

SB2136



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2136

Introduced 2/10/2023, by Sen. Andrew S. Chesney

SYNOPSIS AS INTRODUCED:

See Index

Repeals the Firearm Owners Identification Card Act. Amends various Acts to make conforming changes. Effective January 1, 2024.

LRB103 27172 RLC 53542 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 ~~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, 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 ~~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 (1) 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 (1) 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 January
23 1, 2024.

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