



Rep. Brad E. Halbrook

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LRB098 16479 RLC 58241 a

1 AMENDMENT TO HOUSE BILL 4860

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4860 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by  
5 changing Section 24-6 as follows:

6 (720 ILCS 5/24-6) (from Ch. 38, par. 24-6)

7 Sec. 24-6. Confiscation and disposition of weapons.

8 (a) Upon conviction of an offense in which a weapon was  
9 used or possessed by the offender, any weapon seized shall be  
10 confiscated by the trial court.

11 (b) Any stolen weapon so confiscated, when no longer needed  
12 for evidentiary purposes, shall be returned to the person  
13 entitled to possession, if known. After the disposition of a  
14 criminal case or in any criminal case where a final judgment in  
15 the case was not entered due to the death of the defendant, and  
16 when a confiscated weapon is no longer needed for evidentiary

1 purposes, and when in due course no legitimate claim has been  
2 made for the weapon, the court may transfer the weapon to the  
3 sheriff of the county who may proceed to destroy it, or may in  
4 its discretion order the weapon preserved as property of the  
5 governmental body whose police agency seized the weapon, or may  
6 in its discretion order the weapon to be transferred to the  
7 Department of State Police for use by the crime laboratory  
8 system, for training purposes, or for any other application as  
9 deemed appropriate by the Department. A weapon transferred to a  
10 law enforcement agency under this Section may be sold by the  
11 law enforcement agency at public auction under Section 3 of the  
12 Law Enforcement Disposition of Property Act. If, after the  
13 disposition of a criminal case, a need still exists for the use  
14 of the confiscated weapon for evidentiary purposes, the court  
15 may transfer the weapon to the custody of the State Department  
16 of Corrections for preservation. The court may not order the  
17 transfer of the weapon to any private individual or private  
18 organization other than to return a stolen weapon to its  
19 rightful owner.

20 The provisions of this Section shall not apply to  
21 violations of the Fish and Aquatic Life Code or the Wildlife  
22 Code. Confiscation of weapons for Fish and Aquatic Life Code  
23 and Wildlife Code violations shall be only as provided in those  
24 Codes.

25 (c) Any mental hospital that admits a person as an  
26 inpatient pursuant to any of the provisions of the Mental

1 Health and Developmental Disabilities Code shall confiscate  
2 any firearms in the possession of that person at the time of  
3 admission, or at any time the firearms are discovered in the  
4 person's possession during the course of hospitalization. The  
5 hospital shall, as soon as possible following confiscation,  
6 transfer custody of the firearms to the appropriate law  
7 enforcement agency. The hospital shall give written notice to  
8 the person from whom the firearm was confiscated of the  
9 identity and address of the law enforcement agency to which it  
10 has given the firearm.

11 The law enforcement agency shall maintain possession of any  
12 firearm it obtains pursuant to this subsection for a minimum of  
13 90 days. Thereafter, the firearm may be disposed of pursuant to  
14 the provisions of subsection (b) of this Section.

15 (Source: P.A. 91-696, eff. 4-13-00.)

16 Section 10. The Code of Criminal Procedure of 1963 is  
17 amended by changing Section 112A-14 as follows:

18 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

19 Sec. 112A-14. Order of protection; remedies.

20 (a) Issuance of order. If the court finds that petitioner  
21 has been abused by a family or household member, as defined in  
22 this Article, an order of protection prohibiting such abuse  
23 shall issue; provided that petitioner must also satisfy the  
24 requirements of one of the following Sections, as appropriate:

1 Section 112A-17 on emergency orders, Section 112A-18 on interim  
2 orders, or Section 112A-19 on plenary orders. Petitioner shall  
3 not be denied an order of protection because petitioner or  
4 respondent is a minor. The court, when determining whether or  
5 not to issue an order of protection, shall not require physical  
6 manifestations of abuse on the person of the victim.  
7 Modification and extension of prior orders of protection shall  
8 be in accordance with this Article.

9 (b) Remedies and standards. The remedies to be included in  
10 an order of protection shall be determined in accordance with  
11 this Section and one of the following Sections, as appropriate:  
12 Section 112A-17 on emergency orders, Section 112A-18 on interim  
13 orders, and Section 112A-19 on plenary orders. The remedies  
14 listed in this subsection shall be in addition to other civil  
15 or criminal remedies available to petitioner.

16 (1) Prohibition of abuse. Prohibit respondent's  
17 harassment, interference with personal liberty,  
18 intimidation of a dependent, physical abuse or willful  
19 deprivation, as defined in this Article, if such abuse has  
20 occurred or otherwise appears likely to occur if not  
21 prohibited.

22 (2) Grant of exclusive possession of residence.  
23 Prohibit respondent from entering or remaining in any  
24 residence, household, or premises of the petitioner,  
25 including one owned or leased by respondent, if petitioner  
26 has a right to occupancy thereof. The grant of exclusive

1 possession of the residence, household, or premises shall  
2 not affect title to real property, nor shall the court be  
3 limited by the standard set forth in Section 701 of the  
4 Illinois Marriage and Dissolution of Marriage Act.

5 (A) Right to occupancy. A party has a right to  
6 occupancy of a residence or household if it is solely  
7 or jointly owned or leased by that party, that party's  
8 spouse, a person with a legal duty to support that  
9 party or a minor child in that party's care, or by any  
10 person or entity other than the opposing party that  
11 authorizes that party's occupancy (e.g., a domestic  
12 violence shelter). Standards set forth in subparagraph  
13 (B) shall not preclude equitable relief.

14 (B) Presumption of hardships. If petitioner and  
15 respondent each has the right to occupancy of a  
16 residence or household, the court shall balance (i) the  
17 hardships to respondent and any minor child or  
18 dependent adult in respondent's care resulting from  
19 entry of this remedy with (ii) the hardships to  
20 petitioner and any minor child or dependent adult in  
21 petitioner's care resulting from continued exposure to  
22 the risk of abuse (should petitioner remain at the  
23 residence or household) or from loss of possession of  
24 the residence or household (should petitioner leave to  
25 avoid the risk of abuse). When determining the balance  
26 of hardships, the court shall also take into account

1 the accessibility of the residence or household.  
2 Hardships need not be balanced if respondent does not  
3 have a right to occupancy.

4 The balance of hardships is presumed to favor  
5 possession by petitioner unless the presumption is  
6 rebutted by a preponderance of the evidence, showing  
7 that the hardships to respondent substantially  
8 outweigh the hardships to petitioner and any minor  
9 child or dependent adult in petitioner's care. The  
10 court, on the request of petitioner or on its own  
11 motion, may order respondent to provide suitable,  
12 accessible, alternate housing for petitioner instead  
13 of excluding respondent from a mutual residence or  
14 household.

15 (3) Stay away order and additional prohibitions. Order  
16 respondent to stay away from petitioner or any other person  
17 protected by the order of protection, or prohibit  
18 respondent from entering or remaining present at  
19 petitioner's school, place of employment, or other  
20 specified places at times when petitioner is present, or  
21 both, if reasonable, given the balance of hardships.  
22 Hardships need not be balanced for the court to enter a  
23 stay away order or prohibit entry if respondent has no  
24 right to enter the premises.

25 If an order of protection grants petitioner exclusive  
26 possession of the residence, or prohibits respondent from

1 entering the residence, or orders respondent to stay away  
2 from petitioner or other protected persons, then the court  
3 may allow respondent access to the residence to remove  
4 items of clothing and personal adornment used exclusively  
5 by respondent, medications, and other items as the court  
6 directs. The right to access shall be exercised on only one  
7 occasion as the court directs and in the presence of an  
8 agreed-upon adult third party or law enforcement officer.

9 (4) Counseling. Require or recommend the respondent to  
10 undergo counseling for a specified duration with a social  
11 worker, psychologist, clinical psychologist, psychiatrist,  
12 family service agency, alcohol or substance abuse program,  
13 mental health center guidance counselor, agency providing  
14 services to elders, program designed for domestic violence  
15 abusers or any other guidance service the court deems  
16 appropriate. The court may order the respondent in any  
17 intimate partner relationship to report to an Illinois  
18 Department of Human Services protocol approved partner  
19 abuse intervention program for an assessment and to follow  
20 all recommended treatment.

21 (5) Physical care and possession of the minor child. In  
22 order to protect the minor child from abuse, neglect, or  
23 unwarranted separation from the person who has been the  
24 minor child's primary caretaker, or to otherwise protect  
25 the well-being of the minor child, the court may do either  
26 or both of the following: (i) grant petitioner physical

1 care or possession of the minor child, or both, or (ii)  
2 order respondent to return a minor child to, or not remove  
3 a minor child from, the physical care of a parent or person  
4 in loco parentis.

5 If a court finds, after a hearing, that respondent has  
6 committed abuse (as defined in Section 112A-3) of a minor  
7 child, there shall be a rebuttable presumption that  
8 awarding physical care to respondent would not be in the  
9 minor child's best interest.

10 (6) Temporary legal custody. Award temporary legal  
11 custody to petitioner in accordance with this Section, the  
12 Illinois Marriage and Dissolution of Marriage Act, the  
13 Illinois Parentage Act of 1984, and this State's Uniform  
14 Child-Custody Jurisdiction and Enforcement Act.

15 If a court finds, after a hearing, that respondent has  
16 committed abuse (as defined in Section 112A-3) of a minor  
17 child, there shall be a rebuttable presumption that  
18 awarding temporary legal custody to respondent would not be  
19 in the child's best interest.

20 (7) Visitation. Determine the visitation rights, if  
21 any, of respondent in any case in which the court awards  
22 physical care or temporary legal custody of a minor child  
23 to petitioner. The court shall restrict or deny  
24 respondent's visitation with a minor child if the court  
25 finds that respondent has done or is likely to do any of  
26 the following: (i) abuse or endanger the minor child during



1       visitation; (ii) use the visitation as an opportunity to  
2       abuse or harass petitioner or petitioner's family or  
3       household members; (iii) improperly conceal or detain the  
4       minor child; or (iv) otherwise act in a manner that is not  
5       in the best interests of the minor child. The court shall  
6       not be limited by the standards set forth in Section 607.1  
7       of the Illinois Marriage and Dissolution of Marriage Act.  
8       If the court grants visitation, the order shall specify  
9       dates and times for the visitation to take place or other  
10      specific parameters or conditions that are appropriate. No  
11      order for visitation shall refer merely to the term  
12      "reasonable visitation".

13       Petitioner may deny respondent access to the minor  
14      child if, when respondent arrives for visitation,  
15      respondent is under the influence of drugs or alcohol and  
16      constitutes a threat to the safety and well-being of  
17      petitioner or petitioner's minor children or is behaving in  
18      a violent or abusive manner.

19       If necessary to protect any member of petitioner's  
20      family or household from future abuse, respondent shall be  
21      prohibited from coming to petitioner's residence to meet  
22      the minor child for visitation, and the parties shall  
23      submit to the court their recommendations for reasonable  
24      alternative arrangements for visitation. A person may be  
25      approved to supervise visitation only after filing an  
26      affidavit accepting that responsibility and acknowledging

1           accountability to the court.

2           (8) Removal or concealment of minor child. Prohibit  
3           respondent from removing a minor child from the State or  
4           concealing the child within the State.

5           (9) Order to appear. Order the respondent to appear in  
6           court, alone or with a minor child, to prevent abuse,  
7           neglect, removal or concealment of the child, to return the  
8           child to the custody or care of the petitioner or to permit  
9           any court-ordered interview or examination of the child or  
10          the respondent.

11          (10) Possession of personal property. Grant petitioner  
12          exclusive possession of personal property and, if  
13          respondent has possession or control, direct respondent to  
14          promptly make it available to petitioner, if:

15               (i) petitioner, but not respondent, owns the  
16               property; or

17               (ii) the parties own the property jointly; sharing  
18               it would risk abuse of petitioner by respondent or is  
19               impracticable; and the balance of hardships favors  
20               temporary possession by petitioner.

21          If petitioner's sole claim to ownership of the property  
22          is that it is marital property, the court may award  
23          petitioner temporary possession thereof under the  
24          standards of subparagraph (ii) of this paragraph only if a  
25          proper proceeding has been filed under the Illinois  
26          Marriage and Dissolution of Marriage Act, as now or

1 hereafter amended.

2 No order under this provision shall affect title to  
3 property.

4 (11) Protection of property. Forbid the respondent  
5 from taking, transferring, encumbering, concealing,  
6 damaging or otherwise disposing of any real or personal  
7 property, except as explicitly authorized by the court, if:

8 (i) petitioner, but not respondent, owns the  
9 property; or

10 (ii) the parties own the property jointly, and the  
11 balance of hardships favors granting this remedy.

12 If petitioner's sole claim to ownership of the property  
13 is that it is marital property, the court may grant  
14 petitioner relief under subparagraph (ii) of this  
15 paragraph only if a proper proceeding has been filed under  
16 the Illinois Marriage and Dissolution of Marriage Act, as  
17 now or hereafter amended.

18 The court may further prohibit respondent from  
19 improperly using the financial or other resources of an  
20 aged member of the family or household for the profit or  
21 advantage of respondent or of any other person.

22 (11.5) Protection of animals. Grant the petitioner the  
23 exclusive care, custody, or control of any animal owned,  
24 possessed, leased, kept, or held by either the petitioner  
25 or the respondent or a minor child residing in the  
26 residence or household of either the petitioner or the

1           respondent and order the respondent to stay away from the  
2           animal and forbid the respondent from taking,  
3           transferring, encumbering, concealing, harming, or  
4           otherwise disposing of the animal.

5           (12) Order for payment of support. Order respondent to  
6           pay temporary support for the petitioner or any child in  
7           the petitioner's care or custody, when the respondent has a  
8           legal obligation to support that person, in accordance with  
9           the Illinois Marriage and Dissolution of Marriage Act,  
10          which shall govern, among other matters, the amount of  
11          support, payment through the clerk and withholding of  
12          income to secure payment. An order for child support may be  
13          granted to a petitioner with lawful physical care or  
14          custody of a child, or an order or agreement for physical  
15          care or custody, prior to entry of an order for legal  
16          custody. Such a support order shall expire upon entry of a  
17          valid order granting legal custody to another, unless  
18          otherwise provided in the custody order.

19          (13) Order for payment of losses. Order respondent to  
20          pay petitioner for losses suffered as a direct result of  
21          the abuse. Such losses shall include, but not be limited  
22          to, medical expenses, lost earnings or other support,  
23          repair or replacement of property damaged or taken,  
24          reasonable attorney's fees, court costs and moving or other  
25          travel expenses, including additional reasonable expenses  
26          for temporary shelter and restaurant meals.

1           (i) Losses affecting family needs. If a party is  
2 entitled to seek maintenance, child support or  
3 property distribution from the other party under the  
4 Illinois Marriage and Dissolution of Marriage Act, as  
5 now or hereafter amended, the court may order  
6 respondent to reimburse petitioner's actual losses, to  
7 the extent that such reimbursement would be  
8 "appropriate temporary relief", as authorized by  
9 subsection (a) (3) of Section 501 of that Act.

10           (ii) Recovery of expenses. In the case of an  
11 improper concealment or removal of a minor child, the  
12 court may order respondent to pay the reasonable  
13 expenses incurred or to be incurred in the search for  
14 and recovery of the minor child, including but not  
15 limited to legal fees, court costs, private  
16 investigator fees, and travel costs.

17           (14) Prohibition of entry. Prohibit the respondent  
18 from entering or remaining in the residence or household  
19 while the respondent is under the influence of alcohol or  
20 drugs and constitutes a threat to the safety and well-being  
21 of the petitioner or the petitioner's children.

22           (14.5) Prohibition of firearm possession.

23           (A) A person who is subject to an existing order of  
24 protection, interim order of protection, emergency  
25 order of protection, or plenary order of protection,  
26 issued under this Code may not lawfully possess weapons

1 under Section 8.2 of the Firearm Owners Identification  
2 Card Act.

3 (B) Any firearms in the possession of the  
4 respondent, except as provided in subparagraph (C) of  
5 this paragraph (14.5), shall be ordered by the court to  
6 be turned over to a person with a valid Firearm Owner's  
7 Identification Card for safekeeping. The court shall  
8 issue an order that the respondent's Firearm Owner's  
9 Identification Card be turned over to the local law  
10 enforcement agency, which in turn shall immediately  
11 mail the card to the Department of State Police Firearm  
12 Owner's Identification Card Office for safekeeping.  
13 The period of safekeeping shall be for the duration of  
14 the order of protection. The firearm or firearms and  
15 Firearm Owner's Identification Card, if unexpired,  
16 shall at the respondent's request be returned to the  
17 respondent at expiration of the order of protection.

18 (C) If the respondent is a peace officer as defined  
19 in Section 2-13 of the Criminal Code of 2012, the court  
20 shall order that any firearms used by the respondent in  
21 the performance of his or her duties as a peace officer  
22 be surrendered to the chief law enforcement executive  
23 of the agency in which the respondent is employed, who  
24 shall retain the firearms for safekeeping for the  
25 duration of the order of protection.

26 (D) Upon expiration of the period of safekeeping,

1 if the firearms or Firearm Owner's Identification Card  
2 cannot be returned to respondent because respondent  
3 cannot be located, fails to respond to requests to  
4 retrieve the firearms, or is not lawfully eligible to  
5 possess a firearm, upon petition from the local law  
6 enforcement agency, the court may order the local law  
7 enforcement agency to destroy the firearms, use the  
8 firearms for training purposes, or for any other  
9 application as deemed appropriate by the local law  
10 enforcement agency, including a sale at public auction  
11 under the provisions of the Law Enforcement  
12 Disposition of Property Act; or that the firearms be  
13 turned over to a third party who is lawfully eligible  
14 to possess firearms, and who does not reside with  
15 respondent.

16 (15) Prohibition of access to records. If an order of  
17 protection prohibits respondent from having contact with  
18 the minor child, or if petitioner's address is omitted  
19 under subsection (b) of Section 112A-5, or if necessary to  
20 prevent abuse or wrongful removal or concealment of a minor  
21 child, the order shall deny respondent access to, and  
22 prohibit respondent from inspecting, obtaining, or  
23 attempting to inspect or obtain, school or any other  
24 records of the minor child who is in the care of  
25 petitioner.

26 (16) Order for payment of shelter services. Order

1           respondent to reimburse a shelter providing temporary  
2           housing and counseling services to the petitioner for the  
3           cost of the services, as certified by the shelter and  
4           deemed reasonable by the court.

5           (17) Order for injunctive relief. Enter injunctive  
6           relief necessary or appropriate to prevent further abuse of  
7           a family or household member or to effectuate one of the  
8           granted remedies, if supported by the balance of hardships.  
9           If the harm to be prevented by the injunction is abuse or  
10          any other harm that one of the remedies listed in  
11          paragraphs (1) through (16) of this subsection is designed  
12          to prevent, no further evidence is necessary to establish  
13          that the harm is an irreparable injury.

14          (c) Relevant factors; findings.

15          (1) In determining whether to grant a specific remedy,  
16          other than payment of support, the court shall consider  
17          relevant factors, including but not limited to the  
18          following:

19                  (i) the nature, frequency, severity, pattern and  
20                  consequences of the respondent's past abuse of the  
21                  petitioner or any family or household member,  
22                  including the concealment of his or her location in  
23                  order to evade service of process or notice, and the  
24                  likelihood of danger of future abuse to petitioner or  
25                  any member of petitioner's or respondent's family or  
26                  household; and



1           (ii) the danger that any minor child will be abused  
2           or neglected or improperly removed from the  
3           jurisdiction, improperly concealed within the State or  
4           improperly separated from the child's primary  
5           caretaker.

6           (2) In comparing relative hardships resulting to the  
7           parties from loss of possession of the family home, the  
8           court shall consider relevant factors, including but not  
9           limited to the following:

10           (i) availability, accessibility, cost, safety,  
11           adequacy, location and other characteristics of  
12           alternate housing for each party and any minor child or  
13           dependent adult in the party's care;

14           (ii) the effect on the party's employment; and

15           (iii) the effect on the relationship of the party,  
16           and any minor child or dependent adult in the party's  
17           care, to family, school, church and community.

18           (3) Subject to the exceptions set forth in paragraph  
19           (4) of this subsection, the court shall make its findings  
20           in an official record or in writing, and shall at a minimum  
21           set forth the following:

22           (i) That the court has considered the applicable  
23           relevant factors described in paragraphs (1) and (2) of  
24           this subsection.

25           (ii) Whether the conduct or actions of respondent,  
26           unless prohibited, will likely cause irreparable harm

1 or continued abuse.

2 (iii) Whether it is necessary to grant the  
3 requested relief in order to protect petitioner or  
4 other alleged abused persons.

5 (4) For purposes of issuing an ex parte emergency order  
6 of protection, the court, as an alternative to or as a  
7 supplement to making the findings described in paragraphs  
8 (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
9 the following procedure:

10 When a verified petition for an emergency order of  
11 protection in accordance with the requirements of Sections  
12 112A-5 and 112A-17 is presented to the court, the court  
13 shall examine petitioner on oath or affirmation. An  
14 emergency order of protection shall be issued by the court  
15 if it appears from the contents of the petition and the  
16 examination of petitioner that the averments are  
17 sufficient to indicate abuse by respondent and to support  
18 the granting of relief under the issuance of the emergency  
19 order of protection.

20 (5) Never married parties. No rights or  
21 responsibilities for a minor child born outside of marriage  
22 attach to a putative father until a father and child  
23 relationship has been established under the Illinois  
24 Parentage Act of 1984. Absent such an adjudication, no  
25 putative father shall be granted temporary custody of the  
26 minor child, visitation with the minor child, or physical

1 care and possession of the minor child, nor shall an order  
2 of payment for support of the minor child be entered.

3 (d) Balance of hardships; findings. If the court finds that  
4 the balance of hardships does not support the granting of a  
5 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
6 subsection (b) of this Section, which may require such  
7 balancing, the court's findings shall so indicate and shall  
8 include a finding as to whether granting the remedy will result  
9 in hardship to respondent that would substantially outweigh the  
10 hardship to petitioner from denial of the remedy. The findings  
11 shall be an official record or in writing.

12 (e) Denial of remedies. Denial of any remedy shall not be  
13 based, in whole or in part, on evidence that:

14 (1) Respondent has cause for any use of force, unless  
15 that cause satisfies the standards for justifiable use of  
16 force provided by Article 7 of the Criminal Code of 2012;

17 (2) Respondent was voluntarily intoxicated;

18 (3) Petitioner acted in self-defense or defense of  
19 another, provided that, if petitioner utilized force, such  
20 force was justifiable under Article 7 of the Criminal Code  
21 of 2012;

22 (4) Petitioner did not act in self-defense or defense  
23 of another;

24 (5) Petitioner left the residence or household to avoid  
25 further abuse by respondent;

26 (6) Petitioner did not leave the residence or household

1 to avoid further abuse by respondent;

2 (7) Conduct by any family or household member excused  
3 the abuse by respondent, unless that same conduct would  
4 have excused such abuse if the parties had not been family  
5 or household members.

6 (Source: P.A. 97-158, eff. 1-1-12; 97-1131, eff. 1-1-13;  
7 97-1150, eff. 1-25-13; 98-63, eff. 7-9-13.)

8 Section 15. The Illinois Domestic Violence Act of 1986 is  
9 amended by changing Section 214 as follows:

10 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

11 Sec. 214. Order of protection; remedies.

12 (a) Issuance of order. If the court finds that petitioner  
13 has been abused by a family or household member or that  
14 petitioner is a high-risk adult who has been abused, neglected,  
15 or exploited, as defined in this Act, an order of protection  
16 prohibiting the abuse, neglect, or exploitation shall issue;  
17 provided that petitioner must also satisfy the requirements of  
18 one of the following Sections, as appropriate: Section 217 on  
19 emergency orders, Section 218 on interim orders, or Section 219  
20 on plenary orders. Petitioner shall not be denied an order of  
21 protection because petitioner or respondent is a minor. The  
22 court, when determining whether or not to issue an order of  
23 protection, shall not require physical manifestations of abuse  
24 on the person of the victim. Modification and extension of

1 prior orders of protection shall be in accordance with this  
2 Act.

3 (b) Remedies and standards. The remedies to be included in  
4 an order of protection shall be determined in accordance with  
5 this Section and one of the following Sections, as appropriate:  
6 Section 217 on emergency orders, Section 218 on interim orders,  
7 and Section 219 on plenary orders. The remedies listed in this  
8 subsection shall be in addition to other civil or criminal  
9 remedies available to petitioner.

10 (1) Prohibition of abuse, neglect, or exploitation.  
11 Prohibit respondent's harassment, interference with  
12 personal liberty, intimidation of a dependent, physical  
13 abuse, or willful deprivation, neglect or exploitation, as  
14 defined in this Act, or stalking of the petitioner, as  
15 defined in Section 12-7.3 of the Criminal Code of 2012, if  
16 such abuse, neglect, exploitation, or stalking has  
17 occurred or otherwise appears likely to occur if not  
18 prohibited.

19 (2) Grant of exclusive possession of residence.  
20 Prohibit respondent from entering or remaining in any  
21 residence, household, or premises of the petitioner,  
22 including one owned or leased by respondent, if petitioner  
23 has a right to occupancy thereof. The grant of exclusive  
24 possession of the residence, household, or premises shall  
25 not affect title to real property, nor shall the court be  
26 limited by the standard set forth in Section 701 of the

1 Illinois Marriage and Dissolution of Marriage Act.

2 (A) Right to occupancy. A party has a right to  
3 occupancy of a residence or household if it is solely  
4 or jointly owned or leased by that party, that party's  
5 spouse, a person with a legal duty to support that  
6 party or a minor child in that party's care, or by any  
7 person or entity other than the opposing party that  
8 authorizes that party's occupancy (e.g., a domestic  
9 violence shelter). Standards set forth in subparagraph  
10 (B) shall not preclude equitable relief.

11 (B) Presumption of hardships. If petitioner and  
12 respondent each has the right to occupancy of a  
13 residence or household, the court shall balance (i) the  
14 hardships to respondent and any minor child or  
15 dependent adult in respondent's care resulting from  
16 entry of this remedy with (ii) the hardships to  
17 petitioner and any minor child or dependent adult in  
18 petitioner's care resulting from continued exposure to  
19 the risk of abuse (should petitioner remain at the  
20 residence or household) or from loss of possession of  
21 the residence or household (should petitioner leave to  
22 avoid the risk of abuse). When determining the balance  
23 of hardships, the court shall also take into account  
24 the accessibility of the residence or household.  
25 Hardships need not be balanced if respondent does not  
26 have a right to occupancy.

1           The balance of hardships is presumed to favor  
2           possession by petitioner unless the presumption is  
3           rebutted by a preponderance of the evidence, showing  
4           that the hardships to respondent substantially  
5           outweigh the hardships to petitioner and any minor  
6           child or dependent adult in petitioner's care. The  
7           court, on the request of petitioner or on its own  
8           motion, may order respondent to provide suitable,  
9           accessible, alternate housing for petitioner instead  
10          of excluding respondent from a mutual residence or  
11          household.

12          (3) Stay away order and additional prohibitions. Order  
13          respondent to stay away from petitioner or any other person  
14          protected by the order of protection, or prohibit  
15          respondent from entering or remaining present at  
16          petitioner's school, place of employment, or other  
17          specified places at times when petitioner is present, or  
18          both, if reasonable, given the balance of hardships.  
19          Hardships need not be balanced for the court to enter a  
20          stay away order or prohibit entry if respondent has no  
21          right to enter the premises.

22          (A) If an order of protection grants petitioner  
23          exclusive possession of the residence, or prohibits  
24          respondent from entering the residence, or orders  
25          respondent to stay away from petitioner or other  
26          protected persons, then the court may allow respondent

1 access to the residence to remove items of clothing and  
2 personal adornment used exclusively by respondent,  
3 medications, and other items as the court directs. The  
4 right to access shall be exercised on only one occasion  
5 as the court directs and in the presence of an  
6 agreed-upon adult third party or law enforcement  
7 officer.

8 (B) When the petitioner and the respondent attend  
9 the same public, private, or non-public elementary,  
10 middle, or high school, the court when issuing an order  
11 of protection and providing relief shall consider the  
12 severity of the act, any continuing physical danger or  
13 emotional distress to the petitioner, the educational  
14 rights guaranteed to the petitioner and respondent  
15 under federal and State law, the availability of a  
16 transfer of the respondent to another school, a change  
17 of placement or a change of program of the respondent,  
18 the expense, difficulty, and educational disruption  
19 that would be caused by a transfer of the respondent to  
20 another school, and any other relevant facts of the  
21 case. The court may order that the respondent not  
22 attend the public, private, or non-public elementary,  
23 middle, or high school attended by the petitioner,  
24 order that the respondent accept a change of placement  
25 or change of program, as determined by the school  
26 district or private or non-public school, or place



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

1 minor respondent to another attendance center, a  
2 change in the respondent's placement, or a change of  
3 the respondent's program, the parents, guardian, or  
4 legal custodian of the respondent is responsible for  
5 transportation and other costs associated with the  
6 transfer or change.

7 (C) The court may order the parents, guardian, or  
8 legal custodian of a minor respondent to take certain  
9 actions or to refrain from taking certain actions to  
10 ensure that the respondent complies with the order. In  
11 the event the court orders a transfer of the respondent  
12 to another school, the parents, guardian, or legal  
13 custodian of the respondent is responsible for  
14 transportation and other costs associated with the  
15 change of school by the respondent.

16 (4) Counseling. Require or recommend the respondent to  
17 undergo counseling for a specified duration with a social  
18 worker, psychologist, clinical psychologist, psychiatrist,  
19 family service agency, alcohol or substance abuse program,  
20 mental health center guidance counselor, agency providing  
21 services to elders, program designed for domestic violence  
22 abusers or any other guidance service the court deems  
23 appropriate. The Court may order the respondent in any  
24 intimate partner relationship to report to an Illinois  
25 Department of Human Services protocol approved partner  
26 abuse intervention program for an assessment and to follow

1 all recommended treatment.

2 (5) Physical care and possession of the minor child. In  
3 order to protect the minor child from abuse, neglect, or  
4 unwarranted separation from the person who has been the  
5 minor child's primary caretaker, or to otherwise protect  
6 the well-being of the minor child, the court may do either  
7 or both of the following: (i) grant petitioner physical  
8 care or possession of the minor child, or both, or (ii)  
9 order respondent to return a minor child to, or not remove  
10 a minor child from, the physical care of a parent or person  
11 in loco parentis.

12 If a court finds, after a hearing, that respondent has  
13 committed abuse (as defined in Section 103) of a minor  
14 child, there shall be a rebuttable presumption that  
15 awarding physical care to respondent would not be in the  
16 minor child's best interest.

17 (6) Temporary legal custody. Award temporary legal  
18 custody to petitioner in accordance with this Section, the  
19 Illinois Marriage and Dissolution of Marriage Act, the  
20 Illinois Parentage Act of 1984, and this State's Uniform  
21 Child-Custody Jurisdiction and Enforcement Act.

22 If a court finds, after a hearing, that respondent has  
23 committed abuse (as defined in Section 103) of a minor  
24 child, there shall be a rebuttable presumption that  
25 awarding temporary legal custody to respondent would not be  
26 in the child's best interest.

1           (7) Visitation. Determine the visitation rights, if  
2 any, of respondent in any case in which the court awards  
3 physical care or temporary legal custody of a minor child  
4 to petitioner. The court shall restrict or deny  
5 respondent's visitation with a minor child if the court  
6 finds that respondent has done or is likely to do any of  
7 the following: (i) abuse or endanger the minor child during  
8 visitation; (ii) use the visitation as an opportunity to  
9 abuse or harass petitioner or petitioner's family or  
10 household members; (iii) improperly conceal or detain the  
11 minor child; or (iv) otherwise act in a manner that is not  
12 in the best interests of the minor child. The court shall  
13 not be limited by the standards set forth in Section 607.1  
14 of the Illinois Marriage and Dissolution of Marriage Act.  
15 If the court grants visitation, the order shall specify  
16 dates and times for the visitation to take place or other  
17 specific parameters or conditions that are appropriate. No  
18 order for visitation shall refer merely to the term  
19 "reasonable visitation".

20           Petitioner may deny respondent access to the minor  
21 child if, when respondent arrives for visitation,  
22 respondent is under the influence of drugs or alcohol and  
23 constitutes a threat to the safety and well-being of  
24 petitioner or petitioner's minor children or is behaving in  
25 a violent or abusive manner.

26           If necessary to protect any member of petitioner's

1 family or household from future abuse, respondent shall be  
2 prohibited from coming to petitioner's residence to meet  
3 the minor child for visitation, and the parties shall  
4 submit to the court their recommendations for reasonable  
5 alternative arrangements for visitation. A person may be  
6 approved to supervise visitation only after filing an  
7 affidavit accepting that responsibility and acknowledging  
8 accountability to the court.

9 (8) Removal or concealment of minor child. Prohibit  
10 respondent from removing a minor child from the State or  
11 concealing the child within the State.

12 (9) Order to appear. Order the respondent to appear in  
13 court, alone or with a minor child, to prevent abuse,  
14 neglect, removal or concealment of the child, to return the  
15 child to the custody or care of the petitioner or to permit  
16 any court-ordered interview or examination of the child or  
17 the respondent.

18 (10) Possession of personal property. Grant petitioner  
19 exclusive possession of personal property and, if  
20 respondent has possession or control, direct respondent to  
21 promptly make it available to petitioner, if:

22 (i) petitioner, but not respondent, owns the  
23 property; or

24 (ii) the parties own the property jointly; sharing  
25 it would risk abuse of petitioner by respondent or is  
26 impracticable; and the balance of hardships favors

1           temporary possession by petitioner.

2           If petitioner's sole claim to ownership of the property  
3 is that it is marital property, the court may award  
4 petitioner temporary possession thereof under the  
5 standards of subparagraph (ii) of this paragraph only if a  
6 proper proceeding has been filed under the Illinois  
7 Marriage and Dissolution of Marriage Act, as now or  
8 hereafter amended.

9           No order under this provision shall affect title to  
10 property.

11           (11) Protection of property. Forbid the respondent  
12 from taking, transferring, encumbering, concealing,  
13 damaging or otherwise disposing of any real or personal  
14 property, except as explicitly authorized by the court, if:

15                   (i) petitioner, but not respondent, owns the  
16 property; or

17                   (ii) the parties own the property jointly, and the  
18 balance of hardships favors granting this remedy.

19           If petitioner's sole claim to ownership of the property  
20 is that it is marital property, the court may grant  
21 petitioner relief under subparagraph (ii) of this  
22 paragraph only if a proper proceeding has been filed under  
23 the Illinois Marriage and Dissolution of Marriage Act, as  
24 now or hereafter amended.

25           The court may further prohibit respondent from  
26 improperly using the financial or other resources of an

1 aged member of the family or household for the profit or  
2 advantage of respondent or of any other person.

3 (11.5) Protection of animals. Grant the petitioner the  
4 exclusive care, custody, or control of any animal owned,  
5 possessed, leased, kept, or held by either the petitioner  
6 or the respondent or a minor child residing in the  
7 residence or household of either the petitioner or the  
8 respondent and order the respondent to stay away from the  
9 animal and forbid the respondent from taking,  
10 transferring, encumbering, concealing, harming, or  
11 otherwise disposing of the animal.

12 (12) Order for payment of support. Order respondent to  
13 pay temporary support for the petitioner or any child in  
14 the petitioner's care or custody, when the respondent has a  
15 legal obligation to support that person, in accordance with  
16 the Illinois Marriage and Dissolution of Marriage Act,  
17 which shall govern, among other matters, the amount of  
18 support, payment through the clerk and withholding of  
19 income to secure payment. An order for child support may be  
20 granted to a petitioner with lawful physical care or  
21 custody of a child, or an order or agreement for physical  
22 care or custody, prior to entry of an order for legal  
23 custody. Such a support order shall expire upon entry of a  
24 valid order granting legal custody to another, unless  
25 otherwise provided in the custody order.

26 (13) Order for payment of losses. Order respondent to

1 pay petitioner for losses suffered as a direct result of  
2 the abuse, neglect, or exploitation. Such losses shall  
3 include, but not be limited to, medical expenses, lost  
4 earnings or other support, repair or replacement of  
5 property damaged or taken, reasonable attorney's fees,  
6 court costs and moving or other travel expenses, including  
7 additional reasonable expenses for temporary shelter and  
8 restaurant meals.

9 (i) Losses affecting family needs. If a party is  
10 entitled to seek maintenance, child support or  
11 property distribution from the other party under the  
12 Illinois Marriage and Dissolution of Marriage Act, as  
13 now or hereafter amended, the court may order  
14 respondent to reimburse petitioner's actual losses, to  
15 the extent that such reimbursement would be  
16 "appropriate temporary relief", as authorized by  
17 subsection (a) (3) of Section 501 of that Act.

18 (ii) Recovery of expenses. In the case of an  
19 improper concealment or removal of a minor child, the  
20 court may order respondent to pay the reasonable  
21 expenses incurred or to be incurred in the search for  
22 and recovery of the minor child, including but not  
23 limited to legal fees, court costs, private  
24 investigator fees, and travel costs.

25 (14) Prohibition of entry. Prohibit the respondent  
26 from entering or remaining in the residence or household



1 while the respondent is under the influence of alcohol or  
2 drugs and constitutes a threat to the safety and well-being  
3 of the petitioner or the petitioner's children.

4 (14.5) Prohibition of firearm possession.

5 (a) Prohibit a respondent against whom an order of  
6 protection was issued from possessing any firearms  
7 during the duration of the order if the order:

8 (1) was issued after a hearing of which such  
9 person received actual notice, and at which such  
10 person had an opportunity to participate;

11 (2) restrains such person from harassing,  
12 stalking, or threatening an intimate partner of  
13 such person or child of such intimate partner or  
14 person, or engaging in other conduct that would  
15 place an intimate partner in reasonable fear of  
16 bodily injury to the partner or child; and

17 (3) (i) includes a finding that such person  
18 represents a credible threat to the physical  
19 safety of such intimate partner or child; or (ii)  
20 by its terms explicitly prohibits the use,  
21 attempted use, or threatened use of physical force  
22 against such intimate partner or child that would  
23 reasonably be expected to cause bodily injury.

24 Any Firearm Owner's Identification Card in the  
25 possession of the respondent, except as provided in  
26 subsection (b), shall be ordered by the court to be

1           turned over to the local law enforcement agency. The  
2           local law enforcement agency shall immediately mail  
3           the card to the Department of State Police Firearm  
4           Owner's Identification Card Office for safekeeping.  
5           The court shall issue a warrant for seizure of any  
6           firearm in the possession of the respondent, to be kept  
7           by the local law enforcement agency for safekeeping,  
8           except as provided in subsection (b). The period of  
9           safekeeping shall be for the duration of the order of  
10          protection. The firearm or firearms and Firearm  
11          Owner's Identification Card, if unexpired, shall at  
12          the respondent's request, be returned to the  
13          respondent at the end of the order of protection. It is  
14          the respondent's responsibility to notify the  
15          Department of State Police Firearm Owner's  
16          Identification Card Office.

17                 (b) If the respondent is a peace officer as defined  
18                 in Section 2-13 of the Criminal Code of 2012, the court  
19                 shall order that any firearms used by the respondent in  
20                 the performance of his or her duties as a peace officer  
21                 be surrendered to the chief law enforcement executive  
22                 of the agency in which the respondent is employed, who  
23                 shall retain the firearms for safekeeping for the  
24                 duration of the order of protection.

25                 (c) Upon expiration of the period of safekeeping,  
26                 if the firearms or Firearm Owner's Identification Card

1 cannot be returned to respondent because respondent  
2 cannot be located, fails to respond to requests to  
3 retrieve the firearms, or is not lawfully eligible to  
4 possess a firearm, upon petition from the local law  
5 enforcement agency, the court may order the local law  
6 enforcement agency to destroy the firearms, use the  
7 firearms for training purposes, or for any other  
8 application as deemed appropriate by the local law  
9 enforcement agency, including a sale at public auction  
10 under the provisions of the Law Enforcement  
11 Disposition of Property Act; or that the firearms be  
12 turned over to a third party who is lawfully eligible  
13 to possess firearms, and who does not reside with  
14 respondent.

15 (15) Prohibition of access to records. If an order of  
16 protection prohibits respondent from having contact with  
17 the minor child, or if petitioner's address is omitted  
18 under subsection (b) of Section 203, or if necessary to  
19 prevent abuse or wrongful removal or concealment of a minor  
20 child, the order shall deny respondent access to, and  
21 prohibit respondent from inspecting, obtaining, or  
22 attempting to inspect or obtain, school or any other  
23 records of the minor child who is in the care of  
24 petitioner.

25 (16) Order for payment of shelter services. Order  
26 respondent to reimburse a shelter providing temporary

1 housing and counseling services to the petitioner for the  
2 cost of the services, as certified by the shelter and  
3 deemed reasonable by the court.

4 (17) Order for injunctive relief. Enter injunctive  
5 relief necessary or appropriate to prevent further abuse of  
6 a family or household member or further abuse, neglect, or  
7 exploitation of a high-risk adult with disabilities or to  
8 effectuate one of the granted remedies, if supported by the  
9 balance of hardships. If the harm to be prevented by the  
10 injunction is abuse or any other harm that one of the  
11 remedies listed in paragraphs (1) through (16) of this  
12 subsection is designed to prevent, no further evidence is  
13 necessary that the harm is an irreparable injury.

14 (c) Relevant factors; findings.

15 (1) In determining whether to grant a specific remedy,  
16 other than payment of support, the court shall consider  
17 relevant factors, including but not limited to the  
18 following:

19 (i) the nature, frequency, severity, pattern and  
20 consequences of the respondent's past abuse, neglect  
21 or exploitation of the petitioner or any family or  
22 household member, including the concealment of his or  
23 her location in order to evade service of process or  
24 notice, and the likelihood of danger of future abuse,  
25 neglect, or exploitation to petitioner or any member of  
26 petitioner's or respondent's family or household; and

1           (ii) the danger that any minor child will be abused  
2           or neglected or improperly removed from the  
3           jurisdiction, improperly concealed within the State or  
4           improperly separated from the child's primary  
5           caretaker.

6           (2) In comparing relative hardships resulting to the  
7           parties from loss of possession of the family home, the  
8           court shall consider relevant factors, including but not  
9           limited to the following:

10           (i) availability, accessibility, cost, safety,  
11           adequacy, location and other characteristics of  
12           alternate housing for each party and any minor child or  
13           dependent adult in the party's care;

14           (ii) the effect on the party's employment; and

15           (iii) the effect on the relationship of the party,  
16           and any minor child or dependent adult in the party's  
17           care, to family, school, church and community.

18           (3) Subject to the exceptions set forth in paragraph  
19           (4) of this subsection, the court shall make its findings  
20           in an official record or in writing, and shall at a minimum  
21           set forth the following:

22           (i) That the court has considered the applicable  
23           relevant factors described in paragraphs (1) and (2) of  
24           this subsection.

25           (ii) Whether the conduct or actions of respondent,  
26           unless prohibited, will likely cause irreparable harm

1 or continued abuse.

2 (iii) Whether it is necessary to grant the  
3 requested relief in order to protect petitioner or  
4 other alleged abused persons.

5 (4) For purposes of issuing an ex parte emergency order  
6 of protection, the court, as an alternative to or as a  
7 supplement to making the findings described in paragraphs  
8 (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
9 the following procedure:

10 When a verified petition for an emergency order of  
11 protection in accordance with the requirements of Sections  
12 203 and 217 is presented to the court, the court shall  
13 examine petitioner on oath or affirmation. An emergency  
14 order of protection shall be issued by the court if it  
15 appears from the contents of the petition and the  
16 examination of petitioner that the averments are  
17 sufficient to indicate abuse by respondent and to support  
18 the granting of relief under the issuance of the emergency  
19 order of protection.

20 (5) Never married parties. No rights or  
21 responsibilities for a minor child born outside of marriage  
22 attach to a putative father until a father and child  
23 relationship has been established under the Illinois  
24 Parentage Act of 1984, the Illinois Public Aid Code,  
25 Section 12 of the Vital Records Act, the Juvenile Court Act  
26 of 1987, the Probate Act of 1985, the Revised Uniform

1 Reciprocal Enforcement of Support Act, the Uniform  
2 Interstate Family Support Act, the Expedited Child Support  
3 Act of 1990, any judicial, administrative, or other act of  
4 another state or territory, any other Illinois statute, or  
5 by any foreign nation establishing the father and child  
6 relationship, any other proceeding substantially in  
7 conformity with the Personal Responsibility and Work  
8 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),  
9 or where both parties appeared in open court or at an  
10 administrative hearing acknowledging under oath or  
11 admitting by affirmation the existence of a father and  
12 child relationship. Absent such an adjudication, finding,  
13 or acknowledgement, no putative father shall be granted  
14 temporary custody of the minor child, visitation with the  
15 minor child, or physical care and possession of the minor  
16 child, nor shall an order of payment for support of the  
17 minor child be entered.

18 (d) Balance of hardships; findings. If the court finds that  
19 the balance of hardships does not support the granting of a  
20 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
21 subsection (b) of this Section, which may require such  
22 balancing, the court's findings shall so indicate and shall  
23 include a finding as to whether granting the remedy will result  
24 in hardship to respondent that would substantially outweigh the  
25 hardship to petitioner from denial of the remedy. The findings  
26 shall be an official record or in writing.

1 (e) Denial of remedies. Denial of any remedy shall not be  
2 based, in whole or in part, on evidence that:

3 (1) Respondent has cause for any use of force, unless  
4 that cause satisfies the standards for justifiable use of  
5 force provided by Article 7 of the Criminal Code of 2012;

6 (2) Respondent was voluntarily intoxicated;

7 (3) Petitioner acted in self-defense or defense of  
8 another, provided that, if petitioner utilized force, such  
9 force was justifiable under Article 7 of the Criminal Code  
10 of 2012;

11 (4) Petitioner did not act in self-defense or defense  
12 of another;

13 (5) Petitioner left the residence or household to avoid  
14 further abuse, neglect, or exploitation by respondent;

15 (6) Petitioner did not leave the residence or household  
16 to avoid further abuse, neglect, or exploitation by  
17 respondent;

18 (7) Conduct by any family or household member excused  
19 the abuse, neglect, or exploitation by respondent, unless  
20 that same conduct would have excused such abuse, neglect,  
21 or exploitation if the parties had not been family or  
22 household members.

23 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;  
24 97-158, eff. 1-1-12; 97-294, eff. 1-1-12; 97-813, eff. 7-13-12;  
25 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)



1           Section 20. The Law Enforcement Disposition of Property Act  
2 is amended by changing Section 2 as follows:

3           (765 ILCS 1030/2) (from Ch. 141, par. 142)

4           Sec. 2. (a) Such property believed to be abandoned, lost or  
5 stolen or otherwise illegally possessed shall be retained in  
6 custody by the sheriff, chief of police or other principal  
7 official of the law enforcement agency, which shall make  
8 reasonable inquiry and efforts to identify and notify the owner  
9 or other person entitled to possession thereof, and shall  
10 return the property after such person provides reasonable and  
11 satisfactory proof of his ownership or right to possession and  
12 reimburses the agency for all reasonable expenses of such  
13 custody.

14           (b) Weapons that have been confiscated as a result of  
15 having been abandoned or illegally possessed may be sold at  
16 public auction under Section 3 of this Act; or transferred to  
17 the Department of State Police for use by the crime laboratory  
18 system, for training purposes, or for any other application as  
19 deemed appropriate by the Department, if no legitimate claim is  
20 made for the confiscated weapon within 6 months of the date of  
21 confiscation, or within 6 months of final court disposition if  
22 such confiscated weapon was used for evidentiary purposes.

23           (Source: P.A. 85-632.)".