

AN ACT concerning regulation.

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

Section 3. The Open Meetings Act is amended by changing Section 2 as follows:

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

(Text of Section before amendment by P.A. 101-652)

Sec. 2. Open meetings.

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

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

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

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent

contractors in a park, recreational, or educational setting, or specific volunteers of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor in a park, recreational, or educational setting, or a volunteer of the public body or against legal counsel for the public body to determine its validity. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with this Act.

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

(3) The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.

(4) Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law,

to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

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

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

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

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

(9) Student disciplinary cases.

(10) The placement of individual students in special education programs and other matters relating to individual students.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or

when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

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

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

(14) Informant sources, the hiring or assignment of undercover personnel or equipment, or ongoing, prior or future criminal investigations, when discussed by a public body with criminal investigatory responsibilities.

(15) Professional ethics or performance when considered by an advisory body appointed to advise a licensing or regulatory agency on matters germane to the

advisory body's field of competence.

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

(17) The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals, or for the discussion of matters protected under the federal Patient Safety and Quality Improvement Act of 2005, and the regulations promulgated thereunder, including 42 C.F.R. Part 3 (73 FR 70732), or the federal Health Insurance Portability and Accountability Act of 1996, and the regulations promulgated thereunder, including 45 C.F.R. Parts 160, 162, and 164, by a hospital, or other institution providing medical care, that is operated by the public body.

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

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

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

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the

body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

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

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

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

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

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

(27) (Blank).

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

(29) Meetings between internal or external auditors and governmental audit committees, finance committees, and

their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America.

(30) Those meetings or portions of meetings of a fatality review team or the Illinois Fatality Review Team Advisory Council during which a review of the death of an eligible adult in which abuse or neglect is suspected, alleged, or substantiated is conducted pursuant to Section 15 of the Adult Protective Services Act.

(31) Meetings and deliberations for decisions of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act.

(32) Meetings between the Regional Transportation Authority Board and its Service Boards when the discussion involves review by the Regional Transportation Authority Board of employment contracts under Section 28d of the Metropolitan Transit Authority Act and Sections 3A.18 and 3B.26 of the Regional Transportation Authority Act.

(33) Those meetings or portions of meetings of the advisory committee and peer review subcommittee created under Section 320 of the Illinois Controlled Substances Act during which specific controlled substance prescriber, dispenser, or patient information is discussed.

(34) Meetings of the Tax Increment Financing Reform

Task Force under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(35) Meetings of the group established to discuss Medicaid capitation rates under Section 5-30.8 of the Illinois Public Aid Code.

(36) Those deliberations or portions of deliberations for decisions of the Illinois Gaming Board in which there is discussed any of the following: (i) personal, commercial, financial, or other information obtained from any source that is privileged, proprietary, confidential, or a trade secret; or (ii) information specifically exempted from the disclosure by federal or State law.

(d) Definitions. For purposes of this Section:

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

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

"Quasi-adjudicative body" means an administrative body



charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon, but does not include local electoral boards when such bodies are considering petition challenges.

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

(Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17; 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff. 8-23-19; revised 9-27-19.)

(Text of Section after amendment by P.A. 101-652)

Sec. 2. Open meetings.

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

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

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors in a park, recreational, or educational setting, or specific volunteers of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor in a park, recreational, or educational setting, or a volunteer of the public body or against legal counsel for the public body to determine its validity. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act may not be closed and shall be open to the public and posted and held in accordance with this Act.

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

(3) The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or

removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.

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

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

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

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

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

(9) Student disciplinary cases.

(10) The placement of individual students in special

education programs and other matters relating to individual students.

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

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

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

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

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

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

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

(17) The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals, or for the discussion of matters protected under the federal Patient Safety and Quality Improvement Act of 2005, and the regulations promulgated thereunder, including 42 C.F.R. Part 3 (73 FR 70732), or the federal Health Insurance Portability and Accountability Act of 1996, and the regulations promulgated thereunder, including 45 C.F.R. Parts 160, 162, and 164, by a hospital, or other institution providing medical care, that is operated by the public body.

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

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

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

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

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

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

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

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

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

(27) (Blank).

(28) Correspondence and records (i) that may not be

disclosed under Section 11-9 of the Illinois Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Illinois Public Aid Code.

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

(30) Those meetings or portions of meetings of a fatality review team or the Illinois Fatality Review Team Advisory Council during which a review of the death of an eligible adult in which abuse or neglect is suspected, alleged, or substantiated is conducted pursuant to Section 15 of the Adult Protective Services Act.

(31) Meetings and deliberations for decisions of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act.

(32) Meetings between the Regional Transportation Authority Board and its Service Boards when the discussion involves review by the Regional Transportation Authority Board of employment contracts under Section 28d of the Metropolitan Transit Authority Act and Sections 3A.18 and 3B.26 of the Regional Transportation Authority Act.

(33) Those meetings or portions of meetings of the

advisory committee and peer review subcommittee created under Section 320 of the Illinois Controlled Substances Act during which specific controlled substance prescriber, dispenser, or patient information is discussed.

(34) Meetings of the Tax Increment Financing Reform Task Force under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(35) Meetings of the group established to discuss Medicaid capitation rates under Section 5-30.8 of the Illinois Public Aid Code.

(36) Those deliberations or portions of deliberations for decisions of the Illinois Gaming Board in which there is discussed any of the following: (i) personal, commercial, financial, or other information obtained from any source that is privileged, proprietary, confidential, or a trade secret; or (ii) information specifically exempted from the disclosure by federal or State law.

(37) Deliberations for decisions of the Illinois Law Enforcement Training Standards Board, the Certification Review Panel, and the Illinois State Police Merit Board regarding certification and decertification.

(38) Meetings of the Firearm Owner's Identification Card Review Board under Section 10 of the Firearm Owners Identification Card Act.

(d) Definitions. For purposes of this Section:

"Employee" means a person employed by a public body whose



relationship with the public body constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor.

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

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

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

(Source: P.A. 100-201, eff. 8-18-17; 100-465, eff. 8-31-17; 100-646, eff. 7-27-18; 101-31, eff. 6-28-19; 101-459, eff. 8-23-19; 101-652, eff. 1-1-22.)

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

(5 ILCS 140/7.5)

(Text of Section before amendment by P.A. 101-652)

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

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

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

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

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

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

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

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

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

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

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.

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

(l) Records and information provided to a residential

health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

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

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

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

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

(q) Information prohibited from being disclosed by the Personnel Record Review Act.

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

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

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

(u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the

Firearm Concealed Carry Act; and databases under the Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

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

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

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from

disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.

(gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.

(hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.

(ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.

(mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.

(nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.

(pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act.

(qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.

(rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.

(ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.

(tt) Recordings made under the Children's Advocacy Center Act, except to the extent authorized under that Act.



(uu) Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act.

(vv) Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.

(ww) Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act.

(xx) Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code.

(yy) Information prohibited from being disclosed under the Illinois Educational Labor Relations Act.

(zz) Information prohibited from being disclosed under the Illinois Public Labor Relations Act.

(aaa) Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code.

(bbb) Information that is exempt from disclosure under subsection (k) of Section 11 of the Equal Pay Act of 2003.

(Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18; 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff. 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517, eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19; 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff. 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff.

1-1-20; 101-600, eff. 12-6-19; 101-620, eff 12-20-19; 101-649, eff. 7-7-20; 101-656, eff. 3-23-21.)

(Text of Section after amendment by P.A. 101-652)

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

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

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

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

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

(e) Information the disclosure of which is exempted

under Section 30 of the Radon Industry Licensing Act.

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

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

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

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

(j) Information and data concerning the distribution of surcharge moneys collected and remitted by carriers under the Emergency Telephone System Act.

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

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

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

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

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

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

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

(q) Information prohibited from being disclosed by the Personnel Record Review Act.

(r) Information prohibited from being disclosed by the

Illinois School Student Records Act.

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

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

(u) Records and information provided to an independent team of experts under the Developmental Disability and Mental Health Safety Act (also known as Brian's Law).

(v) Names and information of people who have applied for or received Firearm Owner's Identification Cards under the Firearm Owners Identification Card Act or applied for or received a concealed carry license under the Firearm Concealed Carry Act, unless otherwise authorized by the Firearm Concealed Carry Act; and databases under the

Firearm Concealed Carry Act, records of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act, and law enforcement agency objections under the Firearm Concealed Carry Act.

(v-5) Records of the Firearm Owner's Identification Card Review Board that are exempted from disclosure under Section 10 of the Firearm Owners Identification Card Act.

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

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

(y) Confidential information under the Adult Protective Services Act and its predecessor enabling statute, the Elder Abuse and Neglect Act, including information about the identity and administrative finding against any caregiver of a verified and substantiated decision of abuse, neglect, or financial exploitation of an eligible adult maintained in the Registry established under Section 7.5 of the Adult Protective Services Act.

(z) Records and information provided to a fatality review team or the Illinois Fatality Review Team Advisory Council under Section 15 of the Adult Protective Services Act.

(aa) Information which is exempted from disclosure

under Section 2.37 of the Wildlife Code.

(bb) Information which is or was prohibited from disclosure by the Juvenile Court Act of 1987.

(cc) Recordings made under the Law Enforcement Officer-Worn Body Camera Act, except to the extent authorized under that Act.

(dd) Information that is prohibited from being disclosed under Section 45 of the Condominium and Common Interest Community Ombudsperson Act.

(ee) Information that is exempted from disclosure under Section 30.1 of the Pharmacy Practice Act.

(ff) Information that is exempted from disclosure under the Revised Uniform Unclaimed Property Act.

(gg) Information that is prohibited from being disclosed under Section 7-603.5 of the Illinois Vehicle Code.

(hh) Records that are exempt from disclosure under Section 1A-16.7 of the Election Code.

(ii) Information which is exempted from disclosure under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(jj) Information and reports that are required to be submitted to the Department of Labor by registering day and temporary labor service agencies but are exempt from disclosure under subsection (a-1) of Section 45 of the Day and Temporary Labor Services Act.

(kk) Information prohibited from disclosure under the Seizure and Forfeiture Reporting Act.

(ll) Information the disclosure of which is restricted and exempted under Section 5-30.8 of the Illinois Public Aid Code.

(mm) Records that are exempt from disclosure under Section 4.2 of the Crime Victims Compensation Act.

(nn) Information that is exempt from disclosure under Section 70 of the Higher Education Student Assistance Act.

(oo) Communications, notes, records, and reports arising out of a peer support counseling session prohibited from disclosure under the First Responders Suicide Prevention Act.

(pp) Names and all identifying information relating to an employee of an emergency services provider or law enforcement agency under the First Responders Suicide Prevention Act.

(qq) Information and records held by the Department of Public Health and its authorized representatives collected under the Reproductive Health Act.

(rr) Information that is exempt from disclosure under the Cannabis Regulation and Tax Act.

(ss) Data reported by an employer to the Department of Human Rights pursuant to Section 2-108 of the Illinois Human Rights Act.

(tt) Recordings made under the Children's Advocacy



Center Act, except to the extent authorized under that Act.

(uu) Information that is exempt from disclosure under Section 50 of the Sexual Assault Evidence Submission Act.

(vv) Information that is exempt from disclosure under subsections (f) and (j) of Section 5-36 of the Illinois Public Aid Code.

(ww) Information that is exempt from disclosure under Section 16.8 of the State Treasurer Act.

(xx) Information that is exempt from disclosure or information that shall not be made public under the Illinois Insurance Code.

(yy) Information prohibited from being disclosed under the Illinois Educational Labor Relations Act.

(zz) Information prohibited from being disclosed under the Illinois Public Labor Relations Act.

(aaa) Information prohibited from being disclosed under Section 1-167 of the Illinois Pension Code.

(bbb) Information that is exempt from disclosure under subsection (k) of Section 11 of the Equal Pay Act of 2003.

(ccc) ~~(bbb)~~ Information that is prohibited from disclosure by the Illinois Police Training Act and the State Police Act.

(ddd) Records exempt from disclosure under Section 2605-304 of the Department of State Police Law of the Civil Administrative Code of Illinois.

(Source: P.A. 100-20, eff. 7-1-17; 100-22, eff. 1-1-18; 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff. 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517, eff. 6-1-18; 100-646, eff. 7-27-18; 100-690, eff. 1-1-19; 100-863, eff. 8-14-18; 100-887, eff. 8-14-18; 101-13, eff. 6-12-19; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19; 101-221, eff. 1-1-20; 101-236, eff. 1-1-20; 101-375, eff. 8-16-19; 101-377, eff. 8-16-19; 101-452, eff. 1-1-20; 101-466, eff. 1-1-20; 101-600, eff. 12-6-19; 101-620, eff. 12-20-19; 101-649, eff. 7-7-20; 101-652, eff. 1-1-22; 101-656, eff. 3-23-21; revised 4-21-21.)

Section 7. The Gun Trafficking Information Act is amended by changing Section 10-5 as follows:

(5 ILCS 830/10-5)

Sec. 10-5. Gun trafficking information.

(a) The Department of State Police shall use all reasonable efforts in making publicly available, on a regular and ongoing basis, key information related to firearms used in the commission of crimes in this State, including, but not limited to: reports on crimes committed with firearms, locations where the crimes occurred, the number of persons killed or injured in the commission of the crimes, the state where the firearms used originated, the Federal Firearms Licensee that sold the firearm, ~~and~~ the type of firearms used, and

annual statistical information concerning Firearm Owner's Identification Card and concealed carry license applications, revocations, and compliance with Section 9.5 of the Firearm Owners Identification Card Act, firearm restraining order dispositions, and firearm dealer license certification inspections. The Department shall make the information available on its website, which may be presented in a dashboard format, in addition to electronically filing a report with the Governor and the General Assembly. The report to the General Assembly shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate in electronic form only, in the manner that the Clerk and the Secretary shall direct.

(b) The Department shall study, on a regular and ongoing basis, and compile reports on the number of Firearm Owner's Identification Card checks to determine firearms trafficking or straw purchase patterns. The Department shall, to the extent not inconsistent with law, share such reports and underlying data with academic centers, foundations, and law enforcement agencies studying firearms trafficking, provided that personally identifying information is protected. For purposes of this subsection (b), a Firearm Owner's Identification Card number is not personally identifying information, provided that no other personal information of the card holder is attached to the record. The Department may create and attach an alternate unique identifying number to

each Firearm Owner's Identification Card number, instead of releasing the Firearm Owner's Identification Card number itself.

(c) Each department, office, division, and agency of this State shall, to the extent not inconsistent with law, cooperate fully with the Department and furnish the Department with all relevant information and assistance on a timely basis as is necessary to accomplish the purpose of this Act. The Illinois Criminal Justice Information Authority shall submit the information required in subsection (a) of this Section to the Department of State Police, and any other information as the Department may request, to assist the Department in carrying out its duties under this Act.

(Source: P.A. 100-1178, eff. 1-18-19.)

Section 10. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by changing Section 2605-605 and by adding Section 2605-304 as follows:

(20 ILCS 2605/2605-304 new)

Sec. 2605-304. Prohibited persons portal.

(a) Within 90 days after the effective date of this amendatory Act of the 102nd General Assembly, the Illinois State Police shall establish a portal for use by federal, State, or local law enforcement agencies, including Offices of the State's Attorneys and the Office of the Attorney General

to capture a report of persons whose Firearm Owner's Identification Cards have been revoked or suspended. The portal is for law enforcement purposes only.

(b) The Illinois State Police shall include in the report the reason the person's Firearm Owner's Identification Card was subject to revocation or suspension, to the extent allowed by law, consistent with Sections 8 and 8.2 of the Firearm Owners Identification Card Act.

(c) The Illinois State Police shall indicate whether the person subject to the revocation or suspension of his or her Firearm Owner's Identification Card has surrendered his or her revoked or suspended Firearm Owner's Identification Card and whether the person has completed a Firearm Disposition Record required under Section 9.5 of the Firearm Owners Identification Card Act. The Illinois State Police shall make reasonable efforts to make this information available on the Law Enforcement Agencies Data System (LEADS).

(d) The Illinois State Police shall provide updates of information related to an individual's current Firearm Owner's Identification Card revocation or suspension status, including compliance under Section 9.5 of the Firearm Owners Identification Card Act, in the Illinois State Police's Law Enforcement Agencies Data System.

(e) Records in this portal are exempt from disclosure under the Freedom of Information Act.

(f) The Illinois State Police may adopt rules necessary to

implement this Section.

(20 ILCS 2605/2605-605)

Sec. 2605-605. Violent Crime Intelligence Task Force. The Director of State Police shall ~~may~~ establish a statewide multi-jurisdictional Violent Crime Intelligence Task Force led by the Department of State Police dedicated to combating gun violence, gun-trafficking, and other violent crime with the primary mission of preservation of life and reducing the occurrence and the fear of crime. The objectives of the Task Force shall include, but not be limited to, reducing and preventing illegal possession and use of firearms, firearm-related homicides, and other violent crimes, and solving firearm-related crimes.

(1) The Task Force may develop and acquire information, training, tools, and resources necessary to implement a data-driven approach to policing, with an emphasis on intelligence development.

(2) The Task Force may utilize information sharing, partnerships, crime analysis, and evidence-based practices to assist in the reduction of firearm-related shootings, homicides, and gun-trafficking, including, but not limited to, ballistic data, eTrace data, DNA evidence, latent fingerprints, firearm training data, and National Integrated Ballistic Information Network (NIBIN) data. The Task Force may design a model crime gun intelligence strategy which may

include, but is not limited to, comprehensive collection and documentation of all ballistic evidence, timely transfer of NIBIN and eTrace leads to an intelligence center, which may include the Division of Criminal Investigation of the Illinois State Police, timely dissemination of intelligence to investigators, investigative follow-up, and coordinated prosecution.

(3) The Task Force may recognize and utilize best practices of community policing and may develop potential partnerships with faith-based and community organizations to achieve its goals.

(4) The Task Force may identify and utilize best practices in drug-diversion programs and other community-based services to redirect low-level offenders.

(5) The Task Force may assist in violence suppression strategies including, but not limited to, details in identified locations that have shown to be the most prone to gun violence and violent crime, focused deterrence against violent gangs and groups considered responsible for the violence in communities, and other intelligence driven methods deemed necessary to interrupt cycles of violence or prevent retaliation.

(6) In consultation with the Chief Procurement Officer, the Department of State Police may obtain contracts for software, commodities, resources, and equipment to assist the Task Force with achieving this Act. Any contracts necessary to

support the delivery of necessary software, commodities, resources, and equipment are not subject to the Illinois Procurement Code, except for Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of that Code, provided that the Chief Procurement Officer may, in writing with justification, waive any certification required under Article 50 of the Illinois Procurement Code.

(7) The Task Force shall conduct enforcement operations against persons whose Firearm Owner's Identification Cards have been revoked or suspended and persons who fail to comply with the requirements of Section 9.5 of the Firearm Owners Identification Card Act, prioritizing individuals presenting a clear and present danger to themselves or to others under paragraph (2) of subsection (d) of Section 8.1 of the Firearm Owners Identification Card Act.

(8) The Task Force shall collaborate with local law enforcement agencies to enforce provisions of the Firearm Owners Identification Card Act, the Firearm Concealed Carry Act, the Firearm Dealer License Certification Act, and Article 24 of the Criminal Code of 2012.

(9) To implement this Section, the Director of the Illinois State Police may establish intergovernmental agreements with law enforcement agencies in accordance with the Intergovernmental Cooperation Act.

(10) Law enforcement agencies that participate in activities described in paragraphs (7) through (9) may apply



to the Illinois State Police for grants from the State Police Revocation Enforcement Fund.

(Source: P.A. 100-3, eff. 1-1-18.)

Section 11. The Illinois Criminal Justice Information Act is amended by adding Section 7.9 as follows:

(20 ILCS 3930/7.9 new)

Sec. 7.9. Firearm Prohibitors and Records Improvement Task Force.

(a) As used in this Section, "firearms prohibitor" means any factor listed in Section 4 of the Firearm Owners Identification Card Act or Section 24-3 or 24-3.1 of the Criminal Code of 2012 that prohibits a person from transferring or possessing a firearm, firearm ammunition, Firearm Owner's Identification Card, or concealed carry license.

(b) The Firearm Prohibitors and Records Improvement Task Force is created to identify and research all available grants, resources, and revenue that may be applied for and used by all entities responsible for reporting federal and State firearm prohibitors to the Illinois State Police and the National Instant Criminal Background Check System. Under the Firearm Owners Identification Card Act, these reporting entities include, but are not limited to, hospitals, courts, law enforcement and corrections. The Task Force shall identify

weaknesses in reporting and recommend a strategy to direct resources and revenue to ensuring reporting is reliable, accurate, and timely. The Task Force shall inventory all statutorily mandated firearm and gun violence related data collection and reporting requirements, along with the agency responsible for collecting that data, and identify gaps in those requirements. The Task Force shall submit a coordinated application with and through the Illinois Criminal Justice Information Authority for federal funds from the National Criminal History Improvement Program and the NICS Acts Record Improvement Program. The Firearm Prohibitors and Records Improvement Task Force shall be comprised of the following members, all of whom shall serve without compensation:

(1) the Executive Director of the Illinois Criminal Justice Information Authority, who shall serve as Chair;

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

(3) the Secretary of Human Services, or his or her designee;

(4) the Director of Corrections, or his or her designee;

(5) the Attorney General, or his or her designee;

(6) the Director of the Administrative Office of the Illinois Courts, or his or her designee;

(7) a representative of an association representing circuit clerks appointed by the President of the Senate;

(8) a representative of an association representing sheriffs appointed by the House Minority Leader;

(9) a representative of an association representing State's Attorneys appointed by the House Minority Leader;

(10) a representative of an association representing chiefs of police appointed by the Senate Minority Leader;

(11) a representative of an association representing hospitals appointed by the Speaker of the House of Representatives;

(12) a representative of an association representing counties appointed by the President of the Senate; and

(13) a representative of an association representing municipalities appointed by the Speaker of the House of Representatives.

(c) The Illinois Criminal Justice Information Authority shall provide administrative and other support to the Task Force. The Illinois State Police Division of Justice Services shall also provide support to the Illinois Criminal Justice Information Authority and the Task Force.

(d) The Task Force may meet in person or virtually and shall issue a written report of its findings and recommendations to General Assembly on or before July 1, 2022. The Task Force shall issue an annual report, which shall include information on the state of FOID data, including a review of previous activity by the Task Force to close previously identified gaps; identifying known (or new) gaps; a

proposal of policy and practice recommendations to close those gaps; and a preview of expected activities of the Task Force for the coming year.

(e) Within 60 days of the effective date of this amendatory Act of the 102nd General Assembly, the Chair shall establish the Task Force.

(f) This Section is repealed on July 1, 2027.

Section 15. The State Finance Act is amended by changing 6z-99 and by adding Sections 5.938 and 6z-125 as follows:

(30 ILCS 105/5.938 new)

Sec. 5.938. The State Police Revocation Enforcement Fund.

(30 ILCS 105/6z-99)

Sec. 6z-99. 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 as follows: (1) 50% shall be used to fund community-based mental health programs aimed at reducing gun violence, community integration and education, or mental health awareness and prevention, including administrative costs; and (2) 50% shall be used to award grants that use and promote the National School Mental Health Curriculum model for school-based mental health support, integration, and services.

(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.

(Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)

(30 ILCS 105/6z-125 new)

Sec. 6z-125. State Police Revocation Enforcement Fund.

(a) The State Police Revocation Enforcement Fund is established as a special fund in the State treasury. This Fund is established to receive moneys from the Firearm Owners Identification Card Act to enforce that Act, the Firearm Concealed Carry Act, Article 24 of the Criminal Code of 2012, and other firearm offenses. The Fund may also receive revenue from grants, donations, appropriations, and any other legal

source.

(b) The Illinois State Police may use moneys from the Fund to establish task forces and, if necessary, include other law enforcement agencies, under intergovernmental contracts written and executed in conformity with the Intergovernmental Cooperation Act.

(c) The Illinois State Police may use moneys in the Fund to hire and train State Police officers and prevention of violent crime.

(d) The State Police Revocation Enforcement Fund is not subject to administrative chargebacks.

(e) Law enforcement agencies that participate in Firearm Owner's Identification Card revocation enforcement in the Violent Crime Intelligence Task Force may apply for grants from the Illinois State Police.

Section 16. The Intergovernmental Drug Laws Enforcement Act is amended by changing Section 3 as follows:

(30 ILCS 715/3) (from Ch. 56 1/2, par. 1703)

Sec. 3. A Metropolitan Enforcement Group which meets the minimum criteria established in this Section is eligible to receive State grants to help defray the costs of operation. To be eligible a MEG must:

(1) Be established and operating pursuant to intergovernmental contracts written and executed in

conformity with the Intergovernmental Cooperation Act, and involve 2 or more units of local government.

(2) Establish a MEG Policy Board composed of an elected official, or his designee, and the chief law enforcement officer, or his designee, from each participating unit of local government to oversee the operations of the MEG and make such reports to the Department of State Police as the Department may require.

(3) Designate a single appropriate elected official of a participating unit of local government to act as the financial officer of the MEG for all participating units of local government and to receive funds for the operation of the MEG.

(4) Limit its operations to enforcement of drug laws; enforcement of Sections 10-9, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.5, 24-1.7, 24-1.8, 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.2, 24-3.3, 24-3.4, 24-3.5, 24-3.7, 24-3.8, 24-3.9, 24-3A, 24-3B, 24-4, and 24-5 and ~~subsections 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), and 24-1(e)~~ of the Criminal Code of 2012; Sections 2, 3, 6.1, 14 of the Firearm Owners Identification Card Act; and the investigation of streetgang related offenses.

(5) Cooperate with the Department of State Police in order to assure compliance with this Act and to enable the Department to fulfill its duties under this Act, and

supply the Department with all information the Department deems necessary therefor.

(6) Receive funding of at least 50% of the total operating budget of the MEG from the participating units of local government.

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

Section 20. The Firearm Owners Identification Card Act is amended by changing Sections 1.1, 3, 3.1, 4, 5, 6, 7, 8.2, 8.3, 9.5, 10, 11, and 13.2 and by adding Sections 6.2, 7.5, 8.4, 8.5, and 13.4 as follows:

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

Sec. 1.1. For purposes of this Act:

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

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

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

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



"Adjudicated as a person with a mental disability" means the person is the subject of a determination by a court, board, commission or other lawful authority that the person, as a result of marked subnormal intelligence, or mental illness, mental impairment, incompetency, condition, or disease:

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

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

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

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

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

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

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

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

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

(9) is not guilty by reason of insanity under the

Juvenile Court Act of 1987;

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

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

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

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

"Clear and present danger" means a person who:

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

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

"Clinical psychologist" has the meaning provided in Section 1-103 of the Mental Health and Developmental Disabilities Code.

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

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

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

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

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

(1.1) any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels breakable paint balls containing washable marking colors;

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

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

(4) an antique firearm (other than a machine-gun)

which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

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

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

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

"Gun show" means an event or function:

(1) at which the sale and transfer of firearms is the regular and normal course of business and where 50 or more firearms are displayed, offered, or exhibited for sale, transfer, or exchange; or

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

"Gun show" includes the entire premises provided for an event or function, including parking areas for the event or function, that is sponsored to facilitate the purchase, sale,

transfer, or exchange of firearms as described in this Section. Nothing in this definition shall be construed to exclude a gun show held in conjunction with competitive shooting events at the World Shooting Complex sanctioned by a national governing body in which the sale or transfer of firearms is authorized under subparagraph (5) of paragraph (g) of subsection (A) of Section 24-3 of the Criminal Code of 2012.

Unless otherwise expressly stated, "gun show" does not include training or safety classes, competitive shooting events, such as rifle, shotgun, or handgun matches, trap, skeet, or sporting clays shoots, dinners, banquets, raffles, or any other event where the sale or transfer of firearms is not the primary course of business.

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

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

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

"Mental health facility" means any licensed private hospital or hospital affiliate, institution, or facility, or part thereof, and any facility, or part thereof, operated by

the State or a political subdivision thereof which provide treatment of persons with mental illness and includes all hospitals, institutions, clinics, evaluation facilities, mental health centers, colleges, universities, long-term care facilities, and nursing homes, or parts thereof, which provide treatment of persons with mental illness whether or not the primary purpose is to provide treatment of persons with mental illness.

"National governing body" means a group of persons who adopt rules and formulate policy on behalf of a national firearm sporting organization.

"Patient" means:

(1) a person who is admitted as an inpatient or resident of a public or private mental health facility for mental health treatment under Chapter III of the Mental Health and Developmental Disabilities Code as an informal admission, a voluntary admission, a minor admission, an emergency admission, or an involuntary admission, unless the treatment was solely for an alcohol abuse disorder; or

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

"Person with a developmental disability" means a person with a disability which is attributable to any other condition

which results in impairment similar to that caused by an intellectual disability and which requires services similar to those required by persons with intellectual disabilities. The disability must originate before the age of 18 years, be expected to continue indefinitely, and constitute a substantial disability. This disability results, in the professional opinion of a physician, clinical psychologist, or qualified examiner, in significant functional limitations in 3 or more of the following areas of major life activity:

- (i) self-care;
- (ii) receptive and expressive language;
- (iii) learning;
- (iv) mobility; or
- (v) self-direction.

"Person with an intellectual disability" means a person with a significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years.

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

"Protective order" means any orders of protection issued under the Illinois Domestic Violence Act of 1986, stalking no contact orders issued under the Stalking No Contact Order Act, civil no contact orders issued under the Civil No Contact Order Act, and firearms restraining orders issued under the

Firearms Restraining Order Act.

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

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

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

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

(Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15; 99-642, eff. 7-28-16; 100-906, eff. 1-1-19.)

(430 ILCS 65/3) (from Ch. 38, par. 83-3)

Sec. 3. (a) Except as provided in Section 3a, no person may knowingly transfer, or cause to be transferred, any firearm, firearm ammunition, stun gun, or taser to any person within this State unless the transferee with whom he deals displays either: (1) a currently valid Firearm Owner's Identification Card which has previously been issued in his or her name by the Department of State Police under the provisions of this Act; or (2) a currently valid license to carry a concealed firearm which has previously been issued in his or her name by the



Department of State Police under the Firearm Concealed Carry Act. In addition, all firearm, stun gun, and taser transfers by federally licensed firearm dealers are subject to Section 3.1.

(a-5) Any person who is not a federally licensed firearm dealer and who desires to transfer or sell a firearm while that person is on the grounds of a gun show must, before selling or transferring the firearm, request the Department of State Police to conduct a background check on the prospective recipient of the firearm in accordance with Section 3.1.

(a-10) Notwithstanding item (2) of subsection (a) of this Section, any person who is not a federally licensed firearm dealer and who desires to transfer or sell a firearm or firearms to any person who is not a federally licensed firearm dealer shall, before selling or transferring the firearms, contact a federal firearm license dealer under paragraph (1) of subsection (a-15) of this Section to conduct the transfer or the Illinois Department of State Police with the transferee's or purchaser's Firearm Owner's Identification Card number to determine the validity of the transferee's or purchaser's Firearm Owner's Identification Card under State and federal law including the National Instant Criminal Background Check System. This subsection shall not be effective until January 1, 2024. Until that date the transferor shall contact the Illinois State Police with the transferee's or purchaser's Firearm Owner's Identification

Card number to determine the validity of the card 2014. The Department of State Police may adopt rules concerning the implementation of this subsection. The Department of State Police shall provide the seller or transferor an approval number if the purchaser's Firearm Owner's Identification Card is valid. Approvals issued by the Department for the purchase of a firearm pursuant to this subsection are valid for 30 days from the date of issue.

(a-15) The provisions of subsection (a-10) of this Section do not apply to:

(1) transfers that occur at the place of business of a federally licensed firearm dealer, if the federally licensed firearm dealer conducts a background check on the prospective recipient of the firearm in accordance with Section 3.1 of this Act and follows all other applicable federal, State, and local laws as if he or she were the seller or transferor of the firearm, although the dealer is not required to accept the firearm into his or her inventory. The purchaser or transferee may be required by the federally licensed firearm dealer to pay a fee not to exceed \$25 ~~\$10~~ per firearm, which the dealer may retain as compensation for performing the functions required under this paragraph, plus the applicable fees authorized by Section 3.1;

(2) transfers as a bona fide gift to the transferor's husband, wife, son, daughter, stepson, stepdaughter,

father, mother, stepfather, stepmother, brother, sister, nephew, niece, uncle, aunt, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, or daughter-in-law;

(3) transfers by persons acting pursuant to operation of law or a court order;

(4) transfers on the grounds of a gun show under subsection (a-5) of this Section;

(5) the delivery of a firearm by its owner to a gunsmith for service or repair, the return of the firearm to its owner by the gunsmith, or the delivery of a firearm by a gunsmith to a federally licensed firearms dealer for service or repair and the return of the firearm to the gunsmith;

(6) temporary transfers that occur while in the home of the unlicensed transferee, if the unlicensed transferee is not otherwise prohibited from possessing firearms and the unlicensed transferee reasonably believes that possession of the firearm is necessary to prevent imminent death or great bodily harm to the unlicensed transferee;

(7) transfers to a law enforcement or corrections agency or a law enforcement or corrections officer acting within the course and scope of his or her official duties;

(8) transfers of firearms that have been rendered permanently inoperable to a nonprofit historical society, museum, or institutional collection; and

(9) transfers to a person who is exempt from the requirement of possessing a Firearm Owner's Identification Card under Section 2 of this Act.

(a-20) The Illinois ~~Department~~ of State Police shall develop an Internet-based system for individuals to determine the validity of a Firearm Owner's Identification Card prior to the sale or transfer of a firearm. The Department shall have the Internet-based system updated ~~completed~~ and available for use by January 1, 2024 ~~July 1, 2015~~. The Illinois State Police ~~Department~~ shall adopt rules not inconsistent with this Section to implement this system; but no rule shall allow the Illinois State Police to retain records in contravention of State and federal law.

(a-25) On or before January 1, 2022, the Illinois State Police shall develop an Internet-based system upon which the serial numbers of firearms that have been reported stolen are available for public access for individuals to ensure any firearms are not reported stolen prior to the sale or transfer of a firearm under this Section. The Illinois State Police shall have the Internet-based system completed and available for use by July 1, 2022. The Department shall adopt rules not inconsistent with this Section to implement this system.

(b) Any person within this State who transfers or causes to be transferred any firearm, stun gun, or taser shall keep a record of such transfer for a period of 10 years from the date of transfer. Any person within this State who receives any

firearm, stun gun, or taser pursuant to subsection (a-10) shall provide a record of the transfer within 10 days of the transfer to a federally licensed firearm dealer and shall not be required to maintain a transfer record. The federally licensed firearm dealer shall maintain the transfer record for 20 years from date of receipt. A federally licensed firearm dealer may charge a fee not to exceed \$25 to retain the record. The record shall be provided and maintained in either an electronic or paper format. The federally licensed firearm dealer shall not be liable for the accuracy of any information in the transfer record submitted pursuant to this Section. Such records ~~record~~ shall contain the date of the transfer; the description, serial number or other information identifying the firearm, stun gun, or taser if no serial number is available; and, if the transfer was completed within this State, the transferee's Firearm Owner's Identification Card number and any approval number or documentation provided by the Department of State Police pursuant to subsection (a-10) of this Section; if the transfer was not completed within this State, the record shall contain the name and address of the transferee. On or after January 1, 2006, the record shall contain the date of application for transfer of the firearm. On demand of a peace officer such transferor shall produce for inspection such record of transfer. For any transfer pursuant to subsection (a-10) of this Section, on the demand of a peace officer, such transferee shall identify the

federally licensed firearm dealer maintaining the transfer record. If the transfer or sale took place at a gun show, the record shall include the unique identification number. Failure to record the unique identification number or approval number is a petty offense. For transfers of a firearm, stun gun, or taser made on or after the effective date of this amendatory Act of the 100th General Assembly, failure by the private seller to maintain the transfer records in accordance with this Section, or failure by a transferee pursuant to subsection a-10 of this Section to identify the federally licensed firearm dealer maintaining the transfer record, is a Class A misdemeanor for the first offense and a Class 4 felony for a second or subsequent offense occurring within 10 years of the first offense and the second offense was committed after conviction of the first offense. Whenever any person who has not previously been convicted of any violation of subsection (a-5), the court may grant supervision pursuant to and consistent with the limitations of Section 5-6-1 of the Unified Code of Corrections. A transferee or transferor shall not be criminally liable under this Section provided that he or she provides the Department of State Police with the transfer records in accordance with procedures established by the Department. The Department shall establish, by rule, a standard form on its website.

(b-5) Any resident may purchase ammunition from a person within or outside of Illinois if shipment is by United States

mail or by a private express carrier authorized by federal law to ship ammunition. Any resident purchasing ammunition within or outside the State of Illinois must provide the seller with a copy of his or her valid Firearm Owner's Identification Card or valid concealed carry license and either his or her Illinois driver's license or Illinois State Identification Card prior to the shipment of the ammunition. The ammunition may be shipped only to an address on either of those 2 documents.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act.

(Source: P.A. 99-29, eff. 7-10-15; 100-1178, eff. 1-18-19.)

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

Sec. 3.1. Firearm Transfer Inquiry Program ~~Dial-up system.~~

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

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

(b-5) By January 1, 2023, the Illinois State Police shall by rule provide a process for the automatic renewal of the Firearm Owner's Identification Card of a person at the time of an inquiry in subsection (b). Persons eligible for this process must have a set of fingerprints on file with their application under either subsection (a-25) of Section 4 or the Firearm Concealed Carry Act.



(c) If receipt of a firearm would not violate Section 24-3 of the Criminal Code of 2012, federal law, or this Act the Department of State Police shall:

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

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

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

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

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

(3) The Department of State Police shall provide notice of the disqualification of a person under subsection (b) of this

Section or the revocation of a person's Firearm Owner's Identification Card under Section 8 or Section 8.2 of this Act, and the reason for the disqualification or revocation, to all law enforcement agencies with jurisdiction to assist with the seizure of the person's Firearm Owner's Identification Card.

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

(Source: P.A. 98-63, eff. 7-9-13; 99-787, eff. 1-1-17.)

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

Sec. 4. Application for Firearm Owner's Identification Cards.

(a) Each applicant for a Firearm Owner's Identification Card must:

(1) Submit an ~~Make~~ application as ~~on blank forms prepared and furnished at convenient locations throughout the State by the Department of State Police, or by electronic means, if and when~~ made available by the Illinois Department of State Police; and

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

(i) This subparagraph (i) applies through the 180th day following the effective date of this amendatory Act of the 101st General Assembly. He or she is 21 years of age or over, or if he or she is

under 21 years of age that he or she has the written consent of his or her parent or legal guardian to possess and acquire firearms and firearm ammunition and that he or she has never been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, provided, however, that such parent or legal guardian is not an individual prohibited from having a Firearm Owner's Identification Card and files an affidavit with the Department as prescribed by the Department stating that he or she is not an individual prohibited from having a Card;

(i-5) This subparagraph (i-5) applies on and after the 181st day following the effective date of this amendatory Act of the 101st General Assembly. He or she is 21 years of age or over, or if he or she is under 21 years of age that he or she has never been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and is an active duty member of the United States Armed Forces or has the written consent of his or her parent or legal guardian to possess and acquire firearms and firearm ammunition, provided, however, that such parent or legal guardian is not an individual prohibited from having a Firearm Owner's Identification Card and files an affidavit with the Department as prescribed by the Department stating that he or she is not an individual

prohibited from having a Card or the active duty member of the United States Armed Forces under 21 years of age annually submits proof to the Department of State Police, in a manner prescribed by the Department;

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

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

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

(v) He or she is not a person with an intellectual disability;

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

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

(viii) He or she has not been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

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

(x) (Blank);

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

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

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

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

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

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

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

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

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

(xiii) He or she is not an adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony;

(xiv) He or she is a resident of the State of Illinois;

(xv) He or she has not been adjudicated as a person with a mental disability;

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

(xvii) He or she is not a person with a developmental disability; and

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

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

provided in subsection (a-10).

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

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

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

(a-25) Beginning January 1, 2023, each applicant for the



issuance of a Firearm Owner's Identification Card may include a full set of his or her fingerprints in electronic format to the Illinois State Police, unless the applicant has previously provided a full set of his or her fingerprints to the Illinois State Police under this Act or the Firearm Concealed Carry Act.

The fingerprints must be transmitted through a live scan fingerprint vendor licensed by the Department of Financial and Professional Regulation. The fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases, including all available State and local criminal history record information files.

The Illinois State Police shall charge applicants a one-time fee for conducting the criminal history record check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the State and national criminal history record check.

(a-26) The Illinois State Police shall research, explore, and report to the General Assembly by January 1, 2022 on the feasibility of permitting voluntarily submitted fingerprints obtained for purposes other than Firearm Owner's Identification Card enforcement that are contained in the Illinois State Police database for purposes of this Act.

(b) Each application form shall include the following statement printed in bold type: "Warning: Entering false

information on an application for a Firearm Owner's Identification Card is punishable as a Class 2 felony in accordance with subsection (d-5) of Section 14 of the Firearm Owners Identification Card Act.".

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

(Source: P.A. 101-80, eff. 7-12-19.)

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

Sec. 5. Application and renewal.

(a) The Department of State Police shall either approve or deny all applications within 30 days from the date they are received, except as provided in subsections (b) and (c) ~~subsection (b) of this Section~~, and every applicant found qualified under Section 8 of this Act by the Department shall be entitled to a Firearm Owner's Identification Card upon the payment of a \$10 fee and applicable processing fees. The processing fees shall be limited to charges by the State Treasurer for using the electronic online payment system. Any applicant who is an active duty member of the Armed Forces of the United States, a member of the Illinois National Guard, or a member of the Reserve Forces of the United States is exempt from the application fee. \$5 of each fee derived from the issuance of a Firearm Owner's Identification Card or renewals,

~~thereof, shall be deposited in the State Police Firearm Services Fund and \$5 into the State Police Revocation Enforcement Fund \$6 of each fee derived from the issuance of Firearm Owner's Identification Cards, or renewals thereof, shall be deposited in the Wildlife and Fish Fund in the State Treasury; \$1 of the fee shall be deposited in the State Police Services Fund and \$3 of the fee shall be deposited in the State Police Firearm Services Fund.~~

(b) Renewal applications shall be approved or denied within 60 business days, provided the applicant submitted his or her renewal application prior to the expiration of his or her Firearm Owner's Identification Card. If a renewal application has been submitted prior to the expiration date of the applicant's Firearm Owner's Identification Card, the Firearm Owner's Identification Card shall remain valid while the Department processes the application, unless the person is subject to or becomes subject to revocation under this Act. The cost for a renewal application shall be \$10, and may include applicable processing fees, which shall be limited to charges by the State Treasurer for using the electronic online payment system, which shall be deposited into the State Police Firearm Services Fund.

(c) If the Firearm Owner's Identification Card of a licensee under the Firearm Concealed Carry Act expires during the term of the licensee's concealed carry license, the Firearm Owner's Identification Card and the license remain

valid and the licensee does not have to renew his or her Firearm Owner's Identification Card during the duration of the concealed carry license. Unless the Illinois State Police has reason to believe the licensee is no longer eligible for the card, the Illinois State Police may automatically renew the licensee's Firearm Owner's Identification Card and send a renewed Firearm Owner's Identification Card to the licensee.

(d) The Illinois State Police may adopt rules concerning the use of voluntarily submitted fingerprints, as allowed by State and federal law.

(Source: P.A. 100-906, eff. 1-1-19.)

(430 ILCS 65/6) (from Ch. 38, par. 83-6)

Sec. 6. Contents of Firearm Owner's Identification Card.

(a) A Firearm Owner's Identification Card, issued by the Department of State Police at such places as the Director of the Department shall specify, shall contain the applicant's name, residence, date of birth, sex, physical description, recent photograph, except as provided in subsection (c-5), and signature. Each Firearm Owner's Identification Card must have the Firearm Owner's Identification Card number ~~expiration date~~ boldly and conspicuously displayed on the face of the card. Each Firearm Owner's Identification Card must have printed on it the following: "CAUTION - This card does not permit bearer to UNLAWFULLY carry or use firearms." Before December 1, 2002, the Department may use a person's digital photograph and

signature from his or her Illinois driver's license or Illinois Identification Card, if available. On and after December 1, 2002, the Department shall use a person's digital photograph and signature from his or her Illinois driver's license or Illinois Identification Card, if available. The Department shall decline to use a person's digital photograph or signature if the digital photograph or signature is the result of or associated with fraudulent or erroneous data, unless otherwise provided by law.

(b) A person applying for a Firearm Owner's Identification Card shall consent to the Department of State Police using the applicant's digital driver's license or Illinois Identification Card photograph, if available, and signature on the applicant's Firearm Owner's Identification Card. The Secretary of State shall allow the Department of State Police access to the photograph and signature for the purpose of identifying the applicant and issuing to the applicant a Firearm Owner's Identification Card.

(c) The Secretary of State shall conduct a study to determine the cost and feasibility of creating a method of adding an identifiable code, background, or other means on the driver's license or Illinois Identification Card to show that an individual is not disqualified from owning or possessing a firearm under State or federal law. The Secretary shall report the findings of this study 12 months after the effective date of this amendatory Act of the 92nd General Assembly.

(c-5) If a person qualifies for a photograph exemption, in lieu of a photograph, the Firearm Owner's Identification Card shall contain a copy of the card holder's fingerprints. Each Firearm Owner's Identification Card described in this subsection (c-5) must have printed on it the following: "This card is only valid for firearm purchases through a federally licensed firearms dealer when presented with photographic identification, as prescribed by 18 U.S.C. 922(t)(1)(C)."

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

(430 ILCS 65/6.2 new)

Sec. 6.2. Electronic Firearm Owner's Identification Cards. Beginning January 1, 2022, the Illinois State Police may develop a system under which the holder of a Firearm Owner's Identification Card may display an electronic version of his or her Firearm Owner's Identification Card on a mobile telephone or other portable electronic device. An electronic version of a Firearm Owner's Identification Card shall contain security features the Illinois State Police determines to be necessary to ensure that the electronic version is accurate and current and shall satisfy other requirements the Illinois State Police determines to be necessary regarding form and content. The display or possession of an electronic version of a valid Firearm Owner's Identification Card in accordance with the requirements of the Illinois State Police satisfies all requirements for the display or possession of a valid Firearm

Owner's Identification Card under the laws of this State. The possession or display of an electronic Firearm Owner's Identification Card on a mobile telephone or other portable electronic device does not constitute consent for a law enforcement officer, court, or other officer of the court to access other contents of the mobile telephone or other portable electronic device. The Illinois State Police may adopt rules to implement this Section.

(430 ILCS 65/7) (from Ch. 38, par. 83-7)

Sec. 7. Validity of Firearm Owner's Identification Card.

(a) Except as provided in Section 8 of this Act or elsewhere in subsection (b) of this Section, a Firearm Owner's Identification Card issued under the provisions of this Act shall be valid for the person to whom it is issued for a period of 10 years from the date of issuance. Unless the person no longer meets the requirements or becomes subject to suspension or revocation under this Act, a card issued under an application made as provided in subsection (a-25) of Section 4 shall remain valid if the person meets the requirements of subsection (b-5) of Section 3.1.

(b) If a renewal application is submitted to the Department before the expiration date of the applicant's current Firearm Owner's Identification Card, the Firearm Owner's Identification Card shall remain valid ~~for a period of 60 business days~~, unless the person is subject to or becomes

subject to revocation under this Act. Unless the person no longer meets the requirements or becomes subject to suspension or revocation under this Act, a card issued under a renewal application made as provided in subsection (a-25) of Section 4 shall remain valid if the person meets the implementation requirements of Section 3.1.

(c) Beginning January 1, 2022, if the Firearm Owner's Identification Card of a licensee under the Firearm Concealed Carry Act expires during the term of the licensee's concealed carry license, the Firearm Owner's Identification Card and the license remain valid during the validity of the concealed carry license and the licensee does not have to renew his or her Firearm Owner's Identification Card, if the Firearm Owner's Identification Card has not been otherwise renewed as provided in this Act. Unless the Illinois State Police has reason to believe the licensee is no longer eligible for the card, the Illinois State Police may automatically renew the licensee's Firearm Owner's Identification Card.

(Source: P.A. 100-906, eff. 1-1-19.)

(430 ILCS 65/7.5 new)

Sec. 7.5. Email and text message notifications. A person subject to this Act may notify the Illinois State Police upon application or at any time thereafter that he or she would like to receive correspondence from the Illinois State Police via email or text message and may opt out of first-class mail. Such



correspondence may include notification of the status of a person's application, suspension, revocation, appeal, and other notifications concerning his or her Firearm Owner's Identification Card. A person may request email or text message, or both. Any person selecting email or text message alerts must have either or both the person's email or cellular phone number on file with the Illinois State Police.

(430 ILCS 65/8.2)

Sec. 8.2. Firearm Owner's Identification Card denial, suspension, or revocation. The Illinois Department of State Police shall deny an application or shall suspend or revoke and seize a Firearm Owner's Identification Card previously issued under this Act if the Department finds that the applicant or person to whom such card was issued is or was at the time of issuance subject to a protective order issued under the laws of this or any other jurisdiction ~~an existing order of protection or firearms restraining order.~~ When the duration of the protective order is expected to be less than one year, the Illinois State Police may suspend the Firearm Owner's Identification Card under Section 8.3 of the Act and shall reinstate it upon conclusion of the suspension if no other grounds for denial or revocation are found under Section 8 of the Act.

(Source: P.A. 100-607, eff. 1-1-19.)

(430 ILCS 65/8.3)

Sec. 8.3. Suspension of Firearm Owner's Identification Card. The Department of State Police may suspend ~~, by rule in a manner consistent with the Department's rules concerning revocation, provide for the suspension of~~ the Firearm Owner's Identification Card of a person whose Firearm Owner's Identification Card is subject to revocation and seizure under this Act for the duration of the disqualification if the disqualification is not a permanent grounds for revocation of a Firearm Owner's Identification Card under this Act. The Illinois State Police may adopt rules necessary to implement this Section.

(Source: P.A. 100-607, eff. 1-1-19; 100-906, eff. 1-1-19.)

(430 ILCS 65/8.4 new)

Sec. 8.4. Cancellation of Firearm Owner's Identification Card. The Illinois State Police may cancel a Firearm Owner's Identification Card if a person is not prohibited by State or federal law from acquiring or possessing a firearm or firearm ammunition and the sole purpose is for an administrative reason. This includes, at the request of the Firearm Owner's Identification Card holder, a person who surrenders his or her Illinois driver's license or Illinois identification card to another jurisdiction, or a person's Firearm Owner's Identification Card is reported as lost, stolen, or destroyed. The Illinois State Police may adopt rules necessary to

implement this Section.

(430 ILCS 65/8.5 new)

Sec. 8.5. Illinois State Police to monitor databases for firearms prohibitors. The Illinois State Police shall continuously monitor relevant State and federal databases, as allowed by State and federal law, for firearms prohibitors and correlate those records with Firearm Owner's Identification Card holders to ensure compliance with this Act and any other State and federal laws. As used in this Section, "firearms prohibitor" means any factor listed in Section 8 or Section 8.2 of this Act or Section 24-3 or 24-3.1 of the Criminal Code of 2012 that prohibits a person from transferring or possessing a firearm, firearm ammunition, Firearm Owner's Identification Card, or concealed carry license.

(430 ILCS 65/9.5)

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

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

(1) surrender his or her Firearm Owner's Identification Card to the local law enforcement agency where the person resides or ~~. The local law enforcement agency shall provide the person a receipt and transmit the~~

~~Firearm Owner's Identification Card~~ to the Department of State Police; and

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

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

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

(C) if any firearm will be transferred to the custody of another person, the name, address and Firearm Owner's Identification Card number of the transferee; ~~and-~~

(D) to whom his or her Firearm Owner's Identification Card was surrendered.

Once completed, the person shall retain a copy and provide a copy of the Firearm Disposition Record to the Illinois State Police.

(b) Upon confirming through the portal created under Section 2605-304 of the Department of State Police Law of the Civil Administrative Code of Illinois that the Firearm Owner's Identification Card has been revoked by the Illinois State Police, surrendered cards shall be destroyed by the law

enforcement agency receiving the cards. If a card has not been revoked, the card shall be returned to the cardholder. The local law enforcement agency shall provide a copy of the Firearm Disposition Record to the person whose Firearm Owner's Identification Card has been revoked and to the Department of State Police.

(b-5) If a court orders the surrender of a Firearms Owner's Identification Card and accepts receipt of the Card, the court shall destroy the Card and direct the person whose Firearm Owner's Identification Card has been surrendered to comply with paragraph (2) of subsection (a).

(b-10) If the person whose Firearm Owner's Identification Card has been revoked has either lost or destroyed the Card, the person must still comply with paragraph (2) of subsection (a).

(b-15) A notation shall be made in the portal created under Section 2605-304 of the Department of State Police Law of the Civil Administrative Code of Illinois that the revoked Firearm Owner's Identification Card has been destroyed.

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

Identification Card has been revoked.

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

(e) The observation of a Firearm Owner's Identification Card in the possession of a person whose Firearm Owner's Identification Card has been revoked constitutes a sufficient basis for the arrest of that person for violation of this Section.

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

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

(Source: P.A. 98-63, eff. 7-9-13.)

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

Sec. 10. Appeals ~~Appeal to director~~; hearing; relief from firearm prohibitions.

(a) Whenever an application for a Firearm Owner's Identification Card is denied, ~~whenever the Department fails~~

~~to act on an application within 30 days of its receipt,~~ or whenever such a Card is revoked or seized as provided for in Section 8 of this Act, the aggrieved party may (1) file a record challenge with the Director regarding the record upon which the decision to deny or revoke the Firearm Owner's Identification Card was based under subsection (a-5); or (2) appeal to the Director of the Illinois State Police through December 31, 2022, or beginning January 1, 2023, the Firearm Owner's Identification Card Review Board for a hearing seeking relief from ~~upon~~ such denial or ~~or~~ revocation ~~or seizure,~~ unless the denial or ~~or~~ revocation ~~or seizure~~ was based upon a forcible felony, stalking, aggravated stalking, domestic battery, any violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act that is classified as a Class 2 or greater felony, any felony violation of Article 24 of the Criminal Code of 1961 or the Criminal Code of 2012, or any adjudication as a delinquent minor for the commission of an offense that if committed by an adult would be a felony, in which case the aggrieved party may petition the circuit court in writing in the county of his or her residence for a hearing seeking relief from ~~upon~~ such denial or ~~or~~ revocation ~~or seizure~~.

(a-5) There is created a Firearm Owner's Identification Card Review Board to consider any appeal under subsection (a) beginning January 1, 2023, other than an appeal directed to

the circuit court and except when the applicant is challenging the record upon which the decision to deny or revoke was based as provided in subsection (a-10).

(0.05) In furtherance of the policy of this Act that the Board shall exercise its powers and duties in an independent manner, subject to the provisions of this Act but free from the direction, control, or influence of any other agency or department of State government. All expenses and liabilities incurred by the Board in the performance of its responsibilities hereunder shall be paid from funds which shall be appropriated to the Board by the General Assembly for the ordinary and contingent expenses of the Board.

(1) The Board shall consist of 7 members appointed by the Governor, with the advice and consent of the Senate, with 3 members residing within the First Judicial District and one member residing within each of the 4 remaining Judicial Districts. No more than 4 members shall be members of the same political party. The Governor shall designate one member as the chairperson. The Board shall consist of:

(A) one member with at least 5 years of service as a federal or State judge;

(B) one member with at least 5 years of experience serving as an attorney with the United States Department of Justice, or as a State's Attorney or



Assistant State's Attorney;

(C) one member with at least 5 years of experience serving as a State or federal public defender or assistant public defender;

(D) three members with at least 5 years of experience as a federal, State, or local law enforcement agent or as an employee with investigative experience or duties related to criminal justice under the United States Department of Justice, Drug Enforcement Administration, Department of Homeland Security, Federal Bureau of Investigation, or a State or local law enforcement agency; and

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

(2) The terms of the members initially appointed after the effective date of this amendatory Act of the 102nd General Assembly shall be as follows: one of the initial members shall be appointed for a term of one year, 3 shall be appointed for terms of 2 years, and 3 shall be appointed for terms of 4 years. Thereafter, members shall hold office for 4 years, with terms expiring on the second Monday in January immediately following the expiration of their terms and every 4 years thereafter. Members may be reappointed. Vacancies in the office of member shall be

filled in the same manner as the original appointment, for the remainder of the unexpired term. The Governor may remove a member for incompetence, neglect of duty, malfeasance, or inability to serve. Members shall receive compensation in an amount equal to the compensation of members of the Executive Ethics Commission and may be reimbursed, from funds appropriated for such a purpose, for reasonable expenses actually incurred in the performance of their Board duties. The Illinois State Police shall designate an employee to serve as Executive Director of the Board and provide logistical and administrative assistance to the Board.

(3) The Board shall meet at least quarterly each year and at the call of the chairperson as often as necessary to consider appeals of decisions made with respect to applications for a Firearm Owner's Identification Card under this Act. If necessary to ensure the participation of a member, the Board shall allow a member to participate in a Board meeting by electronic communication. Any member participating electronically shall be deemed present for purposes of establishing a quorum and voting.

(4) The Board shall adopt rules for the review of appeals and the conduct of hearings. The Board shall maintain a record of its decisions and all materials considered in making its decisions. All Board decisions and voting records shall be kept confidential and all

materials considered by the Board shall be exempt from inspection except upon order of a court.

(5) In considering an appeal, the Board shall review the materials received concerning the denial or revocation by the Illinois State Police. By a vote of at least 4 members, the Board may request additional information from the Illinois State Police or the applicant or the testimony of the Illinois State Police or the applicant. The Board may require that the applicant submit electronic fingerprints to the Illinois State Police for an updated background check if the Board determines it lacks sufficient information to determine eligibility. The Board may consider information submitted by the Illinois State Police, a law enforcement agency, or the applicant. The Board shall review each denial or revocation and determine by a majority of members whether an applicant should be granted relief under subsection (c).

(6) The Board shall by order issue summary decisions. The Board shall issue a decision within 45 days of receiving all completed appeal documents from the Illinois State Police and the applicant. However, the Board need not issue a decision within 45 days if:

(A) the Board requests information from the applicant, including, but not limited to, electronic fingerprints to be submitted to the Illinois State Police, in accordance with paragraph (5) of this

subsection, in which case the Board shall make a decision within 30 days of receipt of the required information from the applicant;

(B) the applicant agrees, in writing, to allow the Board additional time to consider an appeal; or

(C) the Board notifies the applicant and the Illinois State Police that the Board needs an additional 30 days to issue a decision. The Board may only issue 2 extensions under this subparagraph (C). The Board's notification to the applicant and the Illinois State Police shall include an explanation for the extension.

(7) If the Board determines that the applicant is eligible for relief under subsection (c), the Board shall notify the applicant and the Illinois State Police that relief has been granted and the Illinois State Police shall issue the Card.

(8) Meetings of the Board shall not be subject to the Open Meetings Act and records of the Board shall not be subject to the Freedom of Information Act.

(9) The Board shall report monthly to the Governor and the General Assembly on the number of appeals received and provide details of the circumstances in which the Board has determined to deny Firearm Owner's Identification Cards under this subsection (a-5). The report shall not contain any identifying information about the applicants.

(a-10) Whenever an applicant or cardholder is not seeking relief from a firearms prohibition under subsection (c) but rather does not believe the applicant is appropriately denied or revoked and is challenging the record upon which the decision to deny or revoke the Firearm Owner's Identification Card was based, or whenever the Illinois State Police fails to act on an application within 30 days of its receipt, the applicant shall file such challenge with the Director. The Director shall render a decision within 60 business days of receipt of all information supporting the challenge. The Illinois State Police shall adopt rules for the review of a record challenge.

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

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

8 of this Act may apply to the Firearm Owner's Identification Card Review Board ~~Director of State Police~~ or petition the circuit court in the county where the petitioner resides, whichever is applicable in accordance with subsection (a) of this Section, requesting relief from such prohibition and the Board ~~Director~~ or court may grant such relief if it is established by the applicant to the court's or the Board's ~~Director's~~ satisfaction that:

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

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

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

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

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

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

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

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

(2) The Firearm Owner's Identification Card Review Board ~~Director of State Police~~ shall grant expedited relief to active law enforcement officers described in paragraph (1) of this subsection (c-5) upon a determination by the Board

~~Director~~ that the officer's possession of a firearm does not present a threat to themselves, others, or public safety. The Board ~~Director~~ shall act on the request for relief within 30 business days of receipt of:

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

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

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

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

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

(4) "Clinical psychologist", "psychiatrist", and



"qualified examiner" shall have the same meaning as provided in Chapter I of the Mental Health and Developmental Disabilities Code.

(c-10) (1) An applicant, who is denied, revoked, or has his or her Firearm Owner's Identification Card seized under subsection (e) of Section 8 of this Act based upon a determination of a developmental disability or an intellectual disability may apply to the Firearm Owner's Identification Card Review Board ~~Director of State Police~~ requesting relief.

(2) The Board ~~Director~~ shall act on the request for relief within 60 business days of receipt of written certification, in the form prescribed by the Board ~~Director~~, from a physician or clinical psychologist, or qualified examiner, that the aggrieved party's developmental disability or intellectual disability condition is determined by a physician, clinical psychologist, or qualified to be mild. If a fact-finding conference is scheduled to obtain additional information concerning the circumstances of the denial or revocation, the 60 business days the Director has to act shall be tolled until the completion of the fact-finding conference.

(3) The Board ~~Director~~ may grant relief if the aggrieved party's developmental disability or intellectual disability is mild as determined by a physician, clinical psychologist, or qualified examiner and it is established by the applicant to the Board's ~~Director's~~ satisfaction that:

(A) granting relief would not be contrary to the

public interest; and

(B) granting relief would not be contrary to federal law.

(4) The Board ~~Director~~ may not grant relief if the condition is determined by a physician, clinical psychologist, or qualified examiner to be moderate, severe, or profound.

(5) The changes made to this Section by Public Act 99-29 ~~this amendatory Act of the 99th General Assembly~~ apply to requests for relief pending on or before July 10, 2015 (the effective date of Public Act 99-29) ~~this amendatory Act~~, except that the 60-day period for the Director to act on requests pending before the effective date shall begin on July 10, 2015 (the effective date of Public Act 99-29) ~~this amendatory Act~~. All appeals as provided in subsection (a-5), pending on January 1, 2023, shall be considered by the Board.

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

(e) The court shall review the denial of an application or the revocation of a Firearm Owner's Identification Card of a person who has been adjudicated delinquent for an offense that if committed by an adult would be a felony if an application for relief has been filed at least 10 years after the adjudication of delinquency and the court determines that the applicant should be granted relief from disability to obtain a Firearm Owner's Identification Card. If the court grants

relief, the court shall notify the Illinois ~~Department of~~ State Police that the disability has been removed and that the applicant is eligible to obtain a Firearm Owner's Identification Card.

(f) Any person who is subject to the disabilities of 18 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act of 1968 because of an adjudication or commitment that occurred under the laws of this State or who was determined to be subject to the provisions of subsections (e), (f), or (g) of Section 8 of this Act may apply to the Illinois ~~Department of~~ State Police requesting relief from that prohibition. The Board ~~Director~~ shall grant the relief if it is established by a preponderance of the evidence that the person will not be likely to act in a manner dangerous to public safety and that granting relief would not be contrary to the public interest. In making this determination, the Board ~~Director~~ shall receive evidence concerning (i) the circumstances regarding the firearms disabilities from which relief is sought; (ii) the petitioner's mental health and criminal history records, if any; (iii) the petitioner's reputation, developed at a minimum through character witness statements, testimony, or other character evidence; and (iv) changes in the petitioner's condition or circumstances since the disqualifying events relevant to the relief sought. If relief is granted under this subsection or by order of a court under this Section, the Director shall as soon as practicable but in no case later than

15 business days, update, correct, modify, or remove the person's record in any database that the Illinois Department of State Police makes available to the National Instant Criminal Background Check System and notify the United States Attorney General that the basis for the record being made available no longer applies. The Illinois Department of State Police shall adopt rules for the administration of this Section.

(Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-78, eff. 7-20-15.)

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

Sec. 11. Judicial review of final administrative decisions.

(a) All final administrative decisions of the Firearm Owner's Identification Card Review Board ~~Department~~ under this Act, except final administrative decisions of the Firearm Owner's Identification Card Review Board ~~Director of State Police~~ to deny a person's application for relief under subsection (f) of Section 10 of this Act, shall be subject to judicial review under the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(b) Any final administrative decision by the Firearm

Owner's Identification Card Review Board ~~Director of State Police~~ to deny a person's application for relief under subsection (f) of Section 10 of this Act is subject to de novo judicial review by the circuit court, and any party may offer evidence that is otherwise proper and admissible without regard to whether that evidence is part of the administrative record.

(c) The Firearm Owner's Identification Card Review Board ~~Director of State Police~~ shall submit a report to the General Assembly on March 1 of each year, beginning March 1, 1991, listing all final decisions by a court of this State upholding, reversing, or reversing in part any administrative decision made by the Department of State Police.

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

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

Sec. 13.2. Renewal; name, photograph, or address change; replacement card. The Department of State Police shall, 180 ~~60~~ days prior to the expiration of a Firearm Owner's Identification Card, forward by first class mail or by other means provided in Section 7.5 to each person whose card is to expire a notification of the expiration of the card and instructions for renewal. It is the obligation of the holder of a Firearm Owner's Identification Card to notify the Department of State Police of any address change since the issuance of the Firearm Owner's Identification Card. The

Illinois State Police may update the applicant and card holders address based upon records in the Secretary of State Driver's License or Illinois identification card records of applicants who do not have driver's licenses. ~~Whenever any person moves from the residence address named on his or her card, the person shall within 21 calendar days thereafter notify in a form and manner prescribed by the Department of his or her old and new residence addresses and the card number held by him or her.~~ Any person whose legal name has changed from the name on the card that he or she has been previously issued must apply for a corrected card within 30 calendar days after the change. The cost for an updated or a corrected card shall be \$5. The cost for replacement of a card which has been lost, destroyed, or stolen shall be \$5 if the loss, destruction, or theft of the card is reported to the Department of State Police. The fees collected under this Section shall be deposited into the State Police Firearm Services Fund.

(Source: P.A. 100-906, eff. 1-1-19.)

(430 ILCS 65/13.4 new)

Sec. 13.4. Illinois State Police; rule making authority.  
The Illinois State Police shall by rule adopt the following procedures:

(1) When a person who possesses a valid Firearm Owner's Identification Card applies for and is approved for a concealed carry license, the valid Firearm Owner's

Identification Card is renewed for 10 years from the time of approval instead of 10 years from the date of the original card.

(2) If a person is eligible for both a Firearm Owner's Identification Card and a concealed carry license, the Illinois State Police shall by rule create one card that may be used as both a Firearm Owner's Identification Card and a concealed carry license. A combined Firearm Owner's Identification Card and concealed carry license shall be considered a valid card for the purposes of this Act. If a person who possesses a combined Firearm Owner's Identification Card and a concealed carry license becomes subject to suspension or revocation under the Firearm Concealed Carry Act, but is otherwise eligible for a valid Firearm Owner's Identification Card, the Illinois State Police shall ensure the person's Firearm Owner's Identification Card status is not interrupted. The Illinois State Police shall adopt rules to implement this Section.

Section 25. The Firearm Concealed Carry Act is amended by changing Sections 10, 20, 30, 50, 55, and 70 and by adding Sections 10.5, 10.6, and 66 as follows:

(430 ILCS 66/10)

Sec. 10. Issuance of licenses to carry a concealed firearm.

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

(1) meets the qualifications of Section 25 of this Act;

(2) has provided the application and documentation required in Section 30 of this Act;

(3) has submitted the requisite fees; and

(4) does not pose a danger to himself, herself, or others, or a threat to public safety as determined by the Concealed Carry Licensing Review Board in accordance with Section 20.

(b) The Department shall issue a renewal, corrected, or duplicate license as provided in this Act.

(c) A license shall be valid throughout the State for a period of 5 years from the date of issuance. A license shall permit the licensee to:

(1) carry a loaded or unloaded concealed firearm, fully concealed or partially concealed, on or about his or her person; and

(2) keep or carry a loaded or unloaded concealed firearm on or about his or her person within a vehicle.

(d) The Department shall make applications for a license available no later than 180 days after the effective date of this Act. The Department shall establish rules for the availability and submission of applications in accordance with this Act.



(e) An application for a license submitted to the Department that contains all the information and materials required by this Act, including the requisite fee, shall be deemed completed. Except as otherwise provided in this Act, no later than 90 days after receipt of a completed application, the Department shall issue or deny the applicant a license. The Illinois State Police shall notify the applicant for a concealed carry license, electronically, to confirm if all the required information and materials have been received. If an applicant for a concealed carry license submits his or her application electronically, the Illinois State Police shall notify the applicant electronically if his or her application is missing information or materials.

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

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

- (1) when the licensee is carrying or possessing a concealed firearm on his or her land or in his or her abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an

invitee with that person's permission;

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

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

(h) If an officer of a law enforcement agency initiates an investigative stop, including but not limited to a traffic stop, of a licensee or a non-resident carrying a concealed firearm under subsection (e) of Section 40 of this Act, upon the request of the officer the licensee or non-resident shall disclose to the officer that he or she is in possession of a concealed firearm under this Act, or present the license upon the request of the officer if he or she is a licensee or present upon the request of the officer evidence under paragraph (2) of subsection (e) of Section 40 of this Act that he or she is a non-resident qualified to carry under that subsection. The disclosure requirement under this subsection (h) is satisfied if the licensee presents his or her license to the officer or the non-resident presents to the officer evidence under paragraph (2) of subsection (e) of Section 40 of this Act that he or she is qualified to carry under that subsection. Upon the request of the officer, the licensee or non-resident shall also identify the location of the concealed firearm and permit the officer to safely secure the firearm

for the duration of the investigative stop. During a traffic stop, any passenger within the vehicle who is a licensee or a non-resident carrying under subsection (e) of Section 40 of this Act must comply with the requirements of this subsection (h).

(h-1) If a licensee carrying a firearm or a non-resident carrying a firearm in a vehicle under subsection (e) of Section 40 of this Act is contacted by a law enforcement officer or emergency services personnel, the law enforcement officer or emergency services personnel may secure the firearm or direct that it be secured during the duration of the contact if the law enforcement officer or emergency services personnel determines that it is necessary for the safety of any person present, including the law enforcement officer or emergency services personnel. The licensee or nonresident shall submit to the order to secure the firearm. When the law enforcement officer or emergency services personnel have determined that the licensee or non-resident is not a threat to the safety of any person present, including the law enforcement officer or emergency services personnel, and if the licensee or non-resident is physically and mentally capable of possessing the firearm, the law enforcement officer or emergency services personnel shall return the firearm to the licensee or non-resident before releasing him or her from the scene and breaking contact. If the licensee or non-resident is transported for treatment to another location, the firearm

shall be turned over to any peace officer. The peace officer shall provide a receipt which includes the make, model, caliber, and serial number of the firearm.

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

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

(k) The Illinois State Police shall continuously monitor relevant State and federal databases for firearms prohibitors and correlate those records with concealed carry license holders to ensure compliance with this Act, or State and federal law. The Illinois State Police may adopt rules to

implement this subsection.

(Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-29, eff. 7-10-15.)

(430 ILCS 66/10.5 new)

Sec. 10.5. Electronic concealed carry licenses. The Illinois State Police may develop a system under which the holder of a concealed carry license may display an electronic version of his or her license on a mobile telephone or other portable electronic device. An electronic version of a concealed carry license shall contain security features the Illinois State Police determines to be necessary to ensure that the electronic version is accurate and current and shall satisfy other requirements the Illinois State Police determines to be necessary regarding form and content. The display or possession of an electronic version of a valid concealed carry license in accordance with the requirements of the Illinois State Police satisfies all requirements for the display or possession of a valid concealed carry license under the laws of this State. The possession or display of an electronic concealed carry license on a mobile telephone or other portable electronic device does not constitute consent for a law enforcement officer, court, or other officer of the court to access other contents of the mobile telephone or other portable electronic device. The Illinois State Police may adopt rules to implement this Section.

(430 ILCS 66/10.6 new)

Sec. 10.6. Email and text messages notifications. A person subject to this Act may notify the Department upon application or at any time thereafter that he or she would like to receive correspondence from the Illinois State Police via email or text message and may opt out of first-class mail. Such correspondence may include notification of the status of a person's application, suspension, revocation, appeal, and other notifications concerning his or her concealed carry license. A person may request email or text message, or both. Any person selecting email or text message alerts must have either or both the person's email or cellular phone number on file with the Illinois State Police.

(430 ILCS 66/20)

Sec. 20. Concealed Carry Licensing Review Board.

(a) There is hereby created within the Department of State Police a Concealed Carry Licensing Review Board to consider any objection to an applicant's eligibility to obtain a license under this Act submitted by a law enforcement agency or the Department under Section 15 of this Act. The Board shall consist of 7 commissioners to be appointed by the Governor, with the advice and consent of the Senate, with 3 commissioners residing within the First Judicial District and one commissioner residing within each of the 4 remaining

Judicial Districts. No more than 4 commissioners shall be members of the same political party. The Governor shall designate one commissioner as the Chairperson. The Board shall consist of:

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

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

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

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

(b) The initial terms of the commissioners shall end on January 12, 2015. Notwithstanding any provision in this Section to the contrary, the term of office of each commissioner of the Concealed Carry Licensing Review Board is abolished on the effective date of this amendatory Act of the 102nd General Assembly. The terms of the commissioners appointed on or after the effective date of this amendatory Act of the 102nd General Assembly shall be as follows: one of

the initial members shall be appointed for a term of one year, 3 shall be appointed for terms of 2 years, and 3 shall be appointed for terms of 4 years. Thereafter, the commissioners shall hold office for 4 years, with terms expiring on the second Monday in January of the fourth year. Commissioners may be reappointed. Vacancies in the office of commissioner shall be filled in the same manner as the original appointment, for the remainder of the unexpired term. The Governor may remove a commissioner for incompetence, neglect of duty, malfeasance, or inability to serve. Commissioners shall receive compensation in an amount equal to the compensation of members of the Executive Ethics Commission and may be reimbursed for reasonable expenses actually incurred in the performance of their Board duties, from funds appropriated for that purpose.

(c) The Board shall meet at the call of the chairperson as often as necessary to consider objections to applications for a license under this Act. If necessary to ensure the participation of a commissioner, the Board shall allow a commissioner to participate in a Board meeting by electronic communication. Any commissioner participating electronically shall be deemed present for purposes of establishing a quorum and voting.

(d) The Board shall adopt rules for the review of objections and the conduct of hearings. The Board shall maintain a record of its decisions and all materials considered in making its decisions. All Board decisions and



voting records shall be kept confidential and all materials considered by the Board shall be exempt from inspection except upon order of a court.

(e) In considering an objection of a law enforcement agency or the Department, the Board shall review the materials received with the objection from the law enforcement agency or the Department. By a vote of at least 4 commissioners, the Board may request additional information from the law enforcement agency, Department, or the applicant, or the testimony of the law enforcement agency, Department, or the applicant. The Board may require that the applicant submit electronic fingerprints to the Department for an updated background check where the Board determines it lacks sufficient information to determine eligibility. The Board may only consider information submitted by the Department, a law enforcement agency, or the applicant. The Board shall review each objection and determine by a majority of commissioners whether an applicant is eligible for a license.

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

- (1) the Board requests information from the applicant, including but not limited to electronic fingerprints to be submitted to the Department, in accordance with subsection (e) of this Section, in which case the Board shall make a decision within 30 days of receipt of the required

information from the applicant;

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

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

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

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

(i) The Board shall report monthly to the Governor and the General Assembly on the number of objections received and provide details of the circumstances in which the Board has determined to deny licensure based on law enforcement or Department objections under Section 15 of this Act. The report shall not contain any identifying information about the applicants.

(Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

(430 ILCS 66/30)

Sec. 30. Contents of license application.

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

(b) The application shall contain the following:

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

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

(3) a waiver of the applicant's privacy and confidentiality rights and privileges under all federal and state laws, including those limiting access to juvenile court, criminal justice, psychological, or psychiatric records or records relating to any

institutionalization of the applicant, and an affirmative request that a person having custody of any of these records provide it or information concerning it to the Department. The waiver only applies to records sought in connection with determining whether the applicant qualifies for a license to carry a concealed firearm under this Act, or whether the applicant remains in compliance with the Firearm Owners Identification Card Act;

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

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

(A) a felony;

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

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

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

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

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

(8) unless submitted under subsection (a-25) of Section 4 of the Firearm Owners Identification Card Act, a full set of fingerprints submitted to the Department in electronic format, provided the Department may accept an application submitted without a set of fingerprints in which case the Department shall be granted 30 days in addition to the 90 days provided under subsection (e) of Section 10 of this Act to issue or deny a license;

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

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

(Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

(430 ILCS 66/50)

Sec. 50. License renewal.

(a) This subsection (a) applies through the 180th day following the effective date of this amendatory Act of the

101st General Assembly. The Illinois State Police shall, 180 days prior to the expiration of a concealed carry license notify each person whose license is to expire a notification of the expiration of the license and instructions for renewal.

Applications for renewal of a license shall be made to the Department. A license shall be renewed for a period of 5 years upon receipt of a completed renewal application, completion of 3 hours of training required under Section 75 of this Act, payment of the applicable renewal fee, and completion of an investigation under Section 35 of this Act. The renewal application shall contain the information required in Section 30 of this Act, except that the applicant need not resubmit a full set of fingerprints.

(b) This subsection (b) applies on and after the 181st day following the effective date of this amendatory Act of the 101st General Assembly. Applications for renewal of a license shall be made to the Department. A license shall be renewed for a period of 5 years from the date of expiration on the applicant's current license upon the receipt of a completed renewal application, completion of 3 hours of training required under Section 75 of this Act, payment of the applicable renewal fee, and completion of an investigation under Section 35 of this Act. The renewal application shall contain the information required in Section 30 of this Act, except that the applicant need not resubmit a full set of fingerprints.

(Source: P.A. 101-80, eff. 7-12-19.)

(430 ILCS 66/55)

Sec. 55. Change of address or name; lost, destroyed, or stolen licenses.

(a) A licensee shall notify the Department within 30 days of moving or changing residence or any change of name. The licensee shall submit the requisite fee and the Department may require a notarized statement that the licensee has changed his or her residence or his or her name, including the prior and current address or name and the date the applicant moved or changed his or her name.

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

(1) a written or electronic acknowledgment ~~notarized statement~~ that the licensee no longer possesses the license, and that it was lost, destroyed, or stolen;

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

(3) the requisite fee.

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

(Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

(430 ILCS 66/66 new)

Sec. 66. Illinois State Police to monitor databases for firearms prohibitors. The Illinois State Police shall continuously monitor relevant State and federal databases for firearms prohibitors and correlate those records with concealed carry license holders to ensure compliance with this Act and any other State and federal laws. As used in this Section, "firearms prohibitor" means any factor listed in Section 8 or Section 8.2 of the Firearm Owners Identification Card Act or Section 24-3 or 24-3.1 of the Criminal Code of 2012 that prohibits a person from transferring or possessing a firearm, firearm ammunition, Firearm Owner's Identification Card, or concealed carry license.

(430 ILCS 66/70)

Sec. 70. Violations.

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

(b) A license shall be suspended if an order of protection, including an emergency order of protection, plenary order of protection, or interim order of protection under Article 112A of the Code of Criminal Procedure of 1963 or



under the Illinois Domestic Violence Act of 1986, or if a firearms restraining order, including an emergency firearms restraining order, under the Firearms Restraining Order Act, is issued against a licensee for the duration of the order, or if the Department is made aware of a similar order issued against the licensee in any other jurisdiction. If an order of protection is issued against a licensee, the licensee shall surrender the license, as applicable, to the court at the time the order is entered or to the law enforcement agency or entity serving process at the time the licensee is served the order. The court, law enforcement agency, or entity responsible for serving the order of protection shall notify the Department within 7 days and transmit the license to the Department.

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

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

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

shall permanently revoke a license for a third violation.

(e) Except as otherwise provided, a licensee in violation of this Act shall be guilty of a Class B misdemeanor. A second or subsequent violation is a Class A misdemeanor. The Department may suspend a license for up to 6 months for a second violation and shall permanently revoke a license for 3 or more violations of Section 65 of this Act. Any person convicted of a violation under this Section shall pay a \$150 fee to be deposited into the Mental Health Reporting Fund, plus any applicable court costs or fees.

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

(g) A licensee whose license is revoked, suspended, or denied shall, within 48 hours of receiving notice of the revocation, suspension, or denial, surrender his or her concealed carry license to the local law enforcement agency where the person resides. The local law enforcement agency

shall provide the licensee a receipt and transmit the concealed carry license to the Department of State Police. If the licensee whose concealed carry license has been revoked, suspended, or denied fails to comply with the requirements of this subsection, the law enforcement agency where the person resides may petition the circuit court to issue a warrant to search for and seize the concealed carry license in the possession and under the custody or control of the licensee whose concealed carry license has been revoked, suspended, or denied. The observation of a concealed carry license in the possession of a person whose license has been revoked, suspended, or denied constitutes a sufficient basis for the arrest of that person for violation of this subsection. A violation of this subsection is a Class A misdemeanor.

(h) Except as otherwise provided in subsection (h-5), a license issued or renewed under this Act shall be revoked if, at any time, the licensee is found ineligible for a Firearm Owner's Identification Card, or the licensee no longer possesses a valid Firearm Owner's Identification Card. If the Firearm Owner's Identification Card is expired or suspended rather than denied or revoked, the license may be suspended for a period of up to one year to allow the licensee to reinstate his or her Firearm Owner's Identification Card. The Illinois State Police shall adopt rules to enforce this subsection. A licensee whose license is revoked under this subsection (h) shall surrender his or her concealed carry

license as provided for in subsection (g) of this Section.

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

(h-5) If the Firearm Owner's Identification Card of a licensee under this Act expires during the term of the license issued under this Act, the license and the Firearm Owner's Identification Card remain valid, and the Illinois State Police may automatically renew the licensee's Firearm Owner's Identification Card as provided in subsection (c) of Section 5 of the Firearm Owners Identification Card Act.

(i) A certified firearms instructor who knowingly provides or offers to provide a false certification that an applicant has completed firearms training as required under this Act is guilty of a Class A misdemeanor. A person guilty of a violation of this subsection (i) is not eligible for court supervision. The Department shall permanently revoke the firearms instructor certification of a person convicted under this subsection (i).

(Source: P.A. 100-607, eff. 1-1-19.)

Section 26. The Firearms Restraining Order Act is amended by changing Sections 35 and 40 as follows:

(430 ILCS 67/35)

Sec. 35. Ex parte orders and emergency hearings.

(a) A petitioner may request an emergency firearms restraining order by filing an affidavit or verified pleading alleging that the respondent poses an immediate and present danger of causing personal injury to himself, herself, or another by having in his or her custody or control, purchasing, possessing, or receiving a firearm. The petition shall also describe the type and location of any firearm or firearms presently believed by the petitioner to be possessed or controlled by the respondent.

(b) If the respondent is alleged to pose an immediate and present 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 an emergency 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 provide notice to any or all intimate partners, the affidavit or verified pleading should describe what efforts were made.

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

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

(e) An emergency hearing held on an ex parte basis shall be held the same day that the petition is filed or the next day that the court is in session.

(f) If a circuit or associate judge finds probable cause to believe that the respondent poses an immediate and present danger of causing personal injury to himself, herself, or another by having in his or her custody or control, purchasing, possessing, or receiving a firearm, the circuit or associate judge shall issue an emergency order.

(f-5) If the court issues an emergency firearms restraining order, it shall, upon a finding of probable cause that the respondent possesses firearms, issue a search warrant directing a law enforcement agency to seize the respondent's firearms. The court may, as part of that warrant, direct the law enforcement agency to search the respondent's residence and other places where the court finds there is probable cause to believe he or she is likely to possess the firearms.

(g) An emergency firearms restraining order shall require:

(1) the respondent to refrain from having in his or her custody or control, purchasing, possessing, or receiving additional firearms for the duration of the order under Section 8.2 of the Firearm Owners Identification Card Act; and

(2) the respondent to comply with Section 9.5 of the Firearm Owners Identification Card Act ~~turn over to the local law enforcement agency any Firearm Owner's Identification Card and subsection (g) of Section 70 of the Firearm Concealed Carry Act concealed carry license in his or her possession. The local law enforcement agency shall immediately mail the card and concealed carry license to the Department of State Police Firearm Services Bureau for safekeeping. The firearm or firearms and Firearm Owner's Identification Card and concealed carry license, if unexpired, shall be returned to the respondent after the firearms restraining order is terminated or expired.~~

(h) Except as otherwise provided in subsection (h-5) of this Section, upon expiration of the period of safekeeping, if the firearms or Firearm Owner's Identification Card and concealed carry license cannot be returned to the respondent because the respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, upon petition from the local law enforcement agency, the court may order the local law

enforcement agency to destroy the firearms, use the firearms for training purposes, or use the firearms for any other application as deemed appropriate by the local law enforcement agency.

(h-5) On or before January 1, 2022, a ~~A~~ respondent whose Firearm Owner's Identification Card has been revoked or suspended may petition the court, if the petitioner is present in court or has notice of the respondent's petition, to transfer the respondent's firearm to a person who is lawfully able to possess the firearm if the person does not reside at the same address as the respondent. Notice of the petition shall be served upon the person protected by the emergency firearms restraining order. While the order is in effect, the transferee who receives the respondent's firearms must swear or affirm by affidavit that he or she shall not transfer the firearm to the respondent or to anyone residing in the same residence as the respondent.

(h-6) If a person other than the respondent claims title to any firearms surrendered under this Section, he or she may petition the court, if the petitioner is present in court or has notice of the petition, to have the firearm returned to him or her. If the court determines that person to be the lawful owner of the firearm, the firearm shall be returned to him or her, provided that:

- (1) the firearm is removed from the respondent's custody, control, or possession and the lawful owner



agrees to store the firearm in a manner such that the respondent does not have access to or control of the firearm; and

(2) the firearm is not otherwise unlawfully possessed by the owner.

The person petitioning for the return of his or her firearm must swear or affirm by affidavit that he or she: (i) is the lawful owner of the firearm; (ii) shall not transfer the firearm to the respondent; and (iii) will store the firearm in a manner that the respondent does not have access to or control of the firearm.

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

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. The petition shall also describe the number, types, and locations of any firearms 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 provide notice to any or all intimate partners, the affidavit or verified pleading should describe what efforts were made.

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

of the Criminal Code of 2012.

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

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

(1) The unlawful and reckless use, display, or brandishing of a firearm by the respondent.

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

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

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

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

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

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

(f) At the hearing, the petitioner shall have the burden of proving, by clear and convincing evidence, that the respondent poses a significant danger of personal injury to himself, herself, or another by having in his or her custody or control, purchasing, possessing, or receiving a firearm.

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

(g-5) If the court issues a 6-month firearms restraining order, it shall, upon a finding of probable cause that the respondent possesses firearms, issue a search warrant directing a law enforcement agency to seize the respondent's firearms. The court may, as part of that warrant, direct the law enforcement agency to search the respondent's residence and other places where the court finds there is probable cause to believe he or she is likely to possess the firearms.

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

(1) the respondent to refrain from having in his or her custody or control, purchasing, possessing, or receiving additional firearms for the duration of the

order under Section 8.2 of the Firearm Owners Identification Card Act; and

(2) the respondent to comply with Section 9.5 of the Firearm Owners Identification Card Act and subsection (g) of Section 70 of the Firearm Concealed Carry Act ~~turn over to the local law enforcement agency any firearm or Firearm Owner's Identification Card and concealed carry license in his or her possession. The local law enforcement agency shall immediately mail the card and concealed carry license to the Department of State Police Firearm Services Bureau for safekeeping. The firearm or firearms and Firearm Owner's Identification Card and concealed carry license, if unexpired, shall be returned to the respondent after the firearms restraining order is terminated or expired.~~

(i) Except as otherwise provided in subsection (i-5) of this Section, upon expiration of the period of safekeeping, if the firearms or Firearm Owner's Identification Card cannot be returned to the respondent because the respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, upon petition from the local law enforcement agency, the court may order the local law enforcement agency to destroy the firearms, use the firearms for training purposes, or use the firearms for any other application as deemed appropriate by the local law enforcement agency.

(i-5) A respondent whose Firearm Owner's Identification Card has been revoked or suspended may petition the court, if the petitioner is present in court or has notice of the respondent's petition, to transfer the respondent's firearm to a person who is lawfully able to possess the firearm if the person does not reside at the same address as the respondent. Notice of the petition shall be served upon the person protected by the emergency firearms restraining order. While the order is in effect, the transferee who receives the respondent's firearms must swear or affirm by affidavit that he or she shall not transfer the firearm to the respondent or to anyone residing in the same residence as the respondent.

(i-6) If a person other than the respondent claims title to any firearms surrendered under this Section, he or she may petition the court, if the petitioner is present in court or has notice of the petition, to have the firearm returned to him or her. If the court determines that person to be the lawful owner of the firearm, the firearm shall be returned to him or her, provided that:

(1) the firearm is removed from the respondent's custody, control, or possession and the lawful owner agrees to store the firearm in a manner such that the respondent does not have access to or control of the firearm; and

(2) the firearm is not otherwise unlawfully possessed by the owner.

The person petitioning for the return of his or her firearm must swear or affirm by affidavit that he or she: (i) is the lawful owner of the firearm; (ii) shall not transfer the firearm to the respondent; and (iii) will store the firearm in a manner that the respondent does not have access to or control of the firearm.

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

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

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

Section 27. The Wildlife Code is amended by changing Sections 2.11, 2.26, 2.33, and 2.34 as follows:

(520 ILCS 5/2.11) (from Ch. 61, par. 2.11)

Sec. 2.11. Before any person may lawfully hunt wild turkey, he shall first obtain a "Wild Turkey Hunting Permit" in accordance with the prescribed regulations set forth in an administrative rule of the Department. The fee for a Resident Wild Turkey Hunting Permit shall not exceed \$15.

Upon submitting suitable evidence of legal residence in any other state, non-residents shall be charged a fee not to exceed \$125 for wild turkey hunting permits.

The Department may by administrative rule allocate and issue non-resident Wild Turkey Permits and establish fees for such permits.

It shall be unlawful to take wild turkey except by use of a bow and arrow or a shotgun of not larger than 10 nor smaller than 20 gauge with shot size not larger than No. 4, and no person while attempting to so take wild turkey may have in his possession any other gun unless in accordance with the Firearm Concealed Carry Act.

It shall be unlawful to take, or attempt to take wild turkey except during the time from 1/2 hour before sunrise to 1/2 hour after sunset or during such lesser period of time as may be specified by administrative rule, during those days for which an open season is established.

It shall be unlawful for any person to take, or attempt to take, wild turkey by use of dogs, horses, automobiles, aircraft or other vehicles, or conveyances, or by the use or aid of bait or baiting of any kind. For the purposes of this Section, "bait" means any material, whether liquid or solid, including food, salt, minerals, and other products, except pure water, that can be ingested, placed, or scattered in such a manner as to attract or lure wild turkeys. "Baiting" means the placement or scattering of bait to attract wild turkeys.



An area is considered as baited during the presence of and for 10 consecutive days following the removal of the bait.

It is unlawful for any person to take in Illinois or have in his possession more than one wild turkey per valid permit.

For the purposes of calculating acreage under this Section, the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre.

For the purposes of taking wild turkey, nothing in this Section shall be construed to prevent the manipulation, including mowing or cutting, of standing crops as a normal agricultural or soil stabilization practice, food plots, or normal agricultural practices, including planting, harvesting, and maintenance such as cultivating. Such manipulation for the purpose of taking wild turkey may be further modified by administrative rule.

(Source: P.A. 98-180, eff. 8-5-13; 99-869, eff. 1-1-17.)

(520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

Sec. 2.26. Deer hunting permits. Any person attempting to take deer shall first obtain a "Deer Hunting Permit" issued by the Department in accordance with its administrative rules. Those rules must provide for the issuance of the following types of resident deer archery permits: (i) a combination permit, consisting of one either-sex permit and one

antlerless-only permit, (ii) a single antlerless-only permit, and (iii) a single either-sex permit. The fee for a Deer Hunting Permit to take deer with either bow and arrow or gun shall not exceed \$25.00 for residents of the State. The Department may by administrative rule provide for non-resident deer hunting permits for which the fee will not exceed \$300 in 2005, \$350 in 2006, and \$400 in 2007 and thereafter except as provided below for non-resident landowners and non-resident archery hunters. The Department may by administrative rule provide for a non-resident archery deer permit consisting of not more than 2 harvest tags at a total cost not to exceed \$325 in 2005, \$375 in 2006, and \$425 in 2007 and thereafter. The fees for a youth resident and non-resident archery deer permit shall be the same.

The Department shall create a pilot program during the special 3-day, youth-only deer hunting season to allow for youth deer hunting permits that are valid statewide, excluding those counties or portions of counties closed to firearm deer hunting. The Department shall adopt rules to implement the pilot program. Nothing in this paragraph shall be construed to prohibit the Department from issuing Special Hunt Area Permits for the youth-only deer hunting season or establishing, through administrative rule, additional requirements pertaining to the youth-only deer hunting season on Department-owned or Department-managed sites, including site-specific quotas or drawings. The provisions of this

paragraph are inoperative on and after January 1, 2023.

The standards and specifications for use of guns and bow and arrow for deer hunting shall be established by administrative rule.

No person may have in his or her possession any firearm not authorized by administrative rule for a specific hunting season when taking deer unless in accordance with the Firearm Concealed Carry Act.

Persons having a firearm deer hunting permit shall be permitted to take deer only during the period from 1/2 hour before sunrise to 1/2 hour after sunset, and only during those days for which an open season is established for the taking of deer by use of shotgun, handgun, or muzzle loading rifle.

Persons having an archery deer hunting permit shall be permitted to take deer only during the period from 1/2 hour before sunrise to 1/2 hour after sunset, and only during those days for which an open season is established for the taking of deer by use of bow and arrow.

It shall be unlawful for any person to take deer by use of dogs, horses, automobiles, aircraft or other vehicles, or by the use or aid of bait or baiting of any kind. For the purposes of this Section, "bait" means any material, whether liquid or solid, including food, salt, minerals, and other products, except pure water, that can be ingested, placed, or scattered in such a manner as to attract or lure white-tailed deer. "Baiting" means the placement or scattering of bait to attract

deer. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait. Nothing in this Section shall prohibit the use of a dog to track wounded deer. Any person using a dog for tracking wounded deer must maintain physical control of the dog at all times by means of a maximum 50 foot lead attached to the dog's collar or harness. Tracking wounded deer is permissible at night, but at no time outside of legal deer hunting hours or seasons shall any person handling or accompanying a dog being used for tracking wounded deer be in possession of any firearm or archery device. Persons tracking wounded deer with a dog during the firearm deer seasons shall wear blaze orange or solid blaze pink color as required. Dog handlers tracking wounded deer with a dog are exempt from hunting license and deer permit requirements so long as they are accompanied by the licensed deer hunter who wounded the deer.

It shall be unlawful to possess or transport any wild deer which has been injured or killed in any manner upon a public highway or public right-of-way of this State unless exempted by administrative rule.

Persons hunting deer must have gun unloaded and no bow and arrow device shall be carried with the arrow in the nocked position during hours when deer hunting is unlawful.

It shall be unlawful for any person, having taken the legal limit of deer by gun, to further participate with gun in any deer hunting party.

It shall be unlawful for any person, having taken the legal limit of deer by bow and arrow, to further participate with bow and arrow in any deer hunting party.

The Department may prohibit upland game hunting during the gun deer season by administrative rule.

The Department shall not limit the number of non-resident, either-sex archery deer hunting permits to less than 20,000.

Any person who violates any of the provisions of this Section, including administrative rules, shall be guilty of a Class B misdemeanor.

For the purposes of calculating acreage under this Section, the Department shall, after determining the total acreage of the applicable tract or tracts of land, round remaining fractional portions of an acre greater than or equal to half of an acre up to the next whole acre.

For the purposes of taking white-tailed deer, nothing in this Section shall be construed to prevent the manipulation, including mowing or cutting, of standing crops as a normal agricultural or soil stabilization practice, food plots, or normal agricultural practices, including planting, harvesting, and maintenance such as cultivating or the use of products designed for scent only and not capable of ingestion, solid or liquid, placed or scattered, in such a manner as to attract or lure deer. Such manipulation for the purpose of taking white-tailed deer may be further modified by administrative rule.

(Source: P.A. 100-691, eff. 1-1-19; 100-949, eff. 1-1-19; 101-81, eff. 7-12-19; 101-444, eff. 6-1-20.)

(520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

Sec. 2.33. Prohibitions.

(a) It is unlawful to carry or possess any gun in any State refuge unless otherwise permitted by administrative rule.

(b) It is unlawful to use or possess any snare or snare-like device, deadfall, net, or pit trap to take any species, except that snares not powered by springs or other mechanical devices may be used to trap fur-bearing mammals, in water sets only, if at least one-half of the snare noose is located underwater at all times.

(c) It is unlawful for any person at any time to take a wild mammal protected by this Act from its den by means of any mechanical device, spade, or digging device or to use smoke or other gases to dislodge or remove such mammal except as provided in Section 2.37.

(d) It is unlawful to use a ferret or any other small mammal which is used in the same or similar manner for which ferrets are used for the purpose of frightening or driving any mammals from their dens or hiding places.

(e) (Blank).

(f) It is unlawful to use spears, gigs, hooks or any like device to take any species protected by this Act.

(g) It is unlawful to use poisons, chemicals or explosives

for the purpose of taking any species protected by this Act.

(h) It is unlawful to hunt adjacent to or near any peat, grass, brush or other inflammable substance when it is burning.

(i) It is unlawful to take, pursue or intentionally harass or disturb in any manner any wild birds or mammals by use or aid of any vehicle or conveyance, except as permitted by the Code of Federal Regulations for the taking of waterfowl. It is also unlawful to use the lights of any vehicle or conveyance or any light from or any light connected to the vehicle or conveyance in any area where wildlife may be found except in accordance with Section 2.37 of this Act; however, nothing in this Section shall prohibit the normal use of headlamps for the purpose of driving upon a roadway. Striped skunk, opossum, red fox, gray fox, raccoon, bobcat, and coyote may be taken during the open season by use of a small light which is worn on the body or hand-held by a person on foot and not in any vehicle.

(j) It is unlawful to use any shotgun larger than 10 gauge while taking or attempting to take any of the species protected by this Act.

(k) It is unlawful to use or possess in the field any shotgun shell loaded with a shot size larger than lead BB or steel T (.20 diameter) when taking or attempting to take any species of wild game mammals (excluding white-tailed deer), wild game birds, migratory waterfowl or migratory game birds

protected by this Act, except white-tailed deer as provided for in Section 2.26 and other species as provided for by subsection (l) or administrative rule.

(l) It is unlawful to take any species of wild game, except white-tailed deer and fur-bearing mammals, with a shotgun loaded with slugs unless otherwise provided for by administrative rule.

(m) It is unlawful to use any shotgun capable of holding more than 3 shells in the magazine or chamber combined, except on game breeding and hunting preserve areas licensed under Section 3.27 and except as permitted by the Code of Federal Regulations for the taking of waterfowl. If the shotgun is capable of holding more than 3 shells, it shall, while being used on an area other than a game breeding and shooting preserve area licensed pursuant to Section 3.27, be fitted with a one piece plug that is irremovable without dismantling the shotgun or otherwise altered to render it incapable of holding more than 3 shells in the magazine and chamber, combined.

(n) It is unlawful for any person, except persons who possess a permit to hunt from a vehicle as provided in this Section and persons otherwise permitted by law, to have or carry any gun in or on any vehicle, conveyance or aircraft, unless such gun is unloaded and enclosed in a case, except that at field trials authorized by Section 2.34 of this Act, unloaded guns or guns loaded with blank cartridges only, may



be carried on horseback while not contained in a case, or to have or carry any bow or arrow device in or on any vehicle unless such bow or arrow device is unstrung or enclosed in a case, or otherwise made inoperable unless in accordance with the Firearm Concealed Carry Act.

(o) (Blank).

(p) It is unlawful to take game birds, migratory game birds or migratory waterfowl with a rifle, pistol, revolver or airgun.

(q) It is unlawful to fire a rifle, pistol, revolver or airgun on, over or into any waters of this State, including frozen waters.

(r) It is unlawful to discharge any gun or bow and arrow device along, upon, across, or from any public right-of-way or highway in this State.

(s) It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun.

(t) It is unlawful for any person to take or attempt to take any species of wildlife or parts thereof, intentionally or wantonly allow a dog to hunt, within or upon the land of another, or upon waters flowing over or standing on the land of another, or to knowingly shoot a gun or bow and arrow device at any wildlife physically on or flying over the property of another without first obtaining permission from the owner or the owner's designee. For the purposes of this Section, the

owner's designee means anyone who the owner designates in a written authorization and the authorization must contain (i) the legal or common description of property for such authority is given, (ii) the extent that the owner's designee is authorized to make decisions regarding who is allowed to take or attempt to take any species of wildlife or parts thereof, and (iii) the owner's notarized signature. Before enforcing this Section the law enforcement officer must have received notice from the owner or the owner's designee of a violation of this Section. Statements made to the law enforcement officer regarding this notice shall not be rendered inadmissible by the hearsay rule when offered for the purpose of showing the required notice.

(u) It is unlawful for any person to discharge any firearm for the purpose of taking any of the species protected by this Act, or hunt with gun or dog, or intentionally or wantonly allow a dog to hunt, within 300 yards of an inhabited dwelling without first obtaining permission from the owner or tenant, except that while trapping, hunting with bow and arrow, hunting with dog and shotgun using shot shells only, or hunting with shotgun using shot shells only, or providing outfitting services under a waterfowl outfitter permit, or on licensed game breeding and hunting preserve areas, as defined in Section 3.27, on federally owned and managed lands and on Department owned, managed, leased, or controlled lands, a 100 yard restriction shall apply.

(v) It is unlawful for any person to remove fur-bearing mammals from, or to move or disturb in any manner, the traps owned by another person without written authorization of the owner to do so.

(w) It is unlawful for any owner of a dog to knowingly or wantonly allow his or her dog to pursue, harass or kill deer, except that nothing in this Section shall prohibit the tracking of wounded deer with a dog in accordance with the provisions of Section 2.26 of this Code.

(x) It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property on the land of another while engaged in hunting or trapping thereon.

(y) It is unlawful to hunt wild game protected by this Act between one half hour after sunset and one half hour before sunrise, except that hunting hours between one half hour after sunset and one half hour before sunrise may be established by administrative rule for fur-bearing mammals.

(z) It is unlawful to take any game bird (excluding wild turkeys and crippled pheasants not capable of normal flight and otherwise irretrievable) protected by this Act when not flying. Nothing in this Section shall prohibit a person from carrying an uncased, unloaded shotgun in a boat, while in pursuit of a crippled migratory waterfowl that is incapable of normal flight, for the purpose of attempting to reduce the migratory waterfowl to possession, provided that the attempt

is made immediately upon downing the migratory waterfowl and is done within 400 yards of the blind from which the migratory waterfowl was downed. This exception shall apply only to migratory game birds that are not capable of normal flight. Migratory waterfowl that are crippled may be taken only with a shotgun as regulated by subsection (j) of this Section using shotgun shells as regulated in subsection (k) of this Section.

(aa) It is unlawful to use or possess any device that may be used for tree climbing or cutting, while hunting fur-bearing mammals, excluding coyotes.

(bb) It is unlawful for any person, except licensed game breeders, pursuant to Section 2.29 to import, carry into, or possess alive in this State any species of wildlife taken outside of this State, without obtaining permission to do so from the Director.

(cc) It is unlawful for any person to have in his or her possession any freshly killed species protected by this Act during the season closed for taking.

(dd) It is unlawful to take any species protected by this Act and retain it alive except as provided by administrative rule.

(ee) It is unlawful to possess any rifle while in the field during gun deer season except as provided in Section 2.26 and administrative rules.

(ff) It is unlawful for any person to take any species protected by this Act, except migratory waterfowl, during the

gun deer hunting season in those counties open to gun deer hunting, unless he or she wears, when in the field, a cap and upper outer garment of a solid blaze orange color or solid blaze pink color, with such articles of clothing displaying a minimum of 400 square inches of blaze orange or solid blaze pink color material.

(gg) It is unlawful during the upland game season for any person to take upland game with a firearm unless he or she wears, while in the field, a cap of solid blaze orange color or solid blaze pink color. For purposes of this Act, upland game is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern Cottontail and Swamp Rabbit.

(hh) It shall be unlawful to kill or cripple any species protected by this Act for which there is a bag limit without making a reasonable effort to retrieve such species and include such in the bag limit. It shall be unlawful for any person having control over harvested game mammals, game birds, or migratory game birds for which there is a bag limit to wantonly waste or destroy the usable meat of the game, except this shall not apply to wildlife taken under Sections 2.37 or 3.22 of this Code. For purposes of this subsection, "usable meat" means the breast meat of a game bird or migratory game bird and the hind ham and front shoulders of a game mammal. It shall be unlawful for any person to place, leave, dump, or abandon a wildlife carcass or parts of it along or upon a public right-of-way or highway or on public or private

property, including a waterway or stream, without the permission of the owner or tenant. It shall not be unlawful to discard game meat that is determined to be unfit for human consumption.

(ii) This Section shall apply only to those species protected by this Act taken within the State. Any species or any parts thereof, legally taken in and transported from other states or countries, may be possessed within the State, except as provided in this Section and Sections 2.35, 2.36 and 3.21.

(jj) (Blank).

(kk) Nothing contained in this Section shall prohibit the Director from issuing permits to paraplegics or to other persons with disabilities who meet the requirements set forth in administrative rule to shoot or hunt from a vehicle as provided by that rule, provided that such is otherwise in accord with this Act.

(ll) Nothing contained in this Act shall prohibit the taking of aquatic life protected by the Fish and Aquatic Life Code or birds and mammals protected by this Act, except deer and fur-bearing mammals, from a boat not camouflaged or disguised to alter its identity or to further provide a place of concealment and not propelled by sail or mechanical power. However, only shotguns not larger than 10 gauge nor smaller than .410 bore loaded with not more than 3 shells of a shot size no larger than lead BB or steel T (.20 diameter) may be used to take species protected by this Act.

(mm) Nothing contained in this Act shall prohibit the use of a shotgun, not larger than 10 gauge nor smaller than a 20 gauge, with a rifled barrel.

(nn) It shall be unlawful to possess any species of wildlife or wildlife parts taken unlawfully in Illinois, any other state, or any other country, whether or not the wildlife or wildlife parts is indigenous to Illinois. For the purposes of this subsection, the statute of limitations for unlawful possession of wildlife or wildlife parts shall not cease until 2 years after the possession has permanently ended.

(Source: P.A. 99-33, eff. 1-1-16; 99-143, eff. 7-27-15; 99-642, eff. 7-28-16; 100-489, eff. 9-8-17; 100-949, eff. 1-1-19.)

(520 ILCS 5/2.34) (from Ch. 61, par. 2.34)

Sec. 2.34. Dog Trials.

(a) Dogs of any breed may be trained the year round in accordance with the provisions of this Act.

(b) During the periods of time when it is unlawful to take species protected by this Act, the only firearms which shall be used in the training of dogs from sunrise to sunset shall be pistols with blank cartridges. No other gun or ammunition may be in immediate possession during this time. No person or persons in, along with, or accompanying the dog training party, shall be in possession of any firearm or live ammunition, except pistols capable of firing only blank

cartridges during the hours from sunset to sunrise. All organized field trials or training grounds approved by the Department shall be exempt from this provision unless in accordance with the Firearm Concealed Carry Act.

(c) No field trial shall be held without a permit from the Department.

The following Department areas shall be designated as horseback field trial sites; Lee County Conservation Area, Des Plaines Conservation Area, Moraine View State Park, Middle Fork Fish and Wildlife Area, Hamilton County Conservation Area, and Wayne Fitzgerald State Park. The Department shall provide and maintain quality wildlife habitat on these sites.

Field trials shall be scheduled only from September 1 through April 30 in the Northern Zone and September 1 through April 15 in the Southern Zone. The Department maintains the authority to schedule and administer field trials. The boundary between the Northern Zone and the Southern Zone shall be U.S. Route 36. However, (i) if the opening date of the field trial season falls on Sunday, the season will begin on Saturday of that weekend; and (ii) if the closing date of the field trial season falls on Saturday, the season will conclude on Sunday of that weekend; and (iii) if during the final days of the field trial season a field trial organization begins a field trial which is subsequently interrupted due to inclement weather, the field trial organization may complete the trial, subject to the Department's approval, even though the field



trial season has ended. The field trial organization must complete the trial on the first possible day or days. Field trials for the retrieving breeds are exempt from these field trials season provisions and shall have no closed season.

The fee for field trials shall be established by the Department by rule.

(d) The Department is authorized to designate dog training areas and to grant permits for all field trials including those field trials where game birds reared under Section 3.23 are released and taken in accordance with the rules and regulations set forth by the Department. Applications for permits for such trials and training areas shall be accompanied by detailed information as to the date and the location of the grounds where such trial area or training grounds is located. Applicants for field trial or dog training permits must have the consent of the landowner prior to applying for such permit. Fees and other regulations will be set by administrative rule.

(e) All permits for designated dog training areas shall expire March 31st of each year.

(f) Permit holders for designated dog training areas must possess a wild game breeder's permit or a game breeding and hunting preserve area permit and may utilize live bird recall devices on such areas.

(g) Nothing shall prevent an individual from using a dog in the taking of squirrel during the open season.

(h) All hand reared game released and shot at field trials shall be properly identified with tags as provided for by this Act and such birds shall be banded before they are removed from the field trial area.

(Source: P.A. 86-920; 87-1051.)

Section 30. The Criminal Code of 2012 is amended by changing Sections 24-3 and 24-8 as follows:

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

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

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

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

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

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

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

(e) Sells or gives any firearm to any person who has been a patient in a mental institution within the past 5

years. In this subsection (e):

"Mental institution" means any hospital, institution, clinic, evaluation facility, mental health center, or part thereof, which is used primarily for the care or treatment of persons with mental illness.

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

(f) Sells or gives any firearms to any person who is a person with an intellectual disability.

(g) Delivers any firearm, incidental to a sale, without withholding delivery of the firearm for at least 72 hours after application for its purchase has been made, or delivers a stun gun or taser, incidental to a sale, without withholding delivery of the stun gun or taser for at least 24 hours after application for its purchase has been made. However, this paragraph (g) does not apply to:

(1) the sale of a firearm to a law enforcement officer if the seller of the firearm knows that the person to whom he or she is selling the firearm is a law enforcement officer or the sale of a firearm to a person who desires to purchase a firearm for use in promoting the public

interest incident to his or her employment as a bank guard, armed truck guard, or other similar employment; (2) a mail order sale of a firearm from a federally licensed firearms dealer to a nonresident of Illinois under which the firearm is mailed to a federally licensed firearms dealer outside the boundaries of Illinois; (3) (blank); (4) the sale of a firearm to a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or sale of any rifle, shotgun, or other long gun to a resident registered competitor or attendee or non-resident registered competitor or attendee by any dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 at competitive shooting events held at the World Shooting Complex sanctioned by a national governing body. For purposes of transfers or sales under subparagraph (5) of this paragraph (g), the Department of Natural Resources shall give notice to the Department of State Police at least 30 calendar days prior to any competitive shooting events at the World Shooting Complex sanctioned by a national governing body. The notification shall be made on a form prescribed by the Department of State Police. The sanctioning body shall provide a list of all registered competitors and attendees at least 24 hours before the events to the Department of State Police. Any changes to the list of registered

competitors and attendees shall be forwarded to the Department of State Police as soon as practicable. The Department of State Police must destroy the list of registered competitors and attendees no later than 30 days after the date of the event. Nothing in this paragraph (g) relieves a federally licensed firearm dealer from the requirements of conducting a NICS background check through the Illinois Point of Contact under 18 U.S.C. 922(t). For purposes of this paragraph (g), "application" means when the buyer and seller reach an agreement to purchase a firearm. For purposes of this paragraph (g), "national governing body" means a group of persons who adopt rules and formulate policy on behalf of a national firearm sporting organization.

(h) While holding any license as a dealer, importer, manufacturer or pawnbroker under the federal Gun Control Act of 1968, manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph, (1) "firearm" is defined as in the Firearm Owners Identification Card Act; and (2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which such a firearm can be

assembled.

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

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

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

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

(k) Sells or transfers ownership of a firearm to a

person who does not display to the seller or transferor of the firearm either: (1) a currently valid Firearm Owner's Identification Card that has previously been issued in the transferee's name by the Department of State Police under the provisions of the Firearm Owners Identification Card Act; or (2) a currently valid license to carry a concealed firearm that has previously been issued in the transferee's name by the Department of State Police under the Firearm Concealed Carry Act. This paragraph (k) does not apply to the transfer of a firearm to a person who is exempt from the requirement of possessing a Firearm Owner's Identification Card under Section 2 of the Firearm Owners Identification Card Act. For the purposes of this Section, a currently valid Firearm Owner's Identification Card or license to carry a concealed firearm means receipt of ~~(i) a Firearm Owner's Identification Card that has not expired or (ii)~~ an approval number issued in accordance with subsection (a-10) of subsection 3 or Section 3.1 of the Firearm Owners Identification Card Act ~~shall be proof that the Firearm Owner's Identification Card was valid.~~

(1) In addition to the other requirements of this paragraph (k), all persons who are not federally licensed firearms dealers must also have complied with subsection (a-10) of Section 3 of the Firearm Owners Identification Card Act by determining the validity of a purchaser's Firearm Owner's Identification Card.

(2) All sellers or transferors who have complied with the requirements of subparagraph (1) of this paragraph (k) shall not be liable for damages in any civil action arising from the use or misuse by the transferee of the firearm transferred, except for willful or wanton misconduct on the part of the seller or transferor.

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

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

(C) Sentence.

(1) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (c), (e), (f), (g),



or (h) of subsection (A) commits a Class 4 felony.

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

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

(4) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony. Any person convicted of a second or subsequent violation of unlawful sale or delivery of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a

school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony for which the sentence shall be a term of imprisonment of no less than 5 years and no more than 15 years.

(5) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (a) or (i) of subsection (A) in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, or on any public way within 1,000 feet of the real property comprising any public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony.

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

(7) Any person convicted of unlawful sale or delivery

of firearms in violation of paragraph (k) of subsection (A) commits a Class 4 felony, except that a violation of subparagraph (1) of paragraph (k) of subsection (A) shall not be punishable as a crime or petty offense. A third or subsequent conviction for a violation of paragraph (k) of subsection (A) is a Class 1 felony.

(8) A person 18 years of age or older convicted of unlawful sale or delivery of firearms in violation of paragraph (a) or (i) of subsection (A), when the firearm that was sold or given to another person under 18 years of age was used in the commission of or attempt to commit a forcible felony, shall be fined or imprisoned, or both, not to exceed the maximum provided for the most serious forcible felony so committed or attempted by the person under 18 years of age who was sold or given the firearm.

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

(10) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (1) of subsection (A) commits a Class 2 felony if the delivery is of one firearm. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (1) of subsection (A) commits a Class 1 felony if the delivery is of not less than 2 and not more than 5 firearms at the same time or within a one year period. Any person convicted of unlawful

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

(D) For purposes of this Section:

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

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

(E) A prosecution for a violation of paragraph (k) of subsection (A) of this Section may be commenced within 6 years after the commission of the offense. A prosecution for a violation of this Section other than paragraph (g) of subsection (A) of this Section may be commenced within 5 years after the commission of the offense defined in the particular paragraph.

(Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15; 99-642, eff. 7-28-16; 100-606, eff. 1-1-19.)

(720 ILCS 5/24-8)

Sec. 24-8. Firearm evidence ~~tracing~~.

(a) Upon recovering a firearm from the possession of anyone who is not permitted by federal or State law to possess a firearm, a ~~local~~ law enforcement agency shall use the best available information, including a firearms trace when necessary, to determine how and from whom the person gained possession of the firearm. Upon recovering a firearm that was used in the commission of any offense classified as a felony or upon recovering a firearm that appears to have been lost,

misaid, stolen, or otherwise unclaimed, a ~~local~~ law enforcement agency shall use the best available information, including a firearms trace ~~when necessary~~, to determine prior ownership of the firearm.

(b) Law ~~Local law~~ enforcement shall, when appropriate, use the National Tracing Center of the Federal Bureau of Alcohol, Tobacco and Firearms and the National Crime Information Center of the Federal Bureau of Investigation in complying with subsection (a) of this Section.

(c) Law ~~Local law~~ enforcement agencies shall use the Illinois Department of State Police Law Enforcement Agencies Data System (LEADS) Gun File to enter all stolen, seized, or recovered firearms as prescribed by LEADS regulations and policies.

(d) Whenever a law enforcement agency recovers a fired cartridge case at a crime scene or has reason to believe that the recovered fired cartridge case is related to or associated with the commission of a crime, the law enforcement agency shall submit the evidence to the National Integrated Ballistics Information Network (NIBIN) or an Illinois State Police laboratory for NIBIN processing. Whenever a law enforcement agency seizes or recovers a semiautomatic firearm that is deemed suitable to be entered into the NIBIN that was:  
(i) unlawfully possessed, (ii) used for any unlawful purpose, (iii) recovered from the scene of a crime, (iv) is reasonably believed to have been used or associated with the commission

of a crime, or (v) is acquired by the law enforcement agency as an abandoned or discarded firearm, the law enforcement agency shall submit the evidence to the NIBIN or an Illinois State Police laboratory for NIBIN processing. When practicable, all NIBIN-suitable evidence and NIBIN-suitable test fires from recovered firearms shall be entered into the NIBIN within 2 business days of submission to Illinois State Police laboratories that have NIBIN access or another NIBIN site. Exceptions to this may occur if the evidence in question requires analysis by other forensic disciplines. The Illinois State Police laboratory, submitting agency, and relevant court representatives shall determine whether the request for additional analysis outweighs the 2 business-day requirement. Illinois State Police laboratories that do not have NIBIN access shall submit NIBIN-suitable evidence and test fires to an Illinois State Police laboratory with NIBIN access. Upon receipt at the laboratory with NIBIN access, when practicable, the evidence and test fires shall be entered into the NIBIN within 2 business days. Exceptions to this 2 business-day requirement may occur if the evidence in question requires analysis by other forensic disciplines. The Illinois State Police laboratory, submitting agency, and relevant court representatives shall determine whether the request for additional analysis outweighs the 2 business-day requirement. Nothing in this Section shall be interpreted to conflict with standards and policies for NIBIN sites as promulgated by the

federal Bureau of Alcohol, Tobacco, Firearms and Explosives or successor agencies.

(Source: P.A. 91-364, eff. 1-1-00; 92-300, eff. 1-1-02.)

Section 35. The Code of Criminal Procedure of 1963 is amended by changing Section 112A-14 as follows:

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

Sec. 112A-14. Domestic violence order of protection; remedies.

(a) (Blank).

(b) The court may order any of the remedies listed in this subsection (b). The remedies listed in this subsection (b) shall be in addition to other civil or criminal remedies available to petitioner.

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

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



possession of the residence, household, or premises shall not affect title to real property, nor shall the court be limited by the standard set forth in subsection (c-2) of Section 501 of the Illinois Marriage and Dissolution of Marriage Act.

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

(B) Presumption of hardships. If petitioner and respondent each has the right to occupancy of a residence or household, the court shall balance (i) the hardships to respondent and any minor child or dependent adult in respondent's care resulting from entry of this remedy with (ii) the hardships to petitioner and any minor child or dependent adult in petitioner's care resulting from continued exposure to the risk of abuse (should petitioner remain at the residence or household) or from loss of possession of the residence or household (should petitioner leave to avoid the risk of abuse). When determining the balance

of hardships, the court shall also take into account the accessibility of the residence or household. Hardships need not be balanced if respondent does not have a right to occupancy.

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

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

(A) If a domestic violence order of protection

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

(B) When the petitioner and the respondent attend the same public, private, or non-public elementary, middle, or high school, the court when issuing a domestic violence order of protection and providing relief shall consider the severity of the act, any continuing physical danger or emotional distress to the petitioner, the educational rights guaranteed to the petitioner and respondent under federal and State law, the availability of a transfer of the respondent to another school, a change of placement or a change of program of the respondent, the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school, and any other relevant facts of the case. The court may order that the respondent not attend the public, private, or

non-public elementary, middle, or high school attended by the petitioner, order that the respondent accept a change of placement or change of program, as determined by the school district or private or non-public school, or place restrictions on the respondent's movements within the school attended by the petitioner. The respondent bears the burden of proving by a preponderance of the evidence that a transfer, change of placement, or change of program of the respondent is not available. The respondent also bears the burden of production with respect to the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. A transfer, change of placement, or change of program is not unavailable to the respondent solely on the ground that the respondent does not agree with the school district's or private or non-public school's transfer, change of placement, or change of program or solely on the ground that the respondent fails or refuses to consent or otherwise does not take an action required to effectuate a transfer, change of placement, or change of program. When a court orders a respondent to stay away from the public, private, or non-public school attended by the petitioner and the respondent requests a transfer to another attendance center within the respondent's

school district or private or non-public school, the school district or private or non-public school shall have sole discretion to determine the attendance center to which the respondent is transferred. If the court order results in a transfer of the minor respondent to another attendance center, a change in the respondent's placement, or a change of the respondent's program, the parents, guardian, or legal custodian of the respondent is responsible for transportation and other costs associated with the transfer or change.

(C) The court may order the parents, guardian, or legal custodian of a minor respondent to take certain actions or to refrain from taking certain actions to ensure that the respondent complies with the order. If the court orders a transfer of the respondent to another school, the parents, guardian, or legal custodian of the respondent is responsible for transportation and other costs associated with the change of school by the respondent.

(4) Counseling. Require or recommend the respondent to undergo counseling for a specified duration with a social worker, psychologist, clinical psychologist, psychiatrist, family service agency, alcohol or substance abuse program, mental health center guidance counselor, agency providing services to elders, program designed for

domestic violence abusers, or any other guidance service the court deems appropriate. The court may order the respondent in any intimate partner relationship to report to an Illinois Department of Human Services protocol approved partner abuse intervention program for an assessment and to follow all recommended treatment.

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

If the respondent is charged with abuse (as defined in Section 112A-3 of this Code) of a minor child, there shall be a rebuttable presumption that awarding physical care to respondent would not be in the minor child's best interest.

(6) Temporary allocation of parental responsibilities and significant decision-making responsibilities. Award temporary significant decision-making responsibility to petitioner in accordance with this Section, the Illinois Marriage and Dissolution of Marriage Act, the Illinois

Parentage Act of 2015, and this State's Uniform Child-Custody Jurisdiction and Enforcement Act.

If the respondent is charged with abuse (as defined in Section 112A-3 of this Code) of a minor child, there shall be a rebuttable presumption that awarding temporary significant decision-making responsibility to respondent would not be in the child's best interest.

(7) Parenting time. Determine the parenting time, if any, of respondent in any case in which the court awards physical care or temporary significant decision-making responsibility of a minor child to petitioner. The court shall restrict or deny respondent's parenting time with a minor child if the court finds that respondent has done or is likely to do any of the following:

(i) abuse or endanger the minor child during parenting time;

(ii) use the parenting time as an opportunity to abuse or harass petitioner or petitioner's family or household members;

(iii) improperly conceal or detain the minor child; or

(iv) otherwise act in a manner that is not in the best interests of the minor child.

The court shall not be limited by the standards set forth in Section 603.10 of the Illinois Marriage and Dissolution of Marriage Act. If the court grants parenting

time, the order shall specify dates and times for the parenting time to take place or other specific parameters or conditions that are appropriate. No order for parenting time shall refer merely to the term "reasonable parenting time". Petitioner may deny respondent access to the minor child if, when respondent arrives for parenting time, respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of petitioner or petitioner's minor children or is behaving in a violent or abusive manner. If necessary to protect any member of petitioner's family or household from future abuse, respondent shall be prohibited from coming to petitioner's residence to meet the minor child for parenting time, and the petitioner and respondent shall submit to the court their recommendations for reasonable alternative arrangements for parenting time. A person may be approved to supervise parenting time only after filing an affidavit accepting that responsibility and acknowledging accountability to the court.

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

(9) Order to appear. Order the respondent to appear in court, alone or with a minor child, to prevent abuse, neglect, removal or concealment of the child, to return the child to the custody or care of the petitioner, or to



permit any court-ordered interview or examination of the child or the respondent.

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

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

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

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

No order under this provision shall affect title to property.

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

if:

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

(ii) the petitioner and respondent own the property jointly, and the balance of hardships favors granting this remedy.

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

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

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

(12) Order for payment of support. Order respondent to

pay temporary support for the petitioner or any child in the petitioner's care or over whom the petitioner has been allocated parental responsibility, when the respondent has a legal obligation to support that person, in accordance with the Illinois Marriage and Dissolution of Marriage Act, which shall govern, among other matters, the amount of support, payment through the clerk and withholding of income to secure payment. An order for child support may be granted to a petitioner with lawful physical care of a child, or an order or agreement for physical care of a child, prior to entry of an order allocating significant decision-making responsibility. Such a support order shall expire upon entry of a valid order allocating parental responsibility differently and vacating petitioner's significant decision-making responsibility unless otherwise provided in the order.

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

(i) Losses affecting family needs. If a party is entitled to seek maintenance, child support, or

property distribution from the other party under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended, the court may order respondent to reimburse petitioner's actual losses, to the extent that such reimbursement would be "appropriate temporary relief", as authorized by subsection (a) (3) of Section 501 of that Act.

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

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

(14.5) Prohibition of firearm possession.

(A) A person who is subject to an existing domestic violence order of protection issued under this Code may not lawfully possess weapons or a Firearm Owner's Identification Card under Section 8.2 of the Firearm Owners Identification Card Act.

(B) Any firearms in the possession of the

respondent, except as provided in subparagraph (C) of this paragraph (14.5), shall be ordered by the court to be turned over to a person with a valid Firearm Owner's Identification Card for safekeeping. The court shall issue an order that the respondent comply with Section 9.5 of the Firearm Owners Identification Card Act. ~~the respondent's Firearm Owner's Identification Card be turned over to the local law enforcement agency, which in turn shall immediately mail the card to the Department of State Police Firearm Owner's Identification Card Office for safekeeping. The period of safekeeping shall be for the duration of the domestic violence order of protection. The firearm or firearms and Firearm Owner's Identification Card, if unexpired, shall at the respondent's request be returned to the respondent at expiration of the domestic violence order of protection.~~

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

(D) Upon expiration of the period of safekeeping, if the firearms or Firearm Owner's Identification Card cannot be returned to respondent because respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, upon petition from the local law enforcement agency, the court may order the local law enforcement agency to destroy the firearms, use the firearms for training purposes, or for any other application as deemed appropriate by the local law enforcement agency; or that the firearms be turned over to a third party who is lawfully eligible to possess firearms, and who does not reside with respondent.

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

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

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

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

(18) Telephone services.

(A) Unless a condition described in subparagraph (B) of this paragraph exists, the court may, upon request by the petitioner, order a wireless telephone service provider to transfer to the petitioner the right to continue to use a telephone number or numbers indicated by the petitioner and the financial responsibility associated with the number or numbers, as set forth in subparagraph (C) of this paragraph. In this paragraph (18), the term "wireless telephone service provider" means a provider of commercial mobile service as defined in 47 U.S.C. 332. The petitioner may request the transfer of each telephone number that the petitioner, or a minor child in his or

her custody, uses. The clerk of the court shall serve the order on the wireless telephone service provider's agent for service of process provided to the Illinois Commerce Commission. The order shall contain all of the following:

(i) The name and billing telephone number of the account holder including the name of the wireless telephone service provider that serves the account.

(ii) Each telephone number that will be transferred.

(iii) A statement that the provider transfers to the petitioner all financial responsibility for and right to the use of any telephone number transferred under this paragraph.

(B) A wireless telephone service provider shall terminate the respondent's use of, and shall transfer to the petitioner use of, the telephone number or numbers indicated in subparagraph (A) of this paragraph unless it notifies the petitioner, within 72 hours after it receives the order, that one of the following applies:

(i) The account holder named in the order has terminated the account.

(ii) A difference in network technology would prevent or impair the functionality of a device on



a network if the transfer occurs.

(iii) The transfer would cause a geographic or other limitation on network or service provision to the petitioner.

(iv) Another technological or operational issue would prevent or impair the use of the telephone number if the transfer occurs.

(C) The petitioner assumes all financial responsibility for and right to the use of any telephone number transferred under this paragraph. In this paragraph, "financial responsibility" includes monthly service costs and costs associated with any mobile device associated with the number.

(D) A wireless telephone service provider may apply to the petitioner its routine and customary requirements for establishing an account or transferring a number, including requiring the petitioner to provide proof of identification, financial information, and customer preferences.

(E) Except for willful or wanton misconduct, a wireless telephone service provider is immune from civil liability for its actions taken in compliance with a court order issued under this paragraph.

(F) All wireless service providers that provide services to residential customers shall provide to the Illinois Commerce Commission the name and address of

an agent for service of orders entered under this paragraph (18). Any change in status of the registered agent must be reported to the Illinois Commerce Commission within 30 days of such change.

(G) The Illinois Commerce Commission shall maintain the list of registered agents for service for each wireless telephone service provider on the Commission's website. The Commission may consult with wireless telephone service providers and the Circuit Court Clerks on the manner in which this information is provided and displayed.

(c) Relevant factors; findings.

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

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

(ii) the danger that any minor child will be abused or neglected or improperly relocated from the

jurisdiction, improperly concealed within the State, or improperly separated from the child's primary caretaker.

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

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

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

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

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

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

(ii) Whether the conduct or actions of respondent, unless prohibited, will likely cause irreparable harm or continued abuse.

(iii) Whether it is necessary to grant the

requested relief in order to protect petitioner or other alleged abused persons.

(4) (Blank).

(5) Never married parties. No rights or responsibilities for a minor child born outside of marriage attach to a putative father until a father and child relationship has been established under the Illinois Parentage Act of 1984, the Illinois Parentage Act of 2015, the Illinois Public Aid Code, Section 12 of the Vital Records Act, the Juvenile Court Act of 1987, the Probate Act of 1975, the Uniform Interstate Family Support Act, the Expedited Child Support Act of 1990, any judicial, administrative, or other act of another state or territory, any other statute of this State, or by any foreign nation establishing the father and child relationship, any other proceeding substantially in conformity with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, or when both parties appeared in open court or at an administrative hearing acknowledging under oath or admitting by affirmation the existence of a father and child relationship. Absent such an adjudication, no putative father shall be granted temporary allocation of parental responsibilities, including parenting time with the minor child, or physical care and possession of the minor child, nor shall an order of payment for support of the minor

child be entered.

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

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

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

(2) respondent was voluntarily intoxicated;

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

(4) petitioner did not act in self-defense or defense of another;

(5) petitioner left the residence or household to avoid further abuse by respondent;

(6) petitioner did not leave the residence or household to avoid further abuse by respondent; or

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

(Source: P.A. 100-199, eff. 1-1-18; 100-388, eff. 1-1-18; 100-597, eff. 6-29-18; 100-863, eff. 8-14-18; 100-923, eff. 1-1-19; 101-81, eff. 7-12-19.)

Section 40. The Unified Code of Corrections is amended by changing Section 5-4-3a as follows:

(730 ILCS 5/5-4-3a)

Sec. 5-4-3a. DNA testing backlog accountability.

(a) On or before August 1 of each year, the Department of State Police shall report to the Governor and both houses of the General Assembly the following information:

(1) the extent of the backlog of cases awaiting testing or awaiting DNA analysis by that Department, including but not limited to those tests conducted under Section 5-4-3, as of June 30 of the previous fiscal year, with the backlog being defined as all cases awaiting forensic testing whether in the physical custody of the State Police or in the physical custody of local law enforcement, provided that the State Police have written notice of any evidence in the physical custody of local law enforcement prior to June 1 of that year; and

(2) what measures have been and are being taken to reduce that backlog and the estimated costs or expenditures in doing so.

(b) The information reported under this Section shall be made available to the public, at the time it is reported, on the official web site of the Department of State Police.

(c) Beginning January 1, 2016, the Department of State Police shall quarterly report on the status of the processing of forensic biology and DNA evidence submitted to the Department of State Police Laboratory for analysis. The report shall be submitted to the Governor and the General Assembly, and shall be posted on the Department of State Police website. The report shall include the following for each State Police Laboratory location and any laboratory to which the Department of State Police has outsourced evidence for testing:

(1) For forensic biology submissions, report both total case and sexual assault or abuse case (as defined by the Sexual Assault Evidence Submission Act) figures for:

(A) The number of cases received in the preceding quarter.

(B) The number of cases completed in the preceding quarter.

(C) The number of cases waiting analysis.

(D) The number of cases sent for outsourcing.

(E) The number of cases waiting analysis that were received within the past 30 days.

(F) The number of cases waiting analysis that were received 31 to 90 days prior.

(G) The number of cases waiting analysis that were received 91 to 180 days prior.

(H) The number of cases waiting analysis that were received 181 to 365 days prior.

(I) The number of cases waiting analysis that were received more than 365 days prior.

(J) The number of cases forwarded for DNA analyses.

(2) For DNA submissions, report both total case and sexual assault or abuse case (as defined by the Sexual Assault Evidence Submission Act) figures for:

(A) The number of cases received in the preceding quarter.

(B) The number of cases completed in the preceding quarter.

(C) The number of cases waiting analysis.

(D) The number of cases sent for outsourcing.

(E) The number of cases waiting analysis that were received within the past 30 days.

(F) The number of cases waiting analysis that were received 31 to 90 days prior.

(G) The number of cases waiting analysis that were received 91 to 180 days prior.

(H) The number of cases waiting analysis that were



received 181 to 365 days prior.

(I) The number of cases waiting analysis that were received more than 365 days prior.

(3) For all other categories of testing (e.g., drug chemistry, firearms/toolmark, footwear/tire track, latent prints, toxicology, and trace chemistry analysis):

(A) The number of cases received in the preceding quarter.

(B) The number of cases completed in the preceding quarter.

(C) The number of cases waiting analysis.

(D) The number of cases entered in the National Integrated Ballistic Information Network (NIBIN).

(E) The number of investigative leads developed from National Integrated Ballistic Information Network (NIBIN) analysis.

(4) For the Combined DNA Index System (CODIS), report both total case and sexual assault or abuse case (as defined by the Sexual Assault Evidence Submission Act) figures for subparagraphs (D), (E), and (F) of this paragraph (4):

(A) The number of new offender samples received in the preceding quarter.

(B) The number of offender samples uploaded to CODIS in the preceding quarter.

(C) The number of offender samples awaiting

analysis.

(D) The number of unknown DNA case profiles uploaded to CODIS in the preceding quarter.

(E) The number of CODIS hits in the preceding quarter.

(F) The number of forensic evidence submissions submitted to confirm a previously reported CODIS hit.

(5) For each category of testing, report the number of trained forensic scientists and the number of forensic scientists in training.

As used in this subsection (c), "completed" means completion of both the analysis of the evidence and the provision of the results to the submitting law enforcement agency.

(d) The provisions of this subsection (d), other than this sentence, are inoperative on and after January 1, 2019 or 2 years after the effective date of this amendatory Act of the 99th General Assembly, whichever is later. In consultation with and subject to the approval of the Chief Procurement Officer, the Department of State Police may obtain contracts for services, commodities, and equipment to assist in the timely completion of forensic biology, DNA, drug chemistry, firearms/toolmark, footwear/tire track, latent prints, toxicology, microscopy, trace chemistry, and Combined DNA Index System (CODIS) analysis. Contracts to support the delivery of timely forensic science services are not subject

to the provisions of the Illinois Procurement Code, except for Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of that Code, provided that the Chief Procurement Officer may, in writing with justification, waive any certification required under Article 50 of the Illinois Procurement Code. For any contracts for services which are currently provided by members of a collective bargaining agreement, the applicable terms of the collective bargaining agreement concerning subcontracting shall be followed.

(Source: P.A. 99-352, eff. 1-1-16; 99-801, eff. 1-1-17.)

Section 90. Illinois State Police; adoption of rules. The Illinois State Police shall adopt rules to implement this Act.

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect on January 1, 2022, except that the amendatory changes to Section 3 of the Firearm Owners Identification Card Act take effect January 1, 2024.