

HB1092 Engrossed

LRB102 03106 RLC 13119 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by adding Section 2310-705 as follows:

7 (20 ILCS 2310/2310-705 new)

8 Sec. 2310-705. Firearms restraining order awareness.

9 (a) The Department, subject to appropriation or other
10 available funding, shall conduct a program to promote
11 awareness of firearms restraining orders to the general
12 public. The program may include, but is not limited to:

13 (1) dissemination of information, either online or
14 with an in-person pamphlet, of the options people have to
15 seek assistance using a firearms restraining order and the
16 process in which to file one;

17 (2) production of materials that can be given to
18 health care workers that assist in identifying victims of
19 domestic violence who may benefit from awareness of the
20 Firearms Restraining Order Act and how to safely and
21 discreetly determine if a potential abuser possesses a
22 firearm; and

23 (3) specific information on situations in which a

HB1092 Engrossed

- 2 -

LRB102 03106 RLC 13119 b

1 firearms restraining order may be appropriate such as with
2 situations of domestic violence, mental health crisis, or
3 anyone who is at risk of injuring themselves or others.

4 (b) Beginning July 1, 2022, the program must include the
5 development and dissemination, through print, digital, and
6 broadcast media, of public service announcements that
7 publicize the options victims of domestic violence have to

8 seek help with special emphasis on the firearms restraining
9 order.

10 Section 10. The Department of State Police Law of the
11 Civil Administrative Code of Illinois is amended by adding
12 Section 2605-51 as follows:

13 (20 ILCS 2605/2605-51 new)

14 Sec. 2605-51. Commission on implementing the Firearms
15 Restraining Order Act.

16 (a) There is created the Commission on Implementing the
17 Firearms Restraining Order Act composed of at least 12 members
18 to advise on the strategies of education and implementation of
19 the Firearms Restraining Order Act. The Commission shall be
20 appointed by the Director of the Illinois State Police or his
21 or her designee and shall include a liaison or representative
22 nominated from the following:

23 (1) the Office of the Attorney General, appointed by
24 the Attorney General;

HB1092 Engrossed

- 3 -

LRB102 03106 RLC 13119 b

1 (2) the Director of the Illinois State Police or his
2 or her designee;

3 (3) at least 3 State's Attorneys, nominated by the
4 Director of the Office of the State's Attorneys Appellate
5 Prosecutor;

6 (4) at least 2 municipal police department
7 representatives, nominated by the Illinois Association of
8 Chiefs of Police;

9 (5) an Illinois sheriff, nominated by the Illinois
10 Sheriffs' Association;

11 (6) a nonprofit organization whose mission is to
12 reduce gun violence with experience educating the public
13 about the Firearms Restraining Order Act, nominated by
14 such an organization whose membership is the most numerous
15 in Illinois;

16 (7) the Illinois Law Enforcement Training Standards
17 Board, nominated by the Executive Director of the Board;

18 (8) a representative from a public defender's office,
19 nominated by the State Appellate Defender;

20 (9) a circuit court judge, nominated by the Chief
21 Justice of the Supreme Court;
22 (10) a prosecutor with experience managing or
23 directing a program in another state where the
24 implementation of that state's extreme risk protection
25 order law has achieved high rates of petition filings
26 nominated by the National District Attorneys Association;

HB1092 Engrossed

- 4 -

LRB102 03106 RLC 13119 b

1 and
2 (11) an expert from law enforcement who has experience
3 managing or directing a program in another state where the
4 implementation of that state's extreme risk protection
5 order law has achieved high rates of petition filings
6 nominated by the Director of the Illinois State Police.
7 (b) The Commission shall be chaired by the Director of the
8 Illinois State Police or his or her designee. The Commission
9 shall meet, either virtually or in person, to discuss the
10 implementation of the Firearms Restraining Order Act as
11 determined by the Commission while the strategies are being
12 established.
13 (c) The members of the Commission shall serve without
14 compensation and shall serve 3-year terms.
15 (d) An annual report shall be submitted to the General
16 Assembly by the Commission that may include summary
17 information about firearms restraining order use by county,
18 challenges to Firearms Restraining Order Act implementation,
19 and recommendations for increasing and improving
20 implementation.
21 (e) The Commission shall develop a model policy with an
22 overall framework for the timely relinquishment of firearms
23 whenever a firearms restraining order is issued. The model
24 policy shall be finalized within the first 4 months of
25 convening. In formulating the model policy, the Commission
26 shall consult counties in Illinois and other states with

HB1092 Engrossed

- 5 -

LRB102 03106 RLC 13119 b

1 extreme risk protection order laws which have achieved a high
2 rate of petition filings. Once approved, the Illinois State
3 Police shall work with their local law enforcement agencies
4 within their county to design a comprehensive strategy for the
5 timely relinquishment of firearms, using the model policy as
6 an overall framework. Each individual agency may make small
7 modifications as needed to the model policy and must approve
8 and adopt a policy that aligns with the model policy. The
9 Illinois State Police shall convene local police chiefs and
10 sheriffs within their county as needed to discuss the
11 relinquishment of firearms.

12 (f) The Commission shall be dissolved 3 years after the
13 effective date of this amendatory Act of the 102nd General
14 Assembly.

15 (g) This Section is repealed 4 years after the effective
16 date of this amendatory Act of the 102nd General Assembly.

17 Section 15. The Illinois Police Training Act is amended by
18 changing Section 7 and by adding Section 7.1 as follows:

19 (50 ILCS 705/7) (from Ch. 85, par. 507)

20 Sec. 7. Rules and standards for schools. The Board shall
21 adopt rules and minimum standards for such schools which shall
22 include, but not be limited to, the following:

23 a. The curriculum for probationary police officers
24 which shall be offered by all certified schools shall

1 include, but not be limited to, courses of procedural
2 justice, arrest and use and control tactics, search and
3 seizure, including temporary questioning, civil rights,
4 human rights, human relations, cultural competency,
5 including implicit bias and racial and ethnic sensitivity,
6 criminal law, law of criminal procedure, constitutional
7 and proper use of law enforcement authority, vehicle and
8 traffic law including uniform and non-discriminatory
9 enforcement of the Illinois Vehicle Code, traffic control
10 and accident investigation, techniques of obtaining
11 physical evidence, court testimonies, statements, reports,
12 firearms training, training in the use of electronic

13 control devices, including the psychological and
14 physiological effects of the use of those devices on
15 humans, first-aid (including cardiopulmonary
16 resuscitation), training in the administration of opioid
17 antagonists as defined in paragraph (1) of subsection (e)
18 of Section 5-23 of the Substance Use Disorder Act,
19 handling of juvenile offenders, recognition of mental
20 conditions and crises, including, but not limited to, the
21 disease of addiction, which require immediate assistance
22 and response and methods to safeguard and provide
23 assistance to a person in need of mental treatment,
24 recognition of abuse, neglect, financial exploitation, and
25 self-neglect of adults with disabilities and older adults,
26 as defined in Section 2 of the Adult Protective Services

HB1092 Engrossed

- 7 -

LRB102 03106 RLC 13119 b

1 Act, crimes against the elderly, law of evidence, the
2 hazards of high-speed police vehicle chases with an
3 emphasis on alternatives to the high-speed chase, and
4 physical training. The curriculum shall include specific
5 training in techniques for immediate response to and
6 investigation of cases of domestic violence and of sexual
7 assault of adults and children, including cultural
8 perceptions and common myths of sexual assault and sexual
9 abuse as well as interview techniques that are age
10 sensitive and are trauma informed, victim centered, and
11 victim sensitive. The curriculum shall include training in
12 techniques designed to promote effective communication at
13 the initial contact with crime victims and ways to
14 comprehensively explain to victims and witnesses their
15 rights under the Rights of Crime Victims and Witnesses Act
16 and the Crime Victims Compensation Act. The curriculum
17 shall also include training in effective recognition of
18 and responses to stress, trauma, and post-traumatic stress
19 experienced by police officers that is consistent with
20 Section 25 of the Illinois Mental Health First Aid
21 Training Act in a peer setting, including recognizing
22 signs and symptoms of work-related cumulative stress,
23 issues that may lead to suicide, and solutions for

24 intervention with peer support resources. The curriculum
25 shall include a block of instruction addressing the
26 mandatory reporting requirements under the Abused and

HB1092 Engrossed

- 8 -

LRB102 03106 RLC 13119 b

1 Neglected Child Reporting Act. The curriculum shall also
2 include a block of instruction aimed at identifying and
3 interacting with persons with autism and other
4 developmental or physical disabilities, reducing barriers
5 to reporting crimes against persons with autism, and
6 addressing the unique challenges presented by cases
7 involving victims or witnesses with autism and other
8 developmental disabilities. The curriculum shall include
9 training in the detection and investigation of all forms
10 of human trafficking. The curriculum shall also include
11 instruction in trauma-informed responses designed to
12 ensure the physical safety and well-being of a child of an
13 arrested parent or immediate family member; this
14 instruction must include, but is not limited to: (1)
15 understanding the trauma experienced by the child while
16 maintaining the integrity of the arrest and safety of
17 officers, suspects, and other involved individuals; (2)
18 de-escalation tactics that would include the use of force
19 when reasonably necessary; and (3) inquiring whether a
20 child will require supervision and care. The curriculum
21 for permanent police officers shall include, but not be
22 limited to: (1) refresher and in-service training in any
23 of the courses listed above in this subparagraph, (2)
24 advanced courses in any of the subjects listed above in
25 this subparagraph, (3) training for supervisory personnel,
26 and (4) specialized training in subjects and fields to be

HB1092 Engrossed

- 9 -

LRB102 03106 RLC 13119 b

1 selected by the board. The training in the use of
2 electronic control devices shall be conducted for
3 probationary police officers, including University police

4 officers. The curriculum shall also include training on
5 the use of a firearms restraining order by providing
6 instruction on the process used to file a firearms
7 restraining order, how to identify situations in which a
8 firearms restraining order is appropriate, and how to
9 promote a firearms restraining order in a domestic
10 violence situation.

11 b. Minimum courses of study, attendance requirements
12 and equipment requirements.

13 c. Minimum requirements for instructors.

14 d. Minimum basic training requirements, which a
15 probationary police officer must satisfactorily complete
16 before being eligible for permanent employment as a local
17 law enforcement officer for a participating local
18 governmental agency. Those requirements shall include
19 training in first aid (including cardiopulmonary
20 resuscitation).

21 e. Minimum basic training requirements, which a
22 probationary county corrections officer must
23 satisfactorily complete before being eligible for
24 permanent employment as a county corrections officer for a
25 participating local governmental agency.

26 f. Minimum basic training requirements which a

1 probationary court security officer must satisfactorily
2 complete before being eligible for permanent employment as
3 a court security officer for a participating local
4 governmental agency. The Board shall establish those
5 training requirements which it considers appropriate for
6 court security officers and shall certify schools to
7 conduct that training.

8 A person hired to serve as a court security officer
9 must obtain from the Board a certificate (i) attesting to
10 his or her successful completion of the training course;
11 (ii) attesting to his or her satisfactory completion of a
12 training program of similar content and number of hours
13 that has been found acceptable by the Board under the
14 provisions of this Act; or (iii) attesting to the Board's

15 determination that the training course is unnecessary
16 because of the person's extensive prior law enforcement
17 experience.

18 Individuals who currently serve as court security
19 officers shall be deemed qualified to continue to serve in
20 that capacity so long as they are certified as provided by
21 this Act within 24 months of June 1, 1997 (the effective
22 date of Public Act 89-685). Failure to be so certified,
23 absent a waiver from the Board, shall cause the officer to
24 forfeit his or her position.

25 All individuals hired as court security officers on or
26 after June 1, 1997 (the effective date of Public Act

HB1092 Engrossed

- 11 -

LRB102 03106 RLC 13119 b

1 89-685) shall be certified within 12 months of the date of
2 their hire, unless a waiver has been obtained by the
3 Board, or they shall forfeit their positions.

4 The Sheriff's Merit Commission, if one exists, or the
5 Sheriff's Office if there is no Sheriff's Merit
6 Commission, shall maintain a list of all individuals who
7 have filed applications to become court security officers
8 and who meet the eligibility requirements established
9 under this Act. Either the Sheriff's Merit Commission, or
10 the Sheriff's Office if no Sheriff's Merit Commission
11 exists, shall establish a schedule of reasonable intervals
12 for verification of the applicants' qualifications under
13 this Act and as established by the Board.

14 g. Minimum in-service training requirements, which a
15 police officer must satisfactorily complete every 3 years.
16 Those requirements shall include constitutional and proper
17 use of law enforcement authority, procedural justice,
18 civil rights, human rights, mental health awareness and
19 response, officer wellness, reporting child abuse and
20 neglect, and cultural competency.

21 h. Minimum in-service training requirements, which a
22 police officer must satisfactorily complete at least
23 annually. Those requirements shall include law updates and
24 use of force training which shall include scenario based
25 training, or similar training approved by the Board.

26 (Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18;

HB1092 Engrossed

- 12 -

LRB102 03106 RLC 13119 b

1 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff.
2 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215,
3 eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19;
4 101-564, eff. 1-1-20; revised 9-10-19.)"; and

5 (50 ILCS 705/7.1 new)

6 Sec. 7.1. Firearms restraining order training.

7 (a) The Illinois Law Enforcement Training Standards Board
8 shall develop and approve a standard curriculum for a training
9 program on the Firearms Restraining Order Act. The Board shall
10 conduct a training program that trains officers on the use of
11 firearms restraining orders, how to identify situations in
12 which a firearms restraining order is appropriate, and how to
13 safely promote the usage of the firearms restraining order in
14 a domestic violence situation. Officers who have successfully
15 completed this program shall be issued a certificate attesting
16 to their attendance.

17 (b) Every law enforcement officer shall complete this
18 training once each year.

19 (c) If adequate training is unavailable, the Illinois Law
20 Enforcement Training Standards Board may approve training to
21 be conducted by a third party.

22 Section 20. The Firearms Restraining Order Act is amended
23 by changing Sections 5, 10, 35, 40, and 45 and by adding
24 Section 85 as follows:

HB1092 Engrossed

- 13 -

LRB102 03106 RLC 13119 b

1 (430 ILCS 67/5)

2 Sec. 5. Definitions. As used in this Act:

3 "Family member of the respondent" means a spouse, former
4 spouse, person with whom the respondent has or allegedly has a
5 child in common, parent, child, or step-child of the
6 respondent, any other person related by blood or present
7 marriage to the respondent, or a person who shares a common

8 dwelling with the respondent.

9 "Firearms restraining order" means an order issued by the
10 court, prohibiting and enjoining a named person from having in
11 his or her custody or control, purchasing, possessing, or
12 receiving any firearms or ammunition, or removing firearm
13 parts that could be assembled to make an operable firearm.

14 "Intimate partner" means a spouse, former spouse, a person
15 with whom the respondent has or allegedly has a child in
16 common, or a person with whom the respondent has or has had a
17 dating or engagement relationship.

18 "Petitioner" means:

19 (1) a family member of the respondent as defined in
20 this Act; or

21 (2) a law enforcement officer who files a petition
22 alleging that the respondent poses a danger of causing
23 personal injury to himself, herself, or another by having
24 in his or her custody or control, purchasing, possessing,
25 or receiving a firearm, ammunition, or firearm parts that

HB1092 Engrossed

- 14 -

LRB102 03106 RLC 13119 b

1 could be assembled to make an operable firearm or removing
2 firearm parts that could be assembled to make an operable
3 firearm.

4 "Respondent" means the person alleged in the petition to
5 pose a danger of causing personal injury to himself, herself,
6 or another by having in his or her custody or control,
7 purchasing, possessing, or receiving a firearm, ammunition, or
8 firearm parts that could be assembled to make an operable
9 firearm or removing firearm parts that could be assembled to
10 make an operable firearm.

11 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

12 (430 ILCS 67/10)

13 Sec. 10. Commencement of action; procedure.

14 (a) An action for a firearms restraining order is
15 commenced by filing a verified petition for a firearms
16 restraining order in any circuit court.

17 (b) A petition for a firearms restraining order may be
18 filed in: (1) any county where the respondent resides or (2)
19 any county where an incident occurred that involved the

20 respondent posing an immediate and present danger of causing
21 personal injury to the respondent or another by having in his
22 or her custody or control, or purchasing, possessing, or
23 receiving, a firearm, ammunition, or firearm parts that could
24 be assembled to make an operable firearm.

25 (c) No fee shall be charged by the clerk for filing,

HB1092 Engrossed

- 15 -

LRB102 03106 RLC 13119 b

1 amending, vacating, certifying, printing, or photocopying
2 petitions or orders; or for issuing alias summons; or for any
3 related filing service. No fee shall be charged by the sheriff
4 or other law enforcement for service by the sheriff or other
5 law enforcement of a petition, rule, motion, or order in an
6 action commenced under this Section.

7 (d) The court shall provide, through the office of the
8 clerk of the court, simplified forms and clerical assistance
9 to help with the writing and filing of a petition under this
10 Section by any person not represented by counsel. In addition,
11 that assistance may be provided by the State's Attorney.
12 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

13 (430 ILCS 67/35)

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

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

HB1092 Engrossed

- 16 -

LRB102 03106 RLC 13119 b

1 controlled by the respondent.

2 (b) If the respondent is alleged to pose an immediate and

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

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

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

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

HB1092 Engrossed

- 17 -

LRB102 03106 RLC 13119 b

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

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

11 (f-5) If the court issues an emergency firearms
12 restraining order, it shall, upon a finding of probable cause
13 that the respondent possesses firearms, ammunition, or firearm
14 parts that could be assembled to make an operable firearm,

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

HB1092 Engrossed

- 18 -

LRB102 03106 RLC 13119 b

1 (g) An emergency firearms restraining order shall require:
2 (1) the respondent to refrain from having in his or
3 her custody or control, purchasing, possessing, or
4 receiving additional firearms, ammunition, or firearm
5 parts that could be assembled to make an operable firearm,
6 or removing firearm parts that could be assembled to make
7 an operable firearm for the duration of the order; and
8 (2) the respondent to turn over to the local law
9 enforcement agency any Firearm Owner's Identification Card
10 and concealed carry license in his or her possession. The
11 local law enforcement agency shall immediately mail the
12 card and concealed carry license to the Department of
13 State Police Firearm Services Bureau for safekeeping. The
14 firearm or firearms, ammunition, and firearm parts that
15 could be assembled to make an operable firearm and Firearm
16 Owner's Identification Card and concealed carry license,
17 if unexpired, shall be returned to the respondent after
18 the firearms restraining order is terminated or expired.
19 (h) Except as otherwise provided in subsection (h-5) of
20 this Section, upon expiration of the period of safekeeping, if
21 the firearms, ammunition, and firearm parts that could be
22 assembled to make an operable firearm or Firearm Owner's
23 Identification Card and concealed carry license cannot be
24 returned to the respondent because the respondent cannot be
25 located, fails to respond to requests to retrieve the
26 firearms, or is not lawfully eligible to possess a firearm,

HB1092 Engrossed

- 19 -

LRB102 03106 RLC 13119 b

1 ammunition, or firearm parts that could be assembled to make
2 an operable firearm, upon petition from the local law
3 enforcement agency, the court may order the local law
4 enforcement agency to destroy the firearms, ammunition, and
5 firearm parts that could be assembled to make an operable
6 firearm, use the firearms, ammunition, and firearm parts that
7 could be assembled to make an operable firearm for training
8 purposes, or use the firearms, ammunition, and firearm parts
9 that could be assembled to make an operable firearm for any
10 other application as deemed appropriate by the local law
11 enforcement agency.

12 (h-5) A respondent whose Firearm Owner's Identification
13 Card has been revoked or suspended may petition the court, if
14 the petitioner is present in court or has notice of the
15 respondent's petition, to transfer the respondent's firearm,
16 ammunition, and firearm parts that could be assembled to make
17 an operable firearm to a person who is lawfully able to possess
18 the firearm, ammunition, and firearm parts that could be
19 assembled to make an operable firearm if the person does not
20 reside at the same address as the respondent. Notice of the
21 petition shall be served upon the person protected by the
22 emergency firearms restraining order. While the order is in
23 effect, the transferee who receives the respondent's firearms,
24 ammunition, and firearm parts that could be assembled to make
25 an operable firearm must swear or affirm by affidavit that he
26 or she shall not transfer the firearm, ammunition, and firearm

HB1092 Engrossed

- 20 -

LRB102 03106 RLC 13119 b

1 parts that could be assembled to make an operable firearm to
2 the respondent or to anyone residing in the same residence as
3 the respondent.

4 (h-6) If a person other than the respondent claims title
5 to any firearms, ammunition, and firearm parts that could be
6 assembled to make an operable firearm surrendered under this
7 Section, he or she may petition the court, if the petitioner is
8 present in court or has notice of the petition, to have the

9 firearm, ammunition, and firearm parts that could be assembled
10 to make an operable firearm returned to him or her. If the
11 court determines that person to be the lawful owner of the
12 firearm, ammunition, and firearm parts that could be assembled
13 to make an operable firearm, the firearm, ammunition, and
14 firearm parts that could be assembled to make an operable
15 firearm shall be returned to him or her, provided that:

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

25 (2) the firearm, ammunition, and firearm parts that
26 could be assembled to make an operable firearm are is not

HB1092 Engrossed

- 21 -

LRB102 03106 RLC 13119 b

1 otherwise unlawfully possessed by the owner.

2 The person petitioning for the return of his or her
3 firearm, ammunition, and firearm parts that could be assembled
4 to make an operable firearm must swear or affirm by affidavit
5 that he or she: (i) is the lawful owner of the firearm,
6 ammunition, and firearm parts that could be assembled to make
7 an operable firearm; (ii) shall not transfer the firearm,
8 ammunition, and firearm parts that could be assembled to make
9 an operable firearm to the respondent; and (iii) will store
10 the firearm, ammunition, and firearm parts that could be
11 assembled to make an operable firearm in a manner that the
12 respondent does not have access to or control of the firearm,
13 ammunition, and firearm parts that could be assembled to make
14 an operable firearm.

15 (i) In accordance with subsection (e) of this Section, the
16 court shall schedule a full hearing as soon as possible, but no
17 longer than 14 days from the issuance of an ex parte firearms
18 restraining order, to determine if a 6-month firearms
19 restraining order shall be issued. The court may extend an ex
20

parte order as needed, but not to exceed 14 days, to effectuate
service of the order or if necessary to continue protection.

The court may extend the order for a greater length of time by
mutual agreement of the parties.

(Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

(430 ILCS 67/40)

HB1092 Engrossed

- 22 -

LRB102 03106 RLC 13119 b

Sec. 40. Six-month orders.

(a) A petitioner may request a 6-month firearms
restraining order by filing an affidavit or verified pleading
alleging that the respondent poses a significant danger of
causing personal injury to himself, herself, or another in the
near future by having in his or her custody or control,
purchasing, possessing, or receiving a firearm, ammunition,
and firearm parts that could be assembled to make an operable
firearm. The petition shall also describe the number, types,
and locations of any firearms, ammunition, and firearm parts
that could be assembled to make an operable firearm presently
believed by the petitioner to be possessed or controlled by
the respondent.

(b) If the respondent is alleged to pose a significant
danger of causing personal injury to an intimate partner, or
an intimate partner is alleged to have been the target of a
threat or act of violence by the respondent, the petitioner
shall make a good faith effort to provide notice to any and all
intimate partners of the respondent. The notice must include
that the petitioner intends to petition the court for a
6-month firearms restraining order, and, if the petitioner is
a law enforcement officer, referral to relevant domestic
violence or stalking advocacy or counseling resources, if
appropriate. The petitioner shall attest to having provided
the notice in the filed affidavit or verified pleading. If,
after making a good faith effort, the petitioner is unable to

HB1092 Engrossed

- 23 -

LRB102 03106 RLC 13119 b

provide notice to any or all intimate partners, the affidavit

2 or verified pleading should describe what efforts were made.

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

8 (d) Upon receipt of a petition for a 6-month firearms
9 restraining order, the court shall order a hearing within 30
10 days.

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

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

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

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

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

25 (5) A recent threat of violence or act of violence by
26 the respondent directed toward himself, herself, or

1 another.

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

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

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

21 (g) If the court finds that there is clear and convincing
22 evidence to issue a firearms restraining order, the court
23 shall issue a firearms restraining order that shall be in
24 effect for 6 months subject to renewal under Section 45 of this
25 Act or termination under that Section.

26 (g-5) If the court issues a 6-month firearms restraining
order, it shall, upon a finding of probable cause that the

HB1092 Engrossed

- 25 -

LRB102 03106 RLC 13119 b

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

15 (h) A 6-month firearms restraining order shall require:

16 (1) the respondent to refrain from having in his or
17 her custody or control, purchasing, possessing, or
18 receiving additional firearms, ammunition, and firearm
19 parts that could be assembled to make an operable firearm
20 for the duration of the order; and

21 (2) the respondent to turn over to the local law
22 enforcement agency any firearm, ammunition, and firearm
23 parts that could be assembled to make an operable firearm
24 or Firearm Owner's Identification Card and concealed carry

25 license in his or her possession. The local law
26 enforcement agency shall immediately mail the card and

HB1092 Engrossed

- 26 -

LRB102 03106 RLC 13119 b

1 concealed carry license to the Department of State Police
2 Firearm Services Bureau for safekeeping. The firearm or
3 firearms, ammunition, and firearm parts that could be
4 assembled to make an operable firearm and Firearm Owner's
5 Identification Card and concealed carry license, if
6 unexpired, shall be returned to the respondent after the
7 firearms restraining order is terminated or expired.

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

HB1092 Engrossed

- 27 -

LRB102 03106 RLC 13119 b

1 agency.

2 (i-5) A respondent whose Firearm Owner's Identification
3 Card has been revoked or suspended may petition the court, if
4 the petitioner is present in court or has notice of the
5 respondent's petition, to transfer the respondent's firearm,
6

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

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

HB1092 Engrossed

- 28 -

LRB102 03106 RLC 13119 b

1 court determines that person to be the lawful owner of the
2 firearm, ammunition, and firearm parts that could be assembled
3 to make an operable firearm, the firearm, ammunition, and
4 firearm parts that could be assembled to make an operable
5 firearm shall be returned to him or her, provided that:

6 (1) the firearm, ammunition, and firearm parts that
7 could be assembled to make an operable firearm are ~~is~~
8 removed from the respondent's custody, control, or
9 possession and the lawful owner agrees to store the
10 firearm, ammunition, and firearm parts that could be
11 assembled to make an operable firearm in a manner such
12 that the respondent does not have access to or control of
13 the firearm, ammunition, and firearm parts that could be
14 assembled to make an operable firearm; and

15 (2) the firearm, ammunition, and firearm parts that
16 could be assembled to make an operable firearm are ~~is~~ not
17 otherwise unlawfully possessed by the owner.

18 The person petitioning for the return of his or her
19 firearm, ammunition, and firearm parts that could be assembled
20 to make an operable firearm must swear or affirm by affidavit
21 that he or she: (i) is the lawful owner of the firearm,
22 ammunition, and firearm parts that could be assembled to make
23 an operable firearm; (ii) shall not transfer the firearm,
24 ammunition, and firearm parts that could be assembled to make
25 an operable firearm to the respondent; and (iii) will store
26 the firearm, ammunition, and firearm parts that could be

HB1092 Engrossed

- 29 -

LRB102 03106 RLC 13119 b

1 assembled to make an operable firearm in a manner that the
2 respondent does not have access to or control of the firearm,
3 ammunition, and firearm parts that could be assembled to make
4 an operable firearm.

5 (j) If the court does not issue a firearms restraining
6 order at the hearing, the court shall dissolve any emergency
7 firearms restraining order then in effect.

8 (k) When the court issues a firearms restraining order
9 under this Section, the court shall inform the respondent that
10 he or she is entitled to one hearing during the period of the
11 order to request a termination of the order, under Section 45
12 of this Act, and shall provide the respondent with a form to
13 request a hearing.

14 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

15 (430 ILCS 67/45)

16 Sec. 45. Termination and renewal.

17 (a) A person subject to a firearms restraining order
18 issued under this Act may submit one written request at any
19 time during the effective period of the order for a hearing to
20 terminate the order.

21 (1) The respondent shall have the burden of proving by
22 a preponderance of the evidence that the respondent does
23 not pose a danger of causing personal injury to himself,
24 herself, or another in the near future by having in his or
25 her custody or control, purchasing, possessing, or

HB1092 Engrossed

- 30 -

LRB102 03106 RLC 13119 b

1 receiving a firearm, ammunition, and firearm parts that
2 could be assembled to make an operable firearm.

3 (2) If the court finds after the hearing that the
4 respondent has met his or her burden, the court shall
5 terminate the order.

6 (b) A petitioner may request a renewal of a firearms
7 restraining order at any time within the 3 months before the
8 expiration of a firearms restraining order.

9 (1) A court shall, after notice and a hearing, renew a
10 firearms restraining order issued under this part if the
11 petitioner proves, by clear and convincing evidence, that
12 the respondent continues to pose a danger of causing
13 personal injury to himself, herself, or another in the
14 near future by having in his or her custody or control,
15 purchasing, possessing, or receiving a firearm,
16 ammunition, and firearm parts that could be assembled to
17 make an operable firearm.

18 (2) In determining whether to renew a firearms
19 restraining order issued under this Act, the court shall
20 consider evidence of the facts identified in subsection
21 (e) of Section 40 of this Act and any other evidence of an
22 increased risk for violence.

23 (3) At the hearing, the petitioner shall have the
24 burden of proving by clear and convincing evidence that
25 the respondent continues to pose a danger of causing
26 personal injury to himself, herself, or another in the

1 near future by having in his or her custody or control,
2 purchasing, possessing, or receiving a firearm,
3 ammunition, and firearm parts that could be assembled to
4 make an operable firearm.

5 (4) The renewal of a firearms restraining order issued
6 under this Section shall be in effect for 6 months,
7 subject to termination by further order of the court at a
8 hearing held under this Section and further renewal by
9 further order of the court under this Section.

10 (Source: P.A. 100-607, eff. 1-1-19; 101-81, eff. 7-12-19.)

11 (430 ILCS 67/85 new)

12 Sec. 85. Report to the General Assembly. The Illinois
13 State Police shall submit a yearly report to the General
14 Assembly or make available on its website the number of
15 petitions entered into the Law Enforcement Agencies Data
16 System.