

1 AN ACT concerning regulation.

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

4 Section 1. Short title. This Act may be cited as the
5 Firearm Concealed Carry Act.

6 Section 5. Definitions. As used in this Act:

7 "Applicant" means a person who is applying for a license to
8 carry a concealed firearm under this Act.

9 "Board" means the Concealed Carry Licensing Review Board.

10 "Concealed firearm" means a loaded or unloaded handgun
11 carried on or about a person completely or mostly concealed
12 from view of the public or on or about a person within a
13 vehicle.

14 "Department" means the Department of State Police.

15 "Director" means the Director of State Police.

16 "Handgun" means any device which is designed to expel a
17 projectile or projectiles by the action of an explosion,
18 expansion of gas, or escape of gas that is designed to be held
19 and fired by the use of a single hand. "Handgun" does not
20 include:

21 (1) a stun gun or taser;

22 (2) a machine gun as defined in item (i) of paragraph

23 (7) of subsection (a) of Section 24-1 of the Criminal Code

1 of 2012;

2 (3) a short-barreled rifle or shotgun as defined in
3 item (ii) of paragraph (7) of subsection (a) of Section
4 24-1 of the Criminal Code of 2012; or

5 (4) any pneumatic gun, spring gun, paint ball gun, or
6 B-B gun which expels a single globular projectile not
7 exceeding .18 inch in diameter, or which has a maximum
8 muzzle velocity of less than 700 feet per second, or which
9 expels breakable paint balls containing washable marking
10 colors.

11 "Law enforcement agency" means any federal, State, or local
12 law enforcement agency, including offices of State's Attorneys
13 and the Office of the Attorney General.

14 "License" means a license issued by the Department of State
15 Police to carry a concealed handgun.

16 "Licensee" means a person issued a license to carry a
17 concealed handgun.

18 "Municipality" has the meaning ascribed to it in Section 1
19 of Article VII of the Illinois Constitution.

20 "Unit of local government" has the meaning ascribed to it
21 in Section 1 of Article VII of the Illinois Constitution.

22 Section 10. Issuance of licenses to carry a concealed
23 firearm.

24 (a) The Department shall issue a license to carry a
25 concealed firearm under this Act to an applicant who:

- 1 (1) meets the qualifications of Section 25 of this Act;
- 2 (2) has provided the application and documentation
- 3 required in Section 30 of this Act;
- 4 (3) has submitted the requisite fees; and
- 5 (4) does not pose a danger to himself, herself, or
- 6 others, or a threat to public safety as determined by the
- 7 Concealed Carry Licensing Review Board in accordance with
- 8 Section 20.

9 (b) The Department shall issue a renewal, corrected, or

10 duplicate license as provided in this Act.

11 (c) A license shall be valid throughout the State for a

12 period of 5 years from the date of issuance. A license shall

13 permit the licensee to:

14 (1) carry a loaded or unloaded concealed firearm, fully

15 concealed or partially concealed, on or about his or her

16 person; and

17 (2) keep or carry a loaded or unloaded concealed

18 firearm on or about his or her person within a vehicle.

19 (d) The Department shall make applications for a license

20 available no later than 180 days after the effective date of

21 this Act. The Department shall establish rules for the

22 availability and submission of applications in accordance with

23 this Act.

24 (e) An application for a license submitted to the

25 Department that contains all the information and materials

26 required by this Act, including the requisite fee, shall be

1 deemed completed. Except as otherwise provided in this Act, no
2 later than 90 days after receipt of a completed application,
3 the Department shall issue or deny the applicant a license.

4 (f) The Department shall deny the applicant a license if
5 the applicant fails to meet the requirements under this Act or
6 the Department receives a determination from the Board that the
7 applicant is ineligible for a license. The Department must
8 notify the applicant stating the grounds for the denial. The
9 notice of denial must inform the applicant of his or her right
10 to an appeal through administrative and judicial review.

11 (g) A licensee shall possess a license at all times the
12 licensee carries a concealed firearm except:

13 (1) when the licensee is carrying or possessing a
14 concealed firearm on his or her land or in his or her
15 abode, legal dwelling, or fixed place of business, or on
16 the land or in the legal dwelling of another person as an
17 invitee with that person's permission;

18 (2) when the person is authorized to carry a firearm
19 under Section 24-2 of the Criminal Code of 2012, except
20 subsection (a-5) of that Section; or

21 (3) when the handgun is broken down in a
22 non-functioning state, is not immediately accessible, or
23 is unloaded and enclosed in a case.

24 (h) If an officer of a law enforcement agency initiates an
25 investigative stop, including but not limited to a traffic
26 stop, of a licensee who is carrying a concealed firearm, upon

1 the request of the officer the licensee shall disclose to the
2 officer that he or she is in possession of a concealed firearm
3 under this Act, present the license upon the request of the
4 officer, and identify the location of the concealed firearm.

5 (i) The Department shall maintain a database of license
6 applicants and licensees. The database shall be available to
7 all federal, State, and local law enforcement agencies, State's
8 Attorneys, the Attorney General, and authorized court
9 personnel. Within 180 days after the effective date of this
10 Act, the database shall be searchable and provide all
11 information included in the application, including the
12 applicant's previous addresses within the 10 years prior to the
13 license application and any information related to violations
14 of this Act. No law enforcement agency, State's Attorney,
15 Attorney General, or member or staff of the judiciary shall
16 provide any information to a requester who is not entitled to
17 it by law.

18 (j) No later than 10 days after receipt of a completed
19 application, the Department shall enter the relevant
20 information about the applicant into the database under
21 subsection (i) of this Section which is accessible by law
22 enforcement agencies.

23 Section 15. Objections by law enforcement agencies.

24 (a) Any law enforcement agency may submit an objection to a
25 license applicant based upon a reasonable suspicion that the

1 applicant is a danger to himself or herself or others, or a
2 threat to public safety. The objection shall be made by the
3 chief law enforcement officer of the law enforcement agency, or
4 his or her designee, and must include any information relevant
5 to the objection. If a law enforcement agency submits an
6 objection within 30 days after the entry of an applicant into
7 the database, the Department shall submit the objection and all
8 information related to the application to the Board within 10
9 days of completing all necessary background checks.

10 (b) If an applicant has 5 or more arrests for any reason,
11 that have been entered into the Criminal History Records
12 Information (CHRI) System, within the 7 years preceding the
13 date of application for a license, or has 3 or more arrests
14 within the 7 years preceding the date of application for a
15 license for any combination of gang-related offenses, the
16 Department shall object and submit the applicant's arrest
17 record, the application materials, and any additional
18 information submitted by a law enforcement agency to the Board.
19 For purposes of this subsection, "gang-related offense" is an
20 offense described in Section 12-6.4, Section 24-1.8, Section
21 25-5, Section 33-4, or Section 33G-4, or in paragraph (1) of
22 subsection (a) of Section 12-6.2, paragraph (2) of subsection
23 (b) of Section 16-30, paragraph (2) of subsection (b) of
24 Section 31-4, or item (iii) of paragraph (1.5) of subsection
25 (i) of Section 48-1 of the Criminal Code of 2012.

26 (c) The referral of an objection under this Section to the

1 Board shall toll the 90-day period for the Department to issue
2 or deny the applicant a license under subsection (e) of Section
3 10 of this Act, during the period of review and until the Board
4 issues its decision.

5 (d) If no objection is made by a law enforcement agency or
6 the Department under this Section, the Department shall process
7 the application in accordance with this Act.

8 Section 20. Concealed Carry Licensing Review Board.

9 (a) There is hereby created a Concealed Carry Licensing
10 Review Board to consider any objection to an applicant's
11 eligibility to obtain a license under this Act submitted by a
12 law enforcement agency or the Department under Section 15 of
13 this Act. The Board shall consist of 7 commissioners to be
14 appointed by the Governor, with the advice and consent of the
15 Senate, with 3 commissioners residing within the First Judicial
16 District and one commissioner residing within each of the 4
17 remaining Judicial Districts. No more than 4 commissioners
18 shall be members of the same political party. The Governor
19 shall designate one commissioner as the Chairperson. The Board
20 shall consist of:

21 (1) one commissioner with at least 5 years of service
22 as a federal judge;

23 (2) 2 commissioners with at least 5 years of experience
24 serving as an attorney with the United States Department of
25 Justice;

1 (3) 3 commissioners with at least 5 years of experience
2 as a federal agent or employee with investigative
3 experience or duties related to criminal justice under the
4 United States Department of Justice, Drug Enforcement
5 Administration, Department of Homeland Security, or
6 Federal Bureau of Investigation; and

7 (4) one member with at least 5 years of experience as a
8 licensed physician or clinical psychologist with expertise
9 in the diagnosis and treatment of mental illness.

10 (b) The initial terms of the commissioners shall end on
11 January 12, 2015. Thereafter, the commissioners shall hold
12 office for 4 years, with terms expiring on the second Monday in
13 January of the fourth year. Commissioners may be reappointed.
14 Vacancies in the office of commissioner shall be filled in the
15 same manner as the original appointment, for the remainder of
16 the unexpired term. The Governor may remove a commissioner for
17 incompetence, neglect of duty, malfeasance, or inability to
18 serve. Commissioners shall receive compensation in an amount
19 equal to the compensation of members of the Executive Ethics
20 Commission and may be reimbursed for reasonable expenses
21 actually incurred in the performance of their Board duties,
22 from funds appropriated for that purpose.

23 (c) The Board shall meet at the call of the chairperson as
24 often as necessary to consider objections to applications for a
25 license under this Act. If necessary to ensure the
26 participation of a commissioner, the Board shall allow a

1 commissioner to participate in a Board meeting by electronic
2 communication. Any commissioner participating electronically
3 shall be deemed present for purposes of establishing a quorum
4 and voting.

5 (d) The Board shall adopt rules for the conduct of
6 hearings. The Board shall maintain a record of its decisions
7 and all materials considered in making its decisions. All Board
8 decisions and voting records shall be kept confidential and all
9 materials considered by the Board shall be exempt from
10 inspection except upon order of a court.

11 (e) In considering an objection of a law enforcement agency
12 or the Department, the Board shall review the materials
13 received with the objection from the law enforcement agency or
14 the Department. By a vote of at least 4 commissioners, the
15 Board may request additional information from the law
16 enforcement agency, Department, or the applicant, or the
17 testimony of the law enforcement agency, Department, or the
18 applicant. The Board may only consider information submitted by
19 the Department, a law enforcement agency, or the applicant. The
20 Board shall review each objection and determine by a majority
21 of commissioners whether an applicant is eligible for a
22 license.

23 (f) The Board shall issue a decision within 30 days of
24 receipt of the objection from the Department. However, the
25 Board need not issue a decision within 30 days if:

26 (1) the Board requests information from the applicant

1 in accordance with subsection (e) of this Section, in which
2 case the Board shall make a decision within 30 days of
3 receipt of the required information from the applicant;

4 (2) the applicant agrees, in writing, to allow the
5 Board additional time to consider an objection; or

6 (3) the Board notifies the applicant and the Department
7 that the Board needs an additional 30 days to issue a
8 decision.

9 (g) If the Board determines by a preponderance of the
10 evidence that the applicant poses a danger to himself or
11 herself or others, or is a threat to public safety, then the
12 Board shall affirm the objection of the law enforcement agency
13 or the Department and shall notify the Department that the
14 applicant is ineligible for a license. If the Board does not
15 determine by a preponderance of the evidence that the applicant
16 poses a danger to himself or herself or others, or is a threat
17 to public safety, then the Board shall notify the Department
18 that the applicant is eligible for a license.

19 (h) Meetings of the Board shall not be subject to the Open
20 Meetings Act and records of the Board shall not be subject to
21 the Freedom of Information Act.

22 (i) The Board shall report monthly to the Governor and the
23 General Assembly on the number of objections received and
24 provide details of the circumstances in which the Board has
25 determined to deny licensure based on law enforcement or
26 Department objections under Section 15 of this Act. The report

1 shall not contain any identifying information about the
2 applicants.

3 Section 25. Qualifications for a license.

4 The Department shall issue a license to an applicant
5 completing an application in accordance with Section 30 of this
6 Act if the person:

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

8 (2) has a currently valid Firearm Owner's
9 Identification Card and at the time of application meets
10 the requirements for the issuance of a Firearm Owner's
11 Identification Card and is not prohibited under the Firearm
12 Owners Identification Card Act or federal law from
13 possessing or receiving a firearm;

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

16 (A) a misdemeanor involving the use or threat of
17 physical force or violence to any person within the 5
18 years preceding the date of the license application; or

19 (B) 2 or more violations related to driving while
20 under the influence of alcohol, other drug or drugs,
21 intoxicating compound or compounds, or any combination
22 thereof, within the 5 years preceding the date of the
23 license application; and

24 (4) is not the subject of a pending arrest warrant,
25 prosecution, or proceeding for an offense or action that

1 could lead to disqualification to own or possess a firearm;

2 (5) has not been in residential or court-ordered
3 treatment for alcoholism, alcohol detoxification, or drug
4 treatment within the 5 years immediately preceding the date
5 of the license application; and

6 (6) has completed firearms training and any education
7 component required under Section 75 of this Act.

8 Section 30. Contents of license application.

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

17 (b) The application shall contain the following:

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

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

1 (3) a waiver of the applicant's privacy and
2 confidentiality rights and privileges under all federal
3 and state laws, including those limiting access to juvenile
4 court, criminal justice, psychological, or psychiatric
5 records or records relating to any institutionalization of
6 the applicant, and an affirmative request that a person
7 having custody of any of these records provide it or
8 information concerning it to the Department;

9 (4) an affirmation that the applicant possesses a
10 currently valid Firearm Owner's Identification Card and
11 card number if possessed or notice the applicant is
12 applying for a Firearm Owner's Identification Card in
13 conjunction with the license application;

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

16 (A) a felony;

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

20 (C) 2 or more violations related to driving while
21 under the influence of alcohol, other drug or drugs,
22 intoxicating compound or compounds, or any combination
23 thereof, within the 5 years preceding the date of the
24 license application; and

25 (6) whether the applicant has failed a drug test for a
26 drug for which the applicant did not have a prescription,

1 within the previous year, and if so, the provider of the
2 test, the specific substance involved, and the date of the
3 test;

4 (7) written consent for the Department to review and
5 use the applicant's Illinois digital driver's license or
6 Illinois identification card photograph and signature;

7 (8) a full set of fingerprints submitted to the
8 Department in electronic format, provided the Department
9 may accept an application submitted without a set of
10 fingerprints in which case the Department shall be granted
11 30 days in addition to the 90 days provided under
12 subsection (e) of Section 10 of this Act to issue or deny a
13 license;

14 (9) a head and shoulder color photograph in a size
15 specified by the Department taken within the 30 days
16 preceding the date of the license application; and

17 (10) a photocopy of any certificates or other evidence
18 of compliance with the training requirements under this
19 Act.

20 Section 35. Investigation of the applicant.

21 The Department shall conduct a background check of the
22 applicant to ensure compliance with the requirements of this
23 Act and all federal, State, and local laws. The background
24 check shall include a search of the following:

25 (1) the National Instant Criminal Background Check

1 System of the Federal Bureau of Investigation;

2 (2) all available state and local criminal history
3 record information files, including records of juvenile
4 adjudications;

5 (3) all available federal, state, and local records
6 regarding wanted persons;

7 (4) all available federal, state, and local records of
8 domestic violence restraining and protective orders;

9 (5) the files of the Department of Human Services
10 relating to mental health and developmental disabilities;
11 and

12 (6) all other available records of a federal, state, or
13 local agency or other public entity in any jurisdiction
14 likely to contain information relevant to whether the
15 applicant is prohibited from purchasing, possessing, or
16 carrying a firearm under federal, state, or local law.

17 (7) Fingerprints collected under Section 30 shall be
18 checked against the Department of State Police and Federal
19 Bureau of Investigation criminal history record databases
20 now and hereafter filed. The Department shall charge
21 applicants a fee for conducting the criminal history
22 records check, which shall be deposited in the State Police
23 Services Fund and shall not exceed the actual cost of the
24 records check.

25 Section 40. Non-resident license applications.

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

4 (b) The Department shall by rule allow for non-resident
5 license applications from any state or territory of the United
6 States with laws related to firearm ownership, possession, and
7 carrying, that are substantially similar to the requirements to
8 obtain a license under this Act.

9 (c) A resident of a state or territory approved by the
10 Department under subsection (b) of this Section may apply for a
11 non-resident license. The applicant shall apply to the
12 Department and must meet all of the qualifications established
13 in Section 25 of this Act, except for the Illinois residency
14 requirement in item (xiv) of paragraph (2) of subsection (a) of
15 Section 4 of the Firearm Owners Identification Card Act. The
16 applicant shall submit:

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

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

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

23 (B) if applicable, has a license or permit to carry
24 a firearm or concealed firearm issued by his or her
25 state or territory of residence and attach a copy of
26 the license or permit to the application;

1 (C) understands Illinois laws pertaining to the
2 possession and transport of firearms, and

3 (D) acknowledges that the applicant is subject to
4 the jurisdiction of the Department and Illinois courts
5 for any violation of this Act; and

6 (3) a photocopy of any certificates or other evidence
7 of compliance with the training requirements under Section
8 75 of this Act; and

9 (4) a head and shoulder color photograph in a size
10 specified by the Department taken within the 30 days
11 preceding the date of the application.

12 (d) In lieu of an Illinois driver's license or Illinois
13 identification card, a non-resident applicant shall provide
14 similar documentation from his or her state or territory of
15 residence. In lieu of a valid Firearm Owner's Identification
16 Card, the applicant shall submit documentation and information
17 required by the Department to obtain a Firearm Owner's
18 Identification Card, including an affidavit that the
19 non-resident meets the mental health standards to obtain a
20 firearm under Illinois law, and the Department shall ensure
21 that the applicant would meet the eligibility criteria to
22 obtain a Firearm Owner's Identification card if he or she was a
23 resident of this State.

24 (e) Nothing in this Act shall prohibit a non-resident from
25 transporting a concealed firearm within his or her vehicle in
26 Illinois, if the concealed firearm remains within his or her

1 vehicle and the non-resident:

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

4 (2) is eligible to carry a firearm in public under the
5 laws of his or her state or territory of residence; and

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

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

11 Section 45. Civil immunity; Board, employees, and agents.
12 The Board, Department, local law enforcement agency, or the
13 employees and agents of the Board, Department, or local law
14 enforcement agency participating in the licensing process
15 under this Act shall not be held liable for damages in any
16 civil action arising from alleged wrongful or improper
17 granting, denying, renewing, revoking, suspending, or failing
18 to grant, deny, renew, revoke, or suspend a license under this
19 Act, except for willful or wanton misconduct.

20 Section 50. License renewal.

21 Applications for renewal of a license shall be made to the
22 Department. A license shall be renewed for a period of 5 years
23 upon receipt of a completed renewal application, completion of
24 3 hours of training required under Section 75 of this Section,

1 payment of the applicable renewal fee, and completion of an
2 investigation under Section 35 of this Act. The renewal
3 application shall contain the information required in Section
4 30 of this Act, except that the applicant need not resubmit a
5 full set of fingerprints.

6 Section 55. Change of address or name; lost, destroyed, or
7 stolen licenses.

8 (a) A licensee shall notify the Department within 30 days
9 of moving or changing residence or any change of name. The
10 licensee shall submit:

11 (1) a notarized statement that the licensee has changed
12 his or her residence or his or her name, including the
13 prior and current address or name and the date the
14 applicant moved or changed his or her name; and

15 (2) the requisite fee.

16 (b) A licensee shall notify the Department within 10 days
17 of discovering that a license has been lost, destroyed, or
18 stolen. A lost, destroyed, or stolen license is invalid. To
19 request a replacement license, the licensee shall submit:

20 (1) a notarized statement that the licensee no longer
21 possesses the license, and that it was lost, destroyed, or
22 stolen;

23 (2) if applicable, a copy of a police report stating
24 that the license was stolen; and

25 (3) the requisite fee.

1 (c) A violation of this Section is a petty offense with a
2 fine of \$150 which shall be deposited into the Mental Health
3 Reporting Fund.

4 Section 60. Fees.

5 (a) All fees collected under this Act shall be deposited as
6 provided in this Section. Application, renewal, and
7 replacement fees shall be non-refundable.

8 (b) An applicant for a new license or a renewal shall
9 submit \$150 with the application, of which \$120 shall be
10 apportioned to the State Police Firearm Services Fund, \$20
11 shall be apportioned to the Mental Health Reporting Fund, and
12 \$10 shall be apportioned to the State Crime Laboratory Fund.

13 (c) A non-resident applicant for a new license or renewal
14 shall submit \$300 with the application, of which \$250 shall be
15 apportioned to the State Police Firearm Services Fund, \$40
16 shall be apportioned to the Mental Health Reporting Fund, and
17 \$10 shall be apportioned to the State Crime Laboratory Fund.

18 (d) A licensee requesting a new license in accordance with
19 Section 55 shall submit \$75, of which \$60 shall be apportioned
20 to the State Police Firearm Services Fund, \$5 shall be
21 apportioned to the Mental Health Reporting Fund, and \$10 shall
22 be apportioned to the State Crime Laboratory Fund.

23 Section 65. Prohibited areas.

24 (a) A licensee under this Act shall not knowingly carry a

1 firearm on or into:

2 (1) Any building, real property, and parking area under
3 the control of a public or private elementary or secondary
4 school.

5 (2) Any building, real property, and parking area under
6 the control of a pre-school or child care facility,
7 including any room or portion of a building under the
8 control of a pre-school or child care facility. Nothing in
9 this paragraph shall prevent the operator of a child care
10 facility in a family home from owning or possessing a
11 firearm in the home or license under this Act, if no child
12 under child care at the home is present in the home or the
13 firearm in the home is stored in a locked container when a
14 child under child care at the home is present in the home.

15 (3) Any building, parking area, or portion of a
16 building under the control of an officer of the executive
17 or legislative branch of government, provided that nothing
18 in this paragraph shall prohibit a licensee from carrying a
19 concealed firearm onto the real property, bikeway, or trail
20 in a park regulated by the Department of Natural Resources
21 or any other designated public hunting area or building
22 where firearm possession is permitted as established by the
23 Department of Natural Resources under Section 1.8 of the
24 Wildlife Code.

25 (4) Any building designated for matters before a
26 circuit court, appellate court, or the Supreme Court, or

1 any building or portion of a building under the control of
2 the Supreme Court.

3 (5) Any building or portion of a building under the
4 control of a unit of local government.

5 (6) Any building, real property, and parking area under
6 the control of an adult or juvenile detention or
7 correctional institution, prison, or jail.

8 (7) Any building, real property, and parking area under
9 the control of a public or private hospital or hospital
10 affiliate, mental health facility, or nursing home.

11 (8) Any bus, train, or form of transportation paid for
12 in whole or in part with public funds, and any building,
13 real property, and parking area under the control of a
14 public transportation facility paid for in whole or in part
15 with public funds.

16 (9) Any building, real property, and parking area under
17 the control of an establishment that serves alcohol on its
18 premises, if more than 50% of the establishment's gross
19 receipts within the prior 3 months is from the sale of
20 alcohol. The owner of an establishment who knowingly fails
21 to prohibit concealed firearms on its premises as provided
22 in this paragraph or who knowingly makes a false statement
23 or record to avoid the prohibition on concealed firearms
24 under this paragraph is subject to the penalty under
25 subsection (c-5) of Section 10-1 of the Liquor Control Act
26 of 1934.

1 (10) Any public gathering or special event conducted on
2 property open to the public that requires the issuance of a
3 permit from the unit of local government, provided this
4 prohibition shall not apply to a licensee who must walk
5 through a public gathering in order to access his or her
6 residence, place of business, or vehicle.

7 (11) Any building or real property that has been issued
8 a Special Event Retailer's license as defined in Section
9 1-3.17.1 of the Liquor Control Act during the time
10 designated for the sale of alcohol by the Special Event
11 Retailer's license, or a Special use permit license as
12 defined in subsection (q) of Section 5-1 of the Liquor
13 Control Act during the time designated for the sale of
14 alcohol by the Special use permit license.

15 (12) Any public playground.

16 (13) Any public park, athletic area, or athletic
17 facility under the control of a municipality or park
18 district, provided nothing in this Section shall prohibit a
19 licensee from carrying a concealed firearm while on a trail
20 or bikeway if only a portion of the trail or bikeway
21 includes a public park.

22 (14) Any real property under the control of the Cook
23 County Forest Preserve District.

24 (15) Any building, classroom, laboratory, medical
25 clinic, hospital, artistic venue, athletic venue,
26 entertainment venue, officially recognized

1 university-related organization property, whether owned or
2 leased, and any real property, including parking areas,
3 sidewalks, and common areas under the control of a public
4 or private community college, college, or university.

5 (16) Any building, real property, or parking area under
6 the control of a gaming facility licensed under the
7 Riverboat Gambling Act or the Illinois Horse Racing Act of
8 1975, including an inter-track wagering location licensee.

9 (17) Any stadium, arena, or the real property or
10 parking area under the control of a stadium, arena, or any
11 collegiate or professional sporting event.

12 (18) Any building, real property, or parking area under
13 the control of a public library.

14 (19) Any building, real property, or parking area under
15 the control of an airport.

16 (20) Any building, real property, or parking area under
17 the control of an amusement park.

18 (21) Any building, real property, or parking area under
19 the control of a zoo or museum.

20 (22) Any street, driveway, parking area, property,
21 building, or facility, owned, leased, controlled, or used
22 by a nuclear energy, storage, weapons, or development site
23 or facility regulated by the federal Nuclear Regulatory
24 Commission. The licensee shall not under any circumstance
25 store a firearm or ammunition in his or her vehicle or in a
26 compartment or container within a vehicle located anywhere

1 in or on the street, driveway, parking area, property,
2 building, or facility described in this paragraph.

3 (23) Any area where firearms are prohibited under
4 federal law.

5 (a-5) Nothing in this Act shall prohibit a public or
6 private community college, college, or university from:

7 (1) prohibiting persons from carrying a firearm within
8 a vehicle owned, leased, or controlled by the college or
9 university;

10 (2) developing resolutions, regulations, or policies
11 regarding student, employee, or visitor misconduct and
12 discipline, including suspension and expulsion;

13 (3) developing resolutions, regulations, or policies
14 regarding the storage or maintenance of firearms, which
15 must include designated areas where persons can park
16 vehicles that carry firearms; and

17 (4) permitting the carrying or use of firearms for the
18 purpose of instruction and curriculum of officially
19 recognized programs, including but not limited to military
20 science and law enforcement training programs, or in any
21 designated area used for hunting purposes or target
22 shooting.

23 (a-10) The owner of private real property of any type may
24 prohibit the carrying of concealed firearms on the property
25 under his or her control. The owner must post a sign in
26 accordance with subsection (d) of this Section indicating that

1 firearms are prohibited on the property, unless the property is
2 a private residence.

3 (b) Notwithstanding subsections (a), (a-5), and (a-10) of
4 this Section except under paragraph (22) or (23) of subsection
5 (a), any licensee prohibited from carrying a concealed firearm
6 into the parking area of a prohibited location specified in
7 subsection (a), (a-5), or (a-10) of this Section shall be
8 permitted to carry a concealed firearm on or about his or her
9 person within a vehicle into the parking area and may store a
10 firearm or ammunition concealed in a case within a locked
11 vehicle or locked container out of plain view within the
12 vehicle in the parking area. A licensee may carry a concealed
13 firearm in the immediate area surrounding his or her vehicle
14 within a prohibited parking lot area only for the limited
15 purpose of storing or retrieving a firearm within the vehicle's
16 trunk, provided the licensee ensures the concealed firearm is
17 unloaded prior to exiting the vehicle. For purposes of this
18 subsection, "case" includes a glove compartment or console that
19 completely encloses the concealed firearm or ammunition, the
20 trunk of the vehicle, or a firearm carrying box, shipping box,
21 or other container.

22 (c) A licensee shall not be in violation of this Section
23 while he or she is traveling along a public right of way that
24 touches or crosses any of the premises under subsection (a),
25 (a-5), or (a-10) of this Section if the concealed firearm is
26 carried on his or her person in accordance with the provisions

1 of this Act or is being transported in a vehicle by the
2 licensee in accordance with all other applicable provisions of
3 law.

4 (d) Signs stating that the carrying of firearms is
5 prohibited shall be clearly and conspicuously posted at the
6 entrance of a building, premises, or real property specified in
7 this Section as a prohibited area, unless the building or
8 premises is a private residence. Signs shall be of a uniform
9 design as established by the Department and shall be 4 inches
10 by 6 inches in size. The Department shall adopt rules for
11 standardized signs to be used under this subsection.

12 Section 70. Violations.

13 (a) A license issued or renewed under this Act shall be
14 revoked if, at any time, the licensee is found to be ineligible
15 for a license under this Act or the licensee no longer meets
16 the eligibility requirements of the Firearm Owners
17 Identification Card Act.

18 (b) A license shall be suspended if an order of protection,
19 including an emergency order of protection, plenary order of
20 protection, or interim order of protection under Article 112A
21 of the Code of Criminal Procedure of 1963 or under the Illinois
22 Domestic Violence Act of 1986, is issued against a licensee for
23 the duration of the order, or if the Department is made aware
24 of a similar order issued against the licensee in any other
25 jurisdiction. If an order of protection is issued against a

1 licensee, the licensee shall surrender the license, as
2 applicable, to the court at the time the order is entered or to
3 the law enforcement agency or entity serving process at the
4 time the licensee is served the order. The court, law
5 enforcement agency, or entity responsible for serving the order
6 of protection shall notify the Department within 7 days and
7 transmit the license to the Department.

8 (c) A license is invalid upon expiration of the license,
9 unless the licensee has submitted an application to renew the
10 license, and the applicant is otherwise eligible to possess a
11 license under this Act.

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

17 A licensee in violation of this subsection (d) shall be
18 guilty of a Class A misdemeanor for a first or second violation
19 and a Class 4 felony for a third violation. The Department may
20 suspend a license for up to 6 months for a second violation and
21 shall permanently revoke a license for a third violation.

22 (e) Except as otherwise provided, a licensee in violation
23 of this Act shall be guilty of a Class B misdemeanor. A second
24 or subsequent violation is a Class A misdemeanor. The
25 Department may suspend a license for up to 6 months for a
26 second violation and shall permanently revoke a license for 3

1 or more violations of Section 65 of this Act. Any person
2 convicted of a violation under this Section shall pay a \$150
3 fee to be deposited into the Mental Health Reporting Fund, plus
4 any applicable court costs or fees.

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

16 (g) A licensee whose license is revoked, suspended, or
17 denied shall, within 48 hours of receiving notice of the
18 revocation, suspension, or denial surrender his or her
19 concealed carry license to the local law enforcement agency
20 where the person resides. The local law enforcement agency
21 shall provide the licensee a receipt and transmit the concealed
22 carry license to the Department of State Police. If the
23 licensee whose concealed carry license has been revoked,
24 suspended, or denied fails to comply with the requirements of
25 this subsection, the law enforcement agency where the person
26 resides may petition the circuit court to issue a warrant to

1 search for and seize the concealed carry license in the
2 possession and under the custody or control of the licensee
3 whose concealed carry license has been revoked, suspended, or
4 denied. The observation of a concealed carry license in the
5 possession of a person whose license has been revoked,
6 suspended, or denied constitutes a sufficient basis for the
7 arrest of that person for violation of this subsection. A
8 violation of this subsection is a Class A misdemeanor.

9 (h) A license issued or renewed under this Act shall be
10 revoked if, at any time, the licensee is found ineligible for a
11 Firearm Owner's Identification Card, or the licensee no longer
12 possesses a valid Firearm Owner's Identification Card. A
13 licensee whose license is revoked under this subsection (h)
14 shall surrender his or her concealed carry license as provided
15 for in subsection (g) of this Section.

16 This subsection shall not apply to a person who has filed
17 an application with the State Police for renewal of a Firearm
18 Owner's Identification Card and who is not otherwise ineligible
19 to obtain a Firearm Owner's Identification Card.

20 Section 75. Applicant firearm training.

21 (a) Within 60 days of the effective date of this Act, the
22 Department shall begin approval of firearm training courses and
23 shall make a list of approved courses available on the
24 Department's website.

25 (b) An applicant for a new license shall provide proof of

1 completion of a firearms training course or combination of
2 courses approved by the Department of at least 16 hours, which
3 includes range qualification time under subsection (c) of this
4 Section, that covers the following:

5 (1) firearm safety;

6 (2) the basic principles of marksmanship;

7 (3) care, cleaning, loading, and unloading of a
8 concealable firearm;

9 (4) all applicable State and federal laws relating to
10 the ownership, storage, carry, and transportation of a
11 firearm; and

12 (5) instruction on the appropriate and lawful
13 interaction with law enforcement while transporting or
14 carrying a concealed firearm.

15 (c) An applicant for a new license shall provide proof of
16 certification by a certified instructor that the applicant
17 passed a live fire exercise with a concealable firearm
18 consisting of:

19 (1) a minimum of 30 rounds; and

20 (2) 10 rounds from a distance of 5 yards; 10 rounds
21 from a distance of 7 yards; and 10 rounds from a distance
22 of 10 yards at a B-27 silhouette target approved by the
23 Department.

24 (d) An applicant for renewal of a license shall provide
25 proof of completion of a firearms training course or
26 combination of courses approved by the Department of at least 3

1 hours.

2 (e) A certificate of completion for an applicant's firearm
3 training course shall not be issued to a student who:

4 (1) does not follow the orders of the certified
5 firearms instructor;

6 (2) in the judgment of the certified instructor,
7 handles a firearm in a manner that poses a danger to the
8 student or to others; or

9 (3) during the range firing portion of testing fails to
10 hit the target with 70% of the rounds fired.

11 (f) An instructor shall maintain a record of each student's
12 performance for at least 5 years, and shall make all records
13 available upon demand of authorized personnel of the
14 Department.

15 (g) The Department and certified firearms instructor shall
16 recognize up to 8 hours of training already completed toward
17 the 16 hour training requirement under this Section if the
18 training course is approved by the Department and recognized
19 under the laws of another state. Any remaining hours that the
20 applicant completes must at least cover the classroom subject
21 matter of paragraph (4) of subsection (b) of this Section, and
22 the range qualification in subsection (c) of this Section.

23 (h) A person who has qualified to carry a firearm as an
24 active law enforcement officer, a person certified as a
25 firearms instructor by this Act or by the Illinois Law
26 Enforcement Training Standards Board, or a person who has

1 completed the required training and has been issued a firearm
2 control card by the Department of Financial and Professional
3 Regulation shall be exempt from the requirements of this
4 Section.

5 (i) The Department shall accept 8 hours of training as
6 completed toward the 16 hour training requirement under this
7 Section, if the applicant is an active, retired, or honorably
8 discharged member of the United States Armed Forces.

9 Section 80. Firearms instructor training.

10 (a) Within 60 days of the effective date of this Act, the
11 Department shall begin approval of certified firearms
12 instructors and enter certified firearms instructors into an
13 online registry on the Department's website.

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

20 (c) A person seeking to become a certified firearms
21 instructor shall:

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

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

24 (3) meet the requirements of Section 25 of this Act,
25 and any additional uniformly applied requirements

1 established by the Department.

2 (d) A person seeking to become a certified firearms
3 instructor trainer, in addition to the requirements of
4 subsection (c) of this Section, shall:

5 (1) possess a high school diploma or GED certificate;
6 and

7 (2) have at least one of the following valid firearms
8 instructor certifications:

9 (A) certification from a law enforcement agency;

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

12 (C) certification from a firearm instructor
13 qualification course offered by the Illinois Law
14 Enforcement Training Standards Board; or

15 (D) certification from an entity approved by the
16 Department that offers firearm instructor education
17 and training in the use and safety of firearms.

18 (e) A person may have his or her firearms instructor
19 certification denied or revoked if he or she does not meet the
20 requirements to obtain a license under this Act, provides false
21 or misleading information to the Department, or has had a prior
22 instructor certification revoked or denied by the Department.

23 Section 85. Background Checks for Sales.

24 A license to carry a concealed firearm issued by this
25 State shall not exempt the licensee from the requirements of a

1 background check, including a check of the National Instant
2 Criminal Background Check System, upon purchase or transfer of
3 a firearm.

4 Section 87. Administrative and judicial review.

5 (a) Whenever an application for a concealed carry license
6 is denied, whenever the Department fails to act on an
7 application within 90 days of its receipt, or whenever a
8 license is revoked or suspended as provided in this Act, the
9 aggrieved party may appeal to the Director for a hearing upon
10 the denial, revocation, suspension, or failure to act on the
11 application, unless the denial was made by the Concealed Carry
12 Licensing Review Board, in which case the aggrieved party may
13 petition the circuit court in writing in the county of his or
14 her residence for a hearing upon the denial.

15 (b) All final administrative decisions of the Department or
16 the Concealed Carry Licensing Review Board under this Act shall
17 be subject to judicial review under the provisions of the
18 Administrative Review Law. The term "administrative decision"
19 is defined as in Section 3-101 of the Code of Civil Procedure.

20 Section 90. Preemption.

21 The regulation, licensing, possession, registration, and
22 transportation of handguns and ammunition for handguns by
23 licensees are exclusive powers and functions of the State. Any
24 ordinance or regulation, or portion thereof, enacted on or

1 before the effective date of this Act that purports to impose
2 regulations or restrictions on licensees or handguns and
3 ammunition for handguns in a manner inconsistent with this Act
4 shall be invalid in its application to licensees under this Act
5 on the effective date of this Act. This Section is a denial and
6 limitation of home rule powers and functions under subsection
7 (h) of Section 6 of Article VII of the Illinois Constitution.

8 Section 92. Consolidation of concealed carry license and
9 Firearm Owner's Identification Card.

10 (a) The Director shall create a task force to develop a
11 plan to incorporate and consolidate the concealed carry license
12 under this Act and the Firearm Owner's Identification Card
13 under the Firearm Owners Identification Card Act into a
14 designation on the Illinois driver's license or Illinois
15 identification card of a person with authority to possess a
16 firearm under the Firearm Owners Identification Card Act, or
17 authority to possess a firearm under the Firearm Owners
18 Identification Card Act and authority to carry a concealed
19 firearm under this Act. The plan must provide for an
20 alternative card for:

21 (1) a non-resident or a resident without an Illinois
22 driver's license or Illinois identification card, who has
23 been granted authority under this Act to carry a concealed
24 firearm in this State; and

25 (2) a resident without an Illinois driver's license or

1 Illinois identification card, who has been granted
2 authority to possess a firearm under the Firearm Owners
3 Identification Card Act.

4 The plan shall include statutory changes necessary to
5 implement it.

6 (b) The task force shall consist of the following members:

7 (1) one member appointed by the Speaker of the House of
8 Representatives;

9 (2) one member appointed by the House of
10 Representatives Minority Leader;

11 (3) one member appointed by the President of the
12 Senate;

13 (4) one member appointed by the Senate Minority Leader;

14 (5) one member appointed by the Secretary of State;

15 (6) one member appointed by the Director of State
16 Police;

17 (7) one member appointed by the Secretary of State
18 representing the National Rifle Association;

19 (8) one member appointed by the Governor from the
20 Department of Natural Resources; and

21 (9) one member appointed by the Governor representing
22 the Chicago Police Department.

23 The task force shall elect a chairperson from its
24 membership. Members shall serve without compensation.

25 (c) The task force shall file the plan supported by a
26 majority of its members with the General Assembly and the

1 Secretary of State on or before March 1, 2014.

2 (d) This Section is repealed on March 2, 2014.

3 Section 95. Procurement; rulemaking.

4 (a) The Department of State Police, in consultation with
5 and subject to the approval of the Chief Procurement Officer,
6 may procure a single contract or multiple contracts to
7 implement the provisions of this Act. A contract or contracts
8 under this paragraph are not subject to the provisions of the
9 Illinois Procurement Code, except for Sections 20-60, 20-65,
10 20-70, and 20-160 and Article 50 of that Code, provided that
11 the Chief Procurement Officer may, in writing with
12 justification, waive any certification required under Article
13 50. This exemption shall be repealed one year from the
14 effective date of this Act.

15 (b) The Department shall adopt rules to implement the
16 provisions of this Act. The Department may adopt rules
17 necessary to implement the provisions of this Act through the
18 use of emergency rulemaking in accordance with Section 5-45 of
19 the Illinois Administrative Procedure Act for a period not to
20 exceed 180 days after the effective date of this Act.

21 Section 100. Short title. Sections 100 through 110 may be
22 cited as the School Administrator Reporting of Mental Health
23 Clear and Present Danger Determinations Law.

1 Section 105. Duty of school administrator. It is the duty
2 of the principal of a public elementary or secondary school, or
3 his or her designee, and the chief administrative officer of a
4 private elementary or secondary school or a public or private
5 community college, college, or university, or his or her
6 designee, to report to the Department of State Police when a
7 student is determined to pose a clear and present danger to
8 himself, herself, or to others, within 24 hours of the
9 determination as provided in Section 6-103.3 of the Mental
10 Health and Developmental Disabilities Code. "Clear and present
11 danger" has the meaning as provided in paragraph (2) of the
12 definition of "clear and present danger" in Section 1.1 of the
13 Firearm Owners Identification Card Act.

14 Section 110. Immunity. A principal or chief administrative
15 officer, or the designee of a principal or chief administrative
16 officer, making the determination and reporting under Section
17 105 of this Law shall not be held criminally, civilly, or
18 professionally liable, except for willful or wanton
19 misconduct.

20 Section 115. The Open Meetings Act is amended by changing
21 Section 2 as follows:

22 (5 ILCS 120/2) (from Ch. 102, par. 42)

23 Sec. 2. Open meetings.

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

4 (b) Construction of exceptions. The exceptions contained
5 in subsection (c) are in derogation of the requirement that
6 public bodies meet in the open, and therefore, the exceptions
7 are to be strictly construed, extending only to subjects
8 clearly within their scope. The exceptions authorize but do not
9 require the holding of a closed meeting to discuss a subject
10 included within an enumerated exception.

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

13 (1) The appointment, employment, compensation,
14 discipline, performance, or dismissal of specific
15 employees of the public body or legal counsel for the
16 public body, including hearing testimony on a complaint
17 lodged against an employee of the public body or against
18 legal counsel for the public body to determine its
19 validity.

20 (2) Collective negotiating matters between the public
21 body and its employees or their representatives, or
22 deliberations concerning salary schedules for one or more
23 classes of employees.

24 (3) The selection of a person to fill a public office,
25 as defined in this Act, including a vacancy in a public
26 office, when the public body is given power to appoint

1 under law or ordinance, or the discipline, performance or
2 removal of the occupant of a public office, when the public
3 body is given power to remove the occupant under law or
4 ordinance.

5 (4) Evidence or testimony presented in open hearing, or
6 in closed hearing where specifically authorized by law, to
7 a quasi-adjudicative body, as defined in this Act, provided
8 that the body prepares and makes available for public
9 inspection a written decision setting forth its
10 determinative reasoning.

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

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

17 (7) The sale or purchase of securities, investments, or
18 investment contracts. This exception shall not apply to the
19 investment of assets or income of funds deposited into the
20 Illinois Prepaid Tuition Trust Fund.

21 (8) Security procedures and the use of personnel and
22 equipment to respond to an actual, a threatened, or a
23 reasonably potential danger to the safety of employees,
24 students, staff, the public, or public property.

25 (9) Student disciplinary cases.

26 (10) The placement of individual students in special

1 education programs and other matters relating to
2 individual students.

3 (11) Litigation, when an action against, affecting or
4 on behalf of the particular public body has been filed and
5 is pending before a court or administrative tribunal, or
6 when the public body finds that an action is probable or
7 imminent, in which case the basis for the finding shall be
8 recorded and entered into the minutes of the closed
9 meeting.

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

20 (13) Conciliation of complaints of discrimination in
21 the sale or rental of housing, when closed meetings are
22 authorized by the law or ordinance prescribing fair housing
23 practices and creating a commission or administrative
24 agency for their enforcement.

25 (14) Informant sources, the hiring or assignment of
26 undercover personnel or equipment, or ongoing, prior or

1 future criminal investigations, when discussed by a public
2 body with criminal investigatory responsibilities.

3 (15) Professional ethics or performance when
4 considered by an advisory body appointed to advise a
5 licensing or regulatory agency on matters germane to the
6 advisory body's field of competence.

7 (16) Self evaluation, practices and procedures or
8 professional ethics, when meeting with a representative of
9 a statewide association of which the public body is a
10 member.

11 (17) The recruitment, credentialing, discipline or
12 formal peer review of physicians or other health care
13 professionals for a hospital, or other institution
14 providing medical care, that is operated by the public
15 body.

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

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

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

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

1 mandated by Section 2.06.

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

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

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

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

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

19 (27) Confidential information, when discussed by one
20 or more members of an elder abuse fatality review team,
21 designated under Section 15 of the Elder Abuse and Neglect
22 Act, while participating in a review conducted by that team
23 of the death of an elderly person in which abuse or neglect
24 is suspected, alleged, or substantiated; provided that
25 before the review team holds a closed meeting, or closes an
26 open meeting, to discuss the confidential information,

1 each participating review team member seeking to disclose
2 the confidential information in the closed meeting or
3 closed portion of the meeting must state on the record
4 during an open meeting or the open portion of a meeting the
5 nature of the information to be disclosed and the legal
6 basis for otherwise holding that information confidential.

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

11 (29) Meetings between internal or external auditors
12 and governmental audit committees, finance committees, and
13 their equivalents, when the discussion involves internal
14 control weaknesses, identification of potential fraud risk
15 areas, known or suspected frauds, and fraud interviews
16 conducted in accordance with generally accepted auditing
17 standards of the United States of America.

18 (30) Meetings and deliberations for decisions of the
19 Concealed Carry Licensing Review Board under the Firearm
20 Concealed Carry Act.

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

22 "Employee" means a person employed by a public body whose
23 relationship with the public body constitutes an
24 employer-employee relationship under the usual common law
25 rules, and who is not an independent contractor.

26 "Public office" means a position created by or under the

1 Constitution or laws of this State, the occupant of which is
2 charged with the exercise of some portion of the sovereign
3 power of this State. The term "public office" shall include
4 members of the public body, but it shall not include
5 organizational positions filled by members thereof, whether
6 established by law or by a public body itself, that exist to
7 assist the body in the conduct of its business.

8 "Quasi-adjudicative body" means an administrative body
9 charged by law or ordinance with the responsibility to conduct
10 hearings, receive evidence or testimony and make
11 determinations based thereon, but does not include local
12 electoral boards when such bodies are considering petition
13 challenges.

14 (e) Final action. No final action may be taken at a closed
15 meeting. Final action shall be preceded by a public recital of
16 the nature of the matter being considered and other information
17 that will inform the public of the business being conducted.

18 (Source: P.A. 96-1235, eff. 1-1-11; 96-1378, eff. 7-29-10;
19 96-1428, eff. 8-11-10; 97-318, eff. 1-1-12; 97-333, eff.
20 8-12-11; 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876,
21 eff. 8-1-12.)

22 Section 120. The Freedom of Information Act is amended by
23 changing Section 7.5 as follows:

24 (5 ILCS 140/7.5)

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

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

6 (b) Library circulation and order records identifying
7 library users with specific materials under the Library Records
8 Confidentiality Act.

9 (c) Applications, related documents, and medical records
10 received by the Experimental Organ Transplantation Procedures
11 Board and any and all documents or other records prepared by
12 the Experimental Organ Transplantation Procedures Board or its
13 staff relating to applications it has received.

14 (d) Information and records held by the Department of
15 Public Health and its authorized representatives relating to
16 known or suspected cases of sexually transmissible disease or
17 any information the disclosure of which is restricted under the
18 Illinois Sexually Transmissible Disease Control Act.

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

21 (f) Firm performance evaluations under Section 55 of the
22 Architectural, Engineering, and Land Surveying Qualifications
23 Based Selection Act.

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

26 (h) Information the disclosure of which is exempted under

1 the State Officials and Employees Ethics Act, and records of
2 any lawfully created State or local inspector general's office
3 that would be exempt if created or obtained by an Executive
4 Inspector General's office under that Act.

5 (i) Information contained in a local emergency energy plan
6 submitted to a municipality in accordance with a local
7 emergency energy plan ordinance that is adopted under Section
8 11-21.5-5 of the Illinois Municipal Code.

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

12 (k) Law enforcement officer identification information or
13 driver identification information compiled by a law
14 enforcement agency or the Department of Transportation under
15 Section 11-212 of the Illinois Vehicle Code.

16 (l) Records and information provided to a residential
17 health care facility resident sexual assault and death review
18 team or the Executive Council under the Abuse Prevention Review
19 Team Act.

20 (m) Information provided to the predatory lending database
21 created pursuant to Article 3 of the Residential Real Property
22 Disclosure Act, except to the extent authorized under that
23 Article.

24 (n) Defense budgets and petitions for certification of
25 compensation and expenses for court appointed trial counsel as
26 provided under Sections 10 and 15 of the Capital Crimes

1 Litigation Act. This subsection (n) shall apply until the
2 conclusion of the trial of the case, even if the prosecution
3 chooses not to pursue the death penalty prior to trial or
4 sentencing.

5 (o) Information that is prohibited from being disclosed
6 under Section 4 of the Illinois Health and Hazardous Substances
7 Registry Act.

8 (p) Security portions of system safety program plans,
9 investigation reports, surveys, schedules, lists, data, or
10 information compiled, collected, or prepared by or for the
11 Regional Transportation Authority under Section 2.11 of the
12 Regional Transportation Authority Act or the St. Clair County
13 Transit District under the Bi-State Transit Safety Act.

14 (q) Information prohibited from being disclosed by the
15 Personnel Records Review Act.

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

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

20 (t) All identified or deidentified health information in
21 the form of health data or medical records contained in, stored
22 in, submitted to, transferred by, or released from the Illinois
23 Health Information Exchange, and identified or deidentified
24 health information in the form of health data and medical
25 records of the Illinois Health Information Exchange in the
26 possession of the Illinois Health Information Exchange

1 Authority due to its administration of the Illinois Health
2 Information Exchange. The terms "identified" and
3 "deidentified" shall be given the same meaning as in the Health
4 Insurance Accountability and Portability Act of 1996, Public
5 Law 104-191, or any subsequent amendments thereto, and any
6 regulations promulgated thereunder.

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

9 (v) Names and information of people who have applied for or
10 received Firearm Owner's Identification Cards under the
11 Firearm Owners Identification Card Act or applied for or
12 received a concealed carry license under the Firearm Concealed
13 Carry Act, unless otherwise authorized by the Firearm Concealed
14 Carry Act; and databases under the Firearm Concealed Carry Act,
15 records of the Concealed Carry Licensing Review Board under the
16 Firearm Concealed Carry Act, and law enforcement agency
17 objections under the Firearm Concealed Carry Act.

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

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

24 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
25 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
26 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,

1 eff. 1-1-13.)

2 Section 122. The Secretary of State Act is amended by
3 adding Section 13.5 as follows:

4 (15 ILCS 305/13.5 new)

5 Sec. 13.5. Department of State Police access to driver's
6 license and identification card photographs.

7 The Secretary of State shall allow the Department of State
8 Police to access the driver's license or Illinois
9 Identification card photograph, if available, of an applicant
10 for a firearm concealed carry license under the Firearm
11 Concealed Carry Act for the purpose of identifying the firearm
12 concealed carry license applicant and issuing a license to the
13 applicant.

14 Section 125. The Department of State Police Law of the
15 Civil Administrative Code of Illinois is amended by changing
16 Section 2605-300 and by adding Section 2605-595 as follows:

17 (20 ILCS 2605/2605-300) (was 20 ILCS 2605/55a in part)

18 Sec. 2605-300. Records; crime laboratories; personnel. To
19 do the following:

20 (1) Be a central repository and custodian of criminal
21 statistics for the State.

22 (2) Be a central repository for criminal history record

1 information.

2 (3) Procure and file for record information that is
3 necessary and helpful to plan programs of crime prevention,
4 law enforcement, and criminal justice.

5 (4) Procure and file for record copies of fingerprints
6 that may be required by law.

7 (5) Establish general and field crime laboratories.

8 (6) Register and file for record information that may
9 be required by law for the issuance of firearm owner's
10 identification cards under the Firearm Owners
11 Identification Card Act and concealed carry licenses under
12 the Firearm Concealed Carry Act.

13 (7) Employ polygraph operators, laboratory
14 technicians, and other specially qualified persons to aid
15 in the identification of criminal activity.

16 (8) Undertake other identification, information,
17 laboratory, statistical, or registration activities that
18 may be required by law.

19 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
20 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,
21 eff. 8-14-98; 91-239, eff. 1-1-00.)

22 (20 ILCS 2605/2605-595 new)

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

24 (a) There is created in the State treasury a special fund
25 known as the State Police Firearm Services Fund. The Fund shall

1 receive revenue under the Firearm Concealed Carry Act and
2 Section 5 of the Firearm Owners Identification Card Act. The
3 Fund may also receive revenue from grants, pass-through grants,
4 donations, appropriations, and any other legal source.

5 (b) The Department of State Police may use moneys in the
6 Fund to finance any of its lawful purposes, mandates,
7 functions, and duties under the Firearm Owners Identification
8 Card Act and the Firearm Concealed Carry Act, including the
9 cost of sending notices of expiration of Firearm Owner's
10 Identification Cards, concealed carry licenses, the prompt and
11 efficient processing of applications under the Firearm Owners
12 Identification Card Act and the Firearm Concealed Carry Act,
13 the improved efficiency and reporting of the LEADS and federal
14 NICS law enforcement data systems, and support for
15 investigations required under these Acts and law. Any surplus
16 funds beyond what is needed to comply with the aforementioned
17 purposes shall be used by the Department to improve the Law
18 Enforcement Agencies Data System (LEADS) and criminal history
19 background check system.

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

23 Section 130. The State Finance Act is amended by adding
24 Sections 5.826, 5.827, and 6z-98 as follows:

(30 ILCS 105/5.826 new)

Sec. 5.826. The Mental Health Reporting Fund.

(30 ILCS 105/5.827 new)

Sec. 5.827. The State Police Firearm Services Fund.

(30 ILCS 105/6z-98 new)

Sec. 6z-98. The Mental Health Reporting Fund.

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

(b) The Department of State Police and Department of Human Services shall coordinate to use moneys in the Fund to finance their respective duties of collecting and reporting data on mental health records and ensuring that mental health firearm possession prohibitors are enforced as set forth under the Firearm Concealed Carry Act and the Firearm Owners Identification Card Act. Any surplus in the Fund beyond what is necessary to ensure compliance with mental health reporting under these Acts shall be used by the Department of Human Services for mental health treatment programs.

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

(30 ILCS 105/5.206 rep.)

Section 135. The State Finance Act is amended by repealing
Section 5.206.

Section 140. The Illinois Explosives Act is amended by
changing Section 2005 as follows:

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

Sec. 2005. Qualifications for licensure.

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

(1) is under 21 years of age;

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

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

(4) is a fugitive from justice;

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

(6) has been adjudicated a mentally disabled person as
defined in Section 1.1 of the Firearm Owners Identification
Card Act ~~mental defective~~; or

(7) is not a legal citizen of the United States.

(b) A person who has been granted a "relief from

1 disabilities" regarding criminal convictions and indictments,
2 pursuant to the federal Safe Explosives Act (18 U.S.C. Sec.
3 845) may receive a license provided all other qualifications
4 under this Act are met.

5 (Source: P.A. 96-1194, eff. 1-1-11.)

6 Section 142. The Liquor Control Act of 1934 is amended by
7 changing Section 10-1 as follows:

8 (235 ILCS 5/10-1) (from Ch. 43, par. 183)

9 Sec. 10-1. Violations; penalties. Whereas a substantial
10 threat to the sound and careful control, regulation, and
11 taxation of the manufacture, sale, and distribution of
12 alcoholic liquors exists by virtue of individuals who
13 manufacture, import, distribute, or sell alcoholic liquors
14 within the State without having first obtained a valid license
15 to do so, and whereas such threat is especially serious along
16 the borders of this State, and whereas such threat requires
17 immediate correction by this Act, by active investigation and
18 prosecution by law enforcement officials and prosecutors, and
19 by prompt and strict enforcement through the courts of this
20 State to punish violators and to deter such conduct in the
21 future:

22 (a) Any person who manufactures, imports for distribution
23 or use, or distributes or sells alcoholic liquor at any place
24 within the State without having first obtained a valid license

1 to do so under the provisions of this Act shall be guilty of a
2 business offense and fined not more than \$1,000 for the first
3 such offense and shall be guilty of a Class 4 felony for each
4 subsequent offense.

5 (b) (1) Any retailer, licensed in this State, who knowingly
6 causes to furnish, give, sell, or otherwise being within the
7 State, any alcoholic liquor destined to be used, distributed,
8 consumed or sold in another state, unless such alcoholic liquor
9 was received in this State by a duly licensed distributor, or
10 importing distributors shall have his license suspended for 7
11 days for the first offense and for the second offense, shall
12 have his license revoked by the Commission.

13 (2) In the event the Commission receives a certified copy
14 of a final order from a foreign jurisdiction that an Illinois
15 retail licensee has been found to have violated that foreign
16 jurisdiction's laws, rules, or regulations concerning the
17 importation of alcoholic liquor into that foreign
18 jurisdiction, the violation may be grounds for the Commission
19 to revoke, suspend, or refuse to issue or renew a license, to
20 impose a fine, or to take any additional action provided by
21 this Act with respect to the Illinois retail license or
22 licensee. Any such action on the part of the Commission shall
23 be in accordance with this Act and implementing rules.

24 For the purposes of paragraph (2): (i) "foreign
25 jurisdiction" means a state, territory, or possession of the
26 United States, the District of Columbia, or the Commonwealth of

1 Puerto Rico, and (ii) "final order" means an order or judgment
2 of a court or administrative body that determines the rights of
3 the parties respecting the subject matter of the proceeding,
4 that remains in full force and effect, and from which no appeal
5 can be taken.

6 (c) Any person who shall make any false statement or
7 otherwise violates any of the provisions of this Act in
8 obtaining any license hereunder, or who having obtained a
9 license hereunder shall violate any of the provisions of this
10 Act with respect to the manufacture, possession, distribution
11 or sale of alcoholic liquor, or with respect to the maintenance
12 of the licensed premises, or shall violate any other provision
13 of this Act, shall for a first offense be guilty of a petty
14 offense and fined not more than \$500, and for a second or
15 subsequent offense shall be guilty of a Class B misdemeanor.

16 (c-5) Any owner of an establishment that serves alcohol on
17 its premises, if more than 50% of the establishment's gross
18 receipts within the prior 3 months is from the sale of alcohol,
19 who knowingly fails to prohibit concealed firearms on its
20 premises or who knowingly makes a false statement or record to
21 avoid the prohibition of concealed firearms on its premises
22 under the Firearm Concealed Carry Act shall be guilty of a
23 business offense with a fine up to \$5,000.

24 (d) Each day any person engages in business as a
25 manufacturer, foreign importer, importing distributor,
26 distributor or retailer in violation of the provisions of this

1 Act shall constitute a separate offense.

2 (e) Any person, under the age of 21 years who, for the
3 purpose of buying, accepting or receiving alcoholic liquor from
4 a licensee, represents that he is 21 years of age or over shall
5 be guilty of a Class A misdemeanor.

6 (f) In addition to the penalties herein provided, any
7 person licensed as a wine-maker in either class who
8 manufactures more wine than authorized by his license shall be
9 guilty of a business offense and shall be fined \$1 for each
10 gallon so manufactured.

11 (g) A person shall be exempt from prosecution for a
12 violation of this Act if he is a peace officer in the
13 enforcement of the criminal laws and such activity is approved
14 in writing by one of the following:

15 (1) In all counties, the respective State's Attorney;

16 (2) The Director of State Police under Section 2605-10,
17 2605-15, 2605-75, 2605-100, 2605-105, 2605-110, 2605-115,
18 2605-120, 2605-130, 2605-140, 2605-190, 2605-200,
19 2605-205, 2605-210, 2605-215, 2605-250, 2605-275,
20 2605-300, 2605-305, 2605-315, 2605-325, 2605-335,
21 2605-340, 2605-350, 2605-355, 2605-360, 2605-365,
22 2605-375, 2605-390, 2605-400, 2605-405, 2605-420,
23 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the
24 Department of State Police Law (20 ILCS 2605/2605-10,
25 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,
26 2605/2605-110, 2605/2605-115, 2605/2605-120,

2605/2605-130, 2605/2605-140, 2605/2605-190,
2605/2605-200, 2605/2605-205, 2605/2605-210,
2605/2605-215, 2605/2605-250, 2605/2605-275,
2605/2605-300, 2605/2605-305, 2605/2605-315,
2605/2605-325, 2605/2605-335, 2605/2605-340,
2605/2605-350, 2605/2605-355, 2605/2605-360,
2605/2605-365, 2605/2605-375, 2605/2605-390,
2605/2605-400, 2605/2605-405, 2605/2605-420,
2605/2605-430, 2605/2605-435, 2605/2605-500,
2605/2605-525, or 2605/2605-550); or

(3) In cities over 1,000,000, the Superintendent of
Police.

(Source: P.A. 90-739, eff. 8-13-98; 91-239, eff. 1-1-00.)

Section 145. The Mental Health and Developmental
Disabilities Code is amended by changing Section 6-103.1 and by
adding Sections 6-103.2 and 6-103.3 as follows:

(405 ILCS 5/6-103.1)

Sec. 6-103.1. Adjudication as a mentally disabled person
~~mental defective~~.

When a person has been adjudicated as a mentally disabled
person ~~mental defective~~ as defined in Section 1.1 of the
Firearm Owners Identification Card Act, including, but not
limited to, an adjudication as a disabled person as defined in
Section 11a-2 of the Probate Act of 1975, the court shall

1 direct the circuit court clerk to ~~immediately~~ notify the
2 Department of State Police, Firearm Owner's Identification
3 (FOID) Office, in a form and manner prescribed by the
4 Department of State Police, and shall forward a copy of the
5 court order to the Department no later than 7 days after the
6 entry of the order. Upon receipt of the order, the Department
7 of State Police shall provide notification to the National
8 Instant Criminal Background Check System.

9 (Source: P.A. 97-1131, eff. 1-1-13.)

10 (405 ILCS 5/6-103.2 new)

11 Sec. 6-103.2. Developmental disability; notice.

12 For purposes of this Section, if a person is determined to
13 be developmentally disabled as defined in Section 1.1 of the
14 Firearm Owners Identification Card Act by a physician, clinical
15 psychologist, or qualified examiner, whether practicing at a
16 public or by a private mental health facility or developmental
17 disability facility, the physician, clinical psychologist, or
18 qualified examiner shall notify the Department of Human
19 Services within 24 hours of making the determination that the
20 person has a developmental disability. The Department of Human
21 Services shall immediately update its records and information
22 relating to mental health and developmental disabilities, and
23 if appropriate, shall notify the Department of State Police in
24 a form and manner prescribed by the Department of State Police.
25 Information disclosed under this Section shall remain

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

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

15 (405 ILCS 5/6-103.3 new)

16 Sec. 6-103.3. Clear and present danger; notice.

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

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

25 For the purposes of this Section:

26 "Clear and present danger" has the meaning ascribed to

1 it in Section 1.1 of the Firearm Owners Identification Card
2 Act.

3 "School administrator" means the person required to
4 report under the School Administrator Reporting of Mental
5 Health Clear and Present Danger Determinations Law.

6 Section 150. The Firearm Owners Identification Card Act is
7 amended by changing Sections 1.1, 3.1, 4, 5, 8, 8.1, 9, 10,
8 13.1, and 13.2 and by adding Sections 5.1 and 9.5 as follows:

9 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

10 (Text of Section before amendment by P.A. 97-1167)

11 Sec. 1.1. For purposes of this Act:

12 "Addicted to narcotics" means a person who has been:

13 (1) convicted of an offense involving the use or
14 possession of cannabis, a controlled substance, or
15 methamphetamine within the past year; or

16 (2) determined by the Department of State Police to be
17 addicted to narcotics based upon federal law or federal
18 guidelines.

19 "Addicted to narcotics" does not include possession or use
20 of a prescribed controlled substance under the direction and
21 authority of a physician or other person authorized to
22 prescribe the controlled substance when the controlled
23 substance is used in the prescribed manner.

24 "Adjudicated" ~~Has been adjudicated~~ as a mentally disabled

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

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

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

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

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

15 (4) is incompetent to stand trial in a criminal case;

16 (5) is not guilty by reason of lack of mental
17 responsibility under ~~pursuant to~~ Articles 50a and 72b of
18 the Uniform Code of Military Justice, 10 U.S.C. 850a,
19 876b~~;~~:-

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

23 (7) has been found to be a sexually dangerous person
24 under the Sexually Dangerous Persons Act;

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

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

3 (10) is subject to involuntary admission as an
4 inpatient as defined in Section 1-119 of the Mental Health
5 and Development Disabilities Code;

6 (11) is subject to involuntary admission as an
7 outpatient as defined in Section 1-119.1 of the Mental
8 Health and Developmental Disabilities Code;

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

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

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

15 (1) communicates a serious threat of physical violence
16 against a reasonably identifiable victim or poses a clear
17 and imminent risk of serious physical injury to himself,
18 herself, or another person as determined by a physician,
19 clinical psychologist, or qualified examiner; or

20 (2) demonstrates threatening physical or verbal
21 behavior, such as violent, suicidal, or assaultive
22 threats, actions, or other behavior, as determined by a
23 physician, clinical psychologist, qualified examiner,
24 school administrator, or law enforcement official.

25 "Clinical psychologist" has the meaning provided in
26 Section 1-103 of the Mental Health and Developmental

1 Disabilities Code.

2 "Controlled substance" means a controlled substance or
3 controlled substance analog as defined in the Illinois
4 Controlled Substances Act.

5 "Counterfeit" means to copy or imitate, without legal
6 authority, with intent to deceive.

7 "Developmentally disabled" means a disability which is
8 attributable to any other condition which results in impairment
9 similar to that caused by an intellectual disability and which
10 requires services similar to those required by intellectually
11 disabled persons. The disability must originate before the age
12 of 18 years, be expected to continue indefinitely, and
13 constitute a substantial handicap.

14 "Federally licensed firearm dealer" means a person who is
15 licensed as a federal firearms dealer under Section 923 of the
16 federal Gun Control Act of 1968 (18 U.S.C. 923).

17 "Firearm" means any device, by whatever name known, which
18 is designed to expel a projectile or projectiles by the action
19 of an explosion, expansion of gas or escape of gas; excluding,
20 however:

21 (1) any pneumatic gun, spring gun, paint ball gun, or
22 B-B gun which expels a single globular projectile not
23 exceeding .18 inch in diameter or which has a maximum
24 muzzle velocity of less than 700 feet per second;

25 (1.1) any pneumatic gun, spring gun, paint ball gun, or
26 B-B gun which expels breakable paint balls containing

1 washable marking colors;

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

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

8 (4) an antique firearm (other than a machine-gun)
9 which, although designed as a weapon, the Department of
10 State Police finds by reason of the date of its
11 manufacture, value, design, and other characteristics is
12 primarily a collector's item and is not likely to be used
13 as a weapon.

14 "Firearm ammunition" means any self-contained cartridge or
15 shotgun shell, by whatever name known, which is designed to be
16 used or adaptable to use in a firearm; excluding, however:

17 (1) any ammunition exclusively designed for use with a
18 device used exclusively for signalling or safety and
19 required or recommended by the United States Coast Guard or
20 the Interstate Commerce Commission; and

21 (2) any ammunition designed exclusively for use with a
22 stud or rivet driver or other similar industrial
23 ammunition.

24 "Gun show" means an event or function:

25 (1) at which the sale and transfer of firearms is the
26 regular and normal course of business and where 50 or more

1 firearms are displayed, offered, or exhibited for sale,
2 transfer, or exchange; or

3 (2) at which not less than 10 gun show vendors display,
4 offer, or exhibit for sale, sell, transfer, or exchange
5 firearms.

6 "Gun show" includes the entire premises provided for an
7 event or function, including parking areas for the event or
8 function, that is sponsored to facilitate the purchase, sale,
9 transfer, or exchange of firearms as described in this Section.

10 "Gun show" does not include training or safety classes,
11 competitive shooting events, such as rifle, shotgun, or handgun
12 matches, trap, skeet, or sporting clays shoots, dinners,
13 banquets, raffles, or any other event where the sale or
14 transfer of firearms is not the primary course of business.

15 "Gun show promoter" means a person who organizes or
16 operates a gun show.

17 "Gun show vendor" means a person who exhibits, sells,
18 offers for sale, transfers, or exchanges any firearms at a gun
19 show, regardless of whether the person arranges with a gun show
20 promoter for a fixed location from which to exhibit, sell,
21 offer for sale, transfer, or exchange any firearm.

22 "Intellectually disabled" means significantly subaverage
23 general intellectual functioning which exists concurrently
24 with impairment in adaptive behavior and which originates
25 before the age of 18 years.

26 "Involuntarily admitted" has the meaning as prescribed in

1 Sections 1-119 and 1-119.1 of the Mental Health and
2 Developmental Disabilities Code.

3 "Mental health facility" means any licensed private
4 hospital or hospital affiliate, institution, or facility, or
5 part thereof, and any facility, or part thereof, operated by
6 the State or a political subdivision thereof which provide
7 treatment of persons with mental illness and includes all
8 hospitals, institutions, clinics, evaluation facilities,
9 mental health centers, colleges, universities, long-term care
10 facilities, and nursing homes, or parts thereof, which provide
11 treatment of persons with mental illness whether or not the
12 primary purpose is to provide treatment of persons with mental
13 illness.

14 "Patient" means:

15 (1) a person who voluntarily receives mental health
16 treatment as an in-patient or resident of any public or
17 private mental health facility, unless the treatment was
18 solely for an alcohol abuse disorder and no other secondary
19 substance abuse disorder or mental illness; or

20 (2) a person who voluntarily receives mental health
21 treatment as an out-patient or is provided services by a
22 public or private mental health facility, and who poses a
23 clear and present danger to himself, herself, or to others.

24 "Physician" has the meaning as defined in Section 1-120 of
25 the Mental Health and Developmental Disabilities Code.

26 "Qualified examiner" has the meaning provided in Section

1 1-122 of the Mental Health and Developmental Disabilities Code.

2 "Sanctioned competitive shooting event" means a shooting
3 contest officially recognized by a national or state shooting
4 sport association, and includes any sight-in or practice
5 conducted in conjunction with the event.

6 "School administrator" means the person required to report
7 under the School Administrator Reporting of Mental Health Clear
8 and Present Danger Determinations Law.

9 "Stun gun or taser" has the meaning ascribed to it in
10 Section 24-1 of the Criminal Code of 2012.

11 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13.)

12 (Text of Section after amendment by P.A. 97-1167)

13 Sec. 1.1. For purposes of this Act:

14 "Addicted to narcotics" means a person who has been:

15 (1) convicted of an offense involving the use or
16 possession of cannabis, a controlled substance, or
17 methamphetamine within the past year; or

18 (2) determined by the Department of State Police to be
19 addicted to narcotics based upon federal law or federal
20 guidelines.

21 "Addicted to narcotics" does not include possession or use
22 of a prescribed controlled substance under the direction and
23 authority of a physician or other person authorized to
24 prescribe the controlled substance when the controlled
25 substance is used in the prescribed manner.

1 ~~"Adjudicated Has been adjudicated~~ as a mentally disabled
2 person ~~mental defective~~" means the person is the subject of a
3 determination by a court, board, commission or other lawful
4 authority that the ~~a~~ person, as a result of marked subnormal
5 intelligence, or mental illness, mental impairment,
6 incompetency, condition, or disease:

7 (1) presents a clear and present ~~is a~~ danger to
8 himself, herself, or to others;

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

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

14 (3.5) is guilty but mentally ill, as provided in
15 Section 5-2-6 of the Unified Code of Corrections;

16 (4) is incompetent to stand trial in a criminal case;

17 (5) is not guilty by reason of lack of mental
18 responsibility under ~~pursuant to~~ Articles 50a and 72b of
19 the Uniform Code of Military Justice, 10 U.S.C. 850a,
20 876b~~;~~

21 (6) is a sexually violent person under subsection (f)
22 of Section 5 of the Sexually Violent Persons Commitment
23 Act;

24 (7) is a sexually dangerous person under the Sexually
25 Dangerous Persons Act;

26 (8) is unfit to stand trial under the Juvenile Court

1 Act of 1987;

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

4 (10) is subject to involuntary admission as an
5 inpatient as defined in Section 1-119 of the Mental Health
6 and Developmental Disabilities Code;

7 (11) is subject to involuntary admission as an
8 outpatient as defined in Section 1-119.1 of the Mental
9 Health and Developmental Disabilities Code;

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

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

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

16 (1) communicates a serious threat of physical violence
17 against a reasonably identifiable victim or poses a clear
18 and imminent risk of serious physical injury to himself,
19 herself, or another person as determined by a physician,
20 clinical psychologist, or qualified examiner; or

21 (2) demonstrates threatening physical or verbal
22 behavior, such as violent, suicidal, or assaultive
23 threats, actions, or other behavior, as determined by a
24 physician, clinical psychologist, qualified examiner,
25 school administrator, or law enforcement official.

26 "Clinical psychologist" has the meaning provided in

1 Section 1-103 of the Mental Health and Developmental
2 Disabilities Code.

3 "Controlled substance" means a controlled substance or
4 controlled substance analog as defined in the Illinois
5 Controlled Substances Act.

6 "Counterfeit" means to copy or imitate, without legal
7 authority, with intent to deceive.

8 "Developmentally disabled" means a disability which is
9 attributable to any other condition which results in impairment
10 similar to that caused by an intellectual disability and which
11 requires services similar to those required by intellectually
12 disabled persons. The disability must originate before the age
13 of 18 years, be expected to continue indefinitely, and
14 constitute a substantial handicap.

15 "Federally licensed firearm dealer" means a person who is
16 licensed as a federal firearms dealer under Section 923 of the
17 federal Gun Control Act of 1968 (18 U.S.C. 923).

18 "Firearm" means any device, by whatever name known, which
19 is designed to expel a projectile or projectiles by the action
20 of an explosion, expansion of gas or escape of gas; excluding,
21 however:

22 (1) any pneumatic gun, spring gun, paint ball gun, or
23 B-B gun which expels a single globular projectile not
24 exceeding .18 inch in diameter or which has a maximum
25 muzzle velocity of less than 700 feet per second;

26 (1.1) any pneumatic gun, spring gun, paint ball gun, or

1 B-B gun which expels breakable paint balls containing
2 washable marking colors;

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

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

9 (4) an antique firearm (other than a machine-gun)
10 which, although designed as a weapon, the Department of
11 State Police finds by reason of the date of its
12 manufacture, value, design, and other characteristics is
13 primarily a collector's item and is not likely to be used
14 as a weapon.

15 "Firearm ammunition" means any self-contained cartridge or
16 shotgun shell, by whatever name known, which is designed to be
17 used or adaptable to use in a firearm; excluding, however:

18 (1) any ammunition exclusively designed for use with a
19 device used exclusively for signalling or safety and
20 required or recommended by the United States Coast Guard or
21 the Interstate Commerce Commission; and

22 (2) any ammunition designed exclusively for use with a
23 stud or rivet driver or other similar industrial
24 ammunition.

25 "Gun show" means an event or function:

26 (1) at which the sale and transfer of firearms is the

1 regular and normal course of business and where 50 or more
2 firearms are displayed, offered, or exhibited for sale,
3 transfer, or exchange; or

4 (2) at which not less than 10 gun show vendors display,
5 offer, or exhibit for sale, sell, transfer, or exchange
6 firearms.

7 "Gun show" includes the entire premises provided for an
8 event or function, including parking areas for the event or
9 function, that is sponsored to facilitate the purchase, sale,
10 transfer, or exchange of firearms as described in this Section.

11 "Gun show" does not include training or safety classes,
12 competitive shooting events, such as rifle, shotgun, or handgun
13 matches, trap, skeet, or sporting clays shoots, dinners,
14 banquets, raffles, or any other event where the sale or
15 transfer of firearms is not the primary course of business.

16 "Gun show promoter" means a person who organizes or
17 operates a gun show.

18 "Gun show vendor" means a person who exhibits, sells,
19 offers for sale, transfers, or exchanges any firearms at a gun
20 show, regardless of whether the person arranges with a gun show
21 promoter for a fixed location from which to exhibit, sell,
22 offer for sale, transfer, or exchange any firearm.

23 "Intellectually disabled" means significantly subaverage
24 general intellectual functioning which exists concurrently
25 with impairment in adaptive behavior and which originates
26 before the age of 18 years.

1 "Involuntarily admitted" has the meaning as prescribed in
2 Sections 1-119 and 1-119.1 of the Mental Health and
3 Developmental Disabilities Code.

4 "Mental health facility ~~institution~~" means any licensed
5 private hospital or hospital affiliate, institution, or
6 facility, or part thereof, and any facility, or part thereof,
7 operated by the State or a political subdivision thereof which
8 provide ~~clinic, evaluation facility, mental health center, or~~
9 ~~part thereof, which is used primarily for the care or treatment~~
10 of persons with mental illness and includes all hospitals,
11 institutions, clinics, evaluation facilities, mental health
12 centers, colleges, universities, long-term care facilities,
13 and nursing homes, or parts thereof, which provide treatment of
14 persons with mental illness whether or not the primary purpose
15 is to provide treatment of persons with mental illness.

16 "Patient" means:

17 (1) a person who voluntarily receives mental health
18 treatment as an in-patient or resident of any public or
19 private mental health facility, unless the treatment was
20 solely for an alcohol abuse disorder and no other secondary
21 substance abuse disorder or mental illness; or

22 (2) a person who voluntarily receives mental health
23 treatment as an out-patient or is provided services by a
24 public or private mental health facility, and who poses a
25 clear and present danger to himself, herself, or to others.

26 "Physician" has the meaning as defined in Section 1-120 of

1 the Mental Health and Developmental Disabilities Code.

2 "Qualified examiner" has the meaning provided in Section
3 1-122 of the Mental Health and Developmental Disabilities Code.

4 ~~"Patient in a mental institution" means the person was~~
5 ~~admitted, either voluntarily or involuntarily, to a mental~~
6 ~~institution for mental health treatment, unless the treatment~~
7 ~~was voluntary and solely for an alcohol abuse disorder and no~~
8 ~~other secondary substance abuse disorder or mental illness.~~

9 "Sanctioned competitive shooting event" means a shooting
10 contest officially recognized by a national or state shooting
11 sport association, and includes any sight-in or practice
12 conducted in conjunction with the event.

13 "School administrator" means the person required to report
14 under the School Administrator Reporting of Mental Health Clear
15 and Present Danger Determinations Law.

16 "Stun gun or taser" has the meaning ascribed to it in
17 Section 24-1 of the Criminal Code of 2012.

18 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13;
19 97-1167, eff. 6-1-13.)

20 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

21 Sec. 3.1. Dial up system.

22 (a) The Department of State Police shall provide a dial up
23 telephone system or utilize other existing technology which
24 shall be used by any federally licensed firearm dealer, gun
25 show promoter, or gun show vendor who is to transfer a firearm,

1 stun gun, or taser under the provisions of this Act. The
2 Department of State Police may utilize existing technology
3 which allows the caller to be charged a fee not to exceed \$2.
4 Fees collected by the Department of State Police shall be
5 deposited in the State Police Services Fund and used to provide
6 the service.

7 (b) Upon receiving a request from a federally licensed
8 firearm dealer, gun show promoter, or gun show vendor, the
9 Department of State Police shall immediately approve, or within
10 the time period established by Section 24-3 of the Criminal
11 Code of 2012 regarding the delivery of firearms, stun guns, and
12 tasers notify the inquiring dealer, gun show promoter, or gun
13 show vendor of any objection that would disqualify the
14 transferee from acquiring or possessing a firearm, stun gun, or
15 taser. In conducting the inquiry, the Department of State
16 Police shall initiate and complete an automated search of its
17 criminal history record information files and those of the
18 Federal Bureau of Investigation, including the National
19 Instant Criminal Background Check System, and of the files of
20 the Department of Human Services relating to mental health and
21 developmental disabilities to obtain any felony conviction or
22 patient hospitalization information which would disqualify a
23 person from obtaining or require revocation of a currently
24 valid Firearm Owner's Identification Card.

25 (c) If receipt of a firearm would not violate Section 24-3
26 of the Criminal Code of 2012, federal law, or this Act the

1 Department of State Police shall:

2 (1) assign a unique identification number to the
3 transfer; and

4 (2) provide the licensee, gun show promoter, or gun
5 show vendor with the number.

6 (d) Approvals issued by the Department of State Police for
7 the purchase of a firearm are valid for 30 days from the date
8 of issue.

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

12 (2) The Department of State Police and the Department of
13 Human Services shall, in accordance with State and federal law
14 regarding confidentiality, enter into a memorandum of
15 understanding with the Federal Bureau of Investigation for the
16 purpose of implementing the National Instant Criminal
17 Background Check System in the State. The Department of State
18 Police shall report the name, date of birth, and physical
19 description of any person prohibited from possessing a firearm
20 pursuant to the Firearm Owners Identification Card Act or 18
21 U.S.C. 922(g) and (n) to the National Instant Criminal
22 Background Check System Index, Denied Persons Files.

23 (3) The Department of State Police shall provide notice of
24 the disqualification of a person under subsection (b) of this
25 Section or the revocation of a person's Firearm Owner's
26 Identification Card under Section 8 of this Act, and the reason

1 for the disqualification or revocation, to all law enforcement
2 agencies with jurisdiction to assist with the seizure of the
3 person's Firearm Owner's Identification Card.

4 (f) The Department of State Police shall adopt ~~promulgate~~
5 rules not inconsistent with this Section to implement this
6 system.

7 (Source: P.A. 97-1150, eff. 1-25-13.)

8 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

9 (Text of Section before amendment by P.A. 97-1167)

10 Sec. 4. (a) Each applicant for a Firearm Owner's
11 Identification Card must:

12 (1) Make application on blank forms prepared and
13 furnished at convenient locations throughout the State by
14 the Department of State Police, or by electronic means, if
15 and when made available by the Department of State Police;
16 and

17 (2) Submit evidence to the Department of State Police
18 that:

19 (i) He or she is 21 years of age or over, or if he
20 or she is under 21 years of age that he or she has the
21 written consent of his or her parent or legal guardian
22 to possess and acquire firearms and firearm ammunition
23 and that he or she has never been convicted of a
24 misdemeanor other than a traffic offense or adjudged
25 delinquent, provided, however, that such parent or

1 legal guardian is not an individual prohibited from
2 having a Firearm Owner's Identification Card and files
3 an affidavit with the Department as prescribed by the
4 Department stating that he or she is not an individual
5 prohibited from having a Card;

6 (ii) He or she has not been convicted of a felony
7 under the laws of this or any other jurisdiction;

8 (iii) He or she is not addicted to narcotics;

9 (iv) He or she has not been a patient in a mental
10 health facility ~~institution~~ within the past 5 years or,
11 if he or she has been a patient in a mental health
12 facility more than 5 years ago submit the certification
13 required under subsection (u) of Section 8 of this Act
14 ~~and he or she has not been adjudicated as a mental~~
15 ~~defective;~~

16 (v) He or she is not intellectually disabled;

17 (vi) He or she is not an alien who is unlawfully
18 present in the United States under the laws of the
19 United States;

20 (vii) He or she is not subject to an existing order
21 of protection prohibiting him or her from possessing a
22 firearm;

23 (viii) He or she has not been convicted within the
24 past 5 years of battery, assault, aggravated assault,
25 violation of an order of protection, or a substantially
26 similar offense in another jurisdiction, in which a

1 firearm was used or possessed;

2 (ix) He or she has not been convicted of domestic
3 battery, aggravated domestic battery, or a
4 substantially similar offense in another jurisdiction
5 committed before, on or after January 1, 2012 (the
6 effective date of Public Act 97-158). If the applicant
7 knowingly and intelligently waives the right to have an
8 offense described in this clause (ix) tried by a jury,
9 and by guilty plea or otherwise, results in a
10 conviction for an offense in which a domestic
11 relationship is not a required element of the offense
12 but in which a determination of the applicability of 18
13 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the
14 Code of Criminal Procedure of 1963, an entry by the
15 court of a judgment of conviction for that offense
16 shall be grounds for denying the issuance of a Firearm
17 Owner's Identification Card under this Section;

18 (x) (Blank);

19 (xi) He or she is not an alien who has been
20 admitted to the United States under a non-immigrant
21 visa (as that term is defined in Section 101(a)(26) of
22 the Immigration and Nationality Act (8 U.S.C.
23 1101(a)(26))), or that he or she is an alien who has
24 been lawfully admitted to the United States under a
25 non-immigrant visa if that alien is:

26 (1) admitted to the United States for lawful

1 hunting or sporting purposes;

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

4 (A) accredited to the United States
5 Government or the Government's mission to an
6 international organization having its
7 headquarters in the United States; or

8 (B) en route to or from another country to
9 which that alien is accredited;

10 (3) an official of a foreign government or
11 distinguished foreign visitor who has been so
12 designated by the Department of State;

13 (4) a foreign law enforcement officer of a
14 friendly foreign government entering the United
15 States on official business; or

16 (5) one who has received a waiver from the
17 Attorney General of the United States pursuant to
18 18 U.S.C. 922(y) (3);

19 (xii) He or she is not a minor subject to a
20 petition filed under Section 5-520 of the Juvenile
21 Court Act of 1987 alleging that the minor is a
22 delinquent minor for the commission of an offense that
23 if committed by an adult would be a felony;

24 (xiii) He or she is not an adult who had been
25 adjudicated a delinquent minor under the Juvenile
26 Court Act of 1987 for the commission of an offense that

1 if committed by an adult would be a felony; and

2 (xiv) He or she is a resident of the State of
3 Illinois; ~~and~~

4 (xv) He or she has not been adjudicated as a
5 mentally disabled person;

6 (xvi) He or she has not been involuntarily admitted
7 into a mental health facility; and

8 (xvii) He or she is not developmentally disabled;
9 and

10 (3) Upon request by the Department of State Police,
11 sign a release on a form prescribed by the Department of
12 State Police waiving any right to confidentiality and
13 requesting the disclosure to the Department of State Police
14 of limited mental health institution admission information
15 from another state, the District of Columbia, any other
16 territory of the United States, or a foreign nation
17 concerning the applicant for the sole purpose of
18 determining whether the applicant is or was a patient in a
19 mental health institution and disqualified because of that
20 status from receiving a Firearm Owner's Identification
21 Card. No mental health care or treatment records may be
22 requested. The information received shall be destroyed
23 within one year of receipt.

24 (a-5) Each applicant for a Firearm Owner's Identification
25 Card who is over the age of 18 shall furnish to the Department
26 of State Police either his or her Illinois driver's license

1 number or Illinois Identification Card number, except as
2 provided in subsection (a-10).

3 (a-10) Each applicant for a Firearm Owner's Identification
4 Card, who is employed as a law enforcement officer, an armed
5 security officer in Illinois, or by the United States Military
6 permanently assigned in Illinois and who is not an Illinois
7 resident, shall furnish to the Department of State Police his
8 or her driver's license number or state identification card
9 number from his or her state of residence. The Department of
10 State Police may adopt ~~promulgate~~ rules to enforce the
11 provisions of this subsection (a-10).

12 (a-15) If an applicant applying for a Firearm Owner's
13 Identification Card moves from the residence address named in
14 the application, he or she shall immediately notify in a form
15 and manner prescribed by the Department of State Police of that
16 change of address.

17 (a-20) Each applicant for a Firearm Owner's Identification
18 Card shall furnish to the Department of State Police his or her
19 photograph. An applicant who is 21 years of age or older
20 seeking a religious exemption to the photograph requirement
21 must furnish with the application an approved copy of United
22 States Department of the Treasury Internal Revenue Service Form
23 4029. In lieu of a photograph, an applicant regardless of age
24 seeking a religious exemption to the photograph requirement
25 shall submit fingerprints on a form and manner prescribed by
26 the Department with his or her application.

1 (b) Each application form shall include the following
2 statement printed in bold type: "Warning: Entering false
3 information on an application for a Firearm Owner's
4 Identification Card is punishable as a Class 2 felony in
5 accordance with subsection (d-5) of Section 14 of the Firearm
6 Owners Identification Card Act.".

7 (c) Upon such written consent, pursuant to Section 4,
8 paragraph (a)(2)(i), the parent or legal guardian giving the
9 consent shall be liable for any damages resulting from the
10 applicant's use of firearms or firearm ammunition.

11 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,
12 eff. 7-13-12; 97-1131, eff. 1-1-13.)

13 (Text of Section after amendment by P.A. 97-1167)

14 Sec. 4. (a) Each applicant for a Firearm Owner's
15 Identification Card must:

16 (1) Make application on blank forms prepared and
17 furnished at convenient locations throughout the State by
18 the Department of State Police, or by electronic means, if
19 and when made available by the Department of State Police;
20 and

21 (2) Submit evidence to the Department of State Police
22 that:

23 (i) He or she is 21 years of age or over, or if he
24 or she is under 21 years of age that he or she has the
25 written consent of his or her parent or legal guardian

1 to possess and acquire firearms and firearm ammunition
2 and that he or she has never been convicted of a
3 misdemeanor other than a traffic offense or adjudged
4 delinquent, provided, however, that such parent or
5 legal guardian is not an individual prohibited from
6 having a Firearm Owner's Identification Card and files
7 an affidavit with the Department as prescribed by the
8 Department stating that he or she is not an individual
9 prohibited from having a Card;

10 (ii) He or she has not been convicted of a felony
11 under the laws of this or any other jurisdiction;

12 (iii) He or she is not addicted to narcotics;

13 (iv) He or she has not been a patient in a mental
14 health facility ~~institution~~ within the past 5 years or,
15 if he or she has been a patient in a mental health
16 facility more than 5 years ago submit the certification
17 required under subsection (u) of Section 8 of this Act;

18 (v) He or she is not intellectually disabled;

19 (vi) He or she is not an alien who is unlawfully
20 present in the United States under the laws of the
21 United States;

22 (vii) He or she is not subject to an existing order
23 of protection prohibiting him or her from possessing a
24 firearm;

25 (viii) He or she has not been convicted within the
26 past 5 years of battery, assault, aggravated assault,

1 violation of an order of protection, or a substantially
2 similar offense in another jurisdiction, in which a
3 firearm was used or possessed;

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

20 (x) (Blank);

21 (xi) He or she is not an alien who has been
22 admitted to the United States under a non-immigrant
23 visa (as that term is defined in Section 101(a)(26) of
24 the Immigration and Nationality Act (8 U.S.C.
25 1101(a)(26))), or that he or she is an alien who has
26 been lawfully admitted to the United States under a

1 non-immigrant visa if that alien is:

2 (1) admitted to the United States for lawful
3 hunting or sporting purposes;

4 (2) an official representative of a foreign
5 government who is:

6 (A) accredited to the United States
7 Government or the Government's mission to an
8 international organization having its
9 headquarters in the United States; or

10 (B) en route to or from another country to
11 which that alien is accredited;

12 (3) an official of a foreign government or
13 distinguished foreign visitor who has been so
14 designated by the Department of State;

15 (4) a foreign law enforcement officer of a
16 friendly foreign government entering the United
17 States on official business; or

18 (5) one who has received a waiver from the
19 Attorney General of the United States pursuant to
20 18 U.S.C. 922(y) (3);

21 (xii) He or she is not a minor subject to a
22 petition filed under Section 5-520 of the Juvenile
23 Court Act of 1987 alleging that the minor is a
24 delinquent minor for the commission of an offense that
25 if committed by an adult would be a felony;

26 (xiii) He or she is not an adult who had been

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

4 (xiv) He or she is a resident of the State of
5 Illinois; ~~and~~

6 (xv) He or she has not been adjudicated as a
7 mentally disabled person ~~mental-defective; and~~

8 (xvi) He or she has not been involuntarily admitted
9 into a mental health facility; and

10 (xvii) He or she is not developmentally disabled;
11 and

12 (3) Upon request by the Department of State Police,
13 sign a release on a form prescribed by the Department of
14 State Police waiving any right to confidentiality and
15 requesting the disclosure to the Department of State Police
16 of limited mental health institution admission information
17 from another state, the District of Columbia, any other
18 territory of the United States, or a foreign nation
19 concerning the applicant for the sole purpose of
20 determining whether the applicant is or was a patient in a
21 mental health institution and disqualified because of that
22 status from receiving a Firearm Owner's Identification
23 Card. No mental health care or treatment records may be
24 requested. The information received shall be destroyed
25 within one year of receipt.

26 (a-5) Each applicant for a Firearm Owner's Identification

1 Card who is over the age of 18 shall furnish to the Department
2 of State Police either his or her Illinois driver's license
3 number or Illinois Identification Card number, except as
4 provided in subsection (a-10).

5 (a-10) Each applicant for a Firearm Owner's Identification
6 Card, who is employed as a law enforcement officer, an armed
7 security officer in Illinois, or by the United States Military
8 permanently assigned in Illinois and who is not an Illinois
9 resident, shall furnish to the Department of State Police his
10 or her driver's license number or state identification card
11 number from his or her state of residence. The Department of
12 State Police may adopt ~~promulgate~~ rules to enforce the
13 provisions of this subsection (a-10).

14 (a-15) If an applicant applying for a Firearm Owner's
15 Identification Card moves from the residence address named in
16 the application, he or she shall immediately notify in a form
17 and manner prescribed by the Department of State Police of that
18 change of address.

19 (a-20) Each applicant for a Firearm Owner's Identification
20 Card shall furnish to the Department of State Police his or her
21 photograph. An applicant who is 21 years of age or older
22 seeking a religious exemption to the photograph requirement
23 must furnish with the application an approved copy of United
24 States Department of the Treasury Internal Revenue Service Form
25 4029. In lieu of a photograph, an applicant regardless of age
26 seeking a religious exemption to the photograph requirement

1 shall submit fingerprints on a form and manner prescribed by
2 the Department with his or her application.

3 (b) Each application form shall include the following
4 statement printed in bold type: "Warning: Entering false
5 information on an application for a Firearm Owner's
6 Identification Card is punishable as a Class 2 felony in
7 accordance with subsection (d-5) of Section 14 of the Firearm
8 Owners Identification Card Act.".

9 (c) Upon such written consent, pursuant to Section 4,
10 paragraph (a)(2)(i), the parent or legal guardian giving the
11 consent shall be liable for any damages resulting from the
12 applicant's use of firearms or firearm ammunition.

13 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,
14 eff. 7-13-12; 97-1131, eff. 1-1-13; 97-1167, eff. 6-1-13.)

15 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

16 Sec. 5. The Department of State Police shall either approve
17 or deny all applications within 30 days from the date they are
18 received, and every applicant found qualified under ~~pursuant to~~
19 Section 8 of this Act by the Department shall be entitled to a
20 Firearm Owner's Identification Card upon the payment of a \$10
21 fee. Any applicant who is an active duty member of the Armed
22 Forces of the United States, a member of the Illinois National
23 Guard, or a member of the Reserve Forces of the United States
24 is exempt from the application fee. \$6 of each fee derived from
25 the issuance of Firearm Owner's Identification Cards, or

1 renewals thereof, shall be deposited in the Wildlife and Fish
2 Fund in the State Treasury; \$1 of the ~~such~~ fee shall be
3 deposited in the State Police Services Fund and \$3 of the ~~such~~
4 fee shall be deposited in the State Police Firearm Services
5 Fund. Firearm Owner's Notification Fund. Monies in the Firearm
6 Owner's Notification Fund shall be used exclusively to pay for
7 the cost of sending notices of expiration of Firearm Owner's
8 Identification Cards under Section 13.2 of this Act. Excess
9 monies in the Firearm Owner's Notification Fund shall be used
10 to ensure the prompt and efficient processing of applications
11 received under Section 4 of this Act.

12 (Source: P.A. 95-581, eff. 6-1-08; 96-91, eff. 7-27-09.)

13 (430 ILCS 65/5.1 new)

14 Sec. 5.1. State Police Firearm Services Fund. All moneys
15 remaining in the Firearm Owner's Notification Fund on the
16 effective date of this amendatory Act of the 98th General
17 Assembly shall be transferred into the State Police Firearm
18 Services Fund, a special fund created in the State treasury, to
19 be expended by the Department of State Police, for the purposes
20 specified in this Act and Section 2605-595 of the Department of
21 State Police Law of the Civil Administrative Code of Illinois.

22 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

23 (Text of Section before amendment by P.A. 97-1167)

24 Sec. 8. The Department of State Police has authority to

1 deny an application for or to revoke and seize a Firearm
2 Owner's Identification Card previously issued under this Act
3 only if the Department finds that the applicant or the person
4 to whom such card was issued is or was at the time of issuance:

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

8 (b) A person under 21 years of age who does not have the
9 written consent of his parent or guardian to acquire and
10 possess firearms and firearm ammunition, or whose parent or
11 guardian has revoked such written consent, or where such parent
12 or guardian does not qualify to have a Firearm Owner's
13 Identification Card;

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

16 (d) A person addicted to narcotics;

17 (e) A person who has been a patient of a mental health
18 facility institution within the past 5 years or a person who
19 has been a patient in a mental health facility more than 5
20 years ago who has not received the certification required under
21 subsection (u) of this Section. An active law enforcement
22 officer employed by a unit of government who is denied,
23 revoked, or has his or her Firearm Owner's Identification Card
24 seized under this subsection (e) may obtain relief as described
25 in subsection (c-5) of Section 10 of this Act if the officer
26 did not act in a manner threatening to the officer, another

1 person, or the public as determined by the treating clinical
2 psychologist or physician, and the officer seeks mental health
3 treatment ~~or has been adjudicated as a mental defective;~~

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

7 ~~For the purposes of this Section, "mental condition" means~~
8 ~~a state of mind manifested by violent, suicidal, threatening or~~
9 ~~assaultive behavior.~~

10 (g) A person who is intellectually disabled;

11 (h) A person who intentionally makes a false statement in
12 the Firearm Owner's Identification Card application;

13 (i) An alien who is unlawfully present in the United States
14 under the laws of the United States;

15 (i-5) An alien who has been admitted to the United States
16 under a non-immigrant visa (as that term is defined in Section
17 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
18 1101(a)(26))), except that this subsection (i-5) does not apply
19 to any alien who has been lawfully admitted to the United
20 States under a non-immigrant visa if that alien is:

21 (1) admitted to the United States for lawful hunting or
22 sporting purposes;

23 (2) an official representative of a foreign government
24 who is:

25 (A) accredited to the United States Government or
26 the Government's mission to an international

1 organization having its headquarters in the United
2 States; or

3 (B) en route to or from another country to which
4 that alien is accredited;

5 (3) an official of a foreign government or
6 distinguished foreign visitor who has been so designated by
7 the Department of State;

8 (4) a foreign law enforcement officer of a friendly
9 foreign government entering the United States on official
10 business; or

11 (5) one who has received a waiver from the Attorney
12 General of the United States pursuant to 18 U.S.C.
13 922(y) (3);

14 (j) (Blank);

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

19 (l) A person who has been convicted of domestic battery,
20 aggravated domestic battery, or a substantially similar
21 offense in another jurisdiction committed before, on or after
22 January 1, 2012 (the effective date of Public Act 97-158). If
23 the applicant or person who has been previously issued a
24 Firearm Owner's Identification Card under this Act knowingly
25 and intelligently waives the right to have an offense described
26 in this paragraph (l) tried by a jury, and by guilty plea or

1 otherwise, results in a conviction for an offense in which a
2 domestic relationship is not a required element of the offense
3 but in which a determination of the applicability of 18 U.S.C.
4 922(g)(9) is made under Section 112A-11.1 of the Code of
5 Criminal Procedure of 1963, an entry by the court of a judgment
6 of conviction for that offense shall be grounds for denying an
7 application for and for revoking and seizing a Firearm Owner's
8 Identification Card previously issued to the person under this
9 Act;

10 (m) (Blank);

11 (n) A person who is prohibited from acquiring or possessing
12 firearms or firearm ammunition by any Illinois State statute or
13 by federal law;

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

18 (p) An adult who had been adjudicated a delinquent minor
19 under the Juvenile Court Act of 1987 for the commission of an
20 offense that if committed by an adult would be a felony; ~~or~~

21 (q) A person who is not a resident of the State of
22 Illinois, except as provided in subsection (a-10) of Section
23 4.1-

24 (r) A person who has been adjudicated as a mentally
25 disabled person;

26 (s) A person who has been found to be developmentally

1 disabled;

2 (t) A person involuntarily admitted into a mental health
3 facility;

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

24 (v) Upon revocation of a person's Firearm Owner's
25 Identification Card, the Department of State Police shall
26 provide notice to the person and the person shall comply with

1 Section 9.5 of this Act.

2 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
3 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

4 (Text of Section after amendment by P.A. 97-1167)

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

10 (a) A person under 21 years of age who has been convicted
11 of a misdemeanor other than a traffic offense or adjudged
12 delinquent;

13 (b) A person under 21 years of age who does not have the
14 written consent of his parent or guardian to acquire and
15 possess firearms and firearm ammunition, or whose parent or
16 guardian has revoked such written consent, or where such parent
17 or guardian does not qualify to have a Firearm Owner's
18 Identification Card;

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

21 (d) A person addicted to narcotics;

22 (e) A person who has been a patient of a mental health
23 facility ~~institution~~ within the past 5 years or a person who
24 has been a patient in a mental health facility more than 5
25 years ago who has not received the certification required under

1 subsection (u) of this Section. An active law enforcement
2 officer employed by a unit of government who is denied,
3 revoked, or has his or her Firearm Owner's Identification Card
4 seized under this subsection (e) may obtain relief as described
5 in subsection (c-5) of Section 10 of this Act if the officer
6 did not act in a manner threatening to the officer, another
7 person, or the public as determined by the treating clinical
8 psychologist or physician, and the officer seeks mental health
9 treatment;

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

13 ~~For the purposes of this Section, "mental condition" means~~
14 ~~a state of mind manifested by violent, suicidal, threatening or~~
15 ~~assaultive behavior.~~

16 (g) A person who is intellectually disabled;

17 (h) A person who intentionally makes a false statement in
18 the Firearm Owner's Identification Card application;

19 (i) An alien who is unlawfully present in the United States
20 under the laws of the United States;

21 (i-5) An alien who has been admitted to the United States
22 under a non-immigrant visa (as that term is defined in Section
23 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
24 1101(a)(26))), except that this subsection (i-5) does not apply
25 to any alien who has been lawfully admitted to the United
26 States under a non-immigrant visa if that alien is:

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

3 (2) an official representative of a foreign government
4 who is:

5 (A) accredited to the United States Government or
6 the Government's mission to an international
7 organization having its headquarters in the United
8 States; or

9 (B) en route to or from another country to which
10 that alien is accredited;

11 (3) an official of a foreign government or
12 distinguished foreign visitor who has been so designated by
13 the Department of State;

14 (4) a foreign law enforcement officer of a friendly
15 foreign government entering the United States on official
16 business; or

17 (5) one who has received a waiver from the Attorney
18 General of the United States pursuant to 18 U.S.C.
19 922(y) (3);

20 (j) (Blank);

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

25 (l) A person who has been convicted of domestic battery,
26 aggravated domestic battery, or a substantially similar

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

16 (m) (Blank);

17 (n) A person who is prohibited from acquiring or possessing
18 firearms or firearm ammunition by any Illinois State statute or
19 by federal law;

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

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

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

3 ~~or~~

4 (r) A person who has been adjudicated as a mentally
5 disabled person; ~~mental defective.~~

6 (s) A person who has been found to be developmentally
7 disabled;

8 (t) A person involuntarily admitted into a mental health
9 facility;

10 (u) A person who has had his or her Firearm Owner's
11 Identification Card revoked or denied under subsection (e) of
12 this Section or item (iv) of Section 4 of this Act because he
13 or she was a patient in a mental health facility as provided in
14 item (2) of subsection (e) of this Section, shall not be
15 permitted to obtain a Firearm Owner's Identification Card,
16 after the 5 year period has lapsed, unless he or she has
17 received a mental health evaluation by a physician, clinical
18 psychologist, or qualified examiner as those terms are defined
19 in the Mental Health and Developmental Disabilities Code, and
20 has received a certification that he or she is not a clear and
21 present danger to himself, herself, or others. The physician,
22 clinical psychologist, or qualified examiner making the
23 certification and his or her employer shall not be held
24 criminally, civilly, or professionally liable for making or not
25 making the certification required under this subsection,
26 except for willful or wanton misconduct. This subsection does

1 not apply to a person whose firearm possession rights have been
2 restored through administrative or judicial action under
3 Section 10 or 11 of this Act; or

4 (v) Upon revocation of a person's Firearm Owner's
5 Identification Card, the Department of State Police shall
6 provide notice to the person and the person shall comply with
7 Section 9.5 of this Act.

8 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
9 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13;
10 97-1167, eff. 6-1-13.)

11 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

12 Sec. 8.1. Notifications to the Circuit Clerk to notify
13 Department of State Police.

14 (a) The Circuit Clerk shall, in the form and manner
15 required by the Supreme Court, notify the Department of State
16 Police of all final dispositions of cases for which the
17 Department has received information reported to it under
18 Sections 2.1 and 2.2 of the Criminal Identification Act.

19 (b) Upon adjudication of any individual as a mentally
20 disabled person ~~mental defective~~, as defined in Section 1.1 of
21 this Act or a finding that a person has been involuntarily
22 admitted ~~or as provided in paragraph (3.5) of subsection (c) of~~
23 ~~Section 104-26 of the Code of Criminal Procedure of 1963~~, the
24 court shall direct the circuit court clerk to immediately
25 notify the Department of State Police, Firearm Owner's

1 Identification (FOID) department, and shall forward a copy of
2 the court order to the Department.

3 (c) The Department of Human Services shall, in the form and
4 manner prescribed by the Department of State Police, report all
5 information collected under subsection (b) of Section 12 of the
6 Mental Health and Developmental Disabilities Confidentiality
7 Act for the purpose of determining whether a person who may be
8 or may have been a patient in a mental health facility is
9 disqualified under State or federal law from receiving or
10 retaining a Firearm Owner's Identification Card, or purchasing
11 a weapon.

12 (d) If a person is determined to pose a clear and present
13 danger to himself, herself, or to others by a physician,
14 clinical psychologist, qualified examiner, law enforcement
15 official, or school administrator, or is determined to be
16 developmentally disabled by a physician, clinical
17 psychologist, or qualified examiner, whether employed by the
18 State or by a private mental health facility, then the
19 physician, clinical psychologist, or qualified examiner shall,
20 within 24 hours of making the determination, notify the
21 Department of Human Services that the person poses a clear and
22 present danger. The Department of Human Services shall
23 immediately update its records and information relating to
24 mental health and developmental disabilities, and if
25 appropriate, shall notify the Department of State Police in a
26 form and manner prescribed by the Department of State Police.

1 The Department of State Police shall determine whether to
2 revoke the person's Firearm Owner's Identification Card under
3 Section 8 of this Act. Any information disclosed under this
4 subsection shall remain privileged and confidential, and shall
5 not be redisclosed, except as required under subsection (e) of
6 Section 3.1 of this Act, nor used for any other purpose. The
7 method of providing this information shall guarantee that the
8 information is not released beyond what is necessary for the
9 purpose of this Section and shall be provided by rule by the
10 Department of Human Services. The identity of the person
11 reporting under this Section shall not be disclosed to the
12 subject of the report. The physician, clinical psychologist,
13 qualified examiner, law enforcement official, or school
14 administrator making the determination and his or her employer
15 shall not be held criminally, civilly, or professionally liable
16 for making or not making the notification required under this
17 subsection, except for willful or wanton misconduct.

18 (e) The Department of State Police shall adopt rules to
19 implement this Section.

20 (Source: P.A. 97-1131, eff. 1-1-13.)

21 (430 ILCS 65/9) (from Ch. 38, par. 83-9)

22 Sec. 9. Every person whose application for a Firearm
23 Owner's Identification Card is denied, and every holder of such
24 a Card whose Card is revoked or seized, shall receive a written
25 notice from the Department of State Police stating specifically

1 the grounds upon which his application has been denied or upon
2 which his Identification Card has been revoked. The written
3 notice shall include the requirements of Section 9.5 of this
4 Act and the persons's right to administrative or judicial
5 review under Section 10 and 11 of this Act. A copy of the
6 written notice shall be provided to the sheriff and law
7 enforcement agency where the person resides.

8 (Source: P.A. 97-1131, eff. 1-1-13.)

9 (430 ILCS 65/9.5 new)

10 Sec. 9.5. Revocation of Firearm Owner's Identification
11 Card.

12 (a) A person who receives a revocation notice under Section
13 9 of this Act shall, within 48 hours of receiving notice of the
14 revocation:

15 (1) surrender his or her Firearm Owner's
16 Identification Card to the local law enforcement agency
17 where the person resides. The local law enforcement agency
18 shall provide the person a receipt and transmit the Firearm
19 Owner's Identification Card to the Department of State
20 Police; and

21 (2) complete a Firearm Disposition Record on a form
22 prescribed by the Department of State Police and place his
23 or her firearms in the location or with the person reported
24 in the Firearm Disposition Record. The form shall require
25 the person to disclose:

1 (A) the make, model, and serial number of each
2 firearm owned by or under the custody and control of
3 the revoked person;

4 (B) the location where each firearm will be
5 maintained during the prohibited term; and

6 (C) if any firearm will be transferred to the
7 custody of another person, the name, address and
8 Firearm Owner's Identification Card number of the
9 transferee.

10 (b) The local law enforcement agency shall provide a copy
11 of the Firearm Disposition Record to the person whose Firearm
12 Owner's Identification Card has been revoked and to the
13 Department of State Police.

14 (c) If the person whose Firearm Owner's Identification Card
15 has been revoked fails to comply with the requirements of this
16 Section, the sheriff or law enforcement agency where the person
17 resides may petition the circuit court to issue a warrant to
18 search for and seize the Firearm Owner's Identification Card
19 and firearms in the possession or under the custody or control
20 of the person whose Firearm Owner's Identification Card has
21 been revoked.

22 (d) A violation of subsection (a) of this Section is a
23 Class A misdemeanor.

24 (e) The observation of a Firearm Owner's Identification
25 Card in the possession of a person whose Firearm Owner's
26 Identification Card has been revoked constitutes a sufficient

1 basis for the arrest of that person for violation of this
2 Section.

3 (f) Within 30 days after the effective date of this
4 amendatory Act of the 98th General Assembly, the Department of
5 State Police shall provide written notice of the requirements
6 of this Section to persons whose Firearm Owner's Identification
7 Cards have been revoked, suspended, or expired and who have
8 failed to surrender their cards to the Department.

9 (g) A person whose Firearm Owner's Identification Card has
10 been revoked and who received notice under subsection (f) shall
11 comply with the requirements of this Section within 48 hours of
12 receiving notice.

13 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

14 (Text of Section before amendment by P.A. 97-1167)

15 Sec. 10. Appeal to director; hearing; relief from firearm
16 prohibitions.

17 (a) Whenever an application for a Firearm Owner's
18 Identification Card is denied, whenever the Department fails to
19 act on an application within 30 days of its receipt, or
20 whenever such a Card is revoked or seized as provided for in
21 Section 8 of this Act, the aggrieved party may appeal to the
22 Director of State Police for a hearing upon such denial,
23 revocation or seizure, unless the denial, revocation, or
24 seizure was based upon a forcible felony, stalking, aggravated
25 stalking, domestic battery, any violation of the Illinois

1 Controlled Substances Act, the Methamphetamine Control and
2 Community Protection Act, or the Cannabis Control Act that is
3 classified as a Class 2 or greater felony, any felony violation
4 of Article 24 of the Criminal Code of 1961 or the Criminal Code
5 of 2012, or any adjudication as a delinquent minor for the
6 commission of an offense that if committed by an adult would be
7 a felony, in which case the aggrieved party may petition the
8 circuit court in writing in the county of his or her residence
9 for a hearing upon such denial, revocation, or seizure.

10 (b) At least 30 days before any hearing in the circuit
11 court, the petitioner shall serve the relevant State's Attorney
12 with a copy of the petition. The State's Attorney may object to
13 the petition and present evidence. At the hearing the court
14 shall determine whether substantial justice has been done.
15 Should the court determine that substantial justice has not
16 been done, the court shall issue an order directing the
17 Department of State Police to issue a Card. However, the court
18 shall not issue the order if the petitioner is otherwise
19 prohibited from obtaining, possessing, or using a firearm under
20 federal law.

21 (c) Any person prohibited from possessing a firearm under
22 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
23 acquiring a Firearm Owner's Identification Card under Section 8
24 of this Act may apply to the Director of State Police or
25 petition the circuit court in the county where the petitioner
26 resides, whichever is applicable in accordance with subsection

1 (a) of this Section, requesting relief from such prohibition
2 and the Director or court may grant such relief if it is
3 established by the applicant to the court's or Director's
4 satisfaction that:

5 (0.05) when in the circuit court, the State's Attorney
6 has been served with a written copy of the petition at
7 least 30 days before any such hearing in the circuit court
8 and at the hearing the State's Attorney was afforded an
9 opportunity to present evidence and object to the petition;

10 (1) the applicant has not been convicted of a forcible
11 felony under the laws of this State or any other
12 jurisdiction within 20 years of the applicant's
13 application for a Firearm Owner's Identification Card, or
14 at least 20 years have passed since the end of any period
15 of imprisonment imposed in relation to that conviction;

16 (2) the circumstances regarding a criminal conviction,
17 where applicable, the applicant's criminal history and his
18 reputation are such that the applicant will not be likely
19 to act in a manner dangerous to public safety;

20 (3) granting relief would not be contrary to the public
21 interest; and

22 (4) granting relief would not be contrary to federal
23 law.

24 (c-5) (1) An active law enforcement officer employed by
25 a unit of government, who is denied, revoked, or has his or
26 her Firearm Owner's Identification Card seized under

1 subsection (e) of Section 8 of this Act may apply to the
2 Director of State Police requesting relief if the officer
3 did not act in a manner threatening to the officer, another
4 person, or the public as determined by the treating
5 clinical psychologist or physician, and as a result of his
6 or her work is referred by the employer for or voluntarily
7 seeks mental health evaluation or treatment by a licensed
8 clinical psychologist, psychiatrist, or qualified
9 examiner, and:

10 (A) the officer has not received treatment
11 involuntarily at a mental health facility, regardless
12 of the length of admission; or has not been voluntarily
13 admitted to a mental health facility for more than 30
14 days and not for more than one incident within the past
15 5 years; and

16 (B) the officer has not left the mental institution
17 against medical advice.

18 (2) The Director of State Police shall grant expedited
19 relief to active law enforcement officers described in
20 paragraph (1) of this subsection (c-5) upon a determination
21 by the Director that the officer's possession of a firearm
22 does not present a threat to themselves, others, or public
23 safety. The Director shall act on the request for relief
24 within 30 business days of receipt of:

25 (A) a notarized statement from the officer in the
26 form prescribed by the Director detailing the

1 circumstances that led to the hospitalization;

2 (B) all documentation regarding the admission,
3 evaluation, treatment and discharge from the treating
4 licensed clinical psychologist or psychiatrist of the
5 officer;

6 (C) a psychological fitness for duty evaluation of
7 the person completed after the time of discharge; and

8 (D) written confirmation in the form prescribed by
9 the Director from the treating licensed clinical
10 psychologist or psychiatrist that the provisions set
11 forth in paragraph (1) of this subsection (c-5) have
12 been met, the person successfully completed treatment,
13 and their professional opinion regarding the person's
14 ability to possess firearms.

15 (3) Officers eligible for the expedited relief in
16 paragraph (2) of this subsection (c-5) have the burden of
17 proof on eligibility and must provide all information
18 required. The Director may not consider granting expedited
19 relief until the proof and information is received.

20 (4) "Clinical psychologist", "psychiatrist", and
21 "qualified examiner" shall have the same meaning as
22 provided in Chapter 1 of the Mental Health and
23 Developmental Disabilities Code.

24 (d) When a minor is adjudicated delinquent for an offense
25 which if committed by an adult would be a felony, the court
26 shall notify the Department of State Police.

1 (e) The court shall review the denial of an application or
2 the revocation of a Firearm Owner's Identification Card of a
3 person who has been adjudicated delinquent for an offense that
4 if committed by an adult would be a felony if an application
5 for relief has been filed at least 10 years after the
6 adjudication of delinquency and the court determines that the
7 applicant should be granted relief from disability to obtain a
8 Firearm Owner's Identification Card. If the court grants
9 relief, the court shall notify the Department of State Police
10 that the disability has been removed and that the applicant is
11 eligible to obtain a Firearm Owner's Identification Card.

12 (f) Any person who is subject to the disabilities of 18
13 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
14 of 1968 because of an adjudication or commitment that occurred
15 under the laws of this State or who was determined to be
16 subject to the provisions of subsections (e), (f), or (g) of
17 Section 8 of this Act may apply to the Department of State
18 Police requesting relief from that prohibition. The Director
19 shall grant the relief if it is established by a preponderance
20 of the evidence that the person will not be likely to act in a
21 manner dangerous to public safety and that granting relief
22 would not be contrary to the public interest. In making this
23 determination, the Director shall receive evidence concerning
24 (i) the circumstances regarding the firearms disabilities from
25 which relief is sought; (ii) the petitioner's mental health and
26 criminal history records, if any; (iii) the petitioner's

1 reputation, developed at a minimum through character witness
2 statements, testimony, or other character evidence; and (iv)
3 changes in the petitioner's condition or circumstances since
4 the disqualifying events relevant to the relief sought. If
5 relief is granted under this subsection or by order of a court
6 under this Section, the Director shall as soon as practicable
7 but in no case later than 15 business days, update, correct,
8 modify, or remove the person's record in any database that the
9 Department of State Police makes available to the National
10 Instant Criminal Background Check System and notify the United
11 States Attorney General that the basis for the record being
12 made available no longer applies. The Department of State
13 Police shall adopt rules for the administration of this Section
14 ~~subsection (f)~~.

15 (Source: P.A. 96-1368, eff. 7-28-10; 97-1131, eff. 1-1-13;
16 97-1150, eff. 1-25-13.)

17 (Text of Section after amendment by P.A. 97-1167)

18 Sec. 10. Appeal to director; hearing; relief from firearm
19 prohibitions.

20 (a) Whenever an application for a Firearm Owner's
21 Identification Card is denied, whenever the Department fails to
22 act on an application within 30 days of its receipt, or
23 whenever such a Card is revoked or seized as provided for in
24 Section 8 of this Act, the aggrieved party may appeal to the
25 Director of State Police for a hearing upon such denial,

1 revocation or seizure, unless the denial, revocation, or
2 seizure was based upon a forcible felony, stalking, aggravated
3 stalking, domestic battery, any violation of the Illinois
4 Controlled Substances Act, the Methamphetamine Control and
5 Community Protection Act, or the Cannabis Control Act that is
6 classified as a Class 2 or greater felony, any felony violation
7 of Article 24 of the Criminal Code of 1961 or the Criminal Code
8 of 2012, or any adjudication as a delinquent minor for the
9 commission of an offense that if committed by an adult would be
10 a felony, in which case the aggrieved party may petition the
11 circuit court in writing in the county of his or her residence
12 for a hearing upon such denial, revocation, or seizure.

13 (b) At least 30 days before any hearing in the circuit
14 court, the petitioner shall serve the relevant State's Attorney
15 with a copy of the petition. The State's Attorney may object to
16 the petition and present evidence. At the hearing the court
17 shall determine whether substantial justice has been done.
18 Should the court determine that substantial justice has not
19 been done, the court shall issue an order directing the
20 Department of State Police to issue a Card. However, the court
21 shall not issue the order if the petitioner is otherwise
22 prohibited from obtaining, possessing, or using a firearm under
23 federal law.

24 (c) Any person prohibited from possessing a firearm under
25 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
26 acquiring a Firearm Owner's Identification Card under Section 8

1 of this Act may apply to the Director of State Police or
2 petition the circuit court in the county where the petitioner
3 resides, whichever is applicable in accordance with subsection
4 (a) of this Section, requesting relief from such prohibition
5 and the Director or court may grant such relief if it is
6 established by the applicant to the court's or Director's
7 satisfaction that:

8 (0.05) when in the circuit court, the State's Attorney
9 has been served with a written copy of the petition at
10 least 30 days before any such hearing in the circuit court
11 and at the hearing the State's Attorney was afforded an
12 opportunity to present evidence and object to the petition;

13 (1) the applicant has not been convicted of a forcible
14 felony under the laws of this State or any other
15 jurisdiction within 20 years of the applicant's
16 application for a Firearm Owner's Identification Card, or
17 at least 20 years have passed since the end of any period
18 of imprisonment imposed in relation to that conviction;

19 (2) the circumstances regarding a criminal conviction,
20 where applicable, the applicant's criminal history and his
21 reputation are such that the applicant will not be likely
22 to act in a manner dangerous to public safety;

23 (3) granting relief would not be contrary to the public
24 interest; and

25 (4) granting relief would not be contrary to federal
26 law.

1 (c-5) (1) An active law enforcement officer employed by
2 a unit of government, who is denied, revoked, or has his or
3 her Firearm Owner's Identification Card seized under
4 subsection (e) of Section 8 of this Act may apply to the
5 Director of State Police requesting relief if the officer
6 did not act in a manner threatening to the officer, another
7 person, or the public as determined by the treating
8 clinical psychologist or physician, and as a result of his
9 or her work is referred by the employer for or voluntarily
10 seeks mental health evaluation or treatment by a licensed
11 clinical psychologist, psychiatrist, or qualified
12 examiner, and:

13 (A) the officer has not received treatment
14 involuntarily at a mental health facility ~~institution~~,
15 regardless of the length of admission; or has not been
16 voluntarily admitted to a mental health facility
17 ~~institution~~ for more than 30 days and not for more than
18 one incident within the past 5 years; and

19 (B) the officer has not left the mental institution
20 against medical advice.

21 (2) The Director of State Police shall grant expedited
22 relief to active law enforcement officers described in
23 paragraph (1) of this subsection (c-5) upon a determination
24 by the Director that the officer's possession of a firearm
25 does not present a threat to themselves, others, or public
26 safety. The Director shall act on the request for relief

1 within 30 business days of receipt of:

2 (A) a notarized statement from the officer in the
3 form prescribed by the Director detailing the
4 circumstances that led to the hospitalization;

5 (B) all documentation regarding the admission,
6 evaluation, treatment and discharge from the treating
7 licensed clinical psychologist or psychiatrist of the
8 officer;

9 (C) a psychological fitness for duty evaluation of
10 the person completed after the time of discharge; and

11 (D) written confirmation in the form prescribed by
12 the Director from the treating licensed clinical
13 psychologist or psychiatrist that the provisions set
14 forth in paragraph (1) of this subsection (c-5) have
15 been met, the person successfully completed treatment,
16 and their professional opinion regarding the person's
17 ability to possess firearms.

18 (3) Officers eligible for the expedited relief in
19 paragraph (2) of this subsection (c-5) have the burden of
20 proof on eligibility and must provide all information
21 required. The Director may not consider granting expedited
22 relief until the proof and information is received.

23 (4) "Clinical psychologist", "psychiatrist", and
24 "qualified examiner" shall have the same meaning as
25 provided in Chapter 1 of the Mental Health and
26 Developmental Disabilities Code.

1 (d) When a minor is adjudicated delinquent for an offense
2 which if committed by an adult would be a felony, the court
3 shall notify the Department of State Police.

4 (e) The court shall review the denial of an application or
5 the revocation of a Firearm Owner's Identification Card of a
6 person who has been adjudicated delinquent for an offense that
7 if committed by an adult would be a felony if an application
8 for relief has been filed at least 10 years after the
9 adjudication of delinquency and the court determines that the
10 applicant should be granted relief from disability to obtain a
11 Firearm Owner's Identification Card. If the court grants
12 relief, the court shall notify the Department of State Police
13 that the disability has been removed and that the applicant is
14 eligible to obtain a Firearm Owner's Identification Card.

15 (f) Any person who is subject to the disabilities of 18
16 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
17 of 1968 because of an adjudication or commitment that occurred
18 under the laws of this State or who was determined to be
19 subject to the provisions of subsections (e), (f), or (g) of
20 Section 8 of this Act may apply to the Department of State
21 Police requesting relief from that prohibition. The Director
22 shall grant the relief if it is established by a preponderance
23 of the evidence that the person will not be likely to act in a
24 manner dangerous to public safety and that granting relief
25 would not be contrary to the public interest. In making this
26 determination, the Director shall receive evidence concerning

1 (i) the circumstances regarding the firearms disabilities from
2 which relief is sought; (ii) the petitioner's mental health and
3 criminal history records, if any; (iii) the petitioner's
4 reputation, developed at a minimum through character witness
5 statements, testimony, or other character evidence; and (iv)
6 changes in the petitioner's condition or circumstances since
7 the disqualifying events relevant to the relief sought. If
8 relief is granted under this subsection or by order of a court
9 under this Section, the Director shall as soon as practicable
10 but in no case later than 15 business days, update, correct,
11 modify, or remove the person's record in any database that the
12 Department of State Police makes available to the National
13 Instant Criminal Background Check System and notify the United
14 States Attorney General that the basis for the record being
15 made available no longer applies. The Department of State
16 Police shall adopt rules for the administration of this Section
17 ~~subsection (f)~~.

18 (Source: P.A. 96-1368, eff. 7-28-10; 97-1131, eff. 1-1-13;
19 97-1150, eff. 1-25-13; 97-1167, eff. 6-1-13.)

20 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

21 Sec. 13.1. Preemption.

22 (a) Except as otherwise provided in the Firearm Concealed
23 Carry Act and subsections (b) and (c) of this Section, the ~~The~~
24 provisions of any ordinance enacted by any municipality which
25 requires registration or imposes greater restrictions or

1 limitations on the acquisition, possession and transfer of
2 firearms than are imposed by this Act, are not invalidated or
3 affected by this Act.

4 (b) Notwithstanding subsection (a) of this Section, the
5 regulation, licensing, possession, and registration of
6 handguns and ammunition for a handgun, and the transportation
7 of any firearm and ammunition by a holder of a valid Firearm
8 Owner's Identification Card issued by the Department of State
9 Police under this Act are exclusive powers and functions of
10 this State. Any ordinance or regulation, or portion of that
11 ordinance or regulation, enacted on or before the effective
12 date of this amendatory Act of the 98th General Assembly that
13 purports to impose regulations or restrictions on a holder of a
14 valid Firearm Owner's Identification Card issued by the
15 Department of State Police under this Act in a manner that is
16 inconsistent with this Act, on the effective date of this
17 amendatory Act of the 98th General Assembly, shall be invalid
18 in its application to a holder of a valid Firearm Owner's
19 Identification Card issued by the Department of State Police
20 under this Act.

21 (c) Notwithstanding subsection (a) of this Section, the
22 regulation of the possession or ownership of assault weapons
23 are exclusive powers and functions of this State. Any ordinance
24 or regulation, or portion of that ordinance or regulation, that
25 purports to regulate the possession or ownership of assault
26 weapons in a manner that is inconsistent with this Act, shall

1 be invalid unless the ordinance or regulation is enacted on,
2 before, or within 10 days after the effective date of this
3 amendatory Act of the 98th General Assembly. Any ordinance or
4 regulation described in this subsection (c) enacted more than
5 10 days after the effective date of this amendatory Act of the
6 98th General Assembly is invalid. An ordinance enacted on,
7 before, or within 10 days after the effective date of this
8 amendatory Act of the 98th General Assembly may be amended. The
9 enactment or amendment of ordinances under this subsection (c)
10 are subject to the submission requirements of Section 13.3. For
11 the purposes of this subsection, "assault weapons" means
12 firearms designated by either make or model or by a test or
13 list of cosmetic features that cumulatively would place the
14 firearm into a definition of "assault weapon" under the
15 ordinance.

16 (d) For the purposes of this Section, "handgun" has the
17 meaning ascribed to it in Section 5 of the Firearm Concealed
18 Carry Act.

19 (e) This Section is a denial and limitation of home rule
20 powers and functions under subsection (h) of Section 6 of
21 Article VII of the Illinois Constitution.

22 (Source: P.A. 76-1939.)

23 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

24 Sec. 13.2. The Department of State Police shall, 60 days
25 prior to the expiration of a Firearm Owner's Identification

1 Card, forward by first class mail to each person whose card is
2 to expire a notification of the expiration of the card and an
3 application which may be used to apply for renewal of the card.
4 It is the obligation of the holder of a Firearm Owner's
5 Identification Card to notify the Department of State Police of
6 any address change since the issuance of the Firearm Owner's
7 Identification Card. Whenever any person moves from the
8 residence address named on his or her card, the person shall
9 within 21 calendar days thereafter notify in a form and manner
10 prescribed by the Department of his or her old and new
11 residence addresses and the card number held by him or her. Any
12 person whose legal name has changed from the name on the card
13 that he or she has been previously issued must apply for a
14 corrected card within 30 calendar days after the change. The
15 cost for a corrected card shall be \$5 which shall be deposited
16 into the State Police Firearm Services Fund ~~Firearm Owner's~~
17 ~~Notification Fund~~.

18 (Source: P.A. 97-1131, eff. 1-1-13.)

19 Section 155. The Criminal Code of 2012 is amended by
20 changing Sections 24-1.6 and 24-2 as follows:

21 (720 ILCS 5/24-1.6)

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

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

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

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

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

20 (A) the firearm, other than a pistol, revolver, or
21 handgun, possessed was uncased, loaded, and
22 immediately accessible at the time of the offense; or

23 (A-5) the pistol, revolver, or handgun possessed
24 was uncased, loaded, and immediately accessible at the
25 time of the offense and the person possessing the
26 pistol, revolver, or handgun has not been issued a

1 currently valid license under the Firearm Concealed
2 Carry Act; or

3 (B) the firearm, other than a pistol, revolver, or
4 handgun, possessed was uncased, unloaded, and the
5 ammunition for the weapon was immediately accessible
6 at the time of the offense; or

7 (B-5) the pistol, revolver, or handgun possessed
8 was uncased, unloaded, and the ammunition for the
9 weapon was immediately accessible at the time of the
10 offense and the person possessing the pistol,
11 revolver, or handgun has not been issued a currently
12 valid license under the Firearm Concealed Carry Act; or

13 (C) the person possessing the firearm has not been
14 issued a currently valid Firearm Owner's
15 Identification Card; or

16 (D) the person possessing the weapon was
17 previously adjudicated a delinquent minor under the
18 Juvenile Court Act of 1987 for an act that if committed
19 by an adult would be a felony; or

20 (E) the person possessing the weapon was engaged in
21 a misdemeanor violation of the Cannabis Control Act, in
22 a misdemeanor violation of the Illinois Controlled
23 Substances Act, or in a misdemeanor violation of the
24 Methamphetamine Control and Community Protection Act;
25 or

26 (F) (blank); or

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

4 (H) the person possessing the weapon was engaged in
5 the commission or attempted commission of a
6 misdemeanor involving the use or threat of violence
7 against the person or property of another; or

8 (I) the person possessing the weapon was under 21
9 years of age and in possession of a handgun ~~as defined~~
10 ~~in Section 24-3~~, unless the person under 21 is engaged
11 in lawful activities under the Wildlife Code or
12 described in subsection 24-2(b)(1), (b)(3), or
13 24-2(f).

14 (a-5) "Handgun" as used in this Section has the meaning
15 given to it in Section 5 of the Firearm Concealed Carry Act.

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

18 (c) This Section does not apply to or affect the
19 transportation or possession of weapons that:

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

21 (ii) are not immediately accessible; or

22 (iii) are unloaded and enclosed in a case, firearm
23 carrying box, shipping box, or other container by a
24 person who has been issued a currently valid Firearm
25 Owner's Identification Card.

26 (d) Sentence.

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

6 (2) Except as otherwise provided in paragraphs (3) and
7 (4) of this subsection (d), a first offense of aggravated
8 unlawful use of a weapon committed with a firearm by a
9 person 18 years of age or older where the factors listed in
10 both items (A) and (C) or both items (A-5) and (C) of
11 paragraph (3) of subsection (a) are present is a Class 4
12 felony, for which the person shall be sentenced to a term
13 of imprisonment of not less than one year and not more than
14 3 years.

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

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

26 (e) The possession of each firearm in violation of this

1 Section constitutes a single and separate violation.

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

4 (720 ILCS 5/24-2)

5 Sec. 24-2. Exemptions.

6 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
7 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
8 the following:

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

12 (2) Wardens, superintendents and keepers of prisons,
13 penitentiaries, jails and other institutions for the
14 detention of persons accused or convicted of an offense,
15 while in the performance of their official duty, or while
16 commuting between their homes and places of employment.

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

21 (4) Special agents employed by a railroad or a public
22 utility to perform police functions, and guards of armored
23 car companies, while actually engaged in the performance of
24 the duties of their employment or commuting between their
25 homes and places of employment; and watchmen while actually

1 engaged in the performance of the duties of their
2 employment.

3 (5) Persons licensed as private security contractors,
4 private detectives, or private alarm contractors, or
5 employed by an agency certified by the Department of
6 Financial and Professional Regulation, if their duties
7 include the carrying of a weapon under the provisions of
8 the Private Detective, Private Alarm, Private Security,
9 Fingerprint Vendor, and Locksmith Act of 2004, while
10 actually engaged in the performance of the duties of their
11 employment or commuting between their homes and places of
12 employment, provided that such commuting is accomplished
13 within one hour from departure from home or place of
14 employment, as the case may be. A person shall be
15 considered eligible for this exemption if he or she has
16 completed the required 20 hours of training for a private
17 security contractor, private detective, or private alarm
18 contractor, or employee of a licensed agency and 20 hours
19 of required firearm training, and has been issued a firearm
20 control card by the Department of Financial and
21 Professional Regulation. Conditions for the renewal of
22 firearm control cards issued under the provisions of this
23 Section shall be the same as for those cards issued under
24 the provisions of the Private Detective, Private Alarm,
25 Private Security, Fingerprint Vendor, and Locksmith Act of
26 2004. The firearm control card shall be carried by the

1 private security contractor, private detective, or private
2 alarm contractor, or employee of the licensed agency at all
3 times when he or she is in possession of a concealable
4 weapon.

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

1 the Private Detective, Private Alarm, Private Security,
2 Fingerprint Vendor, and Locksmith Act of 2004. The firearm
3 control card shall be carried by the security guard at all
4 times when he or she is in possession of a concealable
5 weapon.

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

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

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

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

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

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

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

24 (12.5) Probation officers while in the performance of
25 their duties, or while commuting between their homes,
26 places of employment or specific locations that are part of

1 their assigned duties, with the consent of the chief judge
2 of the circuit for which they are employed.

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

7 (13.5) A person employed as an armed security guard at
8 a nuclear energy, storage, weapons or development site or
9 facility regulated by the Nuclear Regulatory Commission
10 who has completed the background screening and training
11 mandated by the rules and regulations of the Nuclear
12 Regulatory Commission.

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

16 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
17 to or affect any person carrying a concealed pistol, revolver,
18 or handgun and the person has been issued a currently valid
19 license under the Firearm Concealed Carry Act at the time of
20 the commission of the offense.

21 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
22 24-1.6 do not apply to or affect any of the following:

23 (1) Members of any club or organization organized for
24 the purpose of practicing shooting at targets upon
25 established target ranges, whether public or private, and
26 patrons of such ranges, while such members or patrons are

1 using their firearms on those target ranges.

2 (2) Duly authorized military or civil organizations
3 while parading, with the special permission of the
4 Governor.

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

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

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

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

15 (1) Peace officers while in performance of their
16 official duties.

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

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

23 (4) Manufacture, transportation, or sale of machine
24 guns to persons authorized under subdivisions (1) through
25 (3) of this subsection to possess machine guns, if the
26 machine guns are broken down in a non-functioning state or

1 are not immediately accessible.

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

16 During transportation, such weapons shall be broken
17 down in a non-functioning state or not immediately
18 accessible.

19 (6) The manufacture, transport, testing, delivery,
20 transfer or sale, and all lawful commercial or experimental
21 activities necessary thereto, of rifles, shotguns, and
22 weapons made from rifles or shotguns, or ammunition for
23 such rifles, shotguns or weapons, where engaged in by a
24 person operating as a contractor or subcontractor pursuant
25 to a contract or subcontract for the development and supply
26 of such rifles, shotguns, weapons or ammunition to the

1 United States government or any branch of the Armed Forces
2 of the United States, when such activities are necessary
3 and incident to fulfilling the terms of such contract.

4 The exemption granted under this subdivision (c)(6)
5 shall also apply to any authorized agent of any such
6 contractor or subcontractor who is operating within the
7 scope of his employment, where such activities involving
8 such weapon, weapons or ammunition are necessary and
9 incident to fulfilling the terms of such contract.

10 ~~During transportation, any such weapon shall be broken~~
11 ~~down in a non-functioning state, or not immediately~~
12 ~~accessible.~~

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

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

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

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

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

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

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

17 (2) Bonafide collectors of antique or surplus military
18 ordinance.

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

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

1 outside this State, or the transportation of explosive
2 bullets to any organization or person exempted in this
3 Section by a common carrier or by a vehicle owned or leased
4 by an exempted manufacturer.

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

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

1 (g-7) Subsection 24-1(a)(6) does not apply to a peace
2 officer while serving as a member of a tactical response team
3 or special operations team. A peace officer may not personally
4 own or apply for ownership of a device or attachment of any
5 kind designed, used, or intended for use in silencing the
6 report of any firearm. These devices shall be owned and
7 maintained by lawfully recognized units of government whose
8 duties include the investigation of criminal acts.

9 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
10 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
11 athlete's possession, transport on official Olympic and
12 Paralympic transit systems established for athletes, or use of
13 competition firearms sanctioned by the International Olympic
14 Committee, the International Paralympic Committee, the
15 International Shooting Sport Federation, or USA Shooting in
16 connection with such athlete's training for and participation
17 in shooting competitions at the 2016 Olympic and Paralympic
18 Games and sanctioned test events leading up to the 2016 Olympic
19 and Paralympic Games.

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

24 (i) Nothing in this Article shall prohibit, apply to, or
25 affect the transportation, carrying, or possession, of any
26 pistol or revolver, stun gun, taser, or other firearm consigned

1 to a common carrier operating under license of the State of
2 Illinois or the federal government, where such transportation,
3 carrying, or possession is incident to the lawful
4 transportation in which such common carrier is engaged; and
5 nothing in this Article shall prohibit, apply to, or affect the
6 transportation, carrying, or possession of any pistol,
7 revolver, stun gun, taser, or other firearm, not the subject of
8 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
9 this Article, which is unloaded and enclosed in a case, firearm
10 carrying box, shipping box, or other container, by the
11 possessor of a valid Firearm Owners Identification Card.

12 (Source: P.A. 96-7, eff. 4-3-09; 96-230, eff. 1-1-10; 96-742,
13 eff. 8-25-09; 96-1000, eff. 7-2-10; 97-465, eff. 8-22-11;
14 97-676, eff. 6-1-12; 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13;
15 revised 8-23-12.)

16 Section 160. 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. ~~(a) Prohibit a respondent against whom an~~
3 ~~order of protection was issued from possessing any~~
4 ~~firearms during the duration of the order if the order:~~

5 ~~(1) was issued after a hearing of which such~~
6 ~~person received actual notice, and at which such~~
7 ~~person had an opportunity to participate;~~

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

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

21 (B) Any firearms in the possession of the
22 respondent, except as provided in subparagraph (C) of
23 this paragraph (14.5) ~~subsection (b)~~, shall be ordered
24 by the court to be turned over to a person with a valid
25 Firearm Owner's Identification Card ~~the local law~~
26 ~~enforcement agency~~ for safekeeping. The court shall

1 issue an order that the respondent's Firearm Owner's
2 Identification Card be turned over to the local law
3 enforcement agency, which in turn shall immediately
4 mail the card to the Department of State Police Firearm
5 Owner's Identification Card Office for safekeeping.
6 The period of safekeeping shall be for the duration of
7 the order of protection. The firearm or firearms and
8 Firearm Owner's Identification Card, if unexpired,
9 shall at the respondent's request be returned to the
10 respondent at expiration of the order of protection.

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

20 (D) ~~(e)~~ Upon expiration of the period of
21 safekeeping, if the firearms or Firearm Owner's
22 Identification Card cannot be returned to respondent
23 because respondent cannot be located, fails to respond
24 to requests to retrieve the firearms, or is not
25 lawfully eligible to possess a firearm, upon petition
26 from the local law enforcement agency, the court may

1 order the local law enforcement agency to destroy the
2 firearms, use the firearms for training purposes, or
3 for any other application as deemed appropriate by the
4 local law enforcement agency; or that the firearms be
5 turned over to a third party who is lawfully eligible
6 to possess firearms, and who does not reside with
7 respondent.

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

18 (16) Order for payment of shelter services. Order
19 respondent to reimburse a shelter providing temporary
20 housing and counseling services to the petitioner for the
21 cost of the services, as certified by the shelter and
22 deemed reasonable by the court.

23 (17) Order for injunctive relief. Enter injunctive
24 relief necessary or appropriate to prevent further abuse of
25 a family or household member or to effectuate one of the
26 granted remedies, if supported by the balance of hardships.

1 If the harm to be prevented by the injunction is abuse or
2 any other harm that one of the remedies listed in
3 paragraphs (1) through (16) of this subsection is designed
4 to prevent, no further evidence is necessary to establish
5 that the harm is an irreparable injury.

6 (c) Relevant factors; findings.

7 (1) In determining whether to grant a specific remedy,
8 other than payment of support, the court shall consider
9 relevant factors, including but not limited to the
10 following:

11 (i) the nature, frequency, severity, pattern and
12 consequences of the respondent's past abuse of the
13 petitioner or any family or household member,
14 including the concealment of his or her location in
15 order to evade service of process or notice, and the
16 likelihood of danger of future abuse to petitioner or
17 any member of petitioner's or respondent's family or
18 household; and

19 (ii) the danger that any minor child will be abused
20 or neglected or improperly removed from the
21 jurisdiction, improperly concealed within the State or
22 improperly separated from the child's primary
23 caretaker.

24 (2) In comparing relative hardships resulting to the
25 parties from loss of possession of the family home, the
26 court shall consider relevant factors, including but not

1 limited to the following:

2 (i) availability, accessibility, cost, safety,
3 adequacy, location and other characteristics of
4 alternate housing for each party and any minor child or
5 dependent adult in the party's care;

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

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

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

14 (i) That the court has considered the applicable
15 relevant factors described in paragraphs (1) and (2) of
16 this subsection.

17 (ii) Whether the conduct or actions of respondent,
18 unless prohibited, will likely cause irreparable harm
19 or continued abuse.

20 (iii) Whether it is necessary to grant the
21 requested relief in order to protect petitioner or
22 other alleged abused persons.

23 (4) For purposes of issuing an ex parte emergency order
24 of protection, the court, as an alternative to or as a
25 supplement to making the findings described in paragraphs
26 (c)(3)(i) through (c)(3)(iii) of this subsection, may use

1 the following procedure:

2 When a verified petition for an emergency order of
3 protection in accordance with the requirements of Sections
4 112A-5 and 112A-17 is presented to the court, the court
5 shall examine petitioner on oath or affirmation. An
6 emergency order of protection shall be issued by the court
7 if it appears from the contents of the petition and the
8 examination of petitioner that the averments are
9 sufficient to indicate abuse by respondent and to support
10 the granting of relief under the issuance of the emergency
11 order of protection.

12 (5) Never married parties. No rights or
13 responsibilities for a minor child born outside of marriage
14 attach to a putative father until a father and child
15 relationship has been established under the Illinois
16 Parentage Act of 1984. Absent such an adjudication, no
17 putative father shall be granted temporary custody of the
18 minor child, visitation with the minor child, or physical
19 care and possession of the minor child, nor shall an order
20 of payment for support of the minor child be entered.

21 (d) Balance of hardships; findings. If the court finds that
22 the balance of hardships does not support the granting of a
23 remedy governed by paragraph (2), (3), (10), (11), or (16) of
24 subsection (b) of this Section, which may require such
25 balancing, the court's findings shall so indicate and shall
26 include a finding as to whether granting the remedy will result

1 in hardship to respondent that would substantially outweigh the
2 hardship to petitioner from denial of the remedy. The findings
3 shall be an official record or in writing.

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

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

9 (2) Respondent was voluntarily intoxicated;

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

14 (4) Petitioner did not act in self-defense or defense
15 of another;

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

18 (6) Petitioner did not leave the residence or household
19 to avoid further abuse by respondent;

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

24 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
25 97-158, eff. 1-1-12; 97-1131, eff. 1-1-13; 97-1150, eff.
26 1-25-13.)

1 Section 165. The Mental Health and Developmental
2 Disabilities Confidentiality Act is amended by changing
3 Section 12 as follows:

4 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

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

1 upon the representation of an officer of the United States
2 Secret Service or the Department of State Police that a person
3 is under the protection of the United States Secret Service or
4 is a public official.

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

16 (b) The Department of Human Services (acting as successor
17 to the Department of Mental Health and Developmental
18 Disabilities) and all public or private hospitals and mental
19 health facilities are required, as hereafter described in this
20 subsection, to furnish the Department of State Police only such
21 information as may be required for the sole purpose of
22 determining whether an individual who may be or may have been a
23 patient is disqualified because of that status from receiving
24 or retaining a Firearm Owner's Identification Card or falls
25 within the federal prohibitors under subsection (e), (f), (g),
26 (r), (s), or (t) of Section 8 of the Firearm Owners

1 Identification Card Act, or falls within the federal
2 prohibitors in ~~under subsection (e) or (f) of Section 8 of the~~
3 ~~Firearm Owners Identification Card Act or 18 U.S.C. 922(g) and~~
4 ~~(n). All~~ physicians, clinical psychologists, or qualified
5 examiners at public or private hospitals and mental health
6 facilities or parts thereof as defined in this subsection
7 shall, in the form and manner required by the Department,
8 provide notice directly to the Department of Human Services, or
9 to his or her employer who shall then report to the Department,
10 within 24 hours after determining that a patient as described
11 in clause (2) of the definition of "patient" in Section 1.1 of
12 the Firearm Owners Identification Card Act poses a clear and
13 present danger to himself, herself, or others, or is determined
14 to be developmentally disabled ~~such information as shall be~~
15 ~~necessary for the Department to comply with the reporting~~
16 ~~requirements to the Department of State Police. This~~ Such
17 information shall be furnished within 24 hours after the
18 physician, clinical psychologist, or qualified examiner has
19 made a determination, or within 7 days after admission to a
20 public or private hospital or mental health facility or the
21 provision of services to a patient described in clause (1) of
22 the definition of "patient" in Section 1.1 of the Firearm
23 Owners Identification Card Act ~~clause (2) of this subsection~~
24 ~~(b).~~ Any such information disclosed under this subsection shall
25 remain privileged and confidential, and shall not be
26 redisclosed, except as required by subsection (e) ~~clause (e) (2)~~

1 of Section 3.1 of the Firearm Owners Identification Card Act,
2 nor utilized for any other purpose. The method of requiring the
3 providing of such information shall guarantee that no
4 information is released beyond what is necessary for this
5 purpose. In addition, the information disclosed shall be
6 provided by the Department within the time period established
7 by Section 24-3 of the Criminal Code of 2012 regarding the
8 delivery of firearms. The method used shall be sufficient to
9 provide the necessary information within the prescribed time
10 period, which may include periodically providing lists to the
11 Department of Human Services or any public or private hospital
12 or mental health facility of Firearm Owner's Identification
13 Card applicants on which the Department or hospital shall
14 indicate the identities of those individuals who are to its
15 knowledge disqualified from having a Firearm Owner's
16 Identification Card for reasons described herein. The
17 Department may provide for a centralized source of information
18 for the State on this subject under its jurisdiction. The
19 identity of the person reporting under this subsection shall
20 not be disclosed to the subject of the report. For the purposes
21 of this subsection, the physician, clinical psychologist, or
22 qualified examiner making the determination and his or her
23 employer shall not be held criminally, civilly, or
24 professionally liable for making or not making the notification
25 required under this subsection, except for willful or wanton
26 misconduct.

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

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

19 (1) (Blank). ~~"Hospital" means only that type of~~
20 ~~institution which is providing full-time residential~~
21 ~~facilities and treatment.~~

22 (1.3) "Clear and present danger" has the meaning as
23 defined in Section 1.1 of the Firearm Owners Identification
24 Card Act.

25 (1.5) "Developmentally disabled" has the meaning as
26 defined in Section 1.1 of the Firearm Owners Identification

1 Card Act.

2 (2) "Patient" has the meaning as defined in Section 1.1
3 of the Firearm Owners Identification Card Act ~~shall include~~
4 ~~only: (i) a person who is an in-patient or resident of any~~
5 ~~public or private hospital or mental health facility or~~
6 ~~(ii) a person who is an out-patient or provided services by~~
7 ~~a public or private hospital or mental health facility~~
8 ~~whose mental condition is of such a nature that it is~~
9 ~~manifested by violent, suicidal, threatening, or~~
10 ~~assaultive behavior or reported behavior, for which there~~
11 ~~is a reasonable belief by a physician, clinical~~
12 ~~psychologist, or qualified examiner that the condition~~
13 ~~poses a clear and present or imminent danger to the~~
14 ~~patient, any other person or the community meaning the~~
15 ~~patient's condition poses a clear and present danger in~~
16 ~~accordance with subsection (f) of Section 8 of the Firearm~~
17 ~~Owners Identification Card Act. The terms physician,~~
18 ~~clinical psychologist, and qualified examiner are defined~~
19 ~~in Sections 1-120, 1-103, and 1-122 of the Mental Health~~
20 ~~and Developmental Disabilities Code.~~

21 (3) "Mental health facility" has the meaning as defined
22 in Section 1.1 of the Firearm Owners Identification Card
23 Act ~~is defined by Section 1-114 of the Mental Health and~~
24 ~~Developmental Disabilities Code.~~

25 (c) Upon the request of a peace officer who takes a person
26 into custody and transports such person to a mental health or

1 developmental disability facility pursuant to Section 3-606 or
2 4-404 of the Mental Health and Developmental Disabilities Code
3 or who transports a person from such facility, a facility
4 director shall furnish said peace officer the name, address,
5 age and name of the nearest relative of the person transported
6 to or from the mental health or developmental disability
7 facility. In no case shall the facility director disclose to
8 the peace officer any information relating to the diagnosis,
9 treatment or evaluation of the person's mental or physical
10 health.

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

15 (d) Upon the request of a peace officer or prosecuting
16 authority who is conducting a bona fide investigation of a
17 criminal offense, or attempting to apprehend a fugitive from
18 justice, a facility director may disclose whether a person is
19 present at the facility. Upon request of a peace officer or
20 prosecuting authority who has a valid forcible felony warrant
21 issued, a facility director shall disclose: (1) whether the
22 person who is the subject of the warrant is present at the
23 facility and (2) the date of that person's discharge or future
24 discharge from the facility. The requesting peace officer or
25 prosecuting authority must furnish a case number and the
26 purpose of the investigation or an outstanding arrest warrant

1 at the time of the request. Any person, institution, or agency
2 participating in good faith in disclosing such information in
3 accordance with this subsection (d) is immune from any
4 liability, civil, criminal or otherwise, that might result by
5 reason of the action.

6 (Source: P.A. 96-193, eff. 8-10-09; 97-1150, eff. 1-25-13.)

7 Section 170. The Probate Act of 1975 is amended by adding
8 Section 11a-24 as follows:

9 (755 ILCS 5/11a-24 new)

10 Sec. 11a-24. Notification; Department of State Police.
11 When a court adjudges a respondent to be a disabled person
12 under this Article, the court shall direct the circuit court
13 clerk to notify the Department of State Police, Firearm Owner's
14 Identification (FOID) Office, in a form and manner prescribed
15 by the Department of State Police, and shall forward a copy of
16 the court order to the Department no later than 7 days after
17 the entry of the order. Upon receipt of the order, the
18 Department of State Police shall provide notification to the
19 National Instant Criminal Background Check System.

20 Section 195. No acceleration or delay. Where this Act makes
21 changes in a statute that is represented in this Act by text
22 that is not yet or no longer in effect (for example, a Section
23 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 999. Effective date. This Act takes effect upon
5 becoming law.