

SB3340



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3340

Introduced 2/7/2012, by Sen. Wm. Sam McCann

SYNOPSIS AS INTRODUCED:

See Index

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

LRB097 17656 RLC 62865 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning firearms.

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

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

6 (5 ILCS 140/7.5)

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

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

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

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

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

1 Illinois Sexually Transmissible Disease Control Act.

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

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

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

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

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

18 (j) Information and data concerning the distribution of
19 surcharge moneys collected and remitted by wireless carriers
20 under the Wireless Emergency Telephone Safety Act.

21 (k) Law enforcement officer identification information or
22 driver identification information compiled by a law
23 enforcement agency or the Department of Transportation under
24 Section 11-212 of the Illinois Vehicle Code.

25 (l) Records and information provided to a residential
26 health care facility resident sexual assault and death review

1 team or the Executive Council under the Abuse Prevention Review
2 Team Act.

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

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

14 (o) Information that is prohibited from being disclosed
15 under Section 4 of the Illinois Health and Hazardous Substances
16 Registry Act.

17 (p) Security portions of system safety program plans,
18 investigation reports, surveys, schedules, lists, data, or
19 information compiled, collected, or prepared by or for the
20 Regional Transportation Authority under Section 2.11 of the
21 Regional Transportation Authority Act or the St. Clair County
22 Transit District under the Bi-State Transit Safety Act.

23 (q) Information prohibited from being disclosed by the
24 Personnel Records Review Act.

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

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

3 (t) All identified or deidentified health information in
4 the form of health data or medical records contained in, stored
5 in, submitted to, transferred by, or released from the Illinois
6 Health Information Exchange, and identified or deidentified
7 health information in the form of health data and medical
8 records of the Illinois Health Information Exchange in the
9 possession of the Illinois Health Information Exchange
10 Authority due to its administration of the Illinois Health
11 Information Exchange. The terms "identified" and
12 "deidentified" shall be given the same meaning as in the Health
13 Insurance Accountability and Portability Act of 1996, Public
14 Law 104-191, or any subsequent amendments thereto, and any
15 regulations promulgated thereunder.

16 (u) Records and information provided to an independent team
17 of experts under Brian's Law.

18 (v) Names and information of people who have applied for or
19 received Firearm Owner's Identification Cards under the
20 Firearm Owners Identification Card Act before the effective
21 date of this amendatory Act of the 97th General Assembly.

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

25 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
26 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.

1 8-12-11; 97-342, eff. 8-12-11; revised 9-2-11.)

2 Section 10. The Department of State Police Law of the Civil
3 Administrative Code of Illinois is amended by changing Section
4 2605-45 as follows:

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

6 Sec. 2605-45. Division of Administration. The Division of
7 Administration shall exercise the following functions:

8 (1) Exercise the rights, powers, and duties vested in
9 the Department by the Governor's Office of Management and
10 Budget Act.

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

13 (3) Exercise the rights, powers, and duties vested in
14 the Department by the Personnel Code.

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

18 (5) Exercise the rights, powers, and duties vested in
19 the former Division of State Troopers by Section 17 of the
20 State Police Act.

21 (6) Exercise the rights, powers, and duties vested in
22 the Department by "An Act relating to internal auditing in
23 State government", approved August 11, 1967 (repealed; now
24 the Fiscal Control and Internal Auditing Act, 30 ILCS 10/).

1 (6.5) (Blank). ~~Exercise the rights, powers, and duties~~
2 ~~vested in the Department by the Firearm Owners~~
3 ~~Identification Card Act.~~

4 (7) Exercise other duties that may be assigned by the
5 Director to fulfill the responsibilities and achieve the
6 purposes of the Department.

7 (Source: P.A. 94-793, eff. 5-19-06.)

8 (20 ILCS 2605/2605-120 rep.)

9 Section 15. The Department of State Police Law of the Civil
10 Administrative Code of Illinois is amended by repealing Section
11 2605-120.

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

14 (50 ILCS 710/1) (from Ch. 85, par. 515)

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

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

1 (b) "Firearms" means any weapon or device defined as a
2 firearm in Section 2-7.5 of the Criminal Code of 1961 ~~1.1 of~~
3 ~~"An Act relating to the acquisition, possession and transfer of~~
4 ~~firearms and firearm ammunition, to provide a penalty for the~~
5 ~~violation thereof and to make an appropriation in connection~~
6 ~~therewith", approved August 3, 1967, as amended.~~

7 (Source: P.A. 94-103, eff. 7-1-05.)

8 Section 25. The School Code is amended by changing Sections
9 10-22.6, 10-27.1A and 34-8.05 as follows:

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

11 Sec. 10-22.6. Suspension or expulsion of pupils; school
12 searches.

13 (a) To expel pupils guilty of gross disobedience or
14 misconduct, including gross disobedience or misconduct
15 perpetuated by electronic means, and no action shall lie
16 against them for such expulsion. Expulsion shall take place
17 only after the parents have been requested to appear at a
18 meeting of the board, or with a hearing officer appointed by
19 it, to discuss their child's behavior. Such request shall be
20 made by registered or certified mail and shall state the time,
21 place and purpose of the meeting. The board, or a hearing
22 officer appointed by it, at such meeting shall state the
23 reasons for dismissal and the date on which the expulsion is to
24 become effective. If a hearing officer is appointed by the

1 board he shall report to the board a written summary of the
2 evidence heard at the meeting and the board may take such
3 action thereon as it finds appropriate. An expelled pupil may
4 be immediately transferred to an alternative program in the
5 manner provided in Article 13A or 13B of this Code. A pupil
6 must not be denied transfer because of the expulsion, except in
7 cases in which such transfer is deemed to cause a threat to the
8 safety of students or staff in the alternative program.

9 (b) To suspend or by policy to authorize the superintendent
10 of the district or the principal, assistant principal, or dean
11 of students of any school to suspend pupils guilty of gross
12 disobedience or misconduct, or to suspend pupils guilty of
13 gross disobedience or misconduct on the school bus from riding
14 the school bus, and no action shall lie against them for such
15 suspension. The board may by policy authorize the
16 superintendent of the district or the principal, assistant
17 principal, or dean of students of any school to suspend pupils
18 guilty of such acts for a period not to exceed 10 school days.
19 If a pupil is suspended due to gross disobedience or misconduct
20 on a school bus, the board may suspend the pupil in excess of
21 10 school days for safety reasons. Any suspension shall be
22 reported immediately to the parents or guardian of such pupil
23 along with a full statement of the reasons for such suspension
24 and a notice of their right to a review. The school board must
25 be given a summary of the notice, including the reason for the
26 suspension and the suspension length. Upon request of the

1 parents or guardian the school board or a hearing officer
2 appointed by it shall review such action of the superintendent
3 or principal, assistant principal, or dean of students. At such
4 review the parents or guardian of the pupil may appear and
5 discuss the suspension with the board or its hearing officer.
6 If a hearing officer is appointed by the board he shall report
7 to the board a written summary of the evidence heard at the
8 meeting. After its hearing or upon receipt of the written
9 report of its hearing officer, the board may take such action
10 as it finds appropriate. A pupil who is suspended in excess of
11 20 school days may be immediately transferred to an alternative
12 program in the manner provided in Article 13A or 13B of this
13 Code. A pupil must not be denied transfer because of the
14 suspension, except in cases in which such transfer is deemed to
15 cause a threat to the safety of students or staff in the
16 alternative program.

17 (c) The Department of Human Services shall be invited to
18 send a representative to consult with the board at such meeting
19 whenever there is evidence that mental illness may be the cause
20 for expulsion or suspension.

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

1 less than one year:

2 (1) A firearm. For the purposes of this Section,
3 "firearm" means any gun, rifle, shotgun, weapon as defined
4 by Section 921 of Title 18 of the United States Code,
5 ~~firearm as defined in Section 1.1 of the Firearm Owners~~
6 ~~Identification Card Act,~~ or firearm as defined in Section
7 24-1 of the Criminal Code of 1961. The expulsion period
8 under this subdivision (1) may be modified by the
9 superintendent, and the superintendent's determination may
10 be modified by the board on a case-by-case basis.

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

19 Expulsion or suspension shall be construed in a manner
20 consistent with the Federal Individuals with Disabilities
21 Education Act. A student who is subject to suspension or
22 expulsion as provided in this Section may be eligible for a
23 transfer to an alternative school program in accordance with
24 Article 13A of the School Code. The provisions of this
25 subsection (d) apply in all school districts, including special
26 charter districts and districts organized under Article 34.

1 (d-5) The board may suspend or by regulation authorize the
2 superintendent of the district or the principal, assistant
3 principal, or dean of students of any school to suspend a
4 student for a period not to exceed 10 school days or may expel
5 a student for a definite period of time not to exceed 2
6 calendar years, as determined on a case by case basis, if (i)
7 that student has been determined to have made an explicit
8 threat on an Internet website against a school employee, a
9 student, or any school-related personnel, (ii) the Internet
10 website through which the threat was made is a site that was
11 accessible within the school at the time the threat was made or
12 was available to third parties who worked or studied within the
13 school grounds at the time the threat was made, and (iii) the
14 threat could be reasonably interpreted as threatening to the
15 safety and security of the threatened individual because of his
16 or her duties or employment status or status as a student
17 inside the school. The provisions of this subsection (d-5)
18 apply in all school districts, including special charter
19 districts and districts organized under Article 34 of this
20 Code.

21 (e) To maintain order and security in the schools, school
22 authorities may inspect and search places and areas such as
23 lockers, desks, parking lots, and other school property and
24 equipment owned or controlled by the school, as well as
25 personal effects left in those places and areas by students,
26 without notice to or the consent of the student, and without a

1 search warrant. As a matter of public policy, the General
2 Assembly finds that students have no reasonable expectation of
3 privacy in these places and areas or in their personal effects
4 left in these places and areas. School authorities may request
5 the assistance of law enforcement officials for the purpose of
6 conducting inspections and searches of lockers, desks, parking
7 lots, and other school property and equipment owned or
8 controlled by the school for illegal drugs, weapons, or other
9 illegal or dangerous substances or materials, including
10 searches conducted through the use of specially trained dogs.
11 If a search conducted in accordance with this Section produces
12 evidence that the student has violated or is violating either
13 the law, local ordinance, or the school's policies or rules,
14 such evidence may be seized by school authorities, and
15 disciplinary action may be taken. School authorities may also
16 turn over such evidence to law enforcement authorities. The
17 provisions of this subsection (e) apply in all school
18 districts, including special charter districts and districts
19 organized under Article 34.

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

23 (g) A school district may adopt a policy providing that if
24 a student is suspended or expelled for any reason from any
25 public or private school in this or any other state, the
26 student must complete the entire term of the suspension or

1 expulsion in an alternative school program under Article 13A of
2 this Code or an alternative learning opportunities program
3 under Article 13B of this Code before being admitted into the
4 school district if there is no threat to the safety of students
5 or staff in the alternative program. This subsection (g)
6 applies to all school districts, including special charter
7 districts and districts organized under Article 34 of this
8 Code.

9 (Source: P.A. 96-633, eff. 8-24-09; 96-998, eff. 7-2-10;
10 97-340, eff. 1-1-12; 97-495, eff. 1-1-12; revised 9-28-11.)

11 (105 ILCS 5/10-27.1A)

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

13 (a) All school officials, including teachers, guidance
14 counselors, and support staff, shall immediately notify the
15 office of the principal in the event that they observe any
16 person in possession of a firearm on school grounds; provided
17 that taking such immediate action to notify the office of the
18 principal would not immediately endanger the health, safety, or
19 welfare of students who are under the direct supervision of the
20 school official or the school official. If the health, safety,
21 or welfare of students under the direct supervision of the
22 school official or of the school official is immediately
23 endangered, the school official shall notify the office of the
24 principal as soon as the students under his or her supervision
25 and he or she are no longer under immediate danger. A report is

1 not required by this Section when the school official knows
2 that the person in possession of the firearm is a law
3 enforcement official engaged in the conduct of his or her
4 official duties. Any school official acting in good faith who
5 makes such a report under this Section shall have immunity from
6 any civil or criminal liability that might otherwise be
7 incurred as a result of making the report. The identity of the
8 school official making such report shall not be disclosed
9 except as expressly and specifically authorized by law.
10 Knowingly and willfully failing to comply with this Section is
11 a petty offense. A second or subsequent offense is a Class C
12 misdemeanor.

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

1 minor, the law enforcement agency shall detain that minor until
2 such time as the agency makes a determination pursuant to
3 clause (a) of subsection (1) of Section 5-401 of the Juvenile
4 Court Act of 1987, as to whether the agency reasonably believes
5 that the minor is delinquent. If the law enforcement agency
6 determines that probable cause exists to believe that the minor
7 committed a violation of item (4) of subsection (a) of Section
8 24-1 of the Criminal Code of 1961 while on school grounds, the
9 agency shall detain the minor for processing pursuant to
10 Section 5-407 of the Juvenile Court Act of 1987.

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

22 The State Board of Education shall receive an annual
23 statistical compilation and related data associated with
24 incidents involving firearms in schools from the Department of
25 State Police. The State Board of Education shall compile this
26 information by school district and make it available to the

1 public.

2 (d) As used in this Section, the term "firearm" shall have
3 the meaning ascribed to it in Section 2-7.5 of the Criminal
4 Code of 1961 ~~1.1 of the Firearm Owners Identification Card Act.~~

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

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

12 (Source: P.A. 91-11, eff. 6-4-99; 91-491, eff. 8-13-99.)

13 (105 ILCS 5/34-8.05)

14 Sec. 34-8.05. Reporting firearms in schools. On or after
15 January 1, 1997, upon receipt of any written, electronic, or
16 verbal report from any school personnel regarding a verified
17 incident involving a firearm in a school or on school owned or
18 leased property, including any conveyance owned, leased, or
19 used by the school for the transport of students or school
20 personnel, the general superintendent or his or her designee
21 shall report all such firearm-related incidents occurring in a
22 school or on school property to the local law enforcement
23 authorities no later than 24 hours after the occurrence of the
24 incident and to the Department of State Police in a form,
25 manner, and frequency as prescribed by the Department of State

1 Police.

2 The State Board of Education shall receive an annual
3 statistical compilation and related data associated with
4 incidents involving firearms in schools from the Department of
5 State Police. As used in this Section, the term "firearm" shall
6 have the meaning ascribed to it in Section 2-7.5 of the
7 Criminal Code of 1961 ~~1.1 of the Firearm Owners Identification~~
8 ~~Card Act.~~

9 (Source: P.A. 89-498, eff. 6-27-96.)

10 Section 30. The Private Detective, Private Alarm, Private
11 Security, and Locksmith Act of 2004 is amended by changing
12 Section 35-35 as follows:

13 (225 ILCS 447/35-35)

14 (Section scheduled to be repealed on January 1, 2014)

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

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

21 (b) No employer shall employ any person to perform the
22 duties for which employee registration is required and allow
23 that person to carry a firearm unless that person has complied
24 with all the firearm training requirements of this Section and

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

10 (c) Possession of a valid firearm control card allows an
11 employee to carry a firearm not otherwise prohibited by law
12 while the employee is engaged in the performance of his or her
13 duties or while the employee is commuting directly to or from
14 the employee's place or places of employment, provided that
15 this is accomplished within one hour from departure from home
16 or place 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 employed by an agency licensed by this Act, and
20 has met all the requirements of this Act, ~~and who possesses a~~
21 ~~valid firearm owner identification card~~. Application for the
22 firearm control card shall be made by the employer to the
23 Department on forms provided by the Department. The Department
24 shall forward the card to the employer who shall be responsible
25 for its issuance to the employee. The firearm control card
26 shall be issued by the Department and shall identify the person

1 holding it and the name of the course where the employee
2 received firearm instruction and shall specify the type of
3 weapon or weapons the person is authorized by the Department to
4 carry and for which the person has been trained.

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

7 (f) The Department may, in addition to any other
8 disciplinary action permitted by this Act, refuse to issue,
9 suspend, or revoke a firearm control card if the applicant or
10 holder has been convicted of any felony or crime involving the
11 illegal use, carrying, or possession of a deadly weapon or for
12 a violation of this Act or rules promulgated under this Act.
13 ~~The Department shall refuse to issue or shall revoke a firearm~~
14 ~~control card if the applicant or holder fails to possess a~~
15 ~~valid firearm owners identification card.~~ The Director shall
16 summarily suspend a firearm control card if the Director finds
17 that its continued use would constitute an imminent danger to
18 the public. A hearing shall be held before the Board within 30
19 days if the Director summarily suspends a firearm control card.

20 (g) Notwithstanding any other provision of this Act to the
21 contrary, all requirements relating to firearms control cards
22 do not apply to a peace officer.

23 (h) The Department may issue a temporary firearm control
24 card pending issuance of a new firearm control card upon an
25 agency's acquiring of an established armed account. An agency
26 that has acquired armed employees as a result of acquiring an

1 established armed account may, on forms supplied by the
2 Department, request the issuance of a temporary firearm control
3 card for each acquired employee who held a valid firearm
4 control card under his or her employment with the newly
5 acquired established armed account immediately preceding the
6 acquiring of the account and who continues to meet all of the
7 qualifications for issuance of a firearm control card set forth
8 in this Act and any rules adopted under this Act. The
9 Department shall, by rule, set the fee for issuance of a
10 temporary firearm control card.

11 (i) The Department may not issue a firearm control card to
12 employees of a licensed fingerprint vendor agency.

13 (Source: P.A. 95-613, eff. 9-11-07.)

14 Section 35. The Lead Poisoning Prevention Act is amended by
15 changing Section 2 as follows:

16 (410 ILCS 45/2) (from Ch. 111 1/2, par. 1302)

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

18 "Abatement" means the removal or encapsulation of all
19 leadbearing substances in a residential building or dwelling
20 unit.

21 "Child care facility" means any structure used by a child
22 care provider licensed by the Department of Children and Family
23 Services or public school structure frequented by children
24 through 6 years of age.

1 "Delegate agency" means a unit of local government or
2 health department approved by the Department to carry out the
3 provisions of this Act.

4 "Department" means the Department of Public Health of the
5 State of Illinois.

6 "Dwelling" means any structure all or part of which is
7 designed or used for human habitation.

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

20 "Exposed surface" means any interior or exterior surface of
21 a dwelling or residential building.

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

25 "Lead abatement worker" means any person employed by a lead
26 abatement contractor and licensed by the Department to perform

1 lead abatement and mitigation.

2 "Lead bearing substance" means any item containing or
3 coated with lead such that the lead content is more than
4 six-hundredths of one percent (0.06%) lead by total weight; or
5 any dust on surfaces or in furniture or other nonpermanent
6 elements of the dwelling; or any paint or other surface coating
7 material containing more than five-tenths of one percent (0.5%)
8 lead by total weight (calculated as lead metal) in the total
9 non-volatile content of liquid paint; or lead bearing
10 substances containing greater than one milligram per square
11 centimeter or any lower standard for lead content in
12 residential paint as may be established by federal law or
13 regulation; or more than 1 milligram per square centimeter in
14 the dried film of paint or previously applied substance; or
15 item or dust on item containing lead in excess of the amount
16 specified in the rules and regulations authorized by this Act
17 or a lower standard for lead content as may be established by
18 federal law or regulation. "Lead bearing substance" does not
19 include firearm ammunition or components as defined by the
20 Criminal Code of 1961 ~~Firearm Owners Identification Card Act~~.

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

23 "Lead poisoning" means the condition of having blood lead
24 levels in excess of those considered safe under State and
25 federal rules and regulations.

26 "Low risk area" means an area in the State determined by

1 the Department to be low risk for lead exposure for children
2 through 6 years of age. The Department shall consider the
3 factors named in "high risk area" to determine low risk areas.

4 "Mitigation" means the remediation, in a manner described
5 in Section 9, of a lead hazard so that the lead bearing
6 substance does not pose an immediate health hazard to humans.

7 "Owner" means any person, who alone, jointly, or severally
8 with others:

9 (a) Has legal title to any dwelling or residential
10 building, with or without accompanying actual possession
11 of the dwelling or residential building, or

12 (b) Has charge, care or control of the dwelling or
13 residential building as owner or agent of the owner, or as
14 executor, administrator, trustee, or guardian of the
15 estate of the owner.

16 "Person" means any one or more natural persons, legal
17 entities, governmental bodies, or any combination.

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

22 "Risk assessment" means a questionnaire to be developed by
23 the Department for use by physicians and other health care
24 providers to determine risk factors for children through 6
25 years of age residing in areas designated as low risk for lead
26 exposure.

1 (Source: P.A. 94-879, eff. 6-20-06.)

2 (430 ILCS 65/Act rep.)

3 Section 40. The Firearm Owners Identification Card Act is
4 repealed.

5 Section 45. The Wildlife Code is amended by changing
6 Section 3.2 as follows:

7 (520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

8 (Text of Section after amendment by P.A. 97-498)

9 Sec. 3.2. Hunting license; application; instruction.
10 Before the Department or any county, city, village, township,
11 incorporated town clerk or his duly designated agent or any
12 other person authorized or designated by the Department to
13 issue hunting licenses shall issue a hunting license to any
14 person, the person shall file his application with the
15 Department or other party authorized to issue licenses on a
16 form provided by the Department and further give definite proof
17 of identity and place of legal residence. Each clerk
18 designating agents to issue licenses and stamps shall furnish
19 the Department, within 10 days following the appointment, the
20 names and mailing addresses of the agents. Each clerk or his
21 duly designated agent shall be authorized to sell licenses and
22 stamps only within the territorial area for which he was
23 elected or appointed. No duly designated agent is authorized to

1 furnish licenses or stamps for issuance by any other business
2 establishment. Each application shall be executed and sworn to
3 and shall set forth the name and description of the applicant
4 and place of residence.

5 No hunting license shall be issued to any person born on or
6 after January 1, 1980 unless he presents the person authorized
7 to issue the license evidence that he has held a hunting
8 license issued by the State of Illinois or another state in a
9 prior year, or a certificate of competency as provided in this
10 Section. Persons under 16 years of age may be issued a Lifetime
11 Hunting or Sportsmen's Combination License as provided under
12 Section 20-45 of the Fish and Aquatic Life Code but shall not
13 be entitled to hunt unless they have a certificate of
14 competency as provided in this Section and they shall have the
15 certificate in their possession while hunting.

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

1 The Department of Natural Resources shall designate any
2 person found by it to be competent to give instruction in the
3 handling of firearms, hunter safety, and bow and arrow. The
4 persons so appointed shall give the course of instruction and
5 upon the successful completion shall issue to the person
6 instructed a certificate of competency in the safe handling of
7 firearms, hunter safety, and bow and arrow. No charge shall be
8 made for any course of instruction except for materials or
9 ammunition consumed. The Department of Natural Resources shall
10 furnish information on the requirements of hunter safety
11 education programs to be distributed free of charge to
12 applicants for hunting licenses by the persons appointed and
13 authorized to issue licenses. Funds for the conducting of
14 firearms and hunter safety courses shall be taken from the fee
15 charged for hunting licenses ~~the Firearm Owners Identification~~
16 ~~Card~~.

17 The fee for a hunting license to hunt all species for a
18 resident of Illinois is \$12. For residents age 65 or older,
19 and, commencing with the 2012 license year, resident veterans
20 of the United States Armed Forces after returning from service
21 abroad or mobilization by the President of the United States,
22 the fee is one-half of the fee charged for a hunting license to
23 hunt all species for a resident of Illinois. Veterans must
24 provide to the Department, at one of the Department's 5
25 regional offices, verification of their service. The
26 Department shall establish what constitutes suitable

1 verification of service for the purpose of issuing resident
2 veterans hunting licenses at a reduced fee. Nonresidents shall
3 be charged \$57 for a hunting license.

4 Nonresidents may be issued a nonresident hunting license
5 for a period not to exceed 10 consecutive days' hunting in the
6 State and shall be charged a fee of \$35.

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

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

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

1 designated by the Department for that purpose.

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

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

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

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

22 (Source: P.A. 96-831, eff. 1-1-10; 97-498, eff. 4-1-12.)

23 Section 50. The Criminal Code of 1961 is amended by
24 changing Sections 2-7.1, 2-7.5, 12-3.05, 12-4.2, 12-4.2-5,
25 17-30, 24-1.1, 24-1.6, 24-2, 24-3, 24-3.2, 24-3.4, 24-3.5, and

1 24-9 and adding Section 24-4.5 as follows:

2 (720 ILCS 5/2-7.1)

3 Sec. 2-7.1. "Firearm" ~~"Firearm"~~ and ~~"firearm"~~ ammunition".
4 "Firearm" ~~"Firearm"~~ and ~~"firearm"~~ ammunition" means any
5 self-contained cartridge or shotgun shell, by whatever name
6 known, which is designed to be used or adaptable to use in a
7 firearm; excluding, however:

8 (1) any ammunition exclusively designed for use with a
9 device used exclusively for signalling or safety and required
10 or recommended by the United States Coast Guard or the
11 Interstate Commerce Commission; and

12 (2) any ammunition designed exclusively for use with a stud
13 or rivet driver or other similar industrial ammunition ~~have the~~
14 ~~meanings ascribed to them in Section 1.1 of the Firearm Owners~~
15 ~~Identification Card Act.~~

16 (Source: P.A. 91-544, eff. 1-1-00.)

17 (720 ILCS 5/2-7.5)

18 Sec. 2-7.5. "Firearm". Except as otherwise provided in a
19 specific Section, "firearm" means any device, by whatever name
20 known, which is designed to expel a projectile or projectiles
21 by the action of an explosion, expansion of gas or escape of
22 gas; excluding, however:

23 (1) any pneumatic gun, spring gun, paint ball gun or B-B
24 gun which either expels a single globular projectile not

1 exceeding .18 inch in diameter and which has a maximum muzzle
2 velocity of less than 700 feet per second or breakable paint
3 balls containing washable marking colors;

4 (2) any device used exclusively for signalling or safety
5 and required or recommended by the United States Coast Guard or
6 the Interstate Commerce Commission;

7 (3) any device used exclusively for the firing of stud
8 cartridges, explosive rivets or similar industrial ammunition;
9 and

10 (4) an antique firearm (other than a machine-gun) which,
11 although designed as a weapon, the Department of State Police
12 finds by reason of the date of its manufacture, value, design,
13 and other characteristics is primarily a collector's item and
14 is not likely to be used as a weapon ~~has the meaning ascribed~~
15 ~~to it in Section 1.1 of the Firearm Owners Identification Card~~
16 ~~Act.~~

17 (Source: P.A. 95-331, eff. 8-21-07.)

18 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

19 Sec. 12-3.05. Aggravated battery.

20 (a) Offense based on injury. A person commits aggravated
21 battery when, in committing a battery, other than by the
22 discharge of a firearm, he or she knowingly does any of the
23 following:

24 (1) Causes great bodily harm or permanent disability or
25 disfigurement.

1 (2) Causes severe and permanent disability, great
2 bodily harm, or disfigurement by means of a caustic or
3 flammable substance, a poisonous gas, a deadly biological
4 or chemical contaminant or agent, a radioactive substance,
5 or a bomb or explosive compound.

6 (3) Causes great bodily harm or permanent disability or
7 disfigurement to an individual whom the person knows to be
8 a peace officer, community policing volunteer, fireman,
9 private security officer, correctional institution
10 employee, or Department of Human Services employee
11 supervising or controlling sexually dangerous persons or
12 sexually violent persons:

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 (4) Causes great bodily harm or permanent disability or
19 disfigurement to an individual 60 years of age or older.

20 (5) Strangles another individual.

21 (b) Offense based on injury to a child or intellectually
22 disabled ~~mentally retarded~~ person. A person who is at least 18
23 years of age commits aggravated battery when, in committing a
24 battery, he or she knowingly and without legal justification by
25 any means:

26 (1) causes great bodily harm or permanent disability or

1 disfigurement to any child under the age of 13 years, or to
2 any severely or profoundly intellectually disabled
3 ~~mentally retarded~~ person; or

4 (2) causes bodily harm or disability or disfigurement
5 to any child under the age of 13 years or to any severely
6 or profoundly intellectually disabled ~~mentally retarded~~
7 person.

8 (c) Offense based on location of conduct. A person commits
9 aggravated battery when, in committing a battery, other than by
10 the discharge of a firearm, he or she is or the person battered
11 is on or about a public way, public property, a public place of
12 accommodation or amusement, a sports venue, or a domestic
13 violence shelter.

14 (d) Offense based on status of victim. A person commits
15 aggravated battery when, in committing a battery, other than by
16 discharge of a firearm, he or she knows the individual battered
17 to be any of the following:

18 (1) A person 60 years of age or older.

19 (2) A person who is pregnant or physically handicapped.

20 (3) A teacher or school employee upon school grounds or
21 grounds adjacent to a school or in any part of a building
22 used for school purposes.

23 (4) A peace officer, community policing volunteer,
24 fireman, private security officer, correctional
25 institution employee, or Department of Human Services
26 employee supervising or controlling sexually dangerous

1 persons or sexually violent persons:

2 (i) performing his or her official duties;

3 (ii) battered to prevent performance of his or her
4 official duties; or

5 (iii) battered in retaliation for performing his
6 or her official duties.

7 (5) A judge, emergency management worker, emergency
8 medical technician, or utility worker:

9 (i) performing his or her official duties;

10 (ii) battered to prevent performance of his or her
11 official duties; or

12 (iii) battered in retaliation for performing his
13 or her official duties.

14 (6) An officer or employee of the State of Illinois, a
15 unit of local government, or a school district, while
16 performing his or her official duties.

17 (7) A transit employee performing his or her official
18 duties, or a transit passenger.

19 (8) A taxi driver on duty.

20 (9) A merchant who detains the person for an alleged
21 commission of retail theft under Section 16-26 of this Code
22 and the person without legal justification by any means
23 causes bodily harm to the merchant.

24 (10) A person authorized to serve process under Section
25 2-202 of the Code of Civil Procedure or a special process
26 server appointed by the circuit court while that individual

1 is in the performance of his or her duties as a process
2 server.

3 (e) Offense based on use of a firearm. A person commits
4 aggravated battery when, in committing a battery, he or she
5 knowingly does any of the following:

6 (1) Discharges a firearm, other than a machine gun or a
7 firearm equipped with a silencer, and causes any injury to
8 another person.

9 (2) Discharges a firearm, other than a machine gun or a
10 firearm equipped with a silencer, and causes any injury to
11 a person he or she knows to be a peace officer, community
12 policing volunteer, person summoned by a police officer,
13 fireman, private security officer, correctional
14 institution 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 (3) Discharges a firearm, other than a machine gun or a
21 firearm equipped with a silencer, and causes any injury to
22 a person he or she knows to be an emergency medical
23 technician employed by a municipality or other
24 governmental unit:

25 (i) performing his or her official duties;

26 (ii) battered to prevent performance of his or her

1 official duties; or

2 (iii) battered in retaliation for performing his
3 or her official duties.

4 (4) Discharges a firearm and causes any injury to a
5 person he or she knows to be a teacher, a student in a
6 school, or a school employee, and the teacher, student, or
7 employee is upon school grounds or grounds adjacent to a
8 school or in any part of a building used for school
9 purposes.

10 (5) Discharges a machine gun or a firearm equipped with
11 a silencer, and causes any injury to another person.

12 (6) Discharges a machine gun or a firearm equipped with
13 a silencer, and causes any injury to a person he or she
14 knows to be a peace officer, community policing volunteer,
15 person summoned by a police officer, fireman, private
16 security officer, correctional institution employee or
17 emergency management worker:

18 (i) performing his or her official duties;

19 (ii) battered to prevent performance of his or her
20 official duties; or

21 (iii) battered in retaliation for performing his
22 or her official duties.

23 (7) Discharges a machine gun or a firearm equipped with
24 a silencer, and causes any injury to a person he or she
25 knows to be an emergency medical technician employed by a
26 municipality or other governmental unit:

- 1 (i) performing his or her official duties;
- 2 (ii) battered to prevent performance of his or her
- 3 official duties; or
- 4 (iii) battered in retaliation for performing his
- 5 or her official duties.

6 (8) Discharges a machine gun or a firearm equipped with

7 a silencer, and causes any injury to a person he or she

8 knows to be a teacher, or a student in a school, or a

9 school employee, and the teacher, student, or employee is

10 upon school grounds or grounds adjacent to a school or in

11 any part of a building used for school purposes.

12 (f) Offense based on use of a weapon or device. A person

13 commits aggravated battery when, in committing a battery, he or

14 she does any of the following:

15 (1) Uses a deadly weapon other than by discharge of a

16 firearm, or uses an air rifle as defined in the Air Rifle

17 Act.

18 (2) Wears a hood, robe, or mask to conceal his or her

19 identity.

20 (3) Knowingly and without lawful justification shines

21 or flashes a laser gunsight or other laser device attached

22 to a firearm, or used in concert with a firearm, so that

23 the laser beam strikes upon or against the person of

24 another.

25 (g) Offense based on certain conduct. A person commits

26 aggravated battery when, other than by discharge of a firearm,

1 he or she does any of the following:

2 (1) Violates Section 401 of the Illinois Controlled
3 Substances Act by unlawfully delivering a controlled
4 substance to another and any user experiences great bodily
5 harm or permanent disability as a result of the injection,
6 inhalation, or ingestion of any amount of the controlled
7 substance.

8 (2) Knowingly administers to an individual or causes
9 him or her to take, without his or her consent or by threat
10 or deception, and for other than medical purposes, any
11 intoxicating, poisonous, stupefying, narcotic, anesthetic,
12 or controlled substance, or gives to another person any
13 food containing any substance or object intended to cause
14 physical injury if eaten.

15 (3) Knowingly causes or attempts to cause a
16 correctional institution employee or Department of Human
17 Services employee to come into contact with blood, seminal
18 fluid, urine, or feces by throwing, tossing, or expelling
19 the fluid or material, and the person is an inmate of a
20 penal institution or is a sexually dangerous person or
21 sexually violent person in the custody of the Department of
22 Human Services.

23 (h) Sentence. Unless otherwise provided, aggravated
24 battery is a Class 3 felony.

25 Aggravated battery as defined in subdivision (a)(4),
26 (d)(4), or (g)(3) is a Class 2 felony.

1 Aggravated battery as defined in subdivision (a)(3) or
2 (g)(1) is a Class 1 felony.

3 Aggravated battery as defined in subdivision (a)(1) is a
4 Class 1 felony when the aggravated battery was intentional and
5 involved the infliction of torture, as defined in paragraph
6 (14) of subsection (b) of Section 9-1 of this Code, as the
7 infliction of or subjection to extreme physical pain, motivated
8 by an intent to increase or prolong the pain, suffering, or
9 agony of the victim.

10 Aggravated battery under subdivision (a)(5) is a Class 1
11 felony if:

12 (A) the person used or attempted to use a dangerous
13 instrument while committing the offense; or

14 (B) the person caused great bodily harm or permanent
15 disability or disfigurement to the other person while
16 committing the offense; or

17 (C) the person has been previously convicted of a
18 violation of subdivision (a)(5) under the laws of this
19 State or laws similar to subdivision (a)(5) of any other
20 state.

21 Aggravated battery as defined in subdivision (e)(1) is a
22 Class X felony.

23 Aggravated battery as defined in subdivision (a)(2) is a
24 Class X felony for which a person shall be sentenced to a term
25 of imprisonment of a minimum of 6 years and a maximum of 45
26 years.

1 Aggravated battery as defined in subdivision (e)(5) is a
2 Class X felony for which a person shall be sentenced to a term
3 of imprisonment of a minimum of 12 years and a maximum of 45
4 years.

5 Aggravated battery as defined in subdivision (e)(2),
6 (e)(3), or (e)(4) is a Class X felony for which a person shall
7 be sentenced to a term of imprisonment of a minimum of 15 years
8 and a maximum of 60 years.

9 Aggravated battery as defined in subdivision (e)(6),
10 (e)(7), or (e)(8) is a Class X felony for which a person shall
11 be sentenced to a term of imprisonment of a minimum of 20 years
12 and a maximum of 60 years.

13 Aggravated battery as defined in subdivision (b)(1) is a
14 Class X felony, except that:

15 (1) if the person committed the offense while armed
16 with a firearm, 15 years shall be added to the term of
17 imprisonment imposed by the court;

18 (2) if, during the commission of the offense, the
19 person personally discharged a firearm, 20 years shall be
20 added to the term of imprisonment imposed by the court;

21 (3) if, during the commission of the offense, the
22 person personally discharged a firearm that proximately
23 caused great bodily harm, permanent disability, permanent
24 disfigurement, or death to another person, 25 years or up
25 to a term of natural life shall be added to the term of
26 imprisonment imposed by the court.

1 (i) Definitions. For the purposes of this Section:

2 "Building or other structure used to provide shelter" has
3 the meaning ascribed to "shelter" in Section 1 of the Domestic
4 Violence Shelters Act.

5 "Domestic violence" has the meaning ascribed to it in
6 Section 103 of the Illinois Domestic Violence Act of 1986.

7 "Domestic violence shelter" means any building or other
8 structure used to provide shelter or other services to victims
9 or to the dependent children of victims of domestic violence
10 pursuant to the Illinois Domestic Violence Act of 1986 or the
11 Domestic Violence Shelters Act, or any place within 500 feet of
12 such a building or other structure in the case of a person who
13 is going to or from such a building or other structure.

14 "Firearm" has the meaning provided under Section 2-7.5 of
15 this Code ~~1.1 of the Firearm Owners Identification Card Act,~~
16 and does not include an air rifle as defined by Section 1 of
17 the Air Rifle Act.

18 "Machine gun" has the meaning ascribed to it in Section
19 24-1 of this Code.

20 "Merchant" has the meaning ascribed to it in Section 16-0.1
21 of this Code.

22 "Strangle" means intentionally impeding the normal
23 breathing or circulation of the blood of an individual by
24 applying pressure on the throat or neck of that individual or
25 by blocking the nose or mouth of that individual.

26 (Source: P.A. 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;

1 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-597, eff.
2 1-1-12; incorporates 97-227, eff. 1-1-12, 97-313, eff. 1-1-12,
3 and 97-467, eff. 1-1-12; revised 10-12-11.)

4 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

5 Sec. 17-30. Defaced, altered, or removed manufacturer or
6 owner identification number.

7 (a) Unlawful sale of household appliances. A person commits
8 unlawful sale of household appliances when he or she knowingly,
9 with the intent to defraud or deceive another, keeps for sale,
10 within any commercial context, any household appliance with a
11 missing, defaced, obliterated, or otherwise altered
12 manufacturer's identification number.

13 (b) Construction equipment identification defacement. A
14 person commits construction equipment identification
15 defacement when he or she knowingly changes, alters, removes,
16 mutilates, or obliterates a permanently affixed serial number,
17 product identification number, part number, component
18 identification number, owner-applied identification, or other
19 mark of identification attached to or stamped, inscribed,
20 molded, or etched into a machine or other equipment, whether
21 stationary or mobile or self-propelled, or a part of such
22 machine or equipment, used in the construction, maintenance, or
23 demolition of buildings, structures, bridges, tunnels, sewers,
24 utility pipes or lines, ditches or open cuts, roads, highways,
25 dams, airports, or waterways or in material handling for such

1 projects.

2 The trier of fact may infer that the defendant has
3 knowingly changed, altered, removed, or obliterated the serial
4 number, product identification number, part number, component
5 identification number, owner-applied identification number, or
6 other mark of identification, if the defendant was in
7 possession of any machine or other equipment or a part of such
8 machine or equipment used in the construction, maintenance, or
9 demolition of buildings, structures, bridges, tunnels, sewers,
10 utility pipes or lines, ditches or open cuts, roads, highways,
11 dams, airports, or waterways or in material handling for such
12 projects upon which any such serial number, product
13 identification number, part number, component identification
14 number, owner-applied identification number, or other mark of
15 identification has been changed, altered, removed, or
16 obliterated.

17 (c) Defacement of manufacturer's serial number or
18 identification mark. A person commits defacement of a
19 manufacturer's serial number or identification mark when he or
20 she knowingly removes, alters, defaces, covers, or destroys the
21 manufacturer's serial number or any other manufacturer's
22 number or distinguishing identification mark upon any machine
23 or other article of merchandise, other than a motor vehicle as
24 defined in Section 1-146 of the Illinois Vehicle Code or a
25 firearm as defined in this Code ~~the Firearm Owners~~
26 ~~Identification Card Act~~, with the intent of concealing or

1 destroying the identity of such machine or other article of
2 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 5/24-1.1) (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 by the United States Attorney
19 General under Section 925 of the federal Gun Control Act of
20 1968 (Title 18 U.S.C. Section 925), as amended ~~Director of the~~
21 ~~Department of State Police under Section 10 of the Firearm~~
22 ~~Owners Identification Card Act.~~

23 (b) It is unlawful for any person confined in a penal
24 institution, which is a facility of the Illinois Department of
25 Corrections, to possess any weapon prohibited under Section

1 24-1 of this Code or any firearm or firearm ammunition,
2 regardless of the intent with which he possesses it.

3 (c) It shall be an affirmative defense to a violation of
4 subsection (b), that such possession was specifically
5 authorized by rule, regulation, or directive of the Illinois
6 Department of Corrections or order issued pursuant thereto.

7 (d) The defense of necessity is not available to a person
8 who is charged with a violation of subsection (b) of this
9 Section.

10 (e) Sentence. Violation of this Section by a person not
11 confined in a penal institution shall be a Class 3 felony for
12 which the person shall be sentenced to no less than 2 years and
13 no more than 10 years and any second or subsequent violation
14 shall be a Class 2 felony for which the person shall be
15 sentenced to a term of imprisonment of not less than 3 years
16 and not more than 14 years. Violation of this Section by a
17 person not confined in a penal institution who has been
18 convicted of a forcible felony, a felony violation of Article
19 24 of this Code ~~or of the Firearm Owners Identification Card~~
20 ~~Act~~, stalking or aggravated stalking, or a Class 2 or greater
21 felony under the Illinois Controlled Substances Act, the
22 Cannabis Control Act, or the Methamphetamine Control and
23 Community Protection Act is a Class 2 felony for which the
24 person shall be sentenced to not less than 3 years and not more
25 than 14 years. Violation of this Section by a person who is on
26 parole or mandatory supervised release is a Class 2 felony for

1 which the person shall be sentenced to not less than 3 years
2 and not more than 14 years. Violation of this Section by a
3 person not confined in a penal institution is a Class X felony
4 when the firearm possessed is a machine gun. Any person who
5 violates this Section while confined in a penal institution,
6 which is a facility of the Illinois Department of Corrections,
7 is guilty of a Class 1 felony, if he possesses any weapon
8 prohibited under Section 24-1 of this Code regardless of the
9 intent with which he possesses it, a Class X felony if he
10 possesses any firearm, firearm ammunition or explosive, and a
11 Class X felony for which the offender shall be sentenced to not
12 less than 12 years and not more than 50 years when the firearm
13 possessed is a machine gun. A violation of this Section while
14 wearing or in possession of body armor as defined in Section
15 33F-1 is a Class X felony punishable by a term of imprisonment
16 of not less than 10 years and not more than 40 years. The
17 possession of each firearm or firearm ammunition in violation
18 of this Section constitutes a single and separate violation.

19 (Source: P.A. 97-237, eff. 1-1-12.)

20 (720 ILCS 5/24-1.6)

21 Sec. 24-1.6. Aggravated unlawful use of a weapon.

22 (a) A person commits the offense of aggravated unlawful use
23 of a weapon when he or she knowingly:

24 (1) Carries on or about his or her person or in any
25 vehicle or concealed on or about his or her person except

1 when on his or her land or in his or her abode, legal
2 dwelling, or fixed place of business, or on the land or in
3 the legal dwelling of another person as an invitee with
4 that person's permission, any pistol, revolver, stun gun or
5 taser or other firearm; or

6 (2) Carries or possesses on or about his or her person,
7 upon any public street, alley, or other public lands within
8 the corporate limits of a city, village or incorporated
9 town, except when an invitee thereon or therein, for the
10 purpose of the display of such weapon or the lawful
11 commerce in weapons, or except when on his or her own land
12 or in his or her own abode, legal dwelling, or fixed place
13 of business, or on the land or in the legal dwelling of
14 another person as an invitee with that person's permission,
15 any pistol, revolver, stun gun or taser or other firearm;
16 and

17 (3) One of the following factors is present:

18 (A) the firearm possessed was uncased, loaded and
19 immediately accessible at the time of the offense; or

20 (B) the firearm possessed was uncased, unloaded
21 and the ammunition for the weapon was immediately
22 accessible at the time of the offense; or

23 (C) (blank) ~~the person possessing the firearm has~~
24 ~~not been issued a currently valid Firearm Owner's~~
25 ~~Identification Card; or~~

26 (D) the person possessing the weapon was

1 previously adjudicated a delinquent minor under the
2 Juvenile Court Act of 1987 for an act that if committed
3 by an adult would be a felony; or

4 (E) the person possessing the weapon was engaged in
5 a misdemeanor violation of the Cannabis Control Act, in
6 a misdemeanor violation of the Illinois Controlled
7 Substances Act, or in a misdemeanor violation of the
8 Methamphetamine Control and Community Protection Act;
9 or

10 (F) (blank); or

11 (G) the person possessing the weapon had a order of
12 protection issued against him or her within the
13 previous 2 years; or

14 (H) the person possessing the weapon was engaged in
15 the commission or attempted commission of a
16 misdemeanor involving the use or threat of violence
17 against the person or property of another; or

18 (I) the person possessing the weapon was under 21
19 years of age and in possession of a handgun as defined
20 in Section 24-3, unless the person under 21 is engaged
21 in lawful activities under the Wildlife Code or
22 described in subsection 24-2(b)(1), (b)(3), or
23 24-2(f).

24 (b) "Stun gun or taser" as used in this Section has the
25 same definition given to it in Section 24-1 of this Code.

26 (c) This Section does not apply to or affect the

1 transportation or possession of weapons that:

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

3 (ii) are not immediately accessible; or

4 (iii) are unloaded and enclosed in a case, firearm
5 carrying box, shipping box, or other container ~~by a~~
6 ~~person who has been issued a currently valid Firearm~~
7 ~~Owner's Identification Card.~~

8 (d) Sentence.

9 (1) Aggravated unlawful use of a weapon is a Class 4
10 felony; a second or subsequent offense is a Class 2 felony
11 for which the person shall be sentenced to a term of
12 imprisonment of not less than 3 years and not more than 7
13 years.

14 (2) Except as otherwise provided in paragraphs (3) and
15 (4) of this subsection (d), a first offense of aggravated
16 unlawful use of a weapon committed with a firearm by a
17 person 18 years of age or older where the factors listed in
18 both items (A) and (C) of paragraph (3) of subsection (a)
19 are present is a Class 4 felony, for which the person shall
20 be sentenced to a term of imprisonment of not less than one
21 year and not more than 3 years.

22 (3) Aggravated unlawful use of a weapon by a person who
23 has been previously convicted of a felony in this State or
24 another jurisdiction is a Class 2 felony for which the
25 person shall be sentenced to a term of imprisonment of not
26 less than 3 years and not more than 7 years.

1 (4) (Blank). ~~Aggravated unlawful use of a weapon while~~
2 ~~wearing or in possession of body armor as defined in~~
3 ~~Section 33F-1 by a person who has not been issued a valid~~
4 ~~Firearms Owner's Identification Card in accordance with~~
5 ~~Section 5 of the Firearm Owners Identification Card Act is~~
6 ~~a Class X felony.~~

7 (e) The possession of each firearm in violation of this
8 Section constitutes a single and separate violation.

9 (Source: P.A. 95-331, eff. 8-21-07; 96-742, eff. 8-25-09;
10 96-829, eff. 12-3-09; 96-1107, eff. 1-1-11.)

11 (720 ILCS 5/24-2)

12 Sec. 24-2. Exemptions.

13 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
14 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
15 the following:

16 (1) Peace officers, and any person summoned by a peace
17 officer to assist in making arrests or preserving the
18 peace, while actually engaged in assisting such officer.

19 (2) Wardens, superintendents and keepers of prisons,
20 penitentiaries, jails and other institutions for the
21 detention of persons accused or convicted of an offense,
22 while in the performance of their official duty, or while
23 commuting between their homes and places of employment.

24 (3) Members of the Armed Services or Reserve Forces of
25 the United States or the Illinois National Guard or the

1 Reserve Officers Training Corps, while in the performance
2 of their official duty.

3 (4) Special agents employed by a railroad or a public
4 utility to perform police functions, and guards of armored
5 car companies, while actually engaged in the performance of
6 the duties of their employment or commuting between their
7 homes and places of employment; and watchmen while actually
8 engaged in the performance of the duties of their
9 employment.

10 (5) Persons licensed as private security contractors,
11 private detectives, or private alarm contractors, or
12 employed by an agency certified by the Department of
13 Professional Regulation, if their duties include the
14 carrying of a weapon under the provisions of the Private
15 Detective, Private Alarm, Private Security, Fingerprint
16 Vendor, and Locksmith Act of 2004, while actually engaged
17 in the performance of the duties of their employment or
18 commuting between their homes and places of employment,
19 provided that such commuting is accomplished within one
20 hour from departure from home or place of employment, as
21 the case may be. Persons exempted under this subdivision
22 (a)(5) shall be required to have completed a course of
23 study in firearms handling and training approved and
24 supervised by the Department of Professional Regulation as
25 prescribed by Section 28 of the Private Detective, Private
26 Alarm, Private Security, Fingerprint Vendor, and Locksmith

1 Act of 2004, prior to becoming eligible for this exemption.
2 The Department of Professional Regulation shall provide
3 suitable documentation demonstrating the successful
4 completion of the prescribed firearms training. Such
5 documentation shall be carried at all times when such
6 persons are in possession of a concealable weapon.

7 (6) Any person regularly employed in a commercial or
8 industrial operation as a security guard for the protection
9 of persons employed and private property related to such
10 commercial or industrial operation, while actually engaged
11 in the performance of his or her duty or traveling between
12 sites or properties belonging to the employer, and who, as
13 a security guard, is a member of a security force of at
14 least 5 persons registered with the Department of
15 Professional Regulation; provided that such security guard
16 has successfully completed a course of study, approved by
17 and supervised by the Department of Professional
18 Regulation, consisting of not less than 40 hours of
19 training that includes the theory of law enforcement,
20 liability for acts, and the handling of weapons. A person
21 shall be considered eligible for this exemption if he or
22 she has completed the required 20 hours of training for a
23 security officer and 20 hours of required firearm training,
24 and has been issued a firearm control card by the
25 Department of Professional Regulation. Conditions for the
26 renewal of firearm control cards issued under the

1 provisions of this Section shall be the same as for those
2 cards issued under the provisions of the Private Detective,
3 Private Alarm, Private Security, Fingerprint Vendor, and
4 Locksmith Act of 2004. Such firearm control card shall be
5 carried by the security guard at all times when he or she
6 is in possession of a concealable weapon.

7 (7) Agents and investigators of the Illinois
8 Legislative Investigating Commission authorized by the
9 Commission to carry the weapons specified in subsections
10 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
11 any investigation for the Commission.

12 (8) Persons employed by a financial institution for the
13 protection of other employees and property related to such
14 financial institution, while actually engaged in the
15 performance of their duties, commuting between their homes
16 and places of employment, or traveling between sites or
17 properties owned or operated by such financial
18 institution, provided that any person so employed has
19 successfully completed a course of study, approved by and
20 supervised by the Department of Professional Regulation,
21 consisting of not less than 40 hours of training which
22 includes theory of law enforcement, liability for acts, and
23 the handling of weapons. A person shall be considered to be
24 eligible for this exemption if he or she has completed the
25 required 20 hours of training for a security officer and 20
26 hours of required firearm training, and has been issued a

1 firearm control card by the Department of Professional
2 Regulation. Conditions for renewal of firearm control
3 cards issued under the provisions of this Section shall be
4 the same as for those issued under the provisions of the
5 Private Detective, Private Alarm, Private Security,
6 Fingerprint Vendor, and Locksmith Act of 2004. Such firearm
7 control card shall be carried by the person so trained at
8 all times when such person is in possession of a
9 concealable weapon. For purposes of this subsection,
10 "financial institution" means a bank, savings and loan
11 association, credit union or company providing armored car
12 services.

13 (9) Any person employed by an armored car company to
14 drive an armored car, while actually engaged in the
15 performance of his duties.

16 (10) Persons who have been classified as peace officers
17 pursuant to the Peace Officer Fire Investigation Act.

18 (11) Investigators of the Office of the State's
19 Attorneys Appellate Prosecutor authorized by the board of
20 governors of the Office of the State's Attorneys Appellate
21 Prosecutor to carry weapons pursuant to Section 7.06 of the
22 State's Attorneys Appellate Prosecutor's Act.

23 (12) Special investigators appointed by a State's
24 Attorney under Section 3-9005 of the Counties Code.

25 (12.5) Probation officers while in the performance of
26 their duties, or while commuting between their homes,

1 places of employment or specific locations that are part of
2 their assigned duties, with the consent of the chief judge
3 of the circuit for which they are employed.

4 (13) Court Security Officers while in the performance
5 of their official duties, or while commuting between their
6 homes and places of employment, with the consent of the
7 Sheriff.

8 (13.5) A person employed as an armed security guard at
9 a nuclear energy, storage, weapons or development site or
10 facility regulated by the Nuclear Regulatory Commission
11 who has completed the background screening and training
12 mandated by the rules and regulations of the Nuclear
13 Regulatory Commission.

14 (14) Manufacture, transportation, or sale of weapons
15 to persons authorized under subdivisions (1) through
16 (13.5) of this subsection to possess those weapons.

17 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
18 24-1.6 do not apply to or affect any of the following:

19 (1) Members of any club or organization organized for
20 the purpose of practicing shooting at targets upon
21 established target ranges, whether public or private, and
22 patrons of such ranges, while such members or patrons are
23 using their firearms on those target ranges.

24 (2) Duly authorized military or civil organizations
25 while parading, with the special permission of the
26 Governor.

1 (3) Hunters, trappers or fishermen with a license or
2 permit while engaged in hunting, trapping or fishing.

3 (4) Transportation of weapons that are broken down in a
4 non-functioning state or are not immediately accessible.

5 (5) Carrying or possessing any pistol, revolver, stun
6 gun or taser or other firearm on the land or in the legal
7 dwelling of another person as an invitee with that person's
8 permission.

9 (c) Subsection 24-1(a)(7) does not apply to or affect any
10 of the following:

11 (1) Peace officers while in performance of their
12 official duties.

13 (2) Wardens, superintendents and keepers of prisons,
14 penitentiaries, jails and other institutions for the
15 detention of persons accused or convicted of an offense.

16 (3) Members of the Armed Services or Reserve Forces of
17 the United States or the Illinois National Guard, while in
18 the performance of their official duty.

19 (4) Manufacture, transportation, or sale of machine
20 guns to persons authorized under subdivisions (1) through
21 (3) of this subsection to possess machine guns, if the
22 machine guns are broken down in a non-functioning state or
23 are not immediately accessible.

24 (5) Persons licensed under federal law to manufacture
25 any weapon from which 8 or more shots or bullets can be
26 discharged by a single function of the firing device, or

1 ammunition for such weapons, and actually engaged in the
2 business of manufacturing such weapons or ammunition, but
3 only with respect to activities which are within the lawful
4 scope of such business, such as the manufacture,
5 transportation, or testing of such weapons or ammunition.
6 This exemption does not authorize the general private
7 possession of any weapon from which 8 or more shots or
8 bullets can be discharged by a single function of the
9 firing device, but only such possession and activities as
10 are within the lawful scope of a licensed manufacturing
11 business described in this paragraph.

12 During transportation, such weapons shall be broken
13 down in a non-functioning state or not immediately
14 accessible.

15 (6) The manufacture, transport, testing, delivery,
16 transfer or sale, and all lawful commercial or experimental
17 activities necessary thereto, of rifles, shotguns, and
18 weapons made from rifles or shotguns, or ammunition for
19 such rifles, shotguns or weapons, where engaged in by a
20 person operating as a contractor or subcontractor pursuant
21 to a contract or subcontract for the development and supply
22 of such rifles, shotguns, weapons or ammunition to the
23 United States government or any branch of the Armed Forces
24 of the United States, when such activities are necessary
25 and incident to fulfilling the terms of such contract.

26 The exemption granted under this subdivision (c)(6)

1 shall also apply to any authorized agent of any such
2 contractor or subcontractor who is operating within the
3 scope of his employment, where such activities involving
4 such weapon, weapons or ammunition are necessary and
5 incident to fulfilling the terms of such contract.

6 During transportation, any such weapon shall be broken
7 down in a non-functioning state, or not immediately
8 accessible.

9 (7) An active member of a bona fide, nationally
10 recognized military re-enacting group possessing a vintage
11 rifle or modern reproduction thereof with a barrel or
12 barrels less than 16 inches in length for the purpose of
13 using the rifle during historical re-enactments if: (A) the
14 person has been issued a Curios and Relics license from the
15 U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives;
16 or (B) the modification is required and necessary to
17 accurately portray the weapon for historical re-enactment
18 purposes; the re-enactor is in possession of a valid and
19 current re-enacting group membership credential; and the
20 overall length of the weapon as modified is not less than
21 26 inches.

22 During transportation, any such weapon shall be broken
23 down in a non-functioning state, or not immediately
24 accessible.

25 (d) Subsection 24-1(a)(1) does not apply to the purchase,
26 possession or carrying of a black-jack or slung-shot by a peace

1 officer.

2 (e) Subsection 24-1(a)(8) does not apply to any owner,
3 manager or authorized employee of any place specified in that
4 subsection nor to any law enforcement officer.

5 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
6 Section 24-1.6 do not apply to members of any club or
7 organization organized for the purpose of practicing shooting
8 at targets upon established target ranges, whether public or
9 private, while using their firearms on those target ranges.

10 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
11 to:

12 (1) Members of the Armed Services or Reserve Forces of
13 the United States or the Illinois National Guard, while in
14 the performance of their official duty.

15 (2) Bonafide collectors of antique or surplus military
16 ordinance.

17 (3) Laboratories having a department of forensic
18 ballistics, or specializing in the development of
19 ammunition or explosive ordinance.

20 (4) Commerce, preparation, assembly or possession of
21 explosive bullets by manufacturers of ammunition licensed
22 by the federal government, in connection with the supply of
23 those organizations and persons exempted by subdivision
24 (g)(1) of this Section, or like organizations and persons
25 outside this State, or the transportation of explosive
26 bullets to any organization or person exempted in this

1 Section by a common carrier or by a vehicle owned or leased
2 by an exempted manufacturer.

3 (g-5) Subsection 24-1(a)(6) does not apply to or affect
4 persons licensed under federal law to manufacture any device or
5 attachment of any kind designed, used, or intended for use in
6 silencing the report of any firearm, firearms, or ammunition
7 for those firearms equipped with those devices, and actually
8 engaged in the business of manufacturing those devices,
9 firearms, or ammunition, but only with respect to activities
10 that are within the lawful scope of that business, such as the
11 manufacture, transportation, or testing of those devices,
12 firearms, or ammunition. This exemption does not authorize the
13 general private possession of any device or attachment of any
14 kind designed, used, or intended for use in silencing the
15 report of any firearm, but only such possession and activities
16 as are within the lawful scope of a licensed manufacturing
17 business described in this subsection (g-5). During
18 transportation, those devices shall be detached from any weapon
19 or not immediately accessible.

20 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
21 24-1.6 do not apply to or affect any parole agent or parole
22 supervisor who meets the qualifications and conditions
23 prescribed in Section 3-14-1.5 of the Unified Code of
24 Corrections.

25 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
26 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an

1 athlete's possession, transport on official Olympic and
2 Paralympic transit systems established for athletes, or use of
3 competition firearms sanctioned by the International Olympic
4 Committee, the International Paralympic Committee, the
5 International Shooting Sport Federation, or USA Shooting in
6 connection with such athlete's training for and participation
7 in shooting competitions at the 2016 Olympic and Paralympic
8 Games and sanctioned test events leading up to the 2016 Olympic
9 and Paralympic Games.

10 (h) An information or indictment based upon a violation of
11 any subsection of this Article need not negative any exemptions
12 contained in this Article. The defendant shall have the burden
13 of proving such an exemption.

14 (i) Nothing in this Article shall prohibit, apply to, or
15 affect the transportation, carrying, or possession, of any
16 pistol or revolver, stun gun, taser, or other firearm consigned
17 to a common carrier operating under license of the State of
18 Illinois or the federal government, where such transportation,
19 carrying, or possession is incident to the lawful
20 transportation in which such common carrier is engaged; and
21 nothing in this Article shall prohibit, apply to, or affect the
22 transportation, carrying, or possession of any pistol,
23 revolver, stun gun, taser, or other firearm, not the subject of
24 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
25 this Article, which is unloaded and enclosed in a case, firearm
26 carrying box, shipping box, or other container, ~~by the~~

1 ~~possessor of a valid Firearm Owners Identification Card.~~

2 (Source: P.A. 96-7, eff. 4-3-09; 96-230, eff. 1-1-10; 96-742,
3 eff. 8-25-09; 96-1000, eff. 7-2-10; 97-465, eff. 8-22-11.)

4 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

5 Sec. 24-3. Unlawful sale or delivery of firearms.

6 (A) A person commits the offense of unlawful sale or
7 delivery of firearms when he or she knowingly does any of the
8 following:

9 (a) Sells or gives any firearm of a size which may be
10 concealed upon the person to any person under 18 years of
11 age.

12 (b) Sells or gives any firearm to a person under 21
13 years of age who has been convicted of a misdemeanor other
14 than a traffic offense or adjudged delinquent.

15 (c) Sells or gives any firearm to any narcotic addict.

16 (d) Sells or gives any firearm to any person who has
17 been convicted of a felony under the laws of this or any
18 other jurisdiction.

19 (e) Sells or gives any firearm to any person who has
20 been a patient in a mental hospital within the past 5
21 years.

22 (f) Sells or gives any firearms to any person who is
23 intellectually disabled.

24 (g) Delivers any firearm of a size which may be
25 concealed upon the person, incidental to a sale, without

1 withholding delivery of such firearm for at least 72 hours
2 after application for its purchase has been made, or
3 delivers any rifle, shotgun or other long gun, or a stun
4 gun or taser, incidental to a sale, without withholding
5 delivery of such rifle, shotgun or other long gun, or a
6 stun gun or taser for at least 24 hours after application
7 for its purchase has been made. However, this paragraph (g)
8 does not apply to: (1) the sale of a firearm to a law
9 enforcement officer if the seller of the firearm knows that
10 the person to whom he or she is selling the firearm is a
11 law enforcement officer or the sale of a firearm to a
12 person who desires to purchase a firearm for use in
13 promoting the public interest incident to his or her
14 employment as a bank guard, armed truck guard, or other
15 similar employment; (2) a mail order sale of a firearm to a
16 nonresident of Illinois under which the firearm is mailed
17 to a point outside the boundaries of Illinois; (3) the sale
18 of a firearm to a nonresident of Illinois while at a
19 firearm showing or display recognized by the Illinois
20 Department of State Police; or (4) the sale of a firearm to
21 a dealer licensed as a federal firearms dealer under
22 Section 923 of the federal Gun Control Act of 1968 (18
23 U.S.C. 923). For purposes of this paragraph (g),
24 "application" means when the buyer and seller reach an
25 agreement to purchase a firearm.

26 (h) While holding any license as a dealer, importer,

1 manufacturer or pawnbroker under the federal Gun Control
2 Act of 1968, manufactures, sells or delivers to any
3 unlicensed person a handgun having a barrel, slide, frame
4 or receiver which is a die casting of zinc alloy or any
5 other nonhomogeneous metal which will melt or deform at a
6 temperature of less than 800 degrees Fahrenheit. For
7 purposes of this paragraph, (1) "firearm" is defined as in
8 Section 2-7.5 of this Code ~~the Firearm Owners~~
9 ~~Identification Card Act~~; and (2) "handgun" is defined as a
10 firearm designed to be held and fired by the use of a
11 single hand, and includes a combination of parts from which
12 such a firearm can be assembled.

13 (i) (Blank). ~~Sells or gives a firearm of any size to~~
14 ~~any person under 18 years of age who does not possess a~~
15 ~~valid Firearm Owner's Identification Card.~~

16 (j) Sells or gives a firearm while engaged in the
17 business of selling firearms at wholesale or retail without
18 being licensed as a federal firearms dealer under Section
19 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
20 In this paragraph (j):

21 A person "engaged in the business" means a person who
22 devotes time, attention, and labor to engaging in the
23 activity as a regular course of trade or business with the
24 principal objective of livelihood and profit, but does not
25 include a person who makes occasional repairs of firearms
26 or who occasionally fits special barrels, stocks, or

1 trigger mechanisms to firearms.

2 "With the principal objective of livelihood and
3 profit" means that the intent underlying the sale or
4 disposition of firearms is predominantly one of obtaining
5 livelihood and pecuniary gain, as opposed to other intents,
6 such as improving or liquidating a personal firearms
7 collection; however, proof of profit shall not be required
8 as to a person who engages in the regular and repetitive
9 purchase and disposition of firearms for criminal purposes
10 or terrorism.

11 (k) (Blank). ~~Sells or transfers ownership of a firearm~~
12 ~~to a person who does not display to the seller or~~
13 ~~transferor of the firearm a currently valid Firearm Owner's~~
14 ~~Identification Card that has previously been issued in the~~
15 ~~transferee's name by the Department of State Police under~~
16 ~~the provisions of the Firearm Owners Identification Card~~
17 ~~Act. This paragraph (k) does not apply to the transfer of a~~
18 ~~firearm to a person who is exempt from the requirement of~~
19 ~~possessing a Firearm Owner's Identification Card under~~
20 ~~Section 2 of the Firearm Owners Identification Card Act.~~
21 ~~For the purposes of this Section, a currently valid Firearm~~
22 ~~Owner's Identification Card means (i) a Firearm Owner's~~
23 ~~Identification Card that has not expired or (ii) if the~~
24 ~~transferor is licensed as a federal firearms dealer under~~
25 ~~Section 923 of the federal Gun Control Act of 1968 (18~~
26 ~~U.S.C. 923), an approval number issued in accordance with~~

1 ~~Section 3.1 of the Firearm Owners Identification Card Act~~
2 ~~shall be proof that the Firearm Owner's Identification Card~~
3 ~~was valid.~~

4 (1) Not being entitled to the possession of a firearm,
5 delivers the firearm, knowing it to have been stolen or
6 converted. It may be inferred that a person who possesses a
7 firearm with knowledge that its serial number has been
8 removed or altered has knowledge that the firearm is stolen
9 or converted.

10 (B) Paragraph (h) of subsection (A) does not include
11 firearms sold within 6 months after enactment of Public Act
12 78-355 (approved August 21, 1973, effective October 1, 1973),
13 nor is any firearm legally owned or possessed by any citizen or
14 purchased by any citizen within 6 months after the enactment of
15 Public Act 78-355 subject to confiscation or seizure under the
16 provisions of that Public Act. Nothing in Public Act 78-355
17 shall be construed to prohibit the gift or trade of any firearm
18 if that firearm was legally held or acquired within 6 months
19 after the enactment of that Public Act.

20 (C) Sentence.

21 (1) Any person convicted of unlawful sale or delivery
22 of firearms in violation of paragraph (c), (e), (f), (g),
23 or (h) of subsection (A) commits a Class 4 felony.

24 (2) Any person convicted of unlawful sale or delivery
25 of firearms in violation of paragraph (b) ~~or (i)~~ of
26 subsection (A) commits a Class 3 felony.

1 (3) Any person convicted of unlawful sale or delivery
2 of firearms in violation of paragraph (a) of subsection (A)
3 commits a Class 2 felony.

4 (4) Any person convicted of unlawful sale or delivery
5 of firearms in violation of paragraph (a) or (b), ~~or (i)~~
6 of subsection (A) in any school, on the real property
7 comprising a school, within 1,000 feet of the real property
8 comprising a school, at a school related activity, or on or
9 within 1,000 feet of any conveyance owned, leased, or
10 contracted by a school or school district to transport
11 students to or from school or a school related activity,
12 regardless of the time of day or time of year at which the
13 offense was committed, commits a Class 1 felony. Any person
14 convicted of a second or subsequent violation of unlawful
15 sale or delivery of firearms in violation of paragraph (a)
16 or (b), ~~or (i)~~ of subsection (A) in any school, on the
17 real property comprising a school, within 1,000 feet of the
18 real property comprising a school, at a school related
19 activity, or on or within 1,000 feet of any conveyance
20 owned, leased, or contracted by a school or school district
21 to transport students to or from school or a school related
22 activity, regardless of the time of day or time of year at
23 which the offense was committed, commits a Class 1 felony
24 for which the sentence shall be a term of imprisonment of
25 no less than 5 years and no more than 15 years.

26 (5) Any person convicted of unlawful sale or delivery

1 of firearms in violation of paragraph (a) ~~or (i)~~ of
2 subsection (A) in residential property owned, operated, or
3 managed by a public housing agency or leased by a public
4 housing agency as part of a scattered site or mixed-income
5 development, in a public park, in a courthouse, on
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, on
9 the real property comprising any public park, on the real
10 property comprising any courthouse, or on any public way
11 within 1,000 feet of the real property comprising any
12 public park, courthouse, or residential property owned,
13 operated, or managed by a public housing agency or leased
14 by a public housing agency as part of a scattered site or
15 mixed-income development commits a Class 2 felony.

16 (6) Any person convicted of unlawful sale or delivery
17 of firearms in violation of paragraph (j) of subsection (A)
18 commits a Class A misdemeanor. A second or subsequent
19 violation is a Class 4 felony.

20 (7) (Blank). ~~Any person convicted of unlawful sale or~~
21 ~~delivery of firearms in violation of paragraph (k) of~~
22 ~~subsection (A) commits a Class 4 felony. A third or~~
23 ~~subsequent conviction for a violation of paragraph (k) of~~
24 ~~subsection (A) is a Class 1 felony.~~

25 (8) A person 18 years of age or older convicted of
26 unlawful sale or delivery of firearms in violation of

1 paragraph (a) ~~or (i)~~ of subsection (A), when the firearm
2 that was sold or given to another person under 18 years of
3 age was used in the commission of or attempt to commit a
4 forcible felony, shall be fined or imprisoned, or both, not
5 to exceed the maximum provided for the most serious
6 forcible felony so committed or attempted by the person
7 under 18 years of age who was sold or given the firearm.

8 (9) Any person convicted of unlawful sale or delivery
9 of firearms in violation of paragraph (d) of subsection (A)
10 commits a Class 3 felony.

11 (10) Any person convicted of unlawful sale or delivery
12 of firearms in violation of paragraph (l) of subsection (A)
13 commits a Class 2 felony if the delivery is of one firearm.
14 Any person convicted of unlawful sale or delivery of
15 firearms in violation of paragraph (l) of subsection (A)
16 commits a Class 1 felony if the delivery is of not less
17 than 2 and not more than 5 firearms at the same time or
18 within a one year period. Any person convicted of unlawful
19 sale or delivery of firearms in violation of paragraph (l)
20 of subsection (A) commits a Class X felony for which he or
21 she shall be sentenced to a term of imprisonment of not
22 less than 6 years and not more than 30 years if the
23 delivery is of not less than 6 and not more than 10
24 firearms at the same time or within a 2 year period. Any
25 person convicted of unlawful sale or delivery of firearms
26 in violation of paragraph (l) of subsection (A) commits a

1 Class X felony for which he or she shall be sentenced to a
2 term of imprisonment of not less than 6 years and not more
3 than 40 years if the delivery is of not less than 11 and
4 not more than 20 firearms at the same time or within a 3
5 year period. Any person convicted of unlawful sale or
6 delivery of firearms in violation of paragraph (l) of
7 subsection (A) commits a Class X felony for which he or she
8 shall be sentenced to a term of imprisonment of not less
9 than 6 years and not more than 50 years if the delivery is
10 of not less than 21 and not more than 30 firearms at the
11 same time or within a 4 year period. Any person convicted
12 of unlawful sale or delivery of firearms in violation of
13 paragraph (l) of subsection (A) commits a Class X felony
14 for which he or she shall be sentenced to a term of
15 imprisonment of not less than 6 years and not more than 60
16 years if the delivery is of 31 or more firearms at the same
17 time or within a 5 year period.

18 (D) For purposes of this Section:

19 "School" means a public or private elementary or secondary
20 school, community college, college, or university.

21 "School related activity" means any sporting, social,
22 academic, or other activity for which students' attendance or
23 participation is sponsored, organized, or funded in whole or in
24 part by a school or school district.

25 ~~(E) A prosecution for a violation of paragraph (k) of~~
26 ~~subsection (A) of this Section may be commenced within 6 years~~

1 ~~after the commission of the offense.~~ A prosecution for a
2 violation of this Section other than paragraph (g) of
3 subsection (A) of this Section may be commenced within 5 years
4 after the commission of the offense defined in the particular
5 paragraph.

6 (Source: P.A. 96-190, eff. 1-1-10; 97-227, eff. 1-1-12; 97-347,
7 eff. 1-1-12; revised 9-14-11.)

8 (720 ILCS 5/24-3.2) (from Ch. 38, par. 24-3.2)

9 Sec. 24-3.2. Unlawful discharge of firearm projectiles.

10 (a) A person commits the offense of unlawful discharge of
11 firearm projectiles when he or she knowingly or recklessly uses
12 an armor piercing bullet, dragon's breath shotgun shell, bolo
13 shell, or flechette shell in violation of this Section.

14 For purposes of this Section:

15 "Armor piercing bullet" means any handgun bullet or handgun
16 ammunition with projectiles or projectile cores constructed
17 entirely (excluding the presence of traces of other substances)
18 from tungsten alloys, steel, iron, brass, bronze, beryllium
19 copper or depleted uranium, or fully jacketed bullets larger
20 than 22 caliber whose jacket has a weight of more than 25% of
21 the total weight of the projectile, and excluding those handgun
22 projectiles whose cores are composed of soft materials such as
23 lead or lead alloys, zinc or zinc alloys, frangible projectiles
24 designed primarily for sporting purposes, and any other
25 projectiles or projectile cores that the U. S. Secretary of the

1 Treasury finds to be primarily intended to be used for sporting
2 purposes or industrial purposes or that otherwise does not
3 constitute "armor piercing ammunition" as that term is defined
4 by federal law.

5 "Dragon's breath shotgun shell" means any shotgun shell
6 that contains exothermic pyrophoric mesh metal as the
7 projectile and is designed for the purpose of throwing or
8 spewing a flame or fireball to simulate a flame-thrower.

9 "Bolo shell" means any shell that can be fired in a firearm
10 and expels as projectiles 2 or more metal balls connected by
11 solid metal wire.

12 "Flechette shell" means any shell that can be fired in a
13 firearm and expels 2 or more pieces of fin-stabilized solid
14 metal wire or 2 or more solid dart-type projectiles.

15 (b) A person commits a Class X felony when he or she,
16 knowing that a firearm, as defined in Section 2-7.5 of this
17 Code ~~1.1 of the Firearm Owners Identification Card Act~~, is
18 loaded with an armor piercing bullet, dragon's breath shotgun
19 shell, bolo shell, or flechette shell, intentionally or
20 recklessly discharges such firearm and such bullet or shell
21 strikes any other person.

22 (c) Any person who possesses, concealed on or about his or
23 her person, an armor piercing bullet, dragon's breath shotgun
24 shell, bolo shell, or flechette shell and a firearm suitable
25 for the discharge thereof is guilty of a Class 2 felony.

26 (d) This Section does not apply to or affect any of the

1 following:

2 (1) Peace officers;

3 (2) Wardens, superintendents and keepers of prisons,
4 penitentiaries, jails and other institutions for the
5 detention of persons accused or convicted of an offense;

6 (3) Members of the Armed Services or Reserve Forces of
7 the United States or the Illinois National Guard while in
8 the performance of their official duties;

9 (4) Federal officials required to carry firearms,
10 while engaged in the performance of their official duties;

11 (5) United States Marshals, while engaged in the
12 performance of their official duties.

13 (Source: P.A. 92-423, eff. 1-1-02.)

14 (720 ILCS 5/24-3.4) (from Ch. 38, par. 24-3.4)

15 Sec. 24-3.4. Unlawful sale of firearms by liquor licensee.

16 (a) It shall be unlawful for any person who holds a license
17 to sell at retail any alcoholic liquor issued by the Illinois
18 Liquor Control Commission or local liquor control commissioner
19 under the Liquor Control Act of 1934 or an agent or employee of
20 the licensee to sell or deliver to any other person a firearm
21 in or on the real property of the establishment where the
22 licensee is licensed to sell alcoholic liquors unless the sale
23 or delivery of the firearm is otherwise lawful under this
24 Article ~~and under the Firearm Owners Identification Card Act.~~

25 (b) Sentence. A violation of subsection (a) of this Section

1 is a Class 4 felony.

2 (Source: P.A. 87-591.)

3 (720 ILCS 5/24-3.5)

4 Sec. 24-3.5. Unlawful purchase of a firearm.

5 (a) For purposes of this Section, "firearms transaction
6 record form" means a form:

7 (1) executed by a transferee of a firearm stating: (i)
8 the transferee's name and address (including county or
9 similar political subdivision); (ii) whether the
10 transferee is a citizen of the United States; (iii) the
11 transferee's State of residence; and (iv) the date and
12 place of birth, height, weight, and race of the transferee;
13 and

14 (2) on which the transferee certifies that he or she is
15 not prohibited by federal law from transporting or shipping
16 a firearm in interstate or foreign commerce or receiving a
17 firearm that has been shipped or transported in interstate
18 or foreign commerce or possessing a firearm in or affecting
19 commerce.

20 (b) A person commits the offense of unlawful purchase of a
21 firearm who knowingly purchases or attempts to purchase a
22 firearm with the intent to deliver that firearm to another
23 person who is prohibited by federal or State law from
24 possessing a firearm.

25 (c) A person commits the offense of unlawful purchase of a

1 firearm when he or she, in purchasing or attempting to purchase
2 a firearm, intentionally provides false or misleading
3 information on a United States Department of the Treasury,
4 Bureau of Alcohol, Tobacco and Firearms firearms transaction
5 record form.

6 (d) Exemption. It is not a violation of subsection (b) of
7 this Section for a person to make a gift or loan of a firearm to
8 a person who is not prohibited by federal or State law from
9 possessing a firearm ~~if the transfer of the firearm is made in~~
10 ~~accordance with Section 3 of the Firearm Owners Identification~~
11 ~~Card Act.~~

12 (e) Sentence.

13 (1) A person who commits the offense of unlawful
14 purchase of a firearm:

15 (A) is guilty of a Class 2 felony for purchasing or
16 attempting to purchase one firearm;

17 (B) is guilty of a Class 1 felony for purchasing or
18 attempting to purchase not less than 2 firearms and not
19 more than 5 firearms at the same time or within a one
20 year period;

21 (C) is guilty of a Class X felony for which the
22 offender shall be sentenced to a term of imprisonment
23 of not less than 9 years and not more than 40 years for
24 purchasing or attempting to purchase not less than 6
25 firearms at the same time or within a 2 year period.

26 (2) In addition to any other penalty that may be

1 imposed for a violation of this Section, the court may
2 sentence a person convicted of a violation of subsection
3 (c) of this Section to a fine not to exceed \$250,000 for
4 each violation.

5 (f) A prosecution for unlawful purchase of a firearm may be
6 commenced within 6 years after the commission of the offense.

7 (Source: P.A. 95-882, eff. 1-1-09.)

8 (720 ILCS 5/24-4.5 new)

9 Sec. 24-4.5. Dial up system.

10 (a) The Department of State Police shall provide a dial up
11 telephone system or utilize other existing technology which
12 shall be used by any federally licensed firearm dealer, gun
13 show promoter, or gun show vendor who is to transfer a firearm,
14 stun gun, or taser under the provisions of this Code. The
15 Department of State Police may utilize existing technology
16 which allows the caller to be charged a fee not to exceed \$2.
17 Fees collected by the Department of State Police shall be
18 deposited in the State Police Services Fund and used to provide
19 the service.

20 (b) Upon receiving a request from a federally licensed
21 firearm dealer, gun show promoter, or gun show vendor, the
22 Department of State Police shall immediately approve, or within
23 the time period established by Section 24-3 of this Code
24 regarding the delivery of firearms, stun guns, and tasers
25 notify the inquiring dealer, gun show promoter, or gun show

1 vendor of any objection that would disqualify the transferee
2 from acquiring or possessing a firearm, stun gun, or taser. In
3 conducting the inquiry, the Department of State Police shall
4 initiate and complete an automated search of its criminal
5 history record information files and those of the Federal
6 Bureau of Investigation, including the National Instant
7 Criminal Background Check System, and of the files of the
8 Department of Human Services relating to mental health and
9 developmental disabilities to obtain any felony conviction or
10 patient hospitalization information which would disqualify a
11 person from obtaining a firearm.

12 (c) If receipt of a firearm would not violate Section 24-3
13 of this Code or federal law, the Department of State Police
14 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 Department of State Police for
20 the purchase of a firearm are valid for 30 days from the date
21 of issue.

22 (e) (1) The Department of State Police must act as the
23 Illinois Point of Contact for the National Instant Criminal
24 Background Check System.

25 (2) The Department of State Police and the Department of
26 Human 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 pursuant to this Code or 18 U.S.C. 922(g) and (n) to the
8 National Instant Criminal Background Check System Index,
9 Denied Persons Files.

10 (f) The Department of State Police shall promulgate rules
11 not inconsistent with this Section to implement this system.

12 (720 ILCS 5/24-9)

13 Sec. 24-9. Firearms; Child Protection.

14 (a) Except as provided in subsection (c), it is unlawful
15 for any person to store or leave, within premises under his or
16 her control, a firearm if the person knows or has reason to
17 believe that a minor under the age of 14 years ~~who does not~~
18 ~~have a Firearm Owners Identification Card~~ is likely to gain
19 access to the firearm without the lawful permission of the
20 minor's parent, guardian, or person having charge of the minor,
21 and the minor causes death or great bodily harm with the
22 firearm, unless the firearm is:

23 (1) secured by a device or mechanism, other than the
24 firearm safety, designed to render a firearm temporarily
25 inoperable; or

1 (2) placed in a securely locked box or container; or

2 (3) placed in some other location that a reasonable
3 person would believe to be secure from a minor under the
4 age of 14 years.

5 (b) Sentence. A person who violates this Section is guilty
6 of a Class C misdemeanor and shall be fined not less than
7 \$1,000. A second or subsequent violation of this Section is a
8 Class A misdemeanor.

9 (c) Subsection (a) does not apply:

10 (1) if the minor under 14 years of age gains access to
11 a firearm and uses it in a lawful act of self-defense or
12 defense of another; or

13 (2) to any firearm obtained by a minor under the age of
14 14 because of an unlawful entry of the premises by the
15 minor or another person.

16 (d) For the purposes of this Section, "firearm" has the
17 meaning ascribed to it in Section 2-7.5 of this Code ~~1.1 of the~~
18 ~~Firearm Owners Identification Card Act.~~

19 (Source: P.A. 91-18, eff. 1-1-00.)

20 Section 55. The Marks and Serial Numbers Act is amended by
21 changing Section 1 as follows:

22 (720 ILCS 335/1) (from Ch. 121 1/2, par. 157.13)

23 Sec. 1. Any person who removes, alters, defaces, covers or
24 destroys the manufacturers' serial number or any other

1 manufacturers' number or distinguishing identification mark
2 upon any machine or other article of merchandise, other than a
3 motor vehicle as defined in Section 1-146 of the Illinois
4 Vehicle Code or a firearm as defined in Section 2-7.5 of the
5 Criminal Code of 1961 ~~the Firearm Owners Identification Card~~
6 ~~Act~~, for the purpose of concealing or destroying the identity
7 of such machine or other article of merchandise shall be guilty
8 of a Class B misdemeanor.

9 (Source: P.A. 93-906, eff. 8-11-04.)

10 Section 60. The Methamphetamine Control and Community
11 Protection Act is amended by changing Section 10 as follows:

12 (720 ILCS 646/10)

13 Sec. 10. Definitions. As used in this Act:

14 "Anhydrous ammonia" has the meaning provided in subsection
15 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

16 "Anhydrous ammonia equipment" means all items used to
17 store, hold, contain, handle, transfer, transport, or apply
18 anhydrous ammonia for lawful purposes.

19 "Booby trap" means any device designed to cause physical
20 injury when triggered by an act of a person approaching,
21 entering, or moving through a structure, a vehicle, or any
22 location where methamphetamine has been manufactured, is being
23 manufactured, or is intended to be manufactured.

24 "Deliver" or "delivery" has the meaning provided in

1 subsection (h) of Section 102 of the Illinois Controlled
2 Substances Act.

3 "Director" means the Director of State Police or the
4 Director's designated agents.

5 "Dispose" or "disposal" means to abandon, discharge,
6 release, deposit, inject, dump, spill, leak, or place
7 methamphetamine waste onto or into any land, water, or well of
8 any type so that the waste has the potential to enter the
9 environment, be emitted into the air, or be discharged into the
10 soil or any waters, including groundwater.

11 "Emergency response" means the act of collecting evidence
12 from or securing a methamphetamine laboratory site,
13 methamphetamine waste site or other methamphetamine-related
14 site and cleaning up the site, whether these actions are
15 performed by public entities or private contractors paid by
16 public entities.

17 "Emergency service provider" means a local, State, or
18 federal peace officer, firefighter, emergency medical
19 technician-ambulance, emergency medical
20 technician-intermediate, emergency medical
21 technician-paramedic, ambulance driver, or other medical or
22 first aid personnel rendering aid, or any agent or designee of
23 the foregoing.

24 "Finished methamphetamine" means methamphetamine in a form
25 commonly used for personal consumption.

26 "Firearm" has the meaning provided in Section 2-7.5 of the

1 Criminal Code of 1961 ~~1.1 of the Firearm Owners Identification~~
2 ~~Card Act.~~

3 "Manufacture" means to produce, prepare, compound,
4 convert, process, synthesize, concentrate, purify, separate,
5 extract, or package any methamphetamine, methamphetamine
6 precursor, methamphetamine manufacturing catalyst,
7 methamphetamine manufacturing reagent, methamphetamine
8 manufacturing solvent, or any substance containing any of the
9 foregoing.

10 "Methamphetamine" means the chemical methamphetamine (a
11 Schedule II controlled substance under the Illinois Controlled
12 Substances Act) or any salt, optical isomer, salt of optical
13 isomer, or analog thereof, with the exception of
14 3,4-Methylenedioxymethamphetamine (MDMA) or any other
15 scheduled substance with a separate listing under the Illinois
16 Controlled Substances Act.

17 "Methamphetamine manufacturing catalyst" means any
18 substance that has been used, is being used, or is intended to
19 be used to activate, accelerate, extend, or improve a chemical
20 reaction involved in the manufacture of methamphetamine.

21 "Methamphetamine manufacturing environment" means a
22 structure or vehicle in which:

- 23 (1) methamphetamine is being or has been manufactured;
24 (2) chemicals that are being used, have been used, or
25 are intended to be used to manufacture methamphetamine are
26 stored;

1 (3) methamphetamine manufacturing materials that have
2 been used to manufacture methamphetamine are stored; or

3 (4) methamphetamine manufacturing waste is stored.

4 "Methamphetamine manufacturing material" means any
5 methamphetamine precursor, substance containing any
6 methamphetamine precursor, methamphetamine manufacturing
7 catalyst, substance containing any methamphetamine
8 manufacturing catalyst, methamphetamine manufacturing reagent,
9 substance containing any methamphetamine manufacturing
10 reagent, methamphetamine manufacturing solvent, substance
11 containing any methamphetamine manufacturing solvent, or any
12 other chemical, substance, ingredient, equipment, apparatus,
13 or item that is being used, has been used, or is intended to be
14 used in the manufacture of methamphetamine.

15 "Methamphetamine manufacturing reagent" means any
16 substance other than a methamphetamine manufacturing catalyst
17 that has been used, is being used, or is intended to be used to
18 react with and chemically alter any methamphetamine precursor.

19 "Methamphetamine manufacturing solvent" means any
20 substance that has been used, is being used, or is intended to
21 be used as a medium in which any methamphetamine precursor,
22 methamphetamine manufacturing catalyst, methamphetamine
23 manufacturing reagent, or any substance containing any of the
24 foregoing is dissolved, diluted, or washed during any part of
25 the methamphetamine manufacturing process.

26 "Methamphetamine manufacturing waste" means any chemical,

1 substance, ingredient, equipment, apparatus, or item that is
2 left over from, results from, or is produced by the process of
3 manufacturing methamphetamine, other than finished
4 methamphetamine.

5 "Methamphetamine precursor" means ephedrine,
6 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,
7 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
8 isomer, or salt of an optical isomer of any of these chemicals.

9 "Multi-unit dwelling" means a unified structure used or
10 intended for use as a habitation, home, or residence that
11 contains 2 or more condominiums, apartments, hotel rooms, motel
12 rooms, or other living units.

13 "Package" means an item marked for retail sale that is not
14 designed to be further broken down or subdivided for the
15 purpose of retail sale.

16 "Participate" or "participation" in the manufacture of
17 methamphetamine means to produce, prepare, compound, convert,
18 process, synthesize, concentrate, purify, separate, extract,
19 or package any methamphetamine, methamphetamine precursor,
20 methamphetamine manufacturing catalyst, methamphetamine
21 manufacturing reagent, methamphetamine manufacturing solvent,
22 or any substance containing any of the foregoing, or to assist
23 in any of these actions, or to attempt to take any of these
24 actions, regardless of whether this action or these actions
25 result in the production of finished methamphetamine.

26 "Person with a disability" means a person who suffers from

1 a permanent physical or mental impairment resulting from
2 disease, injury, functional disorder, or congenital condition
3 which renders the person incapable of adequately providing for
4 his or her own health and personal care.

5 "Procure" means to purchase, steal, gather, or otherwise
6 obtain, by legal or illegal means, or to cause another to take
7 such action.

8 "Second or subsequent offense" means an offense under this
9 Act committed by an offender who previously committed an
10 offense under this Act, the Illinois Controlled Substances Act,
11 the Cannabis Control Act, or another Act of this State, another
12 state, or the United States relating to methamphetamine,
13 cannabis, or any other controlled substance.

14 "Standard dosage form", as used in relation to any
15 methamphetamine precursor, means that the methamphetamine
16 precursor is contained in a pill, tablet, capsule, caplet, gel
17 cap, or liquid cap that has been manufactured by a lawful
18 entity and contains a standard quantity of methamphetamine
19 precursor.

20 "Unauthorized container", as used in relation to anhydrous
21 ammonia, means any container that is not designed for the
22 specific and sole purpose of holding, storing, transporting, or
23 applying anhydrous ammonia. "Unauthorized container" includes,
24 but is not limited to, any propane tank, fire extinguisher,
25 oxygen cylinder, gasoline can, food or beverage cooler, or
26 compressed gas cylinder used in dispensing fountain drinks.

1 "Unauthorized container" does not encompass anhydrous ammonia
2 manufacturing plants, refrigeration systems where anhydrous
3 ammonia is used solely as a refrigerant, anhydrous ammonia
4 transportation pipelines, anhydrous ammonia tankers, or
5 anhydrous ammonia barges.

6 (Source: P.A. 97-434, eff. 1-1-12.)

7 Section 65. The Unified Code of Corrections is amended by
8 changing Sections 5-5-3 and 5-5-3.2 as follows:

9 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

10 Sec. 5-5-3. Disposition.

11 (a) (Blank).

12 (b) (Blank).

13 (c) (1) (Blank).

14 (2) A period of probation, a term of periodic
15 imprisonment or conditional discharge shall not be imposed
16 for the following offenses. The court shall sentence the
17 offender to not less than the minimum term of imprisonment
18 set forth in this Code for the following offenses, and may
19 order a fine or restitution or both in conjunction with
20 such term of imprisonment:

21 (A) First degree murder where the death penalty is
22 not imposed.

23 (B) Attempted first degree murder.

24 (C) A Class X felony.

1 (D) A violation of Section 401.1 or 407 of the
2 Illinois Controlled Substances Act, or a violation of
3 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
4 of that Act which relates to more than 5 grams of a
5 substance containing heroin, cocaine, fentanyl, or an
6 analog thereof.

7 (E) A violation of Section 5.1 or 9 of the Cannabis
8 Control Act.

9 (F) A Class 2 or greater felony if the offender had
10 been convicted of a Class 2 or greater felony,
11 including any state or federal conviction for an
12 offense that contained, at the time it was committed,
13 the same elements as an offense now (the date of the
14 offense committed after the prior Class 2 or greater
15 felony) classified as a Class 2 or greater felony,
16 within 10 years of the date on which the offender
17 committed the offense for which he or she is being
18 sentenced, except as otherwise provided in Section
19 40-10 of the Alcoholism and Other Drug Abuse and
20 Dependency Act.

21 (F-5) A violation of Section 24-1, 24-1.1, or
22 24-1.6 of the Criminal Code of 1961 for which
23 imprisonment is prescribed in those Sections.

24 (G) Residential burglary, except as otherwise
25 provided in Section 40-10 of the Alcoholism and Other
26 Drug Abuse and Dependency Act.

1 (H) Criminal sexual assault.

2 (I) Aggravated battery of a senior citizen as
3 described in Section 12-4.6 or subdivision (a)(4) of
4 Section 12-3.05.

5 (J) A forcible felony if the offense was related to
6 the activities of an organized gang.

7 Before July 1, 1994, for the purposes of this
8 paragraph, "organized gang" means an association of 5
9 or more persons, with an established hierarchy, that
10 encourages members of the association to perpetrate
11 crimes or provides support to the members of the
12 association who do commit crimes.

13 Beginning July 1, 1994, for the purposes of this
14 paragraph, "organized gang" has the meaning ascribed
15 to it in Section 10 of the Illinois Streetgang
16 Terrorism Omnibus Prevention Act.

17 (K) Vehicular hijacking.

18 (L) A second or subsequent conviction for the
19 offense of hate crime when the underlying offense upon
20 which the hate crime is based is felony aggravated
21 assault or felony mob action.

22 (M) A second or subsequent conviction for the
23 offense of institutional vandalism if the damage to the
24 property exceeds \$300.

25 (N) (Blank). ~~A Class 3 felony violation of~~
26 ~~paragraph (1) of subsection (a) of Section 2 of the~~

1 ~~Firearm Owners Identification Card Act.~~

2 (O) A violation of Section 12-6.1 or 12-6.5 of the
3 Criminal Code of 1961.

4 (P) A violation of paragraph (1), (2), (3), (4),
5 (5), or (7) of subsection (a) of Section 11-20.1 of the
6 Criminal Code of 1961.

7 (Q) A violation of Section 20-1.2 or 20-1.3 of the
8 Criminal Code of 1961.

9 (R) A violation of Section 24-3A of the Criminal
10 Code of 1961.

11 (S) (Blank).

12 (T) A second or subsequent violation of the
13 Methamphetamine Control and Community Protection Act.

14 (U) A second or subsequent violation of Section
15 6-303 of the Illinois Vehicle Code committed while his
16 or her driver's license, permit, or privilege was
17 revoked because of a violation of Section 9-3 of the
18 Criminal Code of 1961, relating to the offense of
19 reckless homicide, or a similar provision of a law of
20 another state.

21 (V) A violation of paragraph (4) of subsection (c)
22 of Section 11-20.1B or paragraph (4) of subsection (c)
23 of Section 11-20.3 of the Criminal Code of 1961.

24 (W) A violation of Section 24-3.5 of the Criminal
25 Code of 1961.

26 (X) A violation of subsection (a) of Section 31-1a

1 of the Criminal Code of 1961.

2 (Y) A conviction for unlawful possession of a
3 firearm by a street gang member when the firearm was
4 loaded or contained firearm ammunition.

5 (Z) A Class 1 felony committed while he or she was
6 serving a term of probation or conditional discharge
7 for a felony.

8 (AA) Theft of property exceeding \$500,000 and not
9 exceeding \$1,000,000 in value.

10 (BB) Laundering of criminally derived property of
11 a value exceeding \$500,000.

12 (CC) Knowingly selling, offering for sale, holding
13 for sale, or using 2,000 or more counterfeit items or
14 counterfeit items having a retail value in the
15 aggregate of \$500,000 or more.

16 (DD) A conviction for aggravated assault under
17 paragraph (6) of subsection (c) of Section 12-2 of the
18 Criminal Code of 1961 if the firearm is aimed toward
19 the person against whom the firearm is being used.

20 (3) (Blank).

21 (4) A minimum term of imprisonment of not less than 10
22 consecutive days or 30 days of community service shall be
23 imposed for a violation of paragraph (c) of Section 6-303
24 of the Illinois Vehicle Code.

25 (4.1) (Blank).

26 (4.2) Except as provided in paragraphs (4.3) and (4.8)

1 of this subsection (c), a minimum of 100 hours of community
2 service shall be imposed for a second violation of Section
3 6-303 of the Illinois Vehicle Code.

4 (4.3) A minimum term of imprisonment of 30 days or 300
5 hours of community service, as determined by the court,
6 shall be imposed for a second violation of subsection (c)
7 of Section 6-303 of the Illinois Vehicle Code.

8 (4.4) Except as provided in paragraphs (4.5), (4.6),
9 and (4.9) of this subsection (c), a minimum term of
10 imprisonment of 30 days or 300 hours of community service,
11 as determined by the court, shall be imposed for a third or
12 subsequent violation of Section 6-303 of the Illinois
13 Vehicle Code.

14 (4.5) A minimum term of imprisonment of 30 days shall
15 be imposed for a third violation of subsection (c) of
16 Section 6-303 of the Illinois Vehicle Code.

17 (4.6) Except as provided in paragraph (4.10) of this
18 subsection (c), a minimum term of imprisonment of 180 days
19 shall be imposed for a fourth or subsequent violation of
20 subsection (c) of Section 6-303 of the Illinois Vehicle
21 Code.

22 (4.7) A minimum term of imprisonment of not less than
23 30 consecutive days, or 300 hours of community service,
24 shall be imposed for a violation of subsection (a-5) of
25 Section 6-303 of the Illinois Vehicle Code, as provided in
26 subsection (b-5) of that Section.

1 (4.8) A mandatory prison sentence shall be imposed for
2 a second violation of subsection (a-5) of Section 6-303 of
3 the Illinois Vehicle Code, as provided in subsection (c-5)
4 of that Section. The person's driving privileges shall be
5 revoked for a period of not less than 5 years from the date
6 of his or her release from prison.

7 (4.9) A mandatory prison sentence of not less than 4
8 and not more than 15 years shall be imposed for a third
9 violation of subsection (a-5) of Section 6-303 of the
10 Illinois Vehicle Code, as provided in subsection (d-2.5) of
11 that Section. The person's driving privileges shall be
12 revoked for the remainder of his or her life.

13 (4.10) A mandatory prison sentence for a Class 1 felony
14 shall be imposed, and the person shall be eligible for an
15 extended term sentence, for a fourth or subsequent
16 violation of subsection (a-5) of Section 6-303 of the
17 Illinois Vehicle Code, as provided in subsection (d-3.5) of
18 that Section. The person's driving privileges shall be
19 revoked for the remainder of his or her life.

20 (5) The court may sentence a corporation or
21 unincorporated association convicted of any offense to:

22 (A) a period of conditional discharge;

23 (B) a fine;

24 (C) make restitution to the victim under Section
25 5-5-6 of this Code.

26 (5.1) In addition to any other penalties imposed, and

1 except as provided in paragraph (5.2) or (5.3), a person
2 convicted of violating subsection (c) of Section 11-907 of
3 the Illinois Vehicle Code shall have his or her driver's
4 license, permit, or privileges suspended for at least 90
5 days but not more than one year, if the violation resulted
6 in damage to the property of another person.

7 (5.2) In addition to any other penalties imposed, and
8 except as provided in paragraph (5.3), a person convicted
9 of violating subsection (c) of Section 11-907 of the
10 Illinois Vehicle Code shall have his or her driver's
11 license, permit, or privileges suspended for at least 180
12 days but not more than 2 years, if the violation resulted
13 in injury to another person.

14 (5.3) In addition to any other penalties imposed, a
15 person convicted of violating subsection (c) of Section
16 11-907 of the Illinois Vehicle Code shall have his or her
17 driver's license, permit, or privileges suspended for 2
18 years, if the violation resulted in the death of another
19 person.

20 (5.4) In addition to any other penalties imposed, a
21 person convicted of violating Section 3-707 of the Illinois
22 Vehicle Code shall have his or her driver's license,
23 permit, or privileges suspended for 3 months and until he
24 or she has paid a reinstatement fee of \$100.

25 (5.5) In addition to any other penalties imposed, a
26 person convicted of violating Section 3-707 of the Illinois

1 Vehicle Code during a period in which his or her driver's
2 license, permit, or privileges were suspended for a
3 previous violation of that Section shall have his or her
4 driver's license, permit, or privileges suspended for an
5 additional 6 months after the expiration of the original
6 3-month suspension and until he or she has paid a
7 reinstatement fee of \$100.

8 (6) (Blank).

9 (7) (Blank).

10 (8) (Blank).

11 (9) A defendant convicted of a second or subsequent
12 offense of ritualized abuse of a child may be sentenced to
13 a term of natural life imprisonment.

14 (10) (Blank).

15 (11) The court shall impose a minimum fine of \$1,000
16 for a first offense and \$2,000 for a second or subsequent
17 offense upon a person convicted of or placed on supervision
18 for battery when the individual harmed was a sports
19 official or coach at any level of competition and the act
20 causing harm to the sports official or coach occurred
21 within an athletic facility or within the immediate
22 vicinity of the athletic facility at which the sports
23 official or coach was an active participant of the athletic
24 contest held at the athletic facility. For the purposes of
25 this paragraph (11), "sports official" means a person at an
26 athletic contest who enforces the rules of the contest,

1 such as an umpire or referee; "athletic facility" means an
2 indoor or outdoor playing field or recreational area where
3 sports activities are conducted; and "coach" means a person
4 recognized as a coach by the sanctioning authority that
5 conducted the sporting event.

6 (12) A person may not receive a disposition of court
7 supervision for a violation of Section 5-16 of the Boat
8 Registration and Safety Act if that person has previously
9 received a disposition of court supervision for a violation
10 of that Section.

11 (13) A person convicted of or placed on court
12 supervision for an assault or aggravated assault when the
13 victim and the offender are family or household members as
14 defined in Section 103 of the Illinois Domestic Violence
15 Act of 1986 or convicted of domestic battery or aggravated
16 domestic battery may be required to attend a Partner Abuse
17 Intervention Program under protocols set forth by the
18 Illinois Department of Human Services under such terms and
19 conditions imposed by the court. The costs of such classes
20 shall be paid by the offender.

21 (d) In any case in which a sentence originally imposed is
22 vacated, the case shall be remanded to the trial court. The
23 trial court shall hold a hearing under Section 5-4-1 of the
24 Unified Code of Corrections which may include evidence of the
25 defendant's life, moral character and occupation during the
26 time since the original sentence was passed. The trial court

1 shall then impose sentence upon the defendant. The trial court
2 may impose any sentence which could have been imposed at the
3 original trial subject to Section 5-5-4 of the Unified Code of
4 Corrections. If a sentence is vacated on appeal or on
5 collateral attack due to the failure of the trier of fact at
6 trial to determine beyond a reasonable doubt the existence of a
7 fact (other than a prior conviction) necessary to increase the
8 punishment for the offense beyond the statutory maximum
9 otherwise applicable, either the defendant may be re-sentenced
10 to a term within the range otherwise provided or, if the State
11 files notice of its intention to again seek the extended
12 sentence, the defendant shall be afforded a new trial.

13 (e) In cases where prosecution for aggravated criminal
14 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
15 Code of 1961 results in conviction of a defendant who was a
16 family member of the victim at the time of the commission of
17 the offense, the court shall consider the safety and welfare of
18 the victim and may impose a sentence of probation only where:

19 (1) the court finds (A) or (B) or both are appropriate:

20 (A) the defendant is willing to undergo a court
21 approved counseling program for a minimum duration of 2
22 years; or

23 (B) the defendant is willing to participate in a
24 court approved plan including but not limited to the
25 defendant's:

26 (i) removal from the household;

- 1 (ii) restricted contact with the victim;
2 (iii) continued financial support of the
3 family;
4 (iv) restitution for harm done to the victim;
5 and
6 (v) compliance with any other measures that
7 the court may deem appropriate; and

8 (2) the court orders the defendant to pay for the
9 victim's counseling services, to the extent that the court
10 finds, after considering the defendant's income and
11 assets, that the defendant is financially capable of paying
12 for such services, if the victim was under 18 years of age
13 at the time the offense was committed and requires
14 counseling as a result of the offense.

15 Probation may be revoked or modified pursuant to Section
16 5-6-4; except where the court determines at the hearing that
17 the defendant violated a condition of his or her probation
18 restricting contact with the victim or other family members or
19 commits another offense with the victim or other family
20 members, the court shall revoke the defendant's probation and
21 impose a term of imprisonment.

22 For the purposes of this Section, "family member" and
23 "victim" shall have the meanings ascribed to them in Section
24 11-0.1 of the Criminal Code of 1961.

25 (f) (Blank).

26 (g) Whenever a defendant is convicted of an offense under

1 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
2 11-14.3, 11-14.4 except for an offense that involves keeping a
3 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
4 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
5 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the
6 defendant shall undergo medical testing to determine whether
7 the defendant has any sexually transmissible disease,
8 including a test for infection with human immunodeficiency
9 virus (HIV) or any other identified causative agent of acquired
10 immunodeficiency syndrome (AIDS). Any such medical test shall
11 be performed only by appropriately licensed medical
12 practitioners and may include an analysis of any bodily fluids
13 as well as an examination of the defendant's person. Except as
14 otherwise provided by law, the results of such test shall be
15 kept strictly confidential by all medical personnel involved in
16 the testing and must be personally delivered in a sealed
17 envelope to the judge of the court in which the conviction was
18 entered for the judge's inspection in camera. Acting in
19 accordance with the best interests of the victim and the
20 public, the judge shall have the discretion to determine to
21 whom, if anyone, the results of the testing may be revealed.
22 The court shall notify the defendant of the test results. The
23 court shall also notify the victim if requested by the victim,
24 and if the victim is under the age of 15 and if requested by the
25 victim's parents or legal guardian, the court shall notify the
26 victim's parents or legal guardian of the test results. The

1 court shall provide information on the availability of HIV
2 testing and counseling at Department of Public Health
3 facilities to all parties to whom the results of the testing
4 are revealed and shall direct the State's Attorney to provide
5 the information to the victim when possible. A State's Attorney
6 may petition the court to obtain the results of any HIV test
7 administered under this Section, and the court shall grant the
8 disclosure if the State's Attorney shows it is relevant in
9 order to prosecute a charge of criminal transmission of HIV
10 under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961
11 against the defendant. The court shall order that the cost of
12 any such test shall be paid by the county and may be taxed as
13 costs against the convicted defendant.

14 (g-5) When an inmate is tested for an airborne communicable
15 disease, as determined by the Illinois Department of Public
16 Health including but not limited to tuberculosis, the results
17 of the test shall be personally delivered by the warden or his
18 or her designee in a sealed envelope to the judge of the court
19 in which the inmate must appear for the judge's inspection in
20 camera if requested by the judge. Acting in accordance with the
21 best interests of those in the courtroom, the judge shall have
22 the discretion to determine what if any precautions need to be
23 taken to prevent transmission of the disease in the courtroom.

24 (h) Whenever a defendant is convicted of an offense under
25 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
26 defendant shall undergo medical testing to determine whether

1 the defendant has been exposed to human immunodeficiency virus
2 (HIV) or any other identified causative agent of acquired
3 immunodeficiency syndrome (AIDS). Except as otherwise provided
4 by law, the results of such test shall be kept strictly
5 confidential by all medical personnel involved in the testing
6 and must be personally delivered in a sealed envelope to the
7 judge of the court in which the conviction was entered for the
8 judge's inspection in camera. Acting in accordance with the
9 best interests of the public, the judge shall have the
10 discretion to determine to whom, if anyone, the results of the
11 testing may be revealed. The court shall notify the defendant
12 of a positive test showing an infection with the human
13 immunodeficiency virus (HIV). The court shall provide
14 information on the availability of HIV testing and counseling
15 at Department of Public Health facilities to all parties to
16 whom the results of the testing are revealed and shall direct
17 the State's Attorney to provide the information to the victim
18 when possible. A State's Attorney may petition the court to
19 obtain the results of any HIV test administered under this
20 Section, and the court shall grant the disclosure if the
21 State's Attorney shows it is relevant in order to prosecute a
22 charge of criminal transmission of HIV under Section 12-5.01 or
23 12-16.2 of the Criminal Code of 1961 against the defendant. The
24 court shall order that the cost of any such test shall be paid
25 by the county and may be taxed as costs against the convicted
26 defendant.

1 (i) All fines and penalties imposed under this Section for
2 any violation of Chapters 3, 4, 6, and 11 of the Illinois
3 Vehicle Code, or a similar provision of a local ordinance, and
4 any violation of the Child Passenger Protection Act, or a
5 similar provision of a local ordinance, shall be collected and
6 disbursed by the circuit clerk as provided under Section 27.5
7 of the Clerks of Courts Act.

8 (j) In cases when prosecution for any violation of Section
9 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
10 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
11 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
12 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
13 12-15, or 12-16 of the Criminal Code of 1961, any violation of
14 the Illinois Controlled Substances Act, any violation of the
15 Cannabis Control Act, or any violation of the Methamphetamine
16 Control and Community Protection Act results in conviction, a
17 disposition of court supervision, or an order of probation
18 granted under Section 10 of the Cannabis Control Act, Section
19 410 of the Illinois Controlled Substance Act, or Section 70 of
20 the Methamphetamine Control and Community Protection Act of a
21 defendant, the court shall determine whether the defendant is
22 employed by a facility or center as defined under the Child
23 Care Act of 1969, a public or private elementary or secondary
24 school, or otherwise works with children under 18 years of age
25 on a daily basis. When a defendant is so employed, the court
26 shall order the Clerk of the Court to send a copy of the

1 judgment of conviction or order of supervision or probation to
2 the defendant's employer by certified mail. If the employer of
3 the defendant is a school, the Clerk of the Court shall direct
4 the mailing of a copy of the judgment of conviction or order of
5 supervision or probation to the appropriate regional
6 superintendent of schools. The regional superintendent of
7 schools shall notify the State Board of Education of any
8 notification under this subsection.

9 (j-5) A defendant at least 17 years of age who is convicted
10 of a felony and who has not been previously convicted of a
11 misdemeanor or felony and who is sentenced to a term of
12 imprisonment in the Illinois Department of Corrections shall as
13 a condition of his or her sentence be required by the court to
14 attend educational courses designed to prepare the defendant
15 for a high school diploma and to work toward a high school
16 diploma or to work toward passing the high school level Test of
17 General Educational Development (GED) or to work toward
18 completing a vocational training program offered by the
19 Department of Corrections. If a defendant fails to complete the
20 educational training required by his or her sentence during the
21 term of incarceration, the Prisoner Review Board shall, as a
22 condition of mandatory supervised release, require the
23 defendant, at his or her own expense, to pursue a course of
24 study toward a high school diploma or passage of the GED test.
25 The Prisoner Review Board shall revoke the mandatory supervised
26 release of a defendant who wilfully fails to comply with this

1 subsection (j-5) upon his or her release from confinement in a
2 penal institution while serving a mandatory supervised release
3 term; however, the inability of the defendant after making a
4 good faith effort to obtain financial aid or pay for the
5 educational training shall not be deemed a wilful failure to
6 comply. The Prisoner Review Board shall recommit the defendant
7 whose mandatory supervised release term has been revoked under
8 this subsection (j-5) as provided in Section 3-3-9. This
9 subsection (j-5) does not apply to a defendant who has a high
10 school diploma or has successfully passed the GED test. This
11 subsection (j-5) does not apply to a defendant who is
12 determined by the court to be developmentally disabled or
13 otherwise mentally incapable of completing the educational or
14 vocational program.

15 (k) (Blank).

16 (l) (A) Except as provided in paragraph (C) of subsection
17 (l), whenever a defendant, who is an alien as defined by
18 the Immigration and Nationality Act, is convicted of any
19 felony or misdemeanor offense, the court after sentencing
20 the defendant may, upon motion of the State's Attorney,
21 hold sentence in abeyance and remand the defendant to the
22 custody of the Attorney General of the United States or his
23 or her designated agent to be deported when:

24 (1) a final order of deportation has been issued
25 against the defendant pursuant to proceedings under
26 the Immigration and Nationality Act, and

1 (2) the deportation of the defendant would not
2 deprecate the seriousness of the defendant's conduct
3 and would not be inconsistent with the ends of justice.
4 Otherwise, the defendant shall be sentenced as
5 provided in this Chapter V.

6 (B) If the defendant has already been sentenced for a
7 felony or misdemeanor offense, or has been placed on
8 probation under Section 10 of the Cannabis Control Act,
9 Section 410 of the Illinois Controlled Substances Act, or
10 Section 70 of the Methamphetamine Control and Community
11 Protection Act, the court may, upon motion of the State's
12 Attorney to suspend the sentence imposed, commit the
13 defendant to the custody of the Attorney General of the
14 United States or his or her designated agent when:

15 (1) a final order of deportation has been issued
16 against the defendant pursuant to proceedings under
17 the Immigration and Nationality Act, and

18 (2) the deportation of the defendant would not
19 deprecate the seriousness of the defendant's conduct
20 and 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
23 subsection (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

1 the custody of the county from which he or she was
2 sentenced. Thereafter, the defendant shall be brought
3 before the sentencing court, which may impose any sentence
4 that was available under Section 5-5-3 at the time of
5 initial sentencing. In addition, the defendant shall not be
6 eligible for additional good conduct credit for
7 meritorious service as provided under Section 3-6-6.

8 (m) A person convicted of criminal defacement of property
9 under Section 21-1.3 of the Criminal Code of 1961, in which the
10 property damage exceeds \$300 and the property damaged is a
11 school building, shall be ordered to perform community service
12 that may include cleanup, removal, or painting over the
13 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 (i) to an impact incarceration program if the person is
18 otherwise eligible for that program under Section 5-8-1.1, (ii)
19 to community service, or (iii) if the person is an addict or
20 alcoholic, as defined in the Alcoholism and Other Drug Abuse
21 and Dependency Act, to a substance or alcohol abuse 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 of

1 license renewal established by the Secretary of State.
2 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
3 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
4 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
5 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
6 97-159, eff. 7-21-11; revised 9-14-11.)

7 (730 ILCS 5/5-5-3.2)

8 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
9 Sentencing.

10 (a) The following factors shall be accorded weight in favor
11 of imposing a term of imprisonment or may be considered by the
12 court as reasons to impose a more severe sentence under Section
13 5-8-1 or Article 4.5 of Chapter V:

14 (1) the defendant's conduct caused or threatened
15 serious harm;

16 (2) the defendant received compensation for committing
17 the offense;

18 (3) the defendant has a history of prior delinquency or
19 criminal activity;

20 (4) the defendant, by the duties of his office or by
21 his position, was obliged to prevent the particular offense
22 committed or to bring the offenders committing it to
23 justice;

24 (5) the defendant held public office at the time of the
25 offense, and the offense related to the conduct of that

1 office;

2 (6) the defendant utilized his professional reputation
3 or position in the community to commit the offense, or to
4 afford him an easier means of committing it;

5 (7) the sentence is necessary to deter others from
6 committing the same crime;

7 (8) the defendant committed the offense against a
8 person 60 years of age or older or such person's property;

9 (9) the defendant committed the offense against a
10 person who is physically handicapped or such person's
11 property;

12 (10) by reason of another individual's actual or
13 perceived race, color, creed, religion, ancestry, gender,
14 sexual orientation, physical or mental disability, or
15 national origin, the defendant committed the offense
16 against (i) the person or property of that individual; (ii)
17 the person or property of a person who has an association
18 with, is married to, or has a friendship with the other
19 individual; or (iii) the person or property of a relative
20 (by blood or marriage) of a person described in clause (i)
21 or (ii). For the purposes of this Section, "sexual
22 orientation" means heterosexuality, homosexuality, or
23 bisexuality;

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 released on bail 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 1961,
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 place
24 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 against that victim;

1 (15) the defendant committed an offense related to the
2 activities of an organized gang. For the purposes of this
3 factor, "organized gang" has the meaning ascribed to it in
4 Section 10 of the Streetgang Terrorism Omnibus Prevention
5 Act;

6 (16) the defendant committed an offense in violation of
7 one of the following Sections while in a school, regardless
8 of the time of day or time of year; on any conveyance
9 owned, leased, or contracted by a school to transport
10 students to or from school or a school related activity; on
11 the real property of a school; or on a public way within
12 1,000 feet of the real property comprising any school:
13 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
14 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
15 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
16 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
17 18-2, or 33A-2, or Section 12-3.05 except for subdivision
18 (a) (4) or (g) (1), of the Criminal Code of 1961;

19 (16.5) the defendant committed an offense in violation
20 of one of the following Sections while in a day care
21 center, regardless of the time of day or time of year; on
22 the real property of a day care center, regardless of the
23 time of day or time of year; or on a public way within
24 1,000 feet of the real property comprising any day care
25 center, regardless of the time of day or time of year:
26 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,

1 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
2 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
3 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
4 18-2, or 33A-2, or Section 12-3.05 except for subdivision
5 (a) (4) or (g) (1), of the Criminal Code of 1961;

6 (17) the defendant committed the offense by reason of
7 any person's activity as a community policing volunteer or
8 to prevent any person from engaging in activity as a
9 community policing volunteer. For the purpose of this
10 Section, "community policing volunteer" has the meaning
11 ascribed to it in Section 2-3.5 of the Criminal Code of
12 1961;

13 (18) the defendant committed the offense in a nursing
14 home or on the real property comprising a nursing home. For
15 the purposes of this paragraph (18), "nursing home" means a
16 skilled nursing or intermediate long term care facility
17 that is subject to license by the Illinois Department of
18 Public Health under the Nursing Home Care Act, the
19 Specialized Mental Health Rehabilitation Act, or the ID/DD
20 Community Care Act;

21 (19) the defendant was a federally licensed firearm
22 dealer and was previously convicted of a violation of
23 subsection (a) of Section 3 of the Firearm Owners
24 Identification Card Act before its repeal by this
25 amendatory Act of the 97th General Assembly and has now
26 committed ~~either a felony violation of the Firearm Owners~~

1 ~~Identification Card Act or~~ an act of armed violence while
2 armed with a firearm;

3 (20) the defendant (i) committed the offense of
4 reckless homicide under Section 9-3 of the Criminal Code of
5 1961 or the offense of driving under the influence of
6 alcohol, other drug or drugs, intoxicating compound or
7 compounds or any combination thereof under Section 11-501
8 of the Illinois Vehicle Code or a similar provision of a
9 local ordinance and (ii) was operating a motor vehicle in
10 excess of 20 miles per hour over the posted speed limit as
11 provided in Article VI of Chapter 11 of the Illinois
12 Vehicle Code;

13 (21) the defendant (i) committed the offense of
14 reckless driving or aggravated reckless driving under
15 Section 11-503 of the Illinois Vehicle Code and (ii) was
16 operating a motor vehicle in excess of 20 miles per hour
17 over the posted speed limit as provided in Article VI of
18 Chapter 11 of the Illinois Vehicle Code;

19 (22) the defendant committed the offense against a
20 person that the defendant knew, or reasonably should have
21 known, was a member of the Armed Forces of the United
22 States serving on active duty. For purposes of this clause
23 (22), the term "Armed Forces" means any of the Armed Forces
24 of the United States, including a member of any reserve
25 component thereof or National Guard unit called to active
26 duty;

1 (23) the defendant committed the offense against a
2 person who was elderly, disabled, or infirm by taking
3 advantage of a family or fiduciary relationship with the
4 elderly, disabled, or infirm person;

5 (24) the defendant committed any offense under Section
6 11-20.1 of the Criminal Code of 1961 and possessed 100 or
7 more images;

8 (25) the defendant committed the offense while the
9 defendant or the victim was in a train, bus, or other
10 vehicle used for public transportation;

11 (26) the defendant committed the offense of child
12 pornography or aggravated child pornography, specifically
13 including paragraph (1), (2), (3), (4), (5), or (7) of
14 subsection (a) of Section 11-20.1 of the Criminal Code of
15 1961 where a child engaged in, solicited for, depicted in,
16 or posed in any act of sexual penetration or bound,
17 fettered, or subject to sadistic, masochistic, or
18 sadomasochistic abuse in a sexual context and specifically
19 including paragraph (1), (2), (3), (4), (5), or (7) of
20 subsection (a) of Section 11-20.3 of the Criminal Code of
21 1961 where a child engaged in, solicited for, depicted in,
22 or posed in any act of sexual penetration or bound,
23 fettered, or subject to sadistic, masochistic, or
24 sadomasochistic abuse in a sexual context; or

25 (27) the defendant committed the offense of first
26 degree murder, assault, aggravated assault, battery,

1 aggravated battery, robbery, armed robbery, or aggravated
2 robbery against a person who was a veteran and the
3 defendant knew, or reasonably should have known, that the
4 person was a veteran performing duties as a representative
5 of a veterans' organization. For the purposes of this
6 paragraph (27), "veteran" means an Illinois resident who
7 has served as a member of the United States Armed Forces, a
8 member of the Illinois National Guard, or a member of the
9 United States Reserve Forces; and "veterans' organization"
10 means an organization comprised of members of which
11 substantially all are individuals who are veterans or
12 spouses, widows, or widowers of veterans, the primary
13 purpose of which is to promote the welfare of its members
14 and to provide assistance to the general public in such a
15 way as to confer a public benefit.

16 For the purposes of this Section:

17 "School" is defined as a public or private elementary or
18 secondary school, community college, college, or university.

19 "Day care center" means a public or private State certified
20 and licensed day care center as defined in Section 2.09 of the
21 Child Care Act of 1969 that displays a sign in plain view
22 stating that the property is a day care center.

23 "Public transportation" means the transportation or
24 conveyance of persons by means available to the general public,
25 and includes paratransit services.

26 (b) The following factors, related to all felonies, may be

1 considered by the court as reasons to impose an extended term
2 sentence under Section 5-8-2 upon any offender:

3 (1) When a defendant is convicted of any felony, after
4 having been previously convicted in Illinois or any other
5 jurisdiction of the same or similar class felony or greater
6 class felony, when such conviction has occurred within 10
7 years after the previous conviction, excluding time spent
8 in custody, and such charges are separately brought and
9 tried and arise out of different series of acts; or

10 (2) When a defendant is convicted of any felony and the
11 court finds that the offense was accompanied by
12 exceptionally brutal or heinous behavior indicative of
13 wanton cruelty; or

14 (3) When a defendant is convicted of any felony
15 committed against:

16 (i) a person under 12 years of age at the time of
17 the offense or such person's property;

18 (ii) a person 60 years of age or older at the time
19 of the offense or such person's property; or

20 (iii) a person physically handicapped at the time
21 of the offense or such person's property; or

22 (4) When a defendant is convicted of any felony and the
23 offense involved any of the following types of specific
24 misconduct committed as part of a ceremony, rite,
25 initiation, observance, performance, practice or activity
26 of any actual or ostensible religious, fraternal, or social

1 group:

2 (i) the brutalizing or torturing of humans or
3 animals;

4 (ii) the theft of human corpses;

5 (iii) the kidnapping of humans;

6 (iv) the desecration of any cemetery, religious,
7 fraternal, business, governmental, educational, or
8 other building or property; or

9 (v) ritualized abuse of a child; or

10 (5) When a defendant is convicted of a felony other
11 than conspiracy and the court finds that the felony was
12 committed under an agreement with 2 or more other persons
13 to commit that offense and the defendant, with respect to
14 the other individuals, occupied a position of organizer,
15 supervisor, financier, or any other position of management
16 or leadership, and the court further finds that the felony
17 committed was related to or in furtherance of the criminal
18 activities of an organized gang or was motivated by the
19 defendant's leadership in an organized gang; or

20 (6) When a defendant is convicted of an offense
21 committed while using a firearm with a laser sight attached
22 to it. For purposes of this paragraph, "laser sight" has
23 the meaning ascribed to it in Section 24.6-5 of the
24 Criminal Code of 1961; or

25 (7) When a defendant who was at least 17 years of age
26 at the time of the commission of the offense is convicted

1 of a felony and has been previously adjudicated a
2 delinquent minor under the Juvenile Court Act of 1987 for
3 an act that if committed by an adult would be a Class X or
4 Class 1 felony when the conviction has occurred within 10
5 years after the previous adjudication, excluding time
6 spent in custody; or

7 (8) When a defendant commits any felony and the
8 defendant used, possessed, exercised control over, or
9 otherwise directed an animal to assault a law enforcement
10 officer engaged in the execution of his or her official
11 duties or in furtherance of the criminal activities of an
12 organized gang in which the defendant is engaged.

13 (c) The following factors may be considered by the court as
14 reasons to impose an extended term sentence under Section 5-8-2
15 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

16 (1) When a defendant is convicted of first degree
17 murder, after having been previously convicted in Illinois
18 of any offense listed under paragraph (c)(2) of Section
19 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
20 within 10 years after the previous conviction, excluding
21 time spent in custody, and the charges are separately
22 brought and tried and arise out of different series of
23 acts.

24 (1.5) When a defendant is convicted of first degree
25 murder, after having been previously convicted of domestic
26 battery (720 ILCS 5/12-3.2) or aggravated domestic battery

1 (720 ILCS 5/12-3.3) committed on the same victim or after
2 having been previously convicted of violation of an order
3 of protection (720 ILCS 5/12-30) in which the same victim
4 was the protected person.

5 (2) When a defendant is convicted of voluntary
6 manslaughter, second degree murder, involuntary
7 manslaughter, or reckless homicide in which the defendant
8 has been convicted of causing the death of more than one
9 individual.

10 (3) When a defendant is convicted of aggravated
11 criminal sexual assault or criminal sexual assault, when
12 there is a finding that aggravated criminal sexual assault
13 or criminal sexual assault was also committed on the same
14 victim by one or more other individuals, and the defendant
15 voluntarily participated in the crime with the knowledge of
16 the participation of the others in the crime, and the
17 commission of the crime was part of a single course of
18 conduct during which there was no substantial change in the
19 nature of the criminal objective.

20 (4) If the victim was under 18 years of age at the time
21 of the commission of the offense, when a defendant is
22 convicted of aggravated criminal sexual assault or
23 predatory criminal sexual assault of a child under
24 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
25 of Section 12-14.1 of the Criminal Code of 1961 (720 ILCS
26 5/11-1.40 or 5/12-14.1).

1 (5) When a defendant is convicted of a felony violation
2 of Section 24-1 of the Criminal Code of 1961 (720 ILCS
3 5/24-1) and there is a finding that the defendant is a
4 member of an organized gang.

5 (6) When a defendant was convicted of unlawful use of
6 weapons under Section 24-1 of the Criminal Code of 1961
7 (720 ILCS 5/24-1) for possessing a weapon that is not
8 readily distinguishable as one of the weapons enumerated in
9 Section 24-1 of the Criminal Code of 1961 (720 ILCS
10 5/24-1).

11 (7) When a defendant is convicted of an offense
12 involving the illegal manufacture of a controlled
13 substance under Section 401 of the Illinois Controlled
14 Substances Act (720 ILCS 570/401), the illegal manufacture
15 of methamphetamine under Section 25 of the Methamphetamine
16 Control and Community Protection Act (720 ILCS 646/25), or
17 the illegal possession of explosives and an emergency
18 response officer in the performance of his or her duties is
19 killed or injured at the scene of the offense while
20 responding to the emergency caused by the commission of the
21 offense. In this paragraph, "emergency" means a situation
22 in which a person's life, health, or safety is in jeopardy;
23 and "emergency response officer" means a peace officer,
24 community policing volunteer, fireman, emergency medical
25 technician-ambulance, emergency medical
26 technician-intermediate, emergency medical

1 technician-paramedic, ambulance driver, other medical
2 assistance or first aid personnel, or hospital emergency
3 room personnel.

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 12-13, 12-14,
10 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 when the
11 victim of the offense is under 18 years of age at the time of
12 the commission of the offense and, during the commission of the
13 offense, the victim was under the influence of alcohol,
14 regardless of whether or not the alcohol was supplied by the
15 offender; and the offender, at the time of the commission of
16 the offense, knew or should have known that the victim had
17 consumed alcohol.

18 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,
19 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;
20 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.
21 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,
22 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,
23 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; revised 9-14-11.)

24 Section 70. The Stalking No Contact Order Act is amended by
25 changing Section 80 as follows:

1 (740 ILCS 21/80)

2 Sec. 80. Stalking no contact orders; remedies.

3 (a) If the court finds that the petitioner has been a
4 victim of stalking, a stalking no contact order shall issue;
5 provided that the petitioner must also satisfy the requirements
6 of Section 95 on emergency orders or Section 100 on plenary
7 orders. The petitioner shall not be denied a stalking no
8 contact order because the petitioner or the respondent is a
9 minor. The court, when determining whether or not to issue a
10 stalking no contact order, may not require physical injury on
11 the person of the petitioner. Modification and extension of
12 prior stalking no contact orders shall be in accordance with
13 this Act.

14 (b) A stalking no contact order shall order one or more of
15 the following:

16 (1) prohibit the respondent from threatening to commit
17 or committing stalking;

18 (2) order the respondent not to have any contact with
19 the petitioner or a third person specifically named by the
20 court;

21 (3) prohibit the respondent from knowingly coming
22 within, or knowingly remaining within a specified distance
23 of the petitioner or the petitioner's residence, school,
24 daycare, or place of employment, or any specified place
25 frequented by the petitioner; however, the court may order

1 the respondent to stay away from the respondent's own
2 residence, school, or place of employment only if the
3 respondent has been provided actual notice of the
4 opportunity to appear and be heard on the petition;

5 (4) prohibit the respondent from possessing ~~a Firearm~~
6 ~~Owners Identification Card, or possessing~~ or buying
7 firearms; and

8 (5) order other injunctive relief the court determines
9 to be necessary to protect the petitioner or third party
10 specifically named by the court.

11 (b-5) When the petitioner and the respondent attend the
12 same public, private, or non-public elementary, middle, or high
13 school, the court when issuing a stalking no contact order and
14 providing relief shall consider the severity of the act, any
15 continuing physical danger or emotional distress to the
16 petitioner, the educational rights guaranteed to the
17 petitioner and respondent under federal and State law, the
18 availability of a transfer of the respondent to another school,
19 a change of placement or a change of program of the respondent,
20 the expense, difficulty, and educational disruption that would
21 be caused by a transfer of the respondent to another school,
22 and any other relevant facts of the case. The court may order
23 that the respondent not attend the public, private, or
24 non-public elementary, middle, or high school attended by the
25 petitioner, order that the respondent accept a change of
26 placement or program, as determined by the school district or

1 private or non-public school, or place restrictions on the
2 respondent's movements within the school attended by the
3 petitioner. The respondent bears the burden of proving by a
4 preponderance of the evidence that a transfer, change of
5 placement, or change of program of the respondent is not
6 available. The respondent also bears the burden of production
7 with respect to the expense, difficulty, and educational
8 disruption that would be caused by a transfer of the respondent
9 to another school. A transfer, change of placement, or change
10 of program is not unavailable to the respondent solely on the
11 ground that the respondent does not agree with the school
12 district's or private or non-public school's transfer, change
13 of placement, or change of program or solely on the ground that
14 the respondent fails or refuses to consent to or otherwise does
15 not take an action required to effectuate a transfer, change of
16 placement, or change of program. When a court orders a
17 respondent to stay away from the public, private, or non-public
18 school attended by the petitioner and the respondent requests a
19 transfer to another attendance center within the respondent's
20 school district or private or non-public school, the school
21 district or private or non-public school shall have sole
22 discretion to determine the attendance center to which the
23 respondent is transferred. In the event the court order results
24 in a transfer of the minor respondent to another attendance
25 center, a change in the respondent's placement, or a change of
26 the respondent's program, the parents, guardian, or legal

1 custodian of the respondent is responsible for transportation
2 and other costs associated with the transfer or change.

3 (b-6) The court may order the parents, guardian, or legal
4 custodian of a minor respondent to take certain actions or to
5 refrain from taking certain actions to ensure that the
6 respondent complies with the order. In the event the court
7 orders a transfer of the respondent to another school, the
8 parents, guardian, or legal custodian of the respondent are
9 responsible for transportation and other costs associated with
10 the change of school by the respondent.

11 (b-7) The court shall not hold a school district or private
12 or non-public school or any of its employees in civil or
13 criminal contempt unless the school district or private or
14 non-public school has been allowed to intervene.

15 (b-8) The court may hold the parents, guardian, or legal
16 custodian of a minor respondent in civil or criminal contempt
17 for a violation of any provision of any order entered under
18 this Act for conduct of the minor respondent in violation of
19 this Act if the parents, guardian, or legal custodian directed,
20 encouraged, or assisted the respondent minor in such conduct.

21 (c) The court may award the petitioner costs and attorneys
22 fees if a stalking no contact order is granted.

23 (d) Monetary damages are not recoverable as a remedy.

24 (Source: P.A. 96-246, eff. 1-1-10; 97-294, eff. 1-1-12.)

25 Section 75. The Mental Health and Developmental

1 Disabilities Confidentiality Act is amended by changing
2 Section 12 as follows:

3 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

4 Sec. 12. (a) If the United States Secret Service or the
5 Department of State Police requests information from a mental
6 health or developmental disability facility, as defined in
7 Section 1-107 and 1-114 of the Mental Health and Developmental
8 Disabilities Code, relating to a specific recipient and the
9 facility director determines that disclosure of such
10 information may be necessary to protect the life of, or to
11 prevent the infliction of great bodily harm to, a public
12 official, or a person under the protection of the United States
13 Secret Service, only the following information may be
14 disclosed: the recipient's name, address, and age and the date
15 of any admission to or discharge from a facility; and any
16 information which would indicate whether or not the recipient
17 has a history of violence or presents a danger of violence to
18 the person under protection. Any information so disclosed shall
19 be used for investigative purposes only and shall not be
20 publicly disseminated. Any person participating in good faith
21 in the disclosure of such information in accordance with this
22 provision shall have immunity from any liability, civil,
23 criminal or otherwise, if such information is disclosed relying
24 upon the representation of an officer of the United States
25 Secret Service or the Department of State Police that a person

1 is under the protection of the United States Secret Service or
2 is a public official.

3 For the purpose of this subsection (a), the term "public
4 official" means the Governor, Lieutenant Governor, Attorney
5 General, Secretary of State, State Comptroller, State
6 Treasurer, member of the General Assembly, member of the United
7 States Congress, Judge of the United States as defined in 28
8 U.S.C. 451, Justice of the United States as defined in 28
9 U.S.C. 451, United States Magistrate Judge as defined in 28
10 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
11 Supreme, Appellate, Circuit, or Associate Judge of the State of
12 Illinois. The term shall also include the spouse, child or
13 children of a public official.

14 (b) The Department of Human Services (acting as successor
15 to the Department of Mental Health and Developmental
16 Disabilities) and all public or private hospitals and mental
17 health facilities are required, as hereafter described in this
18 subsection, to furnish the Department of State Police only such
19 information as may be required for the sole purpose of
20 determining whether an individual who may be or may have been a
21 patient is disqualified because of that status from receiving
22 or retaining a firearm under paragraph (4) of subsection (a) of
23 Section 24-3.1 of the Criminal Code of 1961 ~~Firearm Owner's~~
24 ~~Identification Card under subsection (c) or (f) of Section 8 of~~
25 ~~the Firearm Owners Identification Card Act~~ or 18 U.S.C. 922(g)
26 and (n). All public or private hospitals and mental health

1 facilities shall, in the form and manner required by the
2 Department, provide such information as shall be necessary for
3 the Department to comply with the reporting requirements to the
4 Department of State Police. Such information shall be furnished
5 within 7 days after admission to a public or private hospital
6 or mental health facility or the provision of services to a
7 patient described in clause (2) of this subsection (b). Any
8 such information disclosed under this subsection shall remain
9 privileged and confidential, and shall not be redisclosed,
10 except as required by clause (e) (2) of Section 24-4.5 of the
11 Criminal Code of 1961 ~~3.1 of the Firearm Owners Identification~~
12 ~~Card Act~~, nor utilized for any other purpose. The method of
13 requiring the providing of such information shall guarantee
14 that no information is released beyond what is necessary for
15 this purpose. In addition, the information disclosed shall be
16 provided by the Department within the time period established
17 by Section 24-3 of the Criminal Code of 1961 regarding the
18 delivery of firearms. The method used shall be sufficient to
19 provide the necessary information within the prescribed time
20 period, which may include periodically providing lists to the
21 Department of Human Services or any public or private hospital
22 or mental health facility of ~~Firearm Owner's Identification~~
23 ~~Card~~ applicants for firearm purchases on which the Department
24 or hospital shall indicate the identities of those individuals
25 who are to its knowledge disqualified from having a firearm
26 ~~Firearm Owner's Identification Card~~ for reasons described

1 herein. The Department may provide for a centralized source of
2 information for the State on this subject under its
3 jurisdiction.

4 Any person, institution, or agency, under this Act,
5 participating in good faith in the reporting or disclosure of
6 records and communications otherwise in accordance with this
7 provision or with rules, regulations or guidelines issued by
8 the Department shall have immunity from any liability, civil,
9 criminal or otherwise, that might result by reason of the
10 action. For the purpose of any proceeding, civil or criminal,
11 arising out of a report or disclosure in accordance with this
12 provision, the good faith of any person, institution, or agency
13 so reporting or disclosing shall be presumed. The full extent
14 of the immunity provided in this subsection (b) shall apply to
15 any person, institution or agency that fails to make a report
16 or disclosure in the good faith belief that the report or
17 disclosure would violate federal regulations governing the
18 confidentiality of alcohol and drug abuse patient records
19 implementing 42 U.S.C. 290dd-3 and 290ee-3.

20 For purposes of this subsection (b) only, the following
21 terms shall have the meaning prescribed:

22 (1) "Hospital" means only that type of institution
23 which is providing full-time residential facilities and
24 treatment.

25 (2) "Patient" shall include only: (i) a person who is
26 an in-patient or resident of any public or private hospital

1 or mental health facility or (ii) a person who is an
2 out-patient or provided services by a public or private
3 hospital or mental health facility whose mental condition
4 is of such a nature that it is manifested by violent,
5 suicidal, threatening, or assaultive behavior or reported
6 behavior, for which there is a reasonable belief by a
7 physician, clinical psychologist, or qualified examiner
8 that the condition poses a clear and present or imminent
9 danger to the patient, any other person or the community
10 ~~meaning the patient's condition poses a clear and present~~
11 ~~danger in accordance with subsection (f) of Section 8 of~~
12 ~~the Firearm Owners Identification Card Act.~~ The terms
13 physician, clinical psychologist, and qualified examiner
14 are defined in Sections 1-120, 1-103, and 1-122 of the
15 Mental Health and Developmental Disabilities Code.

16 (3) "Mental health facility" is defined by Section
17 1-114 of the Mental Health and Developmental Disabilities
18 Code.

19 (c) Upon the request of a peace officer who takes a person
20 into custody and transports such person to a mental health or
21 developmental disability facility pursuant to Section 3-606 or
22 4-404 of the Mental Health and Developmental Disabilities Code
23 or who transports a person from such facility, a facility
24 director shall furnish said peace officer the name, address,
25 age and name of the nearest relative of the person transported
26 to or from the mental health or developmental disability

1 facility. In no case shall the facility director disclose to
2 the peace officer any information relating to the diagnosis,
3 treatment or evaluation of the person's mental or physical
4 health.

5 For the purposes of this subsection (c), the terms "mental
6 health or developmental disability facility", "peace officer"
7 and "facility director" shall have the meanings ascribed to
8 them in the Mental Health and Developmental Disabilities Code.

9 (d) Upon the request of a peace officer or prosecuting
10 authority who is conducting a bona fide investigation of a
11 criminal offense, or attempting to apprehend a fugitive from
12 justice, a facility director may disclose whether a person is
13 present at the facility. Upon request of a peace officer or
14 prosecuting authority who has a valid forcible felony warrant
15 issued, a facility director shall disclose: (1) whether the
16 person who is the subject of the warrant is present at the
17 facility and (2) the date of that person's discharge or future
18 discharge from the facility. The requesting peace officer or
19 prosecuting authority must furnish a case number and the
20 purpose of the investigation or an outstanding arrest warrant
21 at the time of the request. Any person, institution, or agency
22 participating in good faith in disclosing such information in
23 accordance with this subsection (d) is immune from any
24 liability, civil, criminal or otherwise, that might result by
25 reason of the action.

26 (Source: P.A. 95-564, eff. 6-1-08; 96-193, eff. 8-10-09.)

1 Section 80. The Uniform Disposition of Unclaimed Property
2 Act is amended by changing Section 1 as follows:

3 (765 ILCS 1025/1) (from Ch. 141, par. 101)

4 Sec. 1. As used in this Act, unless the context otherwise
5 requires:

6 (a) "Banking organization" means any bank, trust company,
7 savings bank, industrial bank, land bank, safe deposit company,
8 or a private banker.

9 (b) "Business association" means any corporation, joint
10 stock company, business trust, partnership, or any
11 association, limited liability company, or other business
12 entity consisting of one or more persons, whether or not for
13 profit.

14 (c) "Financial organization" means any savings and loan
15 association, building and loan association, credit union,
16 currency exchange, co-operative bank, mutual funds, or
17 investment company.

18 (d) "Holder" means any person in possession of property
19 subject to this Act belonging to another, or who is trustee in
20 case of a trust, or is indebted to another on an obligation
21 subject to this Act.

22 (e) "Life insurance corporation" means any association or
23 corporation transacting the business of insurance on the lives
24 of persons or insurance appertaining thereto, including, but

1 not by way of limitation, endowments and annuities.

2 (f) "Owner" means a depositor in case of a deposit, a
3 beneficiary in case of a trust, a creditor, claimant, or payee
4 in case of other property, or any person having a legal or
5 equitable interest in property subject to this Act, or his
6 legal representative.

7 (g) "Person" means any individual, business association,
8 financial organization, government or political subdivision or
9 agency, public authority, estate, trust, or any other legal or
10 commercial entity.

11 (h) "Utility" means any person who owns or operates, for
12 public use, any plant, equipment, property, franchise, or
13 license for the transmission of communications or the
14 production, storage, transmission, sale, delivery, or
15 furnishing of electricity, water, steam, oil or gas.

16 (i) (Blank).

17 (j) "Insurance company" means any person transacting the
18 kinds of business enumerated in Section 4 of the Illinois
19 Insurance Code other than life insurance.

20 (k) "Economic loss", as used in Sections 2a and 9 of this
21 Act includes, but is not limited to, delivery charges,
22 mark-downs and write-offs, carrying costs, restocking charges,
23 lay-aways, special orders, issuance of credit memos, and the
24 costs of special services or goods provided that reduce the
25 property value or that result in lost sales opportunity.

26 (l) "Reportable property" means property, tangible or

1 intangible, presumed abandoned under this Act that must be
2 appropriately and timely reported and remitted to the Office of
3 the State Treasurer under this Act. Interest, dividends, stock
4 splits, warrants, or other rights that become reportable
5 property under this Act include the underlying security or
6 commodity giving rise to the interest, dividend, split,
7 warrant, or other right to which the owner would be entitled.

8 (m) "Firearm" has the meaning ascribed to that term in
9 Section 2-7.5 of the Criminal Code of 1961 ~~the Firearm Owners~~
10 ~~Identification Card Act.~~

11 (Source: P.A. 90-167, eff. 7-23-97; 91-16, eff. 7-1-99; 91-748,
12 eff. 6-2-00.)

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 140/7.5

4 20 ILCS 2605/2605-45 was 20 ILCS 2605/55a-5

5 20 ILCS 2605/2605-120 rep.

6 50 ILCS 710/1 from Ch. 85, par. 515

7 105 ILCS 5/10-22.6 from Ch. 122, par. 10-22.6

8 105 ILCS 5/10-27.1A

9 105 ILCS 5/34-8.05

10 225 ILCS 447/35-35

11 410 ILCS 45/2 from Ch. 111 1/2, par. 1302

12 430 ILCS 65/Act rep.

13 520 ILCS 5/3.2 from Ch. 61, par. 3.2

14 720 ILCS 5/2-7.1

15 720 ILCS 5/2-7.5

16 720 ILCS 5/12-3.05 was 720 ILCS 5/12-4

17 720 ILCS 5/17-30 was 720 ILCS 5/16C-2

18 720 ILCS 5/24-1.1 from Ch. 38, par. 24-1.1

19 720 ILCS 5/24-1.6

20 720 ILCS 5/24-2

21 720 ILCS 5/24-3 from Ch. 38, par. 24-3

22 720 ILCS 5/24-3.2 from Ch. 38, par. 24-3.2

23 720 ILCS 5/24-3.4 from Ch. 38, par. 24-3.4

24 720 ILCS 5/24-3.5

25 720 ILCS 5/24-4.5 new

- 1 720 ILCS 5/24-9
- 2 720 ILCS 335/1 from Ch. 121 1/2, par. 157.13
- 3 720 ILCS 646/10
- 4 730 ILCS 5/5-5-3 from Ch. 38, par. 1005-5-3
- 5 730 ILCS 5/5-5-3.2
- 6 740 ILCS 21/80
- 7 740 ILCS 110/12 from Ch. 91 1/2, par. 812
- 8 765 ILCS 1025/1 from Ch. 141, par. 101