while in a school,  
25 regardless of the time of day or time of year; on any  
26 conveyance owned, leased, or contracted by a school to

1 transport students to or from school or a school related  
2 activity; on the real property of a school; or on a public  
3 way within 1,000 feet of the real property comprising any  
4 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,  
5 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,  
6 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,  
7 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,  
8 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except  
9 for subdivision (a) (4) or (g) (1), of the Criminal Code of  
10 1961 or the Criminal Code of 2012;

11 (16.5) the defendant committed an offense in violation  
12 of one of the following Sections while in a day care  
13 center, regardless of the time of day or time of year; on  
14 the real property of a day care center, regardless of the  
15 time of day or time of year; or on a public way within  
16 1,000 feet of the real property comprising any day care  
17 center, regardless of the time of day or time of year:  
18 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
19 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
20 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
21 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
22 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
23 (a) (4) or (g) (1), of the Criminal Code of 1961 or the  
24 Criminal Code of 2012;

25 (17) the defendant committed the offense by reason of  
26 any person's activity as a community policing volunteer or



1 to prevent any person from engaging in activity as a  
2 community policing volunteer. For the purpose of this  
3 Section, "community policing volunteer" has the meaning  
4 ascribed to it in Section 2-3.5 of the Criminal Code of  
5 2012;

6 (18) the defendant committed the offense in a nursing  
7 home or on the real property comprising a nursing home.  
8 For the purposes of this paragraph (18), "nursing home"  
9 means a skilled nursing or intermediate long term care  
10 facility that is subject to license by the Illinois  
11 Department of Public Health under the Nursing Home Care  
12 Act, the Specialized Mental Health Rehabilitation Act of  
13 2013, the ID/DD Community Care Act, or the MC/DD Act;

14 (19) the defendant was a federally licensed firearm  
15 dealer and was previously convicted of a violation of  
16 subsection (a) of Section 3 of the Firearm Owners  
17 Identification Card Act before its repeal by this  
18 amendatory Act of the 103rd General Assembly and has now  
19 committed ~~either a felony violation of the Firearm Owners~~  
20 ~~Identification Card Act or~~ an act of armed violence while  
21 armed with a firearm;

22 (20) the defendant (i) committed the offense of  
23 reckless homicide under Section 9-3 of the Criminal Code  
24 of 1961 or the Criminal Code of 2012 or the offense of  
25 driving under the influence of alcohol, other drug or  
26 drugs, intoxicating compound or compounds or any

1 combination thereof under Section 11-501 of the Illinois  
2 Vehicle Code or a similar provision of a local ordinance  
3 and (ii) was operating a motor vehicle in excess of 20  
4 miles per hour over the posted speed limit as provided in  
5 Article VI of Chapter 11 of the Illinois Vehicle Code;

6 (21) the defendant (i) committed the offense of  
7 reckless driving or aggravated reckless driving under  
8 Section 11-503 of the Illinois Vehicle Code and (ii) was  
9 operating a motor vehicle in excess of 20 miles per hour  
10 over the posted speed limit as provided in Article VI of  
11 Chapter 11 of the Illinois Vehicle Code;

12 (22) the defendant committed the offense against a  
13 person that the defendant knew, or reasonably should have  
14 known, was a member of the Armed Forces of the United  
15 States serving on active duty. For purposes of this clause  
16 (22), the term "Armed Forces" means any of the Armed  
17 Forces of the United States, including a member of any  
18 reserve component thereof or National Guard unit called to  
19 active duty;

20 (23) the defendant committed the offense against a  
21 person who was elderly or infirm or who was a person with a  
22 disability by taking advantage of a family or fiduciary  
23 relationship with the elderly or infirm person or person  
24 with a disability;

25 (24) the defendant committed any offense under Section  
26 11-20.1 of the Criminal Code of 1961 or the Criminal Code

1 of 2012 and possessed 100 or more images;

2 (25) the defendant committed the offense while the  
3 defendant or the victim was in a train, bus, or other  
4 vehicle used for public transportation;

5 (26) the defendant committed the offense of child  
6 pornography or aggravated child pornography, specifically  
7 including paragraph (1), (2), (3), (4), (5), or (7) of  
8 subsection (a) of Section 11-20.1 of the Criminal Code of  
9 1961 or the Criminal Code of 2012 where a child engaged in,  
10 solicited for, depicted in, or posed in any act of sexual  
11 penetration or bound, fettered, or subject to sadistic,  
12 masochistic, or sadomasochistic abuse in a sexual context  
13 and specifically including paragraph (1), (2), (3), (4),  
14 (5), or (7) of subsection (a) of Section 11-20.1B or  
15 Section 11-20.3 of the Criminal Code of 1961 where a child  
16 engaged in, solicited for, depicted in, or posed in any  
17 act of sexual penetration or bound, fettered, or subject  
18 to sadistic, masochistic, or sadomasochistic abuse in a  
19 sexual context;

20 (27) the defendant committed the offense of first  
21 degree murder, assault, aggravated assault, battery,  
22 aggravated battery, robbery, armed robbery, or aggravated  
23 robbery against a person who was a veteran and the  
24 defendant knew, or reasonably should have known, that the  
25 person was a veteran performing duties as a representative  
26 of a veterans' organization. For the purposes of this

1 paragraph (27), "veteran" means an Illinois resident who  
2 has served as a member of the United States Armed Forces, a  
3 member of the Illinois National Guard, or a member of the  
4 United States Reserve Forces; and "veterans' organization"  
5 means an organization comprised of members of which  
6 substantially all are individuals who are veterans or  
7 spouses, widows, or widowers of veterans, the primary  
8 purpose of which is to promote the welfare of its members  
9 and to provide assistance to the general public in such a  
10 way as to confer a public benefit;

11 (28) the defendant committed the offense of assault,  
12 aggravated assault, battery, aggravated battery, robbery,  
13 armed robbery, or aggravated robbery against a person that  
14 the defendant knew or reasonably should have known was a  
15 letter carrier or postal worker while that person was  
16 performing his or her duties delivering mail for the  
17 United States Postal Service;

18 (29) the defendant committed the offense of criminal  
19 sexual assault, aggravated criminal sexual assault,  
20 criminal sexual abuse, or aggravated criminal sexual abuse  
21 against a victim with an intellectual disability, and the  
22 defendant holds a position of trust, authority, or  
23 supervision in relation to the victim;

24 (30) the defendant committed the offense of promoting  
25 juvenile prostitution, patronizing a prostitute, or  
26 patronizing a minor engaged in prostitution and at the

1 time of the commission of the offense knew that the  
2 prostitute or minor engaged in prostitution was in the  
3 custody or guardianship of the Department of Children and  
4 Family Services;

5 (31) the defendant (i) committed the offense of  
6 driving while under the influence of alcohol, other drug  
7 or drugs, intoxicating compound or compounds or any  
8 combination thereof in violation of Section 11-501 of the  
9 Illinois Vehicle Code or a similar provision of a local  
10 ordinance and (ii) the defendant during the commission of  
11 the offense was driving his or her vehicle upon a roadway  
12 designated for one-way traffic in the opposite direction  
13 of the direction indicated by official traffic control  
14 devices;

15 (32) the defendant committed the offense of reckless  
16 homicide while committing a violation of Section 11-907 of  
17 the Illinois Vehicle Code;

18 (33) the defendant was found guilty of an  
19 administrative infraction related to an act or acts of  
20 public indecency or sexual misconduct in the penal  
21 institution. In this paragraph (33), "penal institution"  
22 has the same meaning as in Section 2-14 of the Criminal  
23 Code of 2012; or

24 (34) the defendant committed the offense of leaving  
25 the scene of a crash in violation of subsection (b) of  
26 Section 11-401 of the Illinois Vehicle Code and the crash

1           resulted in the death of a person and at the time of the  
2           offense, the defendant was: (i) driving under the  
3           influence of alcohol, other drug or drugs, intoxicating  
4           compound or compounds or any combination thereof as  
5           defined by Section 11-501 of the Illinois Vehicle Code; or  
6           (ii) operating the motor vehicle while using an electronic  
7           communication device as defined in Section 12-610.2 of the  
8           Illinois Vehicle Code.

9           For the purposes of this Section:

10          "School" is defined as a public or private elementary or  
11          secondary school, community college, college, or university.

12          "Day care center" means a public or private State  
13          certified and licensed day care center as defined in Section  
14          2.09 of the Child Care Act of 1969 that displays a sign in  
15          plain view stating that the property is a day care center.

16          "Intellectual disability" means significantly subaverage  
17          intellectual functioning which exists concurrently with  
18          impairment in adaptive behavior.

19          "Public transportation" means the transportation or  
20          conveyance of persons by means available to the general  
21          public, and includes paratransit services.

22          "Traffic control devices" means all signs, signals,  
23          markings, and devices that conform to the Illinois Manual on  
24          Uniform Traffic Control Devices, placed or erected by  
25          authority of a public body or official having jurisdiction,  
26          for the purpose of regulating, warning, or guiding traffic.

1 (b) The following factors, related to all felonies, may be  
2 considered by the court as reasons to impose an extended term  
3 sentence under Section 5-8-2 upon any offender:

4 (1) When a defendant is convicted of any felony, after  
5 having been previously convicted in Illinois or any other  
6 jurisdiction of the same or similar class felony or  
7 greater class felony, when such conviction has occurred  
8 within 10 years after the previous conviction, excluding  
9 time spent in custody, and such charges are separately  
10 brought and tried and arise out of different series of  
11 acts; or

12 (2) When a defendant is convicted of any felony and  
13 the court finds that the offense was accompanied by  
14 exceptionally brutal or heinous behavior indicative of  
15 wanton cruelty; or

16 (3) When a defendant is convicted of any felony  
17 committed against:

18 (i) a person under 12 years of age at the time of  
19 the offense or such person's property;

20 (ii) a person 60 years of age or older at the time  
21 of the offense or such person's property; or

22 (iii) a person who had a physical disability at  
23 the time of the offense or such person's property; or

24 (4) When a defendant is convicted of any felony and  
25 the offense involved any of the following types of  
26 specific misconduct committed as part of a ceremony, rite,

1 initiation, observance, performance, practice or activity  
2 of any actual or ostensible religious, fraternal, or  
3 social group:

4 (i) the brutalizing or torturing of humans or  
5 animals;

6 (ii) the theft of human corpses;

7 (iii) the kidnapping of humans;

8 (iv) the desecration of any cemetery, religious,  
9 fraternal, business, governmental, educational, or  
10 other building or property; or

11 (v) ritualized abuse of a child; or

12 (5) When a defendant is convicted of a felony other  
13 than conspiracy and the court finds that the felony was  
14 committed under an agreement with 2 or more other persons  
15 to commit that offense and the defendant, with respect to  
16 the other individuals, occupied a position of organizer,  
17 supervisor, financier, or any other position of management  
18 or leadership, and the court further finds that the felony  
19 committed was related to or in furtherance of the criminal  
20 activities of an organized gang or was motivated by the  
21 defendant's leadership in an organized gang; or

22 (6) When a defendant is convicted of an offense  
23 committed while using a firearm with a laser sight  
24 attached to it. For purposes of this paragraph, "laser  
25 sight" has the meaning ascribed to it in Section 26-7 of  
26 the Criminal Code of 2012; or



1           (7) When a defendant who was at least 17 years of age  
2           at the time of the commission of the offense is convicted  
3           of a felony and has been previously adjudicated a  
4           delinquent minor under the Juvenile Court Act of 1987 for  
5           an act that if committed by an adult would be a Class X or  
6           Class 1 felony when the conviction has occurred within 10  
7           years after the previous adjudication, excluding time  
8           spent in custody; or

9           (8) When a defendant commits any felony and the  
10          defendant used, possessed, exercised control over, or  
11          otherwise directed an animal to assault a law enforcement  
12          officer engaged in the execution of his or her official  
13          duties or in furtherance of the criminal activities of an  
14          organized gang in which the defendant is engaged; or

15          (9) When a defendant commits any felony and the  
16          defendant knowingly video or audio records the offense  
17          with the intent to disseminate the recording.

18          (c) The following factors may be considered by the court  
19          as reasons to impose an extended term sentence under Section  
20          5-8-2 (730 ILCS 5/5-8-2) upon any offender for the listed  
21          offenses:

22                 (1) When a defendant is convicted of first degree  
23                 murder, after having been previously convicted in Illinois  
24                 of any offense listed under paragraph (c)(2) of Section  
25                 5-5-3 (730 ILCS 5/5-5-3), when that conviction has  
26                 occurred within 10 years after the previous conviction,

1 excluding time spent in custody, and the charges are  
2 separately brought and tried and arise out of different  
3 series of acts.

4 (1.5) When a defendant is convicted of first degree  
5 murder, after having been previously convicted of domestic  
6 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
7 (720 ILCS 5/12-3.3) committed on the same victim or after  
8 having been previously convicted of violation of an order  
9 of protection (720 ILCS 5/12-30) in which the same victim  
10 was the protected person.

11 (2) When a defendant is convicted of voluntary  
12 manslaughter, second degree murder, involuntary  
13 manslaughter, or reckless homicide in which the defendant  
14 has been convicted of causing the death of more than one  
15 individual.

16 (3) When a defendant is convicted of aggravated  
17 criminal sexual assault or criminal sexual assault, when  
18 there is a finding that aggravated criminal sexual assault  
19 or criminal sexual assault was also committed on the same  
20 victim by one or more other individuals, and the defendant  
21 voluntarily participated in the crime with the knowledge  
22 of the participation of the others in the crime, and the  
23 commission of the crime was part of a single course of  
24 conduct during which there was no substantial change in  
25 the nature of the criminal objective.

26 (4) If the victim was under 18 years of age at the time

1 of the commission of the offense, when a defendant is  
2 convicted of aggravated criminal sexual assault or  
3 predatory criminal sexual assault of a child under  
4 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
5 of Section 12-14.1 of the Criminal Code of 1961 or the  
6 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

7 (5) When a defendant is convicted of a felony  
8 violation of Section 24-1 of the Criminal Code of 1961 or  
9 the Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
10 finding that the defendant is a member of an organized  
11 gang.

12 (6) When a defendant was convicted of unlawful use of  
13 weapons under Section 24-1 of the Criminal Code of 1961 or  
14 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
15 a weapon that is not readily distinguishable as one of the  
16 weapons enumerated in Section 24-1 of the Criminal Code of  
17 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

18 (7) When a defendant is convicted of an offense  
19 involving the illegal manufacture of a controlled  
20 substance under Section 401 of the Illinois Controlled  
21 Substances Act (720 ILCS 570/401), the illegal manufacture  
22 of methamphetamine under Section 25 of the Methamphetamine  
23 Control and Community Protection Act (720 ILCS 646/25), or  
24 the illegal possession of explosives and an emergency  
25 response officer in the performance of his or her duties  
26 is killed or injured at the scene of the offense while

1           responding to the emergency caused by the commission of  
2           the offense. In this paragraph, "emergency" means a  
3           situation in which a person's life, health, or safety is  
4           in jeopardy; and "emergency response officer" means a  
5           peace officer, community policing volunteer, fireman,  
6           emergency medical technician-ambulance, emergency medical  
7           technician-intermediate,                   emergency                   medical  
8           technician-paramedic, ambulance driver, other medical  
9           assistance or first aid personnel, or hospital emergency  
10          room personnel.

11           (8) When the defendant is convicted of attempted mob  
12          action, solicitation to commit mob action, or conspiracy  
13          to commit mob action under Section 8-1, 8-2, or 8-4 of the  
14          Criminal Code of 2012, where the criminal object is a  
15          violation of Section 25-1 of the Criminal Code of 2012,  
16          and an electronic communication is used in the commission  
17          of the offense. For the purposes of this paragraph (8),  
18          "electronic communication" shall have the meaning provided  
19          in Section 26.5-0.1 of the Criminal Code of 2012.

20           (d) For the purposes of this Section, "organized gang" has  
21          the meaning ascribed to it in Section 10 of the Illinois  
22          Streetgang Terrorism Omnibus Prevention Act.

23           (e) The court may impose an extended term sentence under  
24          Article 4.5 of Chapter V upon an offender who has been  
25          convicted of a felony violation of Section 11-1.20, 11-1.30,  
26          11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or

1 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
2 when the victim of the offense is under 18 years of age at the  
3 time of the commission of the offense and, during the  
4 commission of the offense, the victim was under the influence  
5 of alcohol, regardless of whether or not the alcohol was  
6 supplied by the offender; and the offender, at the time of the  
7 commission of the offense, knew or should have known that the  
8 victim had consumed alcohol.

9 (Source: P.A. 101-173, eff. 1-1-20; 101-401, eff. 1-1-20;  
10 101-417, eff. 1-1-20; 101-652, eff. 1-1-23; 102-558, eff.  
11 8-20-21; 102-982, eff. 7-1-23.)

12 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

13 Sec. 5-6-3. Conditions of probation and of conditional  
14 discharge.

15 (a) The conditions of probation and of conditional  
16 discharge shall be that the person:

17 (1) not violate any criminal statute of any  
18 jurisdiction;

19 (2) report to or appear in person before such person  
20 or agency as directed by the court;

21 (3) refrain from possessing a firearm or other  
22 dangerous weapon where the offense is a felony or, if a  
23 misdemeanor, the offense involved the intentional or  
24 knowing infliction of bodily harm or threat of bodily  
25 harm;

1           (4) not leave the State without the consent of the  
2 court or, in circumstances in which the reason for the  
3 absence is of such an emergency nature that prior consent  
4 by the court is not possible, without the prior  
5 notification and approval of the person's probation  
6 officer. Transfer of a person's probation or conditional  
7 discharge supervision to another state is subject to  
8 acceptance by the other state pursuant to the Interstate  
9 Compact for Adult Offender Supervision;

10           (5) permit the probation officer to visit him at his  
11 home or elsewhere to the extent necessary to discharge his  
12 duties;

13           (6) perform no less than 30 hours of community service  
14 and not more than 120 hours of community service, if  
15 community service is available in the jurisdiction and is  
16 funded and approved by the county board where the offense  
17 was committed, where the offense was related to or in  
18 furtherance of the criminal activities of an organized  
19 gang and was motivated by the offender's membership in or  
20 allegiance to an organized gang. The community service  
21 shall include, but not be limited to, the cleanup and  
22 repair of any damage caused by a violation of Section  
23 21-1.3 of the Criminal Code of 1961 or the Criminal Code of  
24 2012 and similar damage to property located within the  
25 municipality or county in which the violation occurred.  
26 When possible and reasonable, the community service should

1 be performed in the offender's neighborhood. For purposes  
2 of this Section, "organized gang" has the meaning ascribed  
3 to it in Section 10 of the Illinois Streetgang Terrorism  
4 Omnibus Prevention Act. The court may give credit toward  
5 the fulfillment of community service hours for  
6 participation in activities and treatment as determined by  
7 court services;

8 (7) if he or she is at least 17 years of age and has  
9 been sentenced to probation or conditional discharge for a  
10 misdemeanor or felony in a county of 3,000,000 or more  
11 inhabitants and has not been previously convicted of a  
12 misdemeanor or felony, may be required by the sentencing  
13 court to attend educational courses designed to prepare  
14 the defendant for a high school diploma and to work toward  
15 a high school diploma or to work toward passing high  
16 school equivalency testing or to work toward completing a  
17 vocational training program approved by the court. The  
18 person on probation or conditional discharge must attend a  
19 public institution of education to obtain the educational  
20 or vocational training required by this paragraph (7). The  
21 court shall revoke the probation or conditional discharge  
22 of a person who willfully fails to comply with this  
23 paragraph (7). The person on probation or conditional  
24 discharge shall be required to pay for the cost of the  
25 educational courses or high school equivalency testing if  
26 a fee is charged for those courses or testing. The court

1 shall resentence the offender whose probation or  
2 conditional discharge has been revoked as provided in  
3 Section 5-6-4. This paragraph (7) does not apply to a  
4 person who has a high school diploma or has successfully  
5 passed high school equivalency testing. This paragraph (7)  
6 does not apply to a person who is determined by the court  
7 to be a person with a developmental disability or  
8 otherwise mentally incapable of completing the educational  
9 or vocational program;

10 (8) if convicted of possession of a substance  
11 prohibited by the Cannabis Control Act, the Illinois  
12 Controlled Substances Act, or the Methamphetamine Control  
13 and Community Protection Act after a previous conviction  
14 or disposition of supervision for possession of a  
15 substance prohibited by the Cannabis Control Act or  
16 Illinois Controlled Substances Act or after a sentence of  
17 probation under Section 10 of the Cannabis Control Act,  
18 Section 410 of the Illinois Controlled Substances Act, or  
19 Section 70 of the Methamphetamine Control and Community  
20 Protection Act and upon a finding by the court that the  
21 person is addicted, undergo treatment at a substance abuse  
22 program approved by the court;

23 (8.5) if convicted of a felony sex offense as defined  
24 in the Sex Offender Management Board Act, the person shall  
25 undergo and successfully complete sex offender treatment  
26 by a treatment provider approved by the Board and



1 conducted in conformance with the standards developed  
2 under the Sex Offender Management Board Act;

3 (8.6) if convicted of a sex offense as defined in the  
4 Sex Offender Management Board Act, refrain from residing  
5 at the same address or in the same condominium unit or  
6 apartment unit or in the same condominium complex or  
7 apartment complex with another person he or she knows or  
8 reasonably should know is a convicted sex offender or has  
9 been placed on supervision for a sex offense; the  
10 provisions of this paragraph do not apply to a person  
11 convicted of a sex offense who is placed in a Department of  
12 Corrections licensed transitional housing facility for sex  
13 offenders;

14 (8.7) if convicted for an offense committed on or  
15 after June 1, 2008 (the effective date of Public Act  
16 95-464) that would qualify the accused as a child sex  
17 offender as defined in Section 11-9.3 or 11-9.4 of the  
18 Criminal Code of 1961 or the Criminal Code of 2012,  
19 refrain from communicating with or contacting, by means of  
20 the Internet, a person who is not related to the accused  
21 and whom the accused reasonably believes to be under 18  
22 years of age; for purposes of this paragraph (8.7),  
23 "Internet" has the meaning ascribed to it in Section  
24 16-0.1 of the Criminal Code of 2012; and a person is not  
25 related to the accused if the person is not: (i) the  
26 spouse, brother, or sister of the accused; (ii) a

1 descendant of the accused; (iii) a first or second cousin  
2 of the accused; or (iv) a step-child or adopted child of  
3 the accused;

4 (8.8) if convicted for an offense under Section 11-6,  
5 11-9.1, 11-14.4 that involves soliciting for a juvenile  
6 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
7 of the Criminal Code of 1961 or the Criminal Code of 2012,  
8 or any attempt to commit any of these offenses, committed  
9 on or after June 1, 2009 (the effective date of Public Act  
10 95-983):

11 (i) not access or use a computer or any other  
12 device with Internet capability without the prior  
13 written approval of the offender's probation officer,  
14 except in connection with the offender's employment or  
15 search for employment with the prior approval of the  
16 offender's probation officer;

17 (ii) submit to periodic unannounced examinations  
18 of the offender's computer or any other device with  
19 Internet capability by the offender's probation  
20 officer, a law enforcement officer, or assigned  
21 computer or information technology specialist,  
22 including the retrieval and copying of all data from  
23 the computer or device and any internal or external  
24 peripherals and removal of such information,  
25 equipment, or device to conduct a more thorough  
26 inspection;

1 (iii) submit to the installation on the offender's  
2 computer or device with Internet capability, at the  
3 offender's expense, of one or more hardware or  
4 software systems to monitor the Internet use; and

5 (iv) submit to any other appropriate restrictions  
6 concerning the offender's use of or access to a  
7 computer or any other device with Internet capability  
8 imposed by the offender's probation officer;

9 (8.9) if convicted of a sex offense as defined in the  
10 Sex Offender Registration Act committed on or after  
11 January 1, 2010 (the effective date of Public Act 96-262),  
12 refrain from accessing or using a social networking  
13 website as defined in Section 17-0.5 of the Criminal Code  
14 of 2012;

15 (9) if convicted of a felony or of any misdemeanor  
16 violation of Section 12-1, 12-2, 12-3, 12-3.2, 12-3.4, or  
17 12-3.5 of the Criminal Code of 1961 or the Criminal Code of  
18 2012 that was determined, pursuant to Section 112A-11.1 of  
19 the Code of Criminal Procedure of 1963, to trigger the  
20 prohibitions of 18 U.S.C. 922(g)(9), physically surrender  
21 at a time and place designated by the court, ~~his or her~~  
22 ~~Firearm Owner's Identification Card~~ and any and all  
23 firearms in his or her possession. ~~The Court shall return~~  
24 ~~to the Illinois State Police Firearm Owner's~~  
25 ~~Identification Card Office the person's Firearm Owner's~~  
26 ~~Identification Card;~~

1           (10) if convicted of a sex offense as defined in  
2 subsection (a-5) of Section 3-1-2 of this Code, unless the  
3 offender is a parent or guardian of the person under 18  
4 years of age present in the home and no non-familial  
5 minors are present, not participate in a holiday event  
6 involving children under 18 years of age, such as  
7 distributing candy or other items to children on  
8 Halloween, wearing a Santa Claus costume on or preceding  
9 Christmas, being employed as a department store Santa  
10 Claus, or wearing an Easter Bunny costume on or preceding  
11 Easter;

12           (11) if convicted of a sex offense as defined in  
13 Section 2 of the Sex Offender Registration Act committed  
14 on or after January 1, 2010 (the effective date of Public  
15 Act 96-362) that requires the person to register as a sex  
16 offender under that Act, may not knowingly use any  
17 computer scrub software on any computer that the sex  
18 offender uses;

19           (12) if convicted of a violation of the  
20 Methamphetamine Control and Community Protection Act, the  
21 Methamphetamine Precursor Control Act, or a  
22 methamphetamine related offense:

23           (A) prohibited from purchasing, possessing, or  
24 having under his or her control any product containing  
25 pseudoephedrine unless prescribed by a physician; and

26           (B) prohibited from purchasing, possessing, or

1           having under his or her control any product containing  
2           ammonium nitrate; and

3           (13) if convicted of a hate crime involving the  
4           protected class identified in subsection (a) of Section  
5           12-7.1 of the Criminal Code of 2012 that gave rise to the  
6           offense the offender committed, perform public or  
7           community service of no less than 200 hours and enroll in  
8           an educational program discouraging hate crimes that  
9           includes racial, ethnic, and cultural sensitivity training  
10          ordered by the court.

11          (b) The Court may in addition to other reasonable  
12          conditions relating to the nature of the offense or the  
13          rehabilitation of the defendant as determined for each  
14          defendant in the proper discretion of the Court require that  
15          the person:

16               (1) serve a term of periodic imprisonment under  
17               Article 7 for a period not to exceed that specified in  
18               paragraph (d) of Section 5-7-1;

19               (2) pay a fine and costs;

20               (3) work or pursue a course of study or vocational  
21               training;

22               (4) undergo medical, psychological or psychiatric  
23               treatment; or treatment for drug addiction or alcoholism;

24               (5) attend or reside in a facility established for the  
25               instruction or residence of defendants on probation;

26               (6) support his dependents;

- 1 (7) and in addition, if a minor:
- 2 (i) reside with his parents or in a foster home;
- 3 (ii) attend school;
- 4 (iii) attend a non-residential program for youth;
- 5 (iv) contribute to his own support at home or in a  
6 foster home;
- 7 (v) with the consent of the superintendent of the  
8 facility, attend an educational program at a facility  
9 other than the school in which the offense was  
10 committed if he or she is convicted of a crime of  
11 violence as defined in Section 2 of the Crime Victims  
12 Compensation Act committed in a school, on the real  
13 property comprising a school, or within 1,000 feet of  
14 the real property comprising a school;
- 15 (8) make restitution as provided in Section 5-5-6 of  
16 this Code;
- 17 (9) perform some reasonable public or community  
18 service;
- 19 (10) serve a term of home confinement. In addition to  
20 any other applicable condition of probation or conditional  
21 discharge, the conditions of home confinement shall be  
22 that the offender:
- 23 (i) remain within the interior premises of the  
24 place designated for his confinement during the hours  
25 designated by the court;
- 26 (ii) admit any person or agent designated by the

1 court into the offender's place of confinement at any  
2 time for purposes of verifying the offender's  
3 compliance with the conditions of his confinement; and

4 (iii) if further deemed necessary by the court or  
5 the Probation or Court Services Department, be placed  
6 on an approved electronic monitoring device, subject  
7 to Article 8A of Chapter V;

8 (iv) for persons convicted of any alcohol,  
9 cannabis or controlled substance violation who are  
10 placed on an approved monitoring device as a condition  
11 of probation or conditional discharge, the court shall  
12 impose a reasonable fee for each day of the use of the  
13 device, as established by the county board in  
14 subsection (g) of this Section, unless after  
15 determining the inability of the offender to pay the  
16 fee, the court assesses a lesser fee or no fee as the  
17 case may be. This fee shall be imposed in addition to  
18 the fees imposed under subsections (g) and (i) of this  
19 Section. The fee shall be collected by the clerk of the  
20 circuit court, except as provided in an administrative  
21 order of the Chief Judge of the circuit court. The  
22 clerk of the circuit court shall pay all monies  
23 collected from this fee to the county treasurer for  
24 deposit in the substance abuse services fund under  
25 Section 5-1086.1 of the Counties Code, except as  
26 provided in an administrative order of the Chief Judge

1 of the circuit court.

2 The Chief Judge of the circuit court of the county  
3 may by administrative order establish a program for  
4 electronic monitoring of offenders, in which a vendor  
5 supplies and monitors the operation of the electronic  
6 monitoring device, and collects the fees on behalf of  
7 the county. The program shall include provisions for  
8 indigent offenders and the collection of unpaid fees.  
9 The program shall not unduly burden the offender and  
10 shall be subject to review by the Chief Judge.

11 The Chief Judge of the circuit court may suspend  
12 any additional charges or fees for late payment,  
13 interest, or damage to any device; and

14 (v) for persons convicted of offenses other than  
15 those referenced in clause (iv) above and who are  
16 placed on an approved monitoring device as a condition  
17 of probation or conditional discharge, the court shall  
18 impose a reasonable fee for each day of the use of the  
19 device, as established by the county board in  
20 subsection (g) of this Section, unless after  
21 determining the inability of the defendant to pay the  
22 fee, the court assesses a lesser fee or no fee as the  
23 case may be. This fee shall be imposed in addition to  
24 the fees imposed under subsections (g) and (i) of this  
25 Section. The fee shall be collected by the clerk of the  
26 circuit court, except as provided in an administrative



1 order of the Chief Judge of the circuit court. The  
2 clerk of the circuit court shall pay all monies  
3 collected from this fee to the county treasurer who  
4 shall use the monies collected to defray the costs of  
5 corrections. The county treasurer shall deposit the  
6 fee collected in the probation and court services  
7 fund. The Chief Judge of the circuit court of the  
8 county may by administrative order establish a program  
9 for electronic monitoring of offenders, in which a  
10 vendor supplies and monitors the operation of the  
11 electronic monitoring device, and collects the fees on  
12 behalf of the county. The program shall include  
13 provisions for indigent offenders and the collection  
14 of unpaid fees. The program shall not unduly burden  
15 the offender and shall be subject to review by the  
16 Chief Judge.

17 The Chief Judge of the circuit court may suspend  
18 any additional charges or fees for late payment,  
19 interest, or damage to any device.

20 (11) comply with the terms and conditions of an order  
21 of protection issued by the court pursuant to the Illinois  
22 Domestic Violence Act of 1986, as now or hereafter  
23 amended, or an order of protection issued by the court of  
24 another state, tribe, or United States territory. A copy  
25 of the order of protection shall be transmitted to the  
26 probation officer or agency having responsibility for the

1 case;

2 (12) reimburse any "local anti-crime program" as  
3 defined in Section 7 of the Anti-Crime Advisory Council  
4 Act for any reasonable expenses incurred by the program on  
5 the offender's case, not to exceed the maximum amount of  
6 the fine authorized for the offense for which the  
7 defendant was sentenced;

8 (13) contribute a reasonable sum of money, not to  
9 exceed the maximum amount of the fine authorized for the  
10 offense for which the defendant was sentenced, (i) to a  
11 "local anti-crime program", as defined in Section 7 of the  
12 Anti-Crime Advisory Council Act, or (ii) for offenses  
13 under the jurisdiction of the Department of Natural  
14 Resources, to the fund established by the Department of  
15 Natural Resources for the purchase of evidence for  
16 investigation purposes and to conduct investigations as  
17 outlined in Section 805-105 of the Department of Natural  
18 Resources (Conservation) Law;

19 (14) refrain from entering into a designated  
20 geographic area except upon such terms as the court finds  
21 appropriate. Such terms may include consideration of the  
22 purpose of the entry, the time of day, other persons  
23 accompanying the defendant, and advance approval by a  
24 probation officer, if the defendant has been placed on  
25 probation or advance approval by the court, if the  
26 defendant was placed on conditional discharge;

1           (15) refrain from having any contact, directly or  
2 indirectly, with certain specified persons or particular  
3 types of persons, including but not limited to members of  
4 street gangs and drug users or dealers;

5           (16) refrain from having in his or her body the  
6 presence of any illicit drug prohibited by the Cannabis  
7 Control Act, the Illinois Controlled Substances Act, or  
8 the Methamphetamine Control and Community Protection Act,  
9 unless prescribed by a physician, and submit samples of  
10 his or her blood or urine or both for tests to determine  
11 the presence of any illicit drug;

12           (17) if convicted for an offense committed on or after  
13 June 1, 2008 (the effective date of Public Act 95-464)  
14 that would qualify the accused as a child sex offender as  
15 defined in Section 11-9.3 or 11-9.4 of the Criminal Code  
16 of 1961 or the Criminal Code of 2012, refrain from  
17 communicating with or contacting, by means of the  
18 Internet, a person who is related to the accused and whom  
19 the accused reasonably believes to be under 18 years of  
20 age; for purposes of this paragraph (17), "Internet" has  
21 the meaning ascribed to it in Section 16-0.1 of the  
22 Criminal Code of 2012; and a person is related to the  
23 accused if the person is: (i) the spouse, brother, or  
24 sister of the accused; (ii) a descendant of the accused;  
25 (iii) a first or second cousin of the accused; or (iv) a  
26 step-child or adopted child of the accused;

1           (18) if convicted for an offense committed on or after  
2           June 1, 2009 (the effective date of Public Act 95-983)  
3           that would qualify as a sex offense as defined in the Sex  
4           Offender Registration Act:

5                   (i) not access or use a computer or any other  
6                   device with Internet capability without the prior  
7                   written approval of the offender's probation officer,  
8                   except in connection with the offender's employment or  
9                   search for employment with the prior approval of the  
10                  offender's probation officer;

11                  (ii) submit to periodic unannounced examinations  
12                  of the offender's computer or any other device with  
13                  Internet capability by the offender's probation  
14                  officer, a law enforcement officer, or assigned  
15                  computer or information technology specialist,  
16                  including the retrieval and copying of all data from  
17                  the computer or device and any internal or external  
18                  peripherals and removal of such information,  
19                  equipment, or device to conduct a more thorough  
20                  inspection;

21                  (iii) submit to the installation on the offender's  
22                  computer or device with Internet capability, at the  
23                  subject's expense, of one or more hardware or software  
24                  systems to monitor the Internet use; and

25                  (iv) submit to any other appropriate restrictions  
26                  concerning the offender's use of or access to a

1 computer or any other device with Internet capability  
2 imposed by the offender's probation officer; and

3 (19) refrain from possessing a firearm or other  
4 dangerous weapon where the offense is a misdemeanor that  
5 did not involve the intentional or knowing infliction of  
6 bodily harm or threat of bodily harm.

7 (c) The court may as a condition of probation or of  
8 conditional discharge require that a person under 18 years of  
9 age found guilty of any alcohol, cannabis or controlled  
10 substance violation, refrain from acquiring a driver's license  
11 during the period of probation or conditional discharge. If  
12 such person is in possession of a permit or license, the court  
13 may require that the minor refrain from driving or operating  
14 any motor vehicle during the period of probation or  
15 conditional discharge, except as may be necessary in the  
16 course of the minor's lawful employment.

17 (d) An offender sentenced to probation or to conditional  
18 discharge shall be given a certificate setting forth the  
19 conditions thereof.

20 (e) Except where the offender has committed a fourth or  
21 subsequent violation of subsection (c) of Section 6-303 of the  
22 Illinois Vehicle Code, the court shall not require as a  
23 condition of the sentence of probation or conditional  
24 discharge that the offender be committed to a period of  
25 imprisonment in excess of 6 months. This 6-month limit shall  
26 not include periods of confinement given pursuant to a

1 sentence of county impact incarceration under Section 5-8-1.2.

2 Persons committed to imprisonment as a condition of  
3 probation or conditional discharge shall not be committed to  
4 the Department of Corrections.

5 (f) The court may combine a sentence of periodic  
6 imprisonment under Article 7 or a sentence to a county impact  
7 incarceration program under Article 8 with a sentence of  
8 probation or conditional discharge.

9 (g) An offender sentenced to probation or to conditional  
10 discharge and who during the term of either undergoes  
11 mandatory drug or alcohol testing, or both, or is assigned to  
12 be placed on an approved electronic monitoring device, shall  
13 be ordered to pay all costs incidental to such mandatory drug  
14 or alcohol testing, or both, and all costs incidental to such  
15 approved electronic monitoring in accordance with the  
16 defendant's ability to pay those costs. The county board with  
17 the concurrence of the Chief Judge of the judicial circuit in  
18 which the county is located shall establish reasonable fees  
19 for the cost of maintenance, testing, and incidental expenses  
20 related to the mandatory drug or alcohol testing, or both, and  
21 all costs incidental to approved electronic monitoring,  
22 involved in a successful probation program for the county. The  
23 concurrence of the Chief Judge shall be in the form of an  
24 administrative order. The fees shall be collected by the clerk  
25 of the circuit court, except as provided in an administrative  
26 order of the Chief Judge of the circuit court. The clerk of the

1 circuit court shall pay all moneys collected from these fees  
2 to the county treasurer who shall use the moneys collected to  
3 defray the costs of drug testing, alcohol testing, and  
4 electronic monitoring. The county treasurer shall deposit the  
5 fees collected in the county working cash fund under Section  
6 6-27001 or Section 6-29002 of the Counties Code, as the case  
7 may be. The Chief Judge of the circuit court of the county may  
8 by administrative order establish a program for electronic  
9 monitoring of offenders, in which a vendor supplies and  
10 monitors the operation of the electronic monitoring device,  
11 and collects the fees on behalf of the county. The program  
12 shall include provisions for indigent offenders and the  
13 collection of unpaid fees. The program shall not unduly burden  
14 the offender and shall be subject to review by the Chief Judge.

15 The Chief Judge of the circuit court may suspend any  
16 additional charges or fees for late payment, interest, or  
17 damage to any device.

18 (h) Jurisdiction over an offender may be transferred from  
19 the sentencing court to the court of another circuit with the  
20 concurrence of both courts. Further transfers or retransfers  
21 of jurisdiction are also authorized in the same manner. The  
22 court to which jurisdiction has been transferred shall have  
23 the same powers as the sentencing court. The probation  
24 department within the circuit to which jurisdiction has been  
25 transferred, or which has agreed to provide supervision, may  
26 impose probation fees upon receiving the transferred offender,

1 as provided in subsection (i). For all transfer cases, as  
2 defined in Section 9b of the Probation and Probation Officers  
3 Act, the probation department from the original sentencing  
4 court shall retain all probation fees collected prior to the  
5 transfer. After the transfer, all probation fees shall be paid  
6 to the probation department within the circuit to which  
7 jurisdiction has been transferred.

8 (i) The court shall impose upon an offender sentenced to  
9 probation after January 1, 1989 or to conditional discharge  
10 after January 1, 1992 or to community service under the  
11 supervision of a probation or court services department after  
12 January 1, 2004, as a condition of such probation or  
13 conditional discharge or supervised community service, a fee  
14 of \$50 for each month of probation or conditional discharge  
15 supervision or supervised community service ordered by the  
16 court, unless after determining the inability of the person  
17 sentenced to probation or conditional discharge or supervised  
18 community service to pay the fee, the court assesses a lesser  
19 fee. The court may not impose the fee on a minor who is placed  
20 in the guardianship or custody of the Department of Children  
21 and Family Services under the Juvenile Court Act of 1987 while  
22 the minor is in placement. The fee shall be imposed only upon  
23 an offender who is actively supervised by the probation and  
24 court services department. The fee shall be collected by the  
25 clerk of the circuit court. The clerk of the circuit court  
26 shall pay all monies collected from this fee to the county



1 treasurer for deposit in the probation and court services fund  
2 under Section 15.1 of the Probation and Probation Officers  
3 Act.

4 A circuit court may not impose a probation fee under this  
5 subsection (i) in excess of \$25 per month unless the circuit  
6 court has adopted, by administrative order issued by the chief  
7 judge, a standard probation fee guide determining an  
8 offender's ability to pay. Of the amount collected as a  
9 probation fee, up to \$5 of that fee collected per month may be  
10 used to provide services to crime victims and their families.

11 The Court may only waive probation fees based on an  
12 offender's ability to pay. The probation department may  
13 re-evaluate an offender's ability to pay every 6 months, and,  
14 with the approval of the Director of Court Services or the  
15 Chief Probation Officer, adjust the monthly fee amount. An  
16 offender may elect to pay probation fees due in a lump sum. Any  
17 offender that has been assigned to the supervision of a  
18 probation department, or has been transferred either under  
19 subsection (h) of this Section or under any interstate  
20 compact, shall be required to pay probation fees to the  
21 department supervising the offender, based on the offender's  
22 ability to pay.

23 Public Act 93-970 deletes the \$10 increase in the fee  
24 under this subsection that was imposed by Public Act 93-616.  
25 This deletion is intended to control over any other Act of the  
26 93rd General Assembly that retains or incorporates that fee

1 increase.

2 (i-5) In addition to the fees imposed under subsection (i)  
3 of this Section, in the case of an offender convicted of a  
4 felony sex offense (as defined in the Sex Offender Management  
5 Board Act) or an offense that the court or probation  
6 department has determined to be sexually motivated (as defined  
7 in the Sex Offender Management Board Act), the court or the  
8 probation department shall assess additional fees to pay for  
9 all costs of treatment, assessment, evaluation for risk and  
10 treatment, and monitoring the offender, based on that  
11 offender's ability to pay those costs either as they occur or  
12 under a payment plan.

13 (j) All fines and costs imposed under this Section for any  
14 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
15 Code, or a similar provision of a local ordinance, and any  
16 violation of the Child Passenger Protection Act, or a similar  
17 provision of a local ordinance, shall be collected and  
18 disbursed by the circuit clerk as provided under the Criminal  
19 and Traffic Assessment Act.

20 (k) Any offender who is sentenced to probation or  
21 conditional discharge for a felony sex offense as defined in  
22 the Sex Offender Management Board Act or any offense that the  
23 court or probation department has determined to be sexually  
24 motivated as defined in the Sex Offender Management Board Act  
25 shall be required to refrain from any contact, directly or  
26 indirectly, with any persons specified by the court and shall

1 be available for all evaluations and treatment programs  
2 required by the court or the probation department.

3 (1) The court may order an offender who is sentenced to  
4 probation or conditional discharge for a violation of an order  
5 of protection be placed under electronic surveillance as  
6 provided in Section 5-8A-7 of this Code.

7 (Source: P.A. 102-538, eff. 8-20-21; 102-558, eff. 8-20-21.)

8 Section 95. The Stalking No Contact Order Act is amended  
9 by changing Section 80 as follows:

10 (740 ILCS 21/80)

11 Sec. 80. Stalking no contact orders; remedies.

12 (a) If the court finds that the petitioner has been a  
13 victim of stalking, a stalking no contact order shall issue;  
14 provided that the petitioner must also satisfy the  
15 requirements of Section 95 on emergency orders or Section 100  
16 on plenary orders. The petitioner shall not be denied a  
17 stalking no contact order because the petitioner or the  
18 respondent is a minor. The court, when determining whether or  
19 not to issue a stalking no contact order, may not require  
20 physical injury on the person of the petitioner. Modification  
21 and extension of prior stalking no contact orders shall be in  
22 accordance with this Act.

23 (b) A stalking no contact order shall order one or more of  
24 the following:

1           (1) prohibit the respondent from threatening to commit  
2           or committing stalking;

3           (2) order the respondent not to have any contact with  
4           the petitioner or a third person specifically named by the  
5           court;

6           (3) prohibit the respondent from knowingly coming  
7           within, or knowingly remaining within a specified distance  
8           of the petitioner or the petitioner's residence, school,  
9           daycare, or place of employment, or any specified place  
10          frequented by the petitioner; however, the court may order  
11          the respondent to stay away from the respondent's own  
12          residence, school, or place of employment only if the  
13          respondent has been provided actual notice of the  
14          opportunity to appear and be heard on the petition;

15          (4) prohibit the respondent from ~~possessing a Firearm~~  
16          ~~Owners Identification Card, or~~ possessing or buying  
17          firearms; and

18          (5) order other injunctive relief the court determines  
19          to be necessary to protect the petitioner or third party  
20          specifically named by the court.

21          (b-5) When the petitioner and the respondent attend the  
22          same public, private, or non-public elementary, middle, or  
23          high school, the court when issuing a stalking no contact  
24          order and providing relief shall consider the severity of the  
25          act, any continuing physical danger or emotional distress to  
26          the petitioner, the educational rights guaranteed to the

1 petitioner and respondent under federal and State law, the  
2 availability of a transfer of the respondent to another  
3 school, a change of placement or a change of program of the  
4 respondent, the expense, difficulty, and educational  
5 disruption that would be caused by a transfer of the  
6 respondent to another school, and any other relevant facts of  
7 the case. The court may order that the respondent not attend  
8 the public, private, or non-public elementary, middle, or high  
9 school attended by the petitioner, order that the respondent  
10 accept a change of placement or program, as determined by the  
11 school district or private or non-public school, or place  
12 restrictions on the respondent's movements within the school  
13 attended by the petitioner. The respondent bears the burden of  
14 proving by a preponderance of the evidence that a transfer,  
15 change of placement, or change of program of the respondent is  
16 not available. The respondent also bears the burden of  
17 production with respect to the expense, difficulty, and  
18 educational disruption that would be caused by a transfer of  
19 the respondent to another school. A transfer, change of  
20 placement, or change of program is not unavailable to the  
21 respondent solely on the ground that the respondent does not  
22 agree with the school district's or private or non-public  
23 school's transfer, change of placement, or change of program  
24 or solely on the ground that the respondent fails or refuses to  
25 consent to or otherwise does not take an action required to  
26 effectuate a transfer, change of placement, or change of

1 program. When a court orders a respondent to stay away from the  
2 public, private, or non-public school attended by the  
3 petitioner and the respondent requests a transfer to another  
4 attendance center within the respondent's school district or  
5 private or non-public school, the school district or private  
6 or non-public school shall have sole discretion to determine  
7 the attendance center to which the respondent is transferred.  
8 In the event the court order results in a transfer of the minor  
9 respondent to another attendance center, a change in the  
10 respondent's placement, or a change of the respondent's  
11 program, the parents, guardian, or legal custodian of the  
12 respondent is responsible for transportation and other costs  
13 associated with the transfer or change.

14 (b-6) The court may order the parents, guardian, or legal  
15 custodian of a minor respondent to take certain actions or to  
16 refrain from taking certain actions to ensure that the  
17 respondent complies with the order. In the event the court  
18 orders a transfer of the respondent to another school, the  
19 parents, guardian, or legal custodian of the respondent are  
20 responsible for transportation and other costs associated with  
21 the change of school by the respondent.

22 (b-7) The court shall not hold a school district or  
23 private or non-public school or any of its employees in civil  
24 or criminal contempt unless the school district or private or  
25 non-public school has been allowed to intervene.

26 (b-8) The court may hold the parents, guardian, or legal

1 custodian of a minor respondent in civil or criminal contempt  
2 for a violation of any provision of any order entered under  
3 this Act for conduct of the minor respondent in violation of  
4 this Act if the parents, guardian, or legal custodian  
5 directed, encouraged, or assisted the respondent minor in such  
6 conduct.

7 (c) The court may award the petitioner costs and attorneys  
8 fees if a stalking no contact order is granted.

9 (d) Monetary damages are not recoverable as a remedy.

10 (e) If the stalking no contact order prohibits the  
11 respondent from ~~possessing a Firearm Owner's Identification~~  
12 ~~Card, or~~ possessing or buying firearms; the court shall  
13 confiscate the respondent's firearms ~~Firearm Owner's~~  
14 ~~Identification Card and immediately return the card to the~~  
15 ~~Illinois State Police Firearm Owner's Identification Card~~  
16 ~~Office.~~

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

18 Section 100. The Mental Health and Developmental  
19 Disabilities Confidentiality Act is amended by changing  
20 Section 12 as follows:

21 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

22 Sec. 12. (a) If the United States Secret Service or the  
23 Illinois State Police requests information from a mental  
24 health or developmental disability facility, as defined in

1 Section 1-107 and 1-114 of the Mental Health and Developmental  
2 Disabilities Code, relating to a specific recipient and the  
3 facility director determines that disclosure of such  
4 information may be necessary to protect the life of, or to  
5 prevent the infliction of great bodily harm to, a public  
6 official, or a person under the protection of the United  
7 States Secret Service, only the following information may be  
8 disclosed: the recipient's name, address, and age and the date  
9 of any admission to or discharge from a facility; and any  
10 information which would indicate whether or not the recipient  
11 has a history of violence or presents a danger of violence to  
12 the person under protection. Any information so disclosed  
13 shall be used for investigative purposes only and shall not be  
14 publicly disseminated. Any person participating in good faith  
15 in the disclosure of such information in accordance with this  
16 provision shall have immunity from any liability, civil,  
17 criminal or otherwise, if such information is disclosed  
18 relying upon the representation of an officer of the United  
19 States Secret Service or the Illinois State Police that a  
20 person is under the protection of the United States Secret  
21 Service or is a public official.

22 For the purpose of this subsection (a), the term "public  
23 official" means the Governor, Lieutenant Governor, Attorney  
24 General, Secretary of State, State Comptroller, State  
25 Treasurer, member of the General Assembly, member of the  
26 United States Congress, Judge of the United States as defined



1 in 28 U.S.C. 451, Justice of the United States as defined in 28  
2 U.S.C. 451, United States Magistrate Judge as defined in 28  
3 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or  
4 Supreme, Appellate, Circuit, or Associate Judge of the State  
5 of Illinois. The term shall also include the spouse, child or  
6 children of a public official.

7 (b) The Department of Human Services (acting as successor  
8 to the Department of Mental Health and Developmental  
9 Disabilities) and all public or private hospitals and mental  
10 health facilities are required, as hereafter described in this  
11 subsection, to furnish the Illinois State Police only such  
12 information as may be required for the sole purpose of  
13 determining whether an individual who may be or may have been a  
14 patient is disqualified because of that status from receiving  
15 or retaining a firearm under paragraph (4) of subsection (a)  
16 of Section 24-3.1 of the Criminal Code of 2012 ~~Firearm Owner's~~  
17 ~~Identification Card or falls within the federal prohibitors~~  
18 ~~under subsection (e), (f), (g), (r), (s), or (t) of Section 8~~  
19 ~~of the Firearm Owners Identification Card Act~~, or falls within  
20 the federal prohibitors in 18 U.S.C. 922(g) and (n). All  
21 physicians, clinical psychologists, or qualified examiners at  
22 public or private mental health facilities or parts thereof as  
23 defined in this subsection shall, in the form and manner  
24 required by the Department, provide notice directly to the  
25 Department of Human Services, or to his or her employer who  
26 shall then report to the Department, within 24 hours after

1 determining that a person poses a clear and present danger to  
2 himself, herself, or others, or within 7 days after a person 14  
3 years or older is determined to be a person with a  
4 developmental disability by a physician, clinical  
5 psychologist, or qualified examiner as described in this  
6 subsection (b) Section 1.1 of the Firearm Owners  
7 ~~Identification Card Act~~. If a person is a patient as described  
8 in clause (2) (A) (1) of the definition of "patient" in this  
9 subsection Section 1.1 of the Firearm Owners Identification  
10 ~~Card Act~~, this information shall be furnished within 7 days  
11 after admission to a public or private hospital or mental  
12 health facility or the provision of services. Any such  
13 information disclosed under this subsection shall remain  
14 privileged and confidential, and shall not be redisclosed,  
15 except as required by clause (e) (2) of Section 24-4.5 of the  
16 Criminal Code of 2012 subsection (e) of Section 3.1 of the  
17 ~~Firearm Owners Identification Card Act~~, nor utilized for any  
18 other purpose. The method of requiring the providing of such  
19 information shall guarantee that no information is released  
20 beyond what is necessary for this purpose. In addition, the  
21 information disclosed shall be provided by the Department  
22 within the time period established by Section 24-3 of the  
23 Criminal Code of 2012 regarding the delivery of firearms. The  
24 method used shall be sufficient to provide the necessary  
25 information within the prescribed time period, which may  
26 include periodically providing lists to the Department of

1 Human Services or any public or private hospital or mental  
2 health facility of ~~Firearm Owner's Identification Card~~  
3 applicants for firearm purchases on which the Department or  
4 hospital shall indicate the identities of those individuals  
5 who are to its knowledge disqualified from having a firearm  
6 ~~Firearm Owner's Identification Card~~ for reasons described  
7 herein. The Department may provide for a centralized source of  
8 information for the State on this subject under its  
9 jurisdiction. The identity of the person reporting under this  
10 subsection shall not be disclosed to the subject of the  
11 report. For the purposes of this subsection, the physician,  
12 clinical psychologist, or qualified examiner making the  
13 determination and his or her employer shall not be held  
14 criminally, civilly, or professionally liable for making or  
15 not making the notification required under this subsection,  
16 except for willful or wanton misconduct.

17 Any person, institution, or agency, under this Act,  
18 participating in good faith in the reporting or disclosure of  
19 records and communications otherwise in accordance with this  
20 provision or with rules, regulations or guidelines issued by  
21 the Department shall have immunity from any liability, civil,  
22 criminal or otherwise, that might result by reason of the  
23 action. For the purpose of any proceeding, civil or criminal,  
24 arising out of a report or disclosure in accordance with this  
25 provision, the good faith of any person, institution, or  
26 agency so reporting or disclosing shall be presumed. The full

1 extent of the immunity provided in this subsection (b) shall  
2 apply to any person, institution or agency that fails to make a  
3 report or disclosure in the good faith belief that the report  
4 or disclosure would violate federal regulations governing the  
5 confidentiality of alcohol and drug abuse patient records  
6 implementing 42 U.S.C. 290dd-3 and 290ee-3.

7 For purposes of this subsection (b) only, the following  
8 terms shall have the meaning prescribed:

9 (1) (Blank).

10 (1.3) "Clear and present danger" has the meaning as  
11 defined in Section 6-103.3 of the Mental Health and  
12 Developmental Disabilities Code ~~1.1 of the Firearm Owners~~  
13 ~~Identification Card Act.~~

14 (1.5) "Person with a developmental disability" has the  
15 meaning as defined in Section 6-103.3 of the Mental Health  
16 and Developmental Disabilities Code ~~1.1 of the Firearm~~  
17 ~~Owners Identification Card Act.~~

18 (2) "Patient" means (A) a person who voluntarily  
19 receives mental health treatment as an in-patient or  
20 resident of any public or private mental health facility,  
21 unless the treatment was solely for an alcohol abuse  
22 disorder and no other secondary substance abuse disorder  
23 or mental illness; or (B) a person who voluntarily  
24 receives mental health treatment as an out-patient or is  
25 provided services by a public or private mental health  
26 facility, and who poses a clear and present danger to

1 ~~himself, herself, or to others has the meaning as defined~~  
2 ~~in Section 1.1 of the Firearm Owners Identification Card~~  
3 ~~Act.~~

4 (3) "Mental health facility" means any licensed  
5 private hospital or hospital affiliate, institution, or  
6 facility, or part thereof, and any facility, or part  
7 thereof, operated by the State or a political subdivision  
8 thereof which provide treatment of persons with mental  
9 illness and includes all hospitals, institutions, clinics,  
10 evaluation facilities, mental health centers, colleges,  
11 universities, long-term care facilities, and nursing  
12 homes, or parts thereof, which provide treatment of  
13 persons with mental illness whether or not the primary  
14 purpose is to provide treatment of persons with mental  
15 illness ~~has the meaning as defined in Section 1.1 of the~~  
16 ~~Firearm Owners Identification Card Act.~~

17 (c) Upon the request of a peace officer who takes a person  
18 into custody and transports such person to a mental health or  
19 developmental disability facility pursuant to Section 3-606 or  
20 4-404 of the Mental Health and Developmental Disabilities Code  
21 or who transports a person from such facility, a facility  
22 director shall furnish said peace officer the name, address,  
23 age and name of the nearest relative of the person transported  
24 to or from the mental health or developmental disability  
25 facility. In no case shall the facility director disclose to  
26 the peace officer any information relating to the diagnosis,

1 treatment or evaluation of the person's mental or physical  
2 health.

3 For the purposes of this subsection (c), the terms "mental  
4 health or developmental disability facility", "peace officer"  
5 and "facility director" shall have the meanings ascribed to  
6 them in the Mental Health and Developmental Disabilities Code.

7 (d) Upon the request of a peace officer or prosecuting  
8 authority who is conducting a bona fide investigation of a  
9 criminal offense, or attempting to apprehend a fugitive from  
10 justice, a facility director may disclose whether a person is  
11 present at the facility. Upon request of a peace officer or  
12 prosecuting authority who has a valid forcible felony warrant  
13 issued, a facility director shall disclose: (1) whether the  
14 person who is the subject of the warrant is present at the  
15 facility and (2) the date of that person's discharge or future  
16 discharge from the facility. The requesting peace officer or  
17 prosecuting authority must furnish a case number and the  
18 purpose of the investigation or an outstanding arrest warrant  
19 at the time of the request. Any person, institution, or agency  
20 participating in good faith in disclosing such information in  
21 accordance with this subsection (d) is immune from any  
22 liability, civil, criminal or otherwise, that might result by  
23 reason of the action.

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

25 Section 105. The Illinois Domestic Violence Act of 1986 is

1 amended by changing Sections 210 and 214 as follows:

2 (750 ILCS 60/210) (from Ch. 40, par. 2312-10)

3 Sec. 210. Process.

4 (a) Summons. Any action for an order of protection,  
5 whether commenced alone or in conjunction with another  
6 proceeding, is a distinct cause of action and requires that a  
7 separate summons be issued and served, except that in pending  
8 cases the following methods may be used:

9 (1) By delivery of the summons to respondent  
10 personally in open court in pending civil or criminal  
11 cases.

12 (2) By notice in accordance with Section 210.1 in  
13 civil cases in which the defendant has filed a general  
14 appearance.

15 The summons shall be in the form prescribed by Supreme  
16 Court Rule 101(d), except that it shall require respondent to  
17 answer or appear within 7 days. Attachments to the summons or  
18 notice shall include the petition for order of protection and  
19 supporting affidavits, if any, and any emergency order of  
20 protection that has been issued. The enforcement of an order  
21 of protection under Section 223 shall not be affected by the  
22 lack of service, delivery, or notice, provided the  
23 requirements of subsection (d) of that Section are otherwise  
24 met.

25 (b) Blank.

1 (c) Expedited service. The summons shall be served by the  
2 sheriff or other law enforcement officer at the earliest time  
3 and shall take precedence over other summonses except those of  
4 a similar emergency nature. Special process servers may be  
5 appointed at any time, and their designation shall not affect  
6 the responsibilities and authority of the sheriff or other  
7 official process servers. In counties with a population over  
8 3,000,000, a special process server may not be appointed if  
9 the order of protection grants the surrender of a child, the  
10 surrender of a firearm ~~or firearm owners identification card,~~  
11 or the exclusive possession of a shared residence.

12 (d) Remedies requiring actual notice. The counseling,  
13 payment of support, payment of shelter services, and payment  
14 of losses remedies provided by paragraphs 4, 12, 13, and 16 of  
15 subsection (b) of Section 214 may be granted only if  
16 respondent has been personally served with process, has  
17 answered or has made a general appearance.

18 (e) Remedies upon constructive notice. Service of process  
19 on a member of respondent's household or by publication shall  
20 be adequate for the remedies provided by paragraphs 1, 2, 3, 5,  
21 6, 7, 8, 9, 10, 11, 14, 15, and 17 of subsection (b) of Section  
22 214, but only if: (i) petitioner has made all reasonable  
23 efforts to accomplish actual service of process personally  
24 upon respondent, but respondent cannot be found to effect such  
25 service and (ii) petitioner files an affidavit or presents  
26 sworn testimony as to those efforts.



1 (f) Default. A plenary order of protection may be entered  
2 by default as follows:

3 (1) For any of the remedies sought in the petition, if  
4 respondent has been served or given notice in accordance  
5 with subsection (a) and if respondent then fails to appear  
6 as directed or fails to appear on any subsequent  
7 appearance or hearing date agreed to by the parties or set  
8 by the court; or

9 (2) For any of the remedies provided in accordance  
10 with subsection (e), if respondent fails to answer or  
11 appear in accordance with the date set in the publication  
12 notice or the return date indicated on the service of a  
13 household member.

14 (g) Emergency orders. If an order is granted under  
15 subsection (c) of Section 217, the court shall immediately  
16 file a certified copy of the order with the sheriff or other  
17 law enforcement official charged with maintaining Department  
18 of State Police records.

19 (Source: P.A. 101-508, eff. 1-1-20.)

20 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

21 Sec. 214. Order of protection; remedies.

22 (a) Issuance of order. If the court finds that petitioner  
23 has been abused by a family or household member or that  
24 petitioner is a high-risk adult who has been abused,  
25 neglected, or exploited, as defined in this Act, an order of

1 protection prohibiting the abuse, neglect, or exploitation  
2 shall issue; provided that petitioner must also satisfy the  
3 requirements of one of the following Sections, as appropriate:  
4 Section 217 on emergency orders, Section 218 on interim  
5 orders, or Section 219 on plenary orders. Petitioner shall not  
6 be denied an order of protection because petitioner or  
7 respondent is a minor. The court, when determining whether or  
8 not to issue an order of protection, shall not require  
9 physical manifestations of abuse on the person of the victim.  
10 Modification and extension of prior orders of protection shall  
11 be in accordance with this Act.

12 (b) Remedies and standards. The remedies to be included in  
13 an order of protection shall be determined in accordance with  
14 this Section and one of the following Sections, as  
15 appropriate: Section 217 on emergency orders, Section 218 on  
16 interim orders, and Section 219 on plenary orders. The  
17 remedies listed in this subsection shall be in addition to  
18 other civil or criminal remedies available to petitioner.

19 (1) Prohibition of abuse, neglect, or exploitation.  
20 Prohibit respondent's harassment, interference with  
21 personal liberty, intimidation of a dependent, physical  
22 abuse, or willful deprivation, neglect or exploitation, as  
23 defined in this Act, or stalking of the petitioner, as  
24 defined in Section 12-7.3 of the Criminal Code of 2012, if  
25 such abuse, neglect, exploitation, or stalking has  
26 occurred or otherwise appears likely to occur if not

1 prohibited.

2 (2) Grant of exclusive possession of residence.  
3 Prohibit respondent from entering or remaining in any  
4 residence, household, or premises of the petitioner,  
5 including one owned or leased by respondent, if petitioner  
6 has a right to occupancy thereof. The grant of exclusive  
7 possession of the residence, household, or premises shall  
8 not affect title to real property, nor shall the court be  
9 limited by the standard set forth in subsection (c-2) of  
10 Section 501 of the Illinois Marriage and Dissolution of  
11 Marriage Act.

12 (A) Right to occupancy. A party has a right to  
13 occupancy of a residence or household if it is solely  
14 or jointly owned or leased by that party, that party's  
15 spouse, a person with a legal duty to support that  
16 party or a minor child in that party's care, or by any  
17 person or entity other than the opposing party that  
18 authorizes that party's occupancy (e.g., a domestic  
19 violence shelter). Standards set forth in subparagraph  
20 (B) shall not preclude equitable relief.

21 (B) Presumption of hardships. If petitioner and  
22 respondent each has the right to occupancy of a  
23 residence or household, the court shall balance (i)  
24 the hardships to respondent and any minor child or  
25 dependent adult in respondent's care resulting from  
26 entry of this remedy with (ii) the hardships to

1 petitioner and any minor child or dependent adult in  
2 petitioner's care resulting from continued exposure to  
3 the risk of abuse (should petitioner remain at the  
4 residence or household) or from loss of possession of  
5 the residence or household (should petitioner leave to  
6 avoid the risk of abuse). When determining the balance  
7 of hardships, the court shall also take into account  
8 the accessibility of the residence or household.  
9 Hardships need not be balanced if respondent does not  
10 have a right to occupancy.

11 The balance of hardships is presumed to favor  
12 possession by petitioner unless the presumption is  
13 rebutted by a preponderance of the evidence, showing  
14 that the hardships to respondent substantially  
15 outweigh the hardships to petitioner and any minor  
16 child or dependent adult in petitioner's care. The  
17 court, on the request of petitioner or on its own  
18 motion, may order respondent to provide suitable,  
19 accessible, alternate housing for petitioner instead  
20 of excluding respondent from a mutual residence or  
21 household.

22 (3) Stay away order and additional prohibitions. Order  
23 respondent to stay away from petitioner or any other  
24 person protected by the order of protection, or prohibit  
25 respondent from entering or remaining present at  
26 petitioner's school, place of employment, or other

1 specified places at times when petitioner is present, or  
2 both, if reasonable, given the balance of hardships.  
3 Hardships need not be balanced for the court to enter a  
4 stay away order or prohibit entry if respondent has no  
5 right to enter the premises.

6 (A) If an order of protection grants petitioner  
7 exclusive possession of the residence, or prohibits  
8 respondent from entering the residence, or orders  
9 respondent to stay away from petitioner or other  
10 protected persons, then the court may allow respondent  
11 access to the residence to remove items of clothing  
12 and personal adornment used exclusively by respondent,  
13 medications, and other items as the court directs. The  
14 right to access shall be exercised on only one  
15 occasion as the court directs and in the presence of an  
16 agreed-upon adult third party or law enforcement  
17 officer.

18 (B) When the petitioner and the respondent attend  
19 the same public, private, or non-public elementary,  
20 middle, or high school, the court when issuing an  
21 order of protection and providing relief shall  
22 consider the severity of the act, any continuing  
23 physical danger or emotional distress to the  
24 petitioner, the educational rights guaranteed to the  
25 petitioner and respondent under federal and State law,  
26 the availability of a transfer of the respondent to

1 another school, a change of placement or a change of  
2 program of the respondent, the expense, difficulty,  
3 and educational disruption that would be caused by a  
4 transfer of the respondent to another school, and any  
5 other relevant facts of the case. The court may order  
6 that the respondent not attend the public, private, or  
7 non-public elementary, middle, or high school attended  
8 by the petitioner, order that the respondent accept a  
9 change of placement or change of program, as  
10 determined by the school district or private or  
11 non-public school, or place restrictions on the  
12 respondent's movements within the school attended by  
13 the petitioner. The respondent bears the burden of  
14 proving by a preponderance of the evidence that a  
15 transfer, change of placement, or change of program of  
16 the respondent is not available. The respondent also  
17 bears the burden of production with respect to the  
18 expense, difficulty, and educational disruption that  
19 would be caused by a transfer of the respondent to  
20 another school. A transfer, change of placement, or  
21 change of program is not unavailable to the respondent  
22 solely on the ground that the respondent does not  
23 agree with the school district's or private or  
24 non-public school's transfer, change of placement, or  
25 change of program or solely on the ground that the  
26 respondent fails or refuses to consent or otherwise

1 does not take an action required to effectuate a  
2 transfer, change of placement, or change of program.  
3 When a court orders a respondent to stay away from the  
4 public, private, or non-public school attended by the  
5 petitioner and the respondent requests a transfer to  
6 another attendance center within the respondent's  
7 school district or private or non-public school, the  
8 school district or private or non-public school shall  
9 have sole discretion to determine the attendance  
10 center to which the respondent is transferred. In the  
11 event the court order results in a transfer of the  
12 minor respondent to another attendance center, a  
13 change in the respondent's placement, or a change of  
14 the respondent's program, the parents, guardian, or  
15 legal custodian of the respondent is responsible for  
16 transportation and other costs associated with the  
17 transfer or change.

18 (C) The court may order the parents, guardian, or  
19 legal custodian of a minor respondent to take certain  
20 actions or to refrain from taking certain actions to  
21 ensure that the respondent complies with the order. In  
22 the event the court orders a transfer of the  
23 respondent to another school, the parents, guardian,  
24 or legal custodian of the respondent is responsible  
25 for transportation and other costs associated with the  
26 change of school by the respondent.

1           (4) Counseling. Require or recommend the respondent to  
2 undergo counseling for a specified duration with a social  
3 worker, psychologist, clinical psychologist,  
4 psychiatrist, family service agency, alcohol or substance  
5 abuse program, mental health center guidance counselor,  
6 agency providing services to elders, program designed for  
7 domestic violence abusers or any other guidance service  
8 the court deems appropriate. The Court may order the  
9 respondent in any intimate partner relationship to report  
10 to an Illinois Department of Human Services protocol  
11 approved partner abuse intervention program for an  
12 assessment and to follow all recommended treatment.

13           (5) Physical care and possession of the minor child.  
14 In order to protect the minor child from abuse, neglect,  
15 or unwarranted separation from the person who has been the  
16 minor child's primary caretaker, or to otherwise protect  
17 the well-being of the minor child, the court may do either  
18 or both of the following: (i) grant petitioner physical  
19 care or possession of the minor child, or both, or (ii)  
20 order respondent to return a minor child to, or not remove  
21 a minor child from, the physical care of a parent or person  
22 in loco parentis.

23           If a court finds, after a hearing, that respondent has  
24 committed abuse (as defined in Section 103) of a minor  
25 child, there shall be a rebuttable presumption that  
26 awarding physical care to respondent would not be in the



1 minor child's best interest.

2 (6) Temporary allocation of parental responsibilities:  
3 significant decision-making. Award temporary  
4 decision-making responsibility to petitioner in accordance  
5 with this Section, the Illinois Marriage and Dissolution  
6 of Marriage Act, the Illinois Parentage Act of 2015, and  
7 this State's Uniform Child-Custody Jurisdiction and  
8 Enforcement Act.

9 If a court finds, after a hearing, that respondent has  
10 committed abuse (as defined in Section 103) of a minor  
11 child, there shall be a rebuttable presumption that  
12 awarding temporary significant decision-making  
13 responsibility to respondent would not be in the child's  
14 best interest.

15 (7) Parenting time. Determine the parenting time, if  
16 any, of respondent in any case in which the court awards  
17 physical care or allocates temporary significant  
18 decision-making responsibility of a minor child to  
19 petitioner. The court shall restrict or deny respondent's  
20 parenting time with a minor child if the court finds that  
21 respondent has done or is likely to do any of the  
22 following: (i) abuse or endanger the minor child during  
23 parenting time; (ii) use the parenting time as an  
24 opportunity to abuse or harass petitioner or petitioner's  
25 family or household members; (iii) improperly conceal or  
26 detain the minor child; or (iv) otherwise act in a manner

1 that is not in the best interests of the minor child. The  
2 court shall not be limited by the standards set forth in  
3 Section 603.10 of the Illinois Marriage and Dissolution of  
4 Marriage Act. If the court grants parenting time, the  
5 order shall specify dates and times for the parenting time  
6 to take place or other specific parameters or conditions  
7 that are appropriate. No order for parenting time shall  
8 refer merely to the term "reasonable parenting time".

9 Petitioner may deny respondent access to the minor  
10 child if, when respondent arrives for parenting time,  
11 respondent is under the influence of drugs or alcohol and  
12 constitutes a threat to the safety and well-being of  
13 petitioner or petitioner's minor children or is behaving  
14 in a violent or abusive manner.

15 If necessary to protect any member of petitioner's  
16 family or household from future abuse, respondent shall be  
17 prohibited from coming to petitioner's residence to meet  
18 the minor child for parenting time, and the parties shall  
19 submit to the court their recommendations for reasonable  
20 alternative arrangements for parenting time. A person may  
21 be approved to supervise parenting time only after filing  
22 an affidavit accepting that responsibility and  
23 acknowledging accountability to the court.

24 (8) Removal or concealment of minor child. Prohibit  
25 respondent from removing a minor child from the State or  
26 concealing the child within the State.

1           (9) Order to appear. Order the respondent to appear in  
2 court, alone or with a minor child, to prevent abuse,  
3 neglect, removal or concealment of the child, to return  
4 the child to the custody or care of the petitioner or to  
5 permit any court-ordered interview or examination of the  
6 child or the respondent.

7           (10) Possession of personal property. Grant petitioner  
8 exclusive possession of personal property and, if  
9 respondent has possession or control, direct respondent to  
10 promptly make it available to petitioner, if:

11                 (i) petitioner, but not respondent, owns the  
12 property; or

13                 (ii) the parties own the property jointly; sharing  
14 it would risk abuse of petitioner by respondent or is  
15 impracticable; and the balance of hardships favors  
16 temporary possession by petitioner.

17           If petitioner's sole claim to ownership of the  
18 property is that it is marital property, the court may  
19 award petitioner temporary possession thereof under the  
20 standards of subparagraph (ii) of this paragraph only if a  
21 proper proceeding has been filed under the Illinois  
22 Marriage and Dissolution of Marriage Act, as now or  
23 hereafter amended.

24           No order under this provision shall affect title to  
25 property.

26           (11) Protection of property. Forbid the respondent

1 from taking, transferring, encumbering, concealing,  
2 damaging or otherwise disposing of any real or personal  
3 property, except as explicitly authorized by the court,  
4 if:

5 (i) petitioner, but not respondent, owns the  
6 property; or

7 (ii) the parties own the property jointly, and the  
8 balance of hardships favors granting this remedy.

9 If petitioner's sole claim to ownership of the  
10 property is that it is marital property, the court may  
11 grant petitioner relief under subparagraph (ii) of this  
12 paragraph only if a proper proceeding has been filed under  
13 the Illinois Marriage and Dissolution of Marriage Act, as  
14 now or hereafter amended.

15 The court may further prohibit respondent from  
16 improperly using the financial or other resources of an  
17 aged member of the family or household for the profit or  
18 advantage of respondent or of any other person.

19 (11.5) Protection of animals. Grant the petitioner the  
20 exclusive care, custody, or control of any animal owned,  
21 possessed, leased, kept, or held by either the petitioner  
22 or the respondent or a minor child residing in the  
23 residence or household of either the petitioner or the  
24 respondent and order the respondent to stay away from the  
25 animal and forbid the respondent from taking,  
26 transferring, encumbering, concealing, harming, or

1 otherwise disposing of the animal.

2 (12) Order for payment of support. Order respondent to  
3 pay temporary support for the petitioner or any child in  
4 the petitioner's care or over whom the petitioner has been  
5 allocated parental responsibility, when the respondent has  
6 a legal obligation to support that person, in accordance  
7 with the Illinois Marriage and Dissolution of Marriage  
8 Act, which shall govern, among other matters, the amount  
9 of support, payment through the clerk and withholding of  
10 income to secure payment. An order for child support may  
11 be granted to a petitioner with lawful physical care of a  
12 child, or an order or agreement for physical care of a  
13 child, prior to entry of an order allocating significant  
14 decision-making responsibility. Such a support order shall  
15 expire upon entry of a valid order allocating parental  
16 responsibility differently and vacating the petitioner's  
17 significant decision-making authority, unless otherwise  
18 provided in the order.

19 (13) Order for payment of losses. Order respondent to  
20 pay petitioner for losses suffered as a direct result of  
21 the abuse, neglect, or exploitation. Such losses shall  
22 include, but not be limited to, medical expenses, lost  
23 earnings or other support, repair or replacement of  
24 property damaged or taken, reasonable attorney's fees,  
25 court costs and moving or other travel expenses, including  
26 additional reasonable expenses for temporary shelter and

1 restaurant meals.

2 (i) Losses affecting family needs. If a party is  
3 entitled to seek maintenance, child support or  
4 property distribution from the other party under the  
5 Illinois Marriage and Dissolution of Marriage Act, as  
6 now or hereafter amended, the court may order  
7 respondent to reimburse petitioner's actual losses, to  
8 the extent that such reimbursement would be  
9 "appropriate temporary relief", as authorized by  
10 subsection (a) (3) of Section 501 of that Act.

11 (ii) Recovery of expenses. In the case of an  
12 improper concealment or removal of a minor child, the  
13 court may order respondent to pay the reasonable  
14 expenses incurred or to be incurred in the search for  
15 and recovery of the minor child, including but not  
16 limited to legal fees, court costs, private  
17 investigator fees, and travel costs.

18 (14) Prohibition of entry. Prohibit the respondent  
19 from entering or remaining in the residence or household  
20 while the respondent is under the influence of alcohol or  
21 drugs and constitutes a threat to the safety and  
22 well-being of the petitioner or the petitioner's children.

23 (14.5) Prohibition of firearm possession.

24 (a) Prohibit a respondent against whom an order of  
25 protection was issued from possessing any firearms  
26 during the duration of the order if the order:

1 (1) was issued after a hearing of which such  
2 person received actual notice, and at which such  
3 person had an opportunity to participate;

4 (2) restrains such person from harassing,  
5 stalking, or threatening an intimate partner of  
6 such person or child of such intimate partner or  
7 person, or engaging in other conduct that would  
8 place an intimate partner in reasonable fear of  
9 bodily injury to the partner or child; and

10 (3)(i) includes a finding that such person  
11 represents a credible threat to the physical  
12 safety of such intimate partner or child; or (ii)  
13 by its terms explicitly prohibits the use,  
14 attempted use, or threatened use of physical force  
15 against such intimate partner or child that would  
16 reasonably be expected to cause bodily injury.

17 ~~Any Firearm Owner's Identification Card in the~~  
18 ~~possession of the respondent, except as provided in~~  
19 ~~subsection (b), shall be ordered by the court to be~~  
20 ~~turned over to the local law enforcement agency. The~~  
21 ~~local law enforcement agency shall immediately mail~~  
22 ~~the card to the Illinois State Police Firearm Owner's~~  
23 ~~Identification Card Office for safekeeping.~~ The court  
24 shall issue a warrant for seizure of any firearm in the  
25 possession of the respondent, to be kept by the local  
26 law enforcement agency for safekeeping, except as

1 provided in subsection (b). The period of safekeeping  
2 shall be for the duration of the order of protection.  
3 The firearm or firearms ~~and Firearm Owner's~~  
4 ~~Identification Card, if unexpired,~~ shall at the  
5 respondent's request, be returned to the respondent at  
6 the end of the order of protection. It is the  
7 respondent's responsibility to notify the Illinois  
8 State Police ~~Firearm Owner's Identification Card~~  
9 ~~Office.~~

10 (b) If the respondent is a peace officer as  
11 defined in Section 2-13 of the Criminal Code of 2012,  
12 the court shall order that any firearms used by the  
13 respondent in the performance of his or her duties as a  
14 peace officer be surrendered to the chief law  
15 enforcement executive of the agency in which the  
16 respondent is employed, who shall retain the firearms  
17 for safekeeping for the duration of the order of  
18 protection.

19 (c) Upon expiration of the period of safekeeping,  
20 if the firearms ~~or Firearm Owner's Identification Card~~  
21 cannot be returned to respondent because respondent  
22 cannot be located, fails to respond to requests to  
23 retrieve the firearms, or is not lawfully eligible to  
24 possess a firearm, upon petition from the local law  
25 enforcement agency, the court may order the local law  
26 enforcement agency to destroy the firearms, use the



1 firearms for training purposes, or for any other  
2 application as deemed appropriate by the local law  
3 enforcement agency; or that the firearms be turned  
4 over to a third party who is lawfully eligible to  
5 possess firearms, and who does not reside with  
6 respondent.

7 (15) Prohibition of access to records. If an order of  
8 protection prohibits respondent from having contact with  
9 the minor child, or if petitioner's address is omitted  
10 under subsection (b) of Section 203, or if necessary to  
11 prevent abuse or wrongful removal or concealment of a  
12 minor child, the order shall deny respondent access to,  
13 and prohibit respondent from inspecting, obtaining, or  
14 attempting to inspect or obtain, school or any other  
15 records of the minor child who is in the care of  
16 petitioner.

17 (16) Order for payment of shelter services. Order  
18 respondent to reimburse a shelter providing temporary  
19 housing and counseling services to the petitioner for the  
20 cost of the services, as certified by the shelter and  
21 deemed reasonable by the court.

22 (17) Order for injunctive relief. Enter injunctive  
23 relief necessary or appropriate to prevent further abuse  
24 of a family or household member or further abuse, neglect,  
25 or exploitation of a high-risk adult with disabilities or  
26 to effectuate one of the granted remedies, if supported by

1 the balance of hardships. If the harm to be prevented by  
2 the injunction is abuse or any other harm that one of the  
3 remedies listed in paragraphs (1) through (16) of this  
4 subsection is designed to prevent, no further evidence is  
5 necessary that the harm is an irreparable injury.

6 (18) Telephone services.

7 (A) Unless a condition described in subparagraph  
8 (B) of this paragraph exists, the court may, upon  
9 request by the petitioner, order a wireless telephone  
10 service provider to transfer to the petitioner the  
11 right to continue to use a telephone number or numbers  
12 indicated by the petitioner and the financial  
13 responsibility associated with the number or numbers,  
14 as set forth in subparagraph (C) of this paragraph.  
15 For purposes of this paragraph (18), the term  
16 "wireless telephone service provider" means a provider  
17 of commercial mobile service as defined in 47 U.S.C.  
18 332. The petitioner may request the transfer of each  
19 telephone number that the petitioner, or a minor child  
20 in his or her custody, uses. The clerk of the court  
21 shall serve the order on the wireless telephone  
22 service provider's agent for service of process  
23 provided to the Illinois Commerce Commission. The  
24 order shall contain all of the following:

25 (i) The name and billing telephone number of  
26 the account holder including the name of the

1 wireless telephone service provider that serves  
2 the account.

3 (ii) Each telephone number that will be  
4 transferred.

5 (iii) A statement that the provider transfers  
6 to the petitioner all financial responsibility for  
7 and right to the use of any telephone number  
8 transferred under this paragraph.

9 (B) A wireless telephone service provider shall  
10 terminate the respondent's use of, and shall transfer  
11 to the petitioner use of, the telephone number or  
12 numbers indicated in subparagraph (A) of this  
13 paragraph unless it notifies the petitioner, within 72  
14 hours after it receives the order, that one of the  
15 following applies:

16 (i) The account holder named in the order has  
17 terminated the account.

18 (ii) A difference in network technology would  
19 prevent or impair the functionality of a device on  
20 a network if the transfer occurs.

21 (iii) The transfer would cause a geographic or  
22 other limitation on network or service provision  
23 to the petitioner.

24 (iv) Another technological or operational  
25 issue would prevent or impair the use of the  
26 telephone number if the transfer occurs.

1           (C) The petitioner assumes all financial  
2 responsibility for and right to the use of any  
3 telephone number transferred under this paragraph. In  
4 this paragraph, "financial responsibility" includes  
5 monthly service costs and costs associated with any  
6 mobile device associated with the number.

7           (D) A wireless telephone service provider may  
8 apply to the petitioner its routine and customary  
9 requirements for establishing an account or  
10 transferring a number, including requiring the  
11 petitioner to provide proof of identification,  
12 financial information, and customer preferences.

13           (E) Except for willful or wanton misconduct, a  
14 wireless telephone service provider is immune from  
15 civil liability for its actions taken in compliance  
16 with a court order issued under this paragraph.

17           (F) All wireless service providers that provide  
18 services to residential customers shall provide to the  
19 Illinois Commerce Commission the name and address of  
20 an agent for service of orders entered under this  
21 paragraph (18). Any change in status of the registered  
22 agent must be reported to the Illinois Commerce  
23 Commission within 30 days of such change.

24           (G) The Illinois Commerce Commission shall  
25 maintain the list of registered agents for service for  
26 each wireless telephone service provider on the

1 Commission's website. The Commission may consult with  
2 wireless telephone service providers and the Circuit  
3 Court Clerks on the manner in which this information  
4 is provided and displayed.

5 (c) Relevant factors; findings.

6 (1) In determining whether to grant a specific remedy,  
7 other than payment of support, the court shall consider  
8 relevant factors, including but not limited to the  
9 following:

10 (i) the nature, frequency, severity, pattern and  
11 consequences of the respondent's past abuse, neglect  
12 or exploitation of the petitioner or any family or  
13 household member, including the concealment of his or  
14 her location in order to evade service of process or  
15 notice, and the likelihood of danger of future abuse,  
16 neglect, or exploitation to petitioner or any member  
17 of petitioner's or respondent's family or household;  
18 and

19 (ii) the danger that any minor child will be  
20 abused or neglected or improperly relocated from the  
21 jurisdiction, improperly concealed within the State or  
22 improperly separated from the child's primary  
23 caretaker.

24 (2) In comparing relative hardships resulting to the  
25 parties from loss of possession of the family home, the  
26 court shall consider relevant factors, including but not

1 limited to the following:

2 (i) availability, accessibility, cost, safety,  
3 adequacy, location and other characteristics of  
4 alternate housing for each party and any minor child  
5 or dependent adult in the party's care;

6 (ii) the effect on the party's employment; and

7 (iii) the effect on the relationship of the party,  
8 and any minor child or dependent adult in the party's  
9 care, to family, school, church and community.

10 (3) Subject to the exceptions set forth in paragraph  
11 (4) of this subsection, the court shall make its findings  
12 in an official record or in writing, and shall at a minimum  
13 set forth the following:

14 (i) That the court has considered the applicable  
15 relevant factors described in paragraphs (1) and (2)  
16 of this subsection.

17 (ii) Whether the conduct or actions of respondent,  
18 unless prohibited, will likely cause irreparable harm  
19 or continued abuse.

20 (iii) Whether it is necessary to grant the  
21 requested relief in order to protect petitioner or  
22 other alleged abused persons.

23 (4) For purposes of issuing an ex parte emergency  
24 order of protection, the court, as an alternative to or as  
25 a supplement to making the findings described in  
26 paragraphs (c)(3)(i) through (c)(3)(iii) of this

1 subsection, may use the following procedure:

2 When a verified petition for an emergency order of  
3 protection in accordance with the requirements of Sections  
4 203 and 217 is presented to the court, the court shall  
5 examine petitioner on oath or affirmation. An emergency  
6 order of protection shall be issued by the court if it  
7 appears from the contents of the petition and the  
8 examination of petitioner that the averments are  
9 sufficient to indicate abuse by respondent and to support  
10 the granting of relief under the issuance of the emergency  
11 order of protection.

12 (5) Never married parties. No rights or  
13 responsibilities for a minor child born outside of  
14 marriage attach to a putative father until a father and  
15 child relationship has been established under the Illinois  
16 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
17 the Illinois Public Aid Code, Section 12 of the Vital  
18 Records Act, the Juvenile Court Act of 1987, the Probate  
19 Act of 1975, the Revised Uniform Reciprocal Enforcement of  
20 Support Act, the Uniform Interstate Family Support Act,  
21 the Expedited Child Support Act of 1990, any judicial,  
22 administrative, or other act of another state or  
23 territory, any other Illinois statute, or by any foreign  
24 nation establishing the father and child relationship, any  
25 other proceeding substantially in conformity with the  
26 Personal Responsibility and Work Opportunity

1 Reconciliation Act of 1996 (Pub. L. 104-193), or where  
2 both parties appeared in open court or at an  
3 administrative hearing acknowledging under oath or  
4 admitting by affirmation the existence of a father and  
5 child relationship. Absent such an adjudication, finding,  
6 or acknowledgment, no putative father shall be granted  
7 temporary allocation of parental responsibilities,  
8 including parenting time with the minor child, or physical  
9 care and possession of the minor child, nor shall an order  
10 of payment for support of the minor child be entered.

11 (d) Balance of hardships; findings. If the court finds  
12 that the balance of hardships does not support the granting of  
13 a remedy governed by paragraph (2), (3), (10), (11), or (16) of  
14 subsection (b) of this Section, which may require such  
15 balancing, the court's findings shall so indicate and shall  
16 include a finding as to whether granting the remedy will  
17 result in hardship to respondent that would substantially  
18 outweigh the hardship to petitioner from denial of the remedy.  
19 The findings shall be an official record or in writing.

20 (e) Denial of remedies. Denial of any remedy shall not be  
21 based, in whole or in part, on evidence that:

22 (1) Respondent has cause for any use of force, unless  
23 that cause satisfies the standards for justifiable use of  
24 force provided by Article 7 of the Criminal Code of 2012;

25 (2) Respondent was voluntarily intoxicated;

26 (3) Petitioner acted in self-defense or defense of



1 another, provided that, if petitioner utilized force, such  
2 force was justifiable under Article 7 of the Criminal Code  
3 of 2012;

4 (4) Petitioner did not act in self-defense or defense  
5 of another;

6 (5) Petitioner left the residence or household to  
7 avoid further abuse, neglect, or exploitation by  
8 respondent;

9 (6) Petitioner did not leave the residence or  
10 household to avoid further abuse, neglect, or exploitation  
11 by respondent;

12 (7) Conduct by any family or household member excused  
13 the abuse, neglect, or exploitation by respondent, unless  
14 that same conduct would have excused such abuse, neglect,  
15 or exploitation if the parties had not been family or  
16 household members.

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

18 Section 110. The Uniform Disposition of Unclaimed Property  
19 Act is amended by changing Section 1 as follows:

20 (765 ILCS 1025/1) (from Ch. 141, par. 101)

21 Sec. 1. As used in this Act, unless the context otherwise  
22 requires:

23 (a) "Banking organization" means any bank, trust company,  
24 savings bank, industrial bank, land bank, safe deposit

1 company, or a private banker.

2 (b) "Business association" means any corporation, joint  
3 stock company, business trust, partnership, or any  
4 association, limited liability company, or other business  
5 entity consisting of one or more persons, whether or not for  
6 profit.

7 (c) "Financial organization" means any savings and loan  
8 association, building and loan association, credit union,  
9 currency exchange, co-operative bank, mutual funds, or  
10 investment company.

11 (d) "Holder" means any person in possession of property  
12 subject to this Act belonging to another, or who is trustee in  
13 case of a trust, or is indebted to another on an obligation  
14 subject to this Act.

15 (e) "Life insurance corporation" means any association or  
16 corporation transacting the business of insurance on the lives  
17 of persons or insurance appertaining thereto, including, but  
18 not by way of limitation, endowments and annuities.

19 (f) "Owner" means a depositor in case of a deposit, a  
20 beneficiary in case of a trust, a creditor, claimant, or payee  
21 in case of other property, or any person having a legal or  
22 equitable interest in property subject to this Act, or his  
23 legal representative.

24 (g) "Person" means any individual, business association,  
25 financial organization, government or political subdivision or  
26 agency, public authority, estate, trust, or any other legal or

1 commercial entity.

2 (h) "Utility" means any person who owns or operates, for  
3 public use, any plant, equipment, property, franchise, or  
4 license for the transmission of communications or the  
5 production, storage, transmission, sale, delivery, or  
6 furnishing of electricity, water, steam, oil or gas.

7 (i) (Blank).

8 (j) "Insurance company" means any person transacting the  
9 kinds of business enumerated in Section 4 of the Illinois  
10 Insurance Code other than life insurance.

11 (k) "Economic loss", as used in Sections 2a and 9 of this  
12 Act includes, but is not limited to, delivery charges,  
13 mark-downs and write-offs, carrying costs, restocking charges,  
14 lay-aways, special orders, issuance of credit memos, and the  
15 costs of special services or goods provided that reduce the  
16 property value or that result in lost sales opportunity.

17 (l) "Reportable property" means property, tangible or  
18 intangible, presumed abandoned under this Act that must be  
19 appropriately and timely reported and remitted to the Office  
20 of the State Treasurer under this Act. Interest, dividends,  
21 stock splits, warrants, or other rights that become reportable  
22 property under this Act include the underlying security or  
23 commodity giving rise to the interest, dividend, split,  
24 warrant, or other right to which the owner would be entitled.

25 (m) "Firearm" has the meaning ascribed to that term in  
26 Section 2-7.5 of the Criminal Code of 2012 ~~the Firearm Owners~~

1 ~~Identification Card Act.~~

2 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99;  
3 91-748, eff. 6-2-00.)

4 Section 115. The Revised Uniform Unclaimed Property Act is  
5 amended by changing Section 15-705 as follows:

6 (765 ILCS 1026/15-705)

7 Sec. 15-705. Exceptions to the sale of tangible property.  
8 The administrator shall dispose of tangible property  
9 identified by this Section in accordance with this Section.

10 (a) Military medals or decorations. The administrator may  
11 not sell a medal or decoration awarded for military service in  
12 the armed forces of the United States. Instead, the  
13 administrator, with the consent of the respective organization  
14 under paragraph (1), agency under paragraph (2), or entity  
15 under paragraph (3), may deliver a medal or decoration to be  
16 held in custody for the owner, to:

17 (1) a military veterans organization qualified under  
18 Section 501(c)(19) of the Internal Revenue Code;

19 (2) the agency that awarded the medal or decoration;  
20 or

21 (3) a governmental entity.

22 After delivery, the administrator is not responsible for  
23 the safekeeping of the medal or decoration.

24 (b) Property with historical value. Property that the

1 administrator reasonably believes may have historical value  
2 may be, at his or her discretion, loaned to an accredited  
3 museum in the United States where it will be kept until such  
4 time as the administrator orders it to be returned to his or  
5 her custody.

6 (c) Human remains. If human remains are delivered to the  
7 administrator under this Act, the administrator shall deliver  
8 those human remains to the coroner of the county in which the  
9 human remains were abandoned for disposition under Section  
10 3-3034 of the Counties Code. The only human remains that may be  
11 delivered to the administrator under this Act and that the  
12 administrator may receive are those that are reported and  
13 delivered as contents of a safe deposit box.

14 (d) Evidence in a criminal investigation. Property that  
15 may have been used in the commission of a crime or that may  
16 assist in the investigation of a crime, as determined after  
17 consulting with the Illinois State Police, shall be delivered  
18 to the Illinois State Police or other appropriate law  
19 enforcement authority to allow law enforcement to determine  
20 whether a criminal investigation should take place. Any such  
21 property delivered to a law enforcement authority shall be  
22 held in accordance with existing statutes and rules related to  
23 the gathering, retention, and release of evidence.

24 (e) Firearms.

25 (1) The administrator, in cooperation with the  
26 Illinois State Police, shall develop a procedure to

1 determine whether a firearm delivered to the administrator  
2 under this Act has been stolen or used in the commission of  
3 a crime. The Illinois State Police shall determine the  
4 appropriate disposition of a firearm that has been stolen  
5 or used in the commission of a crime. The administrator  
6 shall attempt to return a firearm that has not been stolen  
7 or used in the commission of a crime to the rightful owner  
8 if the Illinois State Police determines that the owner may  
9 lawfully possess the firearm.

10 (2) If the administrator is unable to return a firearm  
11 to its owner, the administrator shall transfer custody of  
12 the firearm to the Illinois State Police. Legal title to a  
13 firearm transferred to the Illinois State Police under  
14 this subsection (e) is vested in the Illinois State Police  
15 by operation of law if:

16 (i) the administrator cannot locate the owner of  
17 the firearm;

18 (ii) the owner of the firearm may not lawfully  
19 possess the firearm;

20 (iii) the apparent owner does not respond to  
21 notice published under Section 15-503 of this Act; or

22 (iv) the apparent owner responds to notice  
23 published under Section 15-502 and states that he or  
24 she no longer claims an interest in the firearm.

25 (3) With respect to a firearm whose title is  
26 transferred to the Illinois State Police under this

1 subsection (e), the Illinois State Police may:

2 (i) retain the firearm for use by the crime  
3 laboratory system, for training purposes, or for any  
4 other application as deemed appropriate by the  
5 Department;

6 (ii) transfer the firearm to the Illinois State  
7 Museum if the firearm has historical value; or

8 (iii) destroy the firearm if it is not retained  
9 pursuant to subparagraph (i) or transferred pursuant  
10 to subparagraph (ii).

11 As used in this subsection, "firearm" has the meaning  
12 provided in Section 2-7.5 of the Criminal Code of 2012 ~~the~~  
13 ~~Firearm Owners Identification Card Act.~~

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

15 Section 195. No acceleration or delay. Where this Act  
16 makes changes in a statute that is represented in this Act by  
17 text that is not yet or no longer in effect (for example, a  
18 Section represented by multiple versions), the use of that  
19 text does not accelerate or delay the taking effect of (i) the  
20 changes made by this Act or (ii) provisions derived from any  
21 other Public Act.

22 Section 999. Effective date. This Act takes effect upon  
23 becoming law.

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