

1 AN ACT concerning safety.

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

4 Section 10. The Illinois Insurance Code is amended by  
5 adding Section 392.2 as follows:

6 (215 ILCS 5/392.2 new)

7 Sec. 392.2. Task Force on Firearm Insurance.

8 (a) The Task Force on Firearm Insurance is created for the  
9 purpose of reviewing public policy options relating to the  
10 insurance of firearms in the State of Illinois.

11 (b) The Department shall provide administrative support  
12 for the Task Force to review current and potential future  
13 insurance policy offerings for the safe and legal possession  
14 of firearms and offer policymaking recommendations related to  
15 the use of that insurance. The Task Force shall work  
16 cooperatively with the insurance industry, community  
17 organizations, advocacy groups, and appropriate State agencies  
18 to develop policy options related to insuring the ownership  
19 and use of firearms. The Task Force shall be comprised of the  
20 following members:

21 (1) One member of the General Assembly, appointed by  
22 the Speaker of the House of Representatives.

23 (2) One member of the General Assembly, appointed by

1 the President of the Senate.

2 (3) One member of the General Assembly, appointed by  
3 the Minority Leader of the House of Representatives.

4 (4) One member of the General Assembly, appointed by  
5 the Minority Leader of the Senate.

6 (5) 2 representatives of the Illinois commercial  
7 insurance industry, appointed by the Governor.

8 (6) 2 experts in the incidences, causes, and impacts  
9 of firearm-related injuries and deaths, appointed by the  
10 Governor.

11 (7) The Director of the Illinois State Police, or the  
12 Director of the Illinois State Police's designee.

13 (8) The Director of Insurance, or the Director of  
14 Insurance's designee.

15 (9) The Director of Public Health, or the Director of  
16 Public Health's designee.

17 (10) 2 representatives of firearm advocacy groups,  
18 appointed by the Governor.

19 (11) The Director of Natural Resources, or the  
20 Director of Natural Resources' designee.

21 (c) The Task Force shall elect a chairperson from its  
22 membership and shall have the authority to determine its  
23 meeting schedules, hearing schedules, and agendas.

24 (d) Appointments shall be made within 90 days after the  
25 effective date of this amendatory Act of the 103rd General  
26 Assembly.

1       (e) Members shall serve without compensation and shall be  
2 adults and residents of Illinois.

3       (f) The Task Force shall:

4           (1) review existing available insurance that covers  
5 risks arising from the ownership and use of firearms;

6           (2) review potential future insurance policy offerings  
7 that would cover risks arising from the ownership and use  
8 of firearms;

9           (3) gather and analyze information on the cost and  
10 other impacts associated with each policy option put  
11 forward; and

12           (4) provide recommendations on the feasibility and  
13 cost-effectiveness of requiring firearm owners in this  
14 State to possess insurance, including any risks generally  
15 to be covered.

16       (g) A report of the findings, recommendations, and other  
17 information determined by the Task Force to be relevant shall  
18 be made available on the Department's website.

19       (h) The Task Force shall submit the report of findings and  
20 recommendations to the Governor and the General Assembly by  
21 December 31, 2023.

22       (i) The Task Force on Firearm Insurance is dissolved and  
23 this Section is repealed on January 1, 2025.

24       Section 15. The Firearm Owners Identification Card Act is  
25 amended by changing Sections 1, 1.1, 2, and 3 as follows:

1 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

2 Sec. 1. It is hereby declared as a matter of legislative  
3 determination that in order to promote and protect the health,  
4 safety, and welfare of the public, it is necessary and in the  
5 public interest to provide a system of identifying persons who  
6 are not qualified to acquire or possess firearms, firearm  
7 ammunition, prepackaged explosive components, stun guns, and  
8 tasers within the State of Illinois by the establishment of a  
9 system of Firearm Owner's Identification Cards, thereby  
10 establishing a practical and workable system by which law  
11 enforcement authorities will be afforded an opportunity to  
12 identify those persons who are prohibited by Section 24-3.1 of  
13 the Criminal Code of 2012, from acquiring or possessing  
14 firearms and firearm ammunition and who are prohibited by this  
15 Act from acquiring stun guns and tasers.

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

17 (430 ILCS 65/1.1)

18 Sec. 1.1. For purposes of this Act:

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

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

23 (2) determined by the Illinois State Police to be  
24 addicted to narcotics based upon federal law or federal

1 guidelines.

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

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

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

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

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

19 (3.5) is guilty but mentally ill, as provided in  
20 Section 5-2-6 of the Unified Code of Corrections;

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

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

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

1 Act;

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

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

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

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

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

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

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

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

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

25 (2) demonstrates threatening physical or verbal  
26 behavior, such as violent, suicidal, or assaultive

1 threats, actions, or other behavior, as determined by a  
2 physician, clinical psychologist, qualified examiner,  
3 school administrator, or law enforcement official.

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

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

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

12 "Developmental disability" means a severe, chronic  
13 disability of an individual that:

14 (1) is attributable to a mental or physical impairment  
15 or combination of mental and physical impairments;

16 (2) is manifested before the individual attains age  
17 22;

18 (3) is likely to continue indefinitely;

19 (4) results in substantial functional limitations in 3  
20 or more of the following areas of major life activity:

21 (A) Self-care.

22 (B) Receptive and expressive language.

23 (C) Learning.

24 (D) Mobility.

25 (E) Self-direction.

26 (F) Capacity for independent living.

1 (G) Economic self-sufficiency; and

2 (5) reflects the individual's need for a combination  
3 and sequence of special, interdisciplinary, or generic  
4 services, individualized supports, or other forms of  
5 assistance that are of lifelong or extended duration and  
6 are individually planned and coordinated.

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

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

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

18 (1.1) any pneumatic gun, spring gun, paint ball gun,  
19 or B-B gun which expels breakable paint balls containing  
20 washable marking colors;

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

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



1           (4) an antique firearm (other than a machine-gun)  
2           which, although designed as a weapon, the Illinois State  
3           Police finds by reason of the date of its manufacture,  
4           value, design, and other characteristics is primarily a  
5           collector's item and is not likely to be used as a weapon.

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

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

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

16          "Gun show" means an event or function:

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

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

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

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

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

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

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

21 "Intellectual disability" means significantly subaverage  
22 general intellectual functioning, existing concurrently with  
23 deficits in adaptive behavior and manifested during the  
24 developmental period, which is defined as before the age of  
25 22, that adversely affects a child's educational performance.

26 "Involuntarily admitted" has the meaning as prescribed in

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

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

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

17 "Noncitizen" means a person who is not a citizen of the  
18 United States, but is a person who is a foreign-born person who  
19 lives in the United States, has not been naturalized, and is  
20 still a citizen of a foreign country.

21 "Patient" means:

22 (1) a person who is admitted as an inpatient or  
23 resident of a public or private mental health facility for  
24 mental health treatment under Chapter III of the Mental  
25 Health and Developmental Disabilities Code as an informal  
26 admission, a voluntary admission, a minor admission, an

1 emergency admission, or an involuntary admission, unless  
2 the treatment was solely for an alcohol abuse disorder; or

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

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

10 "Prepackaged explosive components" has the same meaning  
11 ascribed to the term in Section 24-4.3 of the Criminal Code of  
12 2012.

13 "Protective order" means any orders of protection issued  
14 under the Illinois Domestic Violence Act of 1986, stalking no  
15 contact orders issued under the Stalking No Contact Order Act,  
16 civil no contact orders issued under the Civil No Contact  
17 Order Act, and firearms restraining orders issued under the  
18 Firearms Restraining Order Act or a substantially similar  
19 order issued by the court of another state, tribe, or United  
20 States territory or military tribunal.

21 "Qualified examiner" has the meaning provided in Section  
22 1-122 of the Mental Health and Developmental Disabilities  
23 Code.

24 "Sanctioned competitive shooting event" means a shooting  
25 contest officially recognized by a national or state shooting  
26 sport association, and includes any sight-in or practice

1 conducted in conjunction with the event.

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

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

7 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
8 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 102-972, eff.  
9 1-1-23; 102-1030, eff. 5-27-22; revised 12-14-22.)

10 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

11 Sec. 2. Firearm Owner's Identification Card required;  
12 exceptions.

13 (a) (1) No person may acquire or possess any firearm,  
14 prepackaged explosive components, stun gun, or taser within  
15 this State without having in his or her possession a Firearm  
16 Owner's Identification Card previously issued in his or her  
17 name by the Illinois State Police under the provisions of this  
18 Act.

19 (2) No person may acquire or possess firearm ammunition  
20 within this State without having in his or her possession a  
21 Firearm Owner's Identification Card previously issued in his  
22 or her name by the Illinois State Police under the provisions  
23 of this Act.

24 (b) The provisions of this Section regarding the  
25 possession of firearms, firearm ammunition, stun guns, and

1 tasers do not apply to:

2 (1) United States Marshals, while engaged in the  
3 operation of their official duties;

4 (2) Members of the Armed Forces of the United States  
5 or the National Guard, while engaged in the operation of  
6 their official duties;

7 (3) Federal officials required to carry firearms,  
8 while engaged in the operation of their official duties;

9 (4) Members of bona fide veterans organizations which  
10 receive firearms directly from the armed forces of the  
11 United States, while using the firearms for ceremonial  
12 purposes with blank ammunition;

13 (5) Nonresident hunters during hunting season, with  
14 valid nonresident hunting licenses and while in an area  
15 where hunting is permitted; however, at all other times  
16 and in all other places these persons must have their  
17 firearms unloaded and enclosed in a case;

18 (6) Those hunters exempt from obtaining a hunting  
19 license who are required to submit their Firearm Owner's  
20 Identification Card when hunting on Department of Natural  
21 Resources owned or managed sites;

22 (7) Nonresidents while on a firing or shooting range  
23 recognized by the Illinois State Police; however, these  
24 persons must at all other times and in all other places  
25 have their firearms unloaded and enclosed in a case;

26 (8) Nonresidents while at a firearm showing or display

1 recognized by the Illinois State Police; however, at all  
2 other times and in all other places these persons must  
3 have their firearms unloaded and enclosed in a case;

4 (9) Nonresidents whose firearms are unloaded and  
5 enclosed in a case;

6 (10) Nonresidents who are currently licensed or  
7 registered to possess a firearm in their resident state;

8 (11) Unemancipated minors while in the custody and  
9 immediate control of their parent or legal guardian or  
10 other person in loco parentis to the minor if the parent or  
11 legal guardian or other person in loco parentis to the  
12 minor has a currently valid Firearm Owner's Identification  
13 Card;

14 (12) Color guards of bona fide veterans organizations  
15 or members of bona fide American Legion bands while using  
16 firearms for ceremonial purposes with blank ammunition;

17 (13) Nonresident hunters whose state of residence does  
18 not require them to be licensed or registered to possess a  
19 firearm and only during hunting season, with valid hunting  
20 licenses, while accompanied by, and using a firearm owned  
21 by, a person who possesses a valid Firearm Owner's  
22 Identification Card and while in an area within a  
23 commercial club licensed under the Wildlife Code where  
24 hunting is permitted and controlled, but in no instance  
25 upon sites owned or managed by the Department of Natural  
26 Resources;

1           (14) Resident hunters who are properly authorized to  
2           hunt and, while accompanied by a person who possesses a  
3           valid Firearm Owner's Identification Card, hunt in an area  
4           within a commercial club licensed under the Wildlife Code  
5           where hunting is permitted and controlled; and

6           (15) A person who is otherwise eligible to obtain a  
7           Firearm Owner's Identification Card under this Act and is  
8           under the direct supervision of a holder of a Firearm  
9           Owner's Identification Card who is 21 years of age or  
10          older while the person is on a firing or shooting range or  
11          is a participant in a firearms safety and training course  
12          recognized by a law enforcement agency or a national,  
13          statewide shooting sports organization.

14          (c) The provisions of this Section regarding the  
15          acquisition and possession of firearms, firearm ammunition,  
16          prepackaged explosive components, stun guns, and tasers do not  
17          apply to law enforcement officials of this or any other  
18          jurisdiction, while engaged in the performance ~~operation~~ of  
19          their official duties.

20          (c-5) The provisions of paragraphs (1) and (2) of  
21          subsection (a) of this Section regarding the possession of  
22          firearms and firearm ammunition do not apply to the holder of a  
23          valid concealed carry license issued under the Firearm  
24          Concealed Carry Act who is in physical possession of the  
25          concealed carry license.

26          (c-10) The provisions of paragraph (1) of subsection (a)



1 of this Section regarding the acquisition and possession of  
2 prepackaged explosive components do not apply to:

3 (1) Members of the Armed Services or Reserves Forces  
4 of the United States or the Illinois National Guard while  
5 in the performance of their official duty.

6 (2) Persons licensed under State and federal law to  
7 manufacture, import, or sell prepackaged explosive  
8 components, and actually engaged in that business, but  
9 only with respect to activities which are within the  
10 lawful scope of the business, including the manufacture,  
11 transportation, or testing of prepackaged explosive  
12 components.

13 (3) Contractors or subcontractors engaged in the  
14 manufacture, transport, testing, delivery, transfer or  
15 sale, and lawful experimental activities under a contract  
16 or subcontract for the development and supply of the  
17 product to the United States government or any branch of  
18 the Armed Forces of the United States, when those  
19 activities are necessary and incident to fulfilling the  
20 terms of the contract. The exemption granted under this  
21 paragraph (3) shall also apply to any authorized agent of  
22 any contractor or subcontractor described in this  
23 paragraph (3) who is operating within the scope of his or  
24 her employment, when the activities involving the  
25 prepackaged explosive components are necessary and  
26 incident to fulfilling the terms of the contract.

1           (4) Sales clerks or retail merchants selling or  
2           transferring prepackaged explosive components.

3           (d) Any person who becomes a resident of this State, who is  
4 not otherwise prohibited from obtaining, possessing, or using  
5 a firearm or firearm ammunition, shall not be required to have  
6 a Firearm Owner's Identification Card to possess firearms or  
7 firearms ammunition until 60 calendar days after he or she  
8 obtains an Illinois driver's license or Illinois  
9 Identification Card.

10          (Source: P.A. 102-538, eff. 8-20-21; 102-1116, eff. 1-10-23.)

11          (430 ILCS 65/3) (from Ch. 38, par. 83-3)

12          (Text of Section before amendment by P.A. 102-237)

13          Sec. 3. (a) Except as provided in Section 3a, no person may  
14 knowingly transfer, or cause to be transferred, any firearm,  
15 firearm ammunition, prepackaged explosive components, stun  
16 gun, or taser to any person within this State unless the  
17 transferee with whom he deals displays either: (1) a currently  
18 valid Firearm Owner's Identification Card which has previously  
19 been issued in his or her name by the Illinois State Police  
20 under the provisions of this Act; or (2) a currently valid  
21 license to carry a concealed firearm which has previously been  
22 issued in his or her name by the Illinois State Police under  
23 the Firearm Concealed Carry Act. In addition, all firearm,  
24 stun gun, and taser transfers by federally licensed firearm  
25 dealers are subject to Section 3.1.

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

7           (a-10) Notwithstanding item (2) of subsection (a) of this  
8 Section, any person who is not a federally licensed firearm  
9 dealer and who desires to transfer or sell a firearm or  
10 firearms to any person who is not a federally licensed firearm  
11 dealer shall, before selling or transferring the firearms,  
12 contact a federal firearm license dealer under paragraph (1)  
13 of subsection (a-15) of this Section to conduct the transfer  
14 or the Illinois State Police with the transferee's or  
15 purchaser's Firearm Owner's Identification Card number to  
16 determine the validity of the transferee's or purchaser's  
17 Firearm Owner's Identification Card under State and federal  
18 law including the National Instant Criminal Background Check  
19 System. This subsection shall not be effective until July 1,  
20 2023. Until that date the transferor shall contact the  
21 Illinois State Police with the transferee's or purchaser's  
22 Firearm Owner's Identification Card number to determine the  
23 validity of the card. The Illinois State Police may adopt  
24 rules concerning the implementation of this subsection. The  
25 Illinois State Police shall provide the seller or transferor  
26 an approval number if the purchaser's Firearm Owner's

1 Identification Card is valid. Approvals issued by the Illinois  
2 State Police for the purchase of a firearm pursuant to this  
3 subsection are valid for 30 days from the date of issue.

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

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

20 (2) transfers as a bona fide gift to the transferor's  
21 husband, wife, son, daughter, stepson, stepdaughter,  
22 father, mother, stepfather, stepmother, brother, sister,  
23 nephew, niece, uncle, aunt, grandfather, grandmother,  
24 grandson, granddaughter, father-in-law, mother-in-law,  
25 son-in-law, or daughter-in-law;

26 (3) transfers by persons acting pursuant to operation

1 of law or a court order;

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

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

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

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

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

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

25 (a-20) The Illinois State Police shall develop an  
26 Internet-based system for individuals to determine the

1 validity of a Firearm Owner's Identification Card prior to the  
2 sale or transfer of a firearm. The Illinois State Police shall  
3 have the Internet-based system updated and available for use  
4 by January 1, 2024. The Illinois State Police shall adopt  
5 rules not inconsistent with this Section to implement this  
6 system, but no rule shall allow the Illinois State Police to  
7 retain records in contravention of State and federal law.

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

18 (b) Any person within this State who transfers or causes  
19 to be transferred any firearm, stun gun, or taser shall keep a  
20 record of the ~~such~~ transfer for a period of 10 years from the  
21 date of transfer. Any person within this State who receives  
22 any firearm, stun gun, or taser pursuant to subsection (a-10)  
23 shall provide a record of the transfer within 10 days of the  
24 transfer to a federally licensed firearm dealer and shall not  
25 be required to maintain a transfer record. The federally  
26 licensed firearm dealer shall maintain the transfer record for

1 20 years from the date of receipt. A federally licensed  
2 firearm dealer may charge a fee not to exceed \$25 to retain the  
3 record. The record shall be provided and maintained in either  
4 an electronic or paper format. The federally licensed firearm  
5 dealer shall not be liable for the accuracy of any information  
6 in the transfer record submitted pursuant to this Section.  
7 Such records shall contain the date of the transfer; the  
8 description, serial number or other information identifying  
9 the firearm, stun gun, or taser if no serial number is  
10 available; and, if the transfer was completed within this  
11 State, the transferee's Firearm Owner's Identification Card  
12 number and any approval number or documentation provided by  
13 the Illinois State Police under ~~pursuant to~~ subsection (a-10)  
14 of this Section; if the transfer was not completed within this  
15 State, the record shall contain the name and address of the  
16 transferee. On or after January 1, 2006, the record shall  
17 contain the date of application for transfer of the firearm.  
18 On demand of a peace officer the ~~such~~ transferor shall produce  
19 for inspection such record of transfer. For any transfer  
20 pursuant to subsection (a-10) of this Section, on the demand  
21 of a peace officer, the ~~such~~ transferee shall identify the  
22 federally licensed firearm dealer maintaining the transfer  
23 record. If the transfer or sale took place at a gun show, the  
24 record shall include the unique identification number. Failure  
25 to record the unique identification number or approval number  
26 is a petty offense. For transfers of a firearm, stun gun, or

1 taser made on or after January 18, 2019 (the effective date of  
2 Public Act 100-1178), failure by the private seller to  
3 maintain the transfer records in accordance with this Section,  
4 or failure by a transferee pursuant to subsection a-10 of this  
5 Section to identify the federally licensed firearm dealer  
6 maintaining the transfer record, is a Class A misdemeanor for  
7 the first offense and a Class 4 felony for a second or  
8 subsequent offense occurring within 10 years of the first  
9 offense and the second offense was committed after conviction  
10 of the first offense. Whenever any person who has not  
11 previously been convicted of any violation of subsection  
12 (a-5), the court may grant supervision pursuant to and  
13 consistent with the limitations of Section 5-6-1 of the  
14 Unified Code of Corrections. A transferee or transferor shall  
15 not be criminally liable under this Section provided that he  
16 or she provides the Illinois State Police with the transfer  
17 records in accordance with procedures established by the  
18 Illinois State Police. The Illinois State Police shall  
19 establish, by rule, a standard form on its website.

20 (b-5) Any resident may purchase ammunition from a person  
21 within or outside of Illinois if shipment is by United States  
22 mail or by a private express carrier authorized by federal law  
23 to ship ammunition. Any resident purchasing ammunition within  
24 or outside the State of Illinois must provide the seller with a  
25 copy of his or her valid Firearm Owner's Identification Card  
26 or valid concealed carry license and either his or her



1 Illinois driver's license or Illinois State Identification  
2 Card prior to the shipment of the ammunition. The ammunition  
3 may be shipped only to an address on either of those 2  
4 documents.

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

8 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;  
9 102-1116, eff. 1-10-23.)

10 (Text of Section after amendment by P.A. 102-237)

11 Sec. 3. (a) Except as provided in Section 3a, no person may  
12 knowingly transfer, or cause to be transferred, any firearm,  
13 firearm ammunition, prepackaged explosive components, stun  
14 gun, or taser to any person within this State unless the  
15 transferee with whom he deals displays either: (1) a currently  
16 valid Firearm Owner's Identification Card which has previously  
17 been issued in his or her name by the Illinois State Police  
18 under the provisions of this Act; or (2) a currently valid  
19 license to carry a concealed firearm which has previously been  
20 issued in his or her name by the Illinois State Police under  
21 the Firearm Concealed Carry Act. In addition, all firearm,  
22 stun gun, and taser transfers by federally licensed firearm  
23 dealers are subject to Section 3.1.

24 (a-5) Any person who is not a federally licensed firearm  
25 dealer and who desires to transfer or sell a firearm while that

1 person is on the grounds of a gun show must, before selling or  
2 transferring the firearm, request the Illinois State Police to  
3 conduct a background check on the prospective recipient of the  
4 firearm in accordance with Section 3.1.

5 (a-10) Notwithstanding item (2) of subsection (a) of this  
6 Section, any person who is not a federally licensed firearm  
7 dealer and who desires to transfer or sell a firearm or  
8 firearms to any person who is not a federally licensed firearm  
9 dealer shall, before selling or transferring the firearms,  
10 contact a federal firearm license dealer under paragraph (1)  
11 of subsection (a-15) of this Section to conduct the transfer  
12 or the Illinois State Police with the transferee's or  
13 purchaser's Firearm Owner's Identification Card number to  
14 determine the validity of the transferee's or purchaser's  
15 Firearm Owner's Identification Card under State and federal  
16 law, including the National Instant Criminal Background Check  
17 System. This subsection shall not be effective until July 1,  
18 2023. Until that date the transferor shall contact the  
19 Illinois State Police with the transferee's or purchaser's  
20 Firearm Owner's Identification Card number to determine the  
21 validity of the card. The Illinois State Police may adopt  
22 rules concerning the implementation of this subsection. The  
23 Illinois State Police shall provide the seller or transferor  
24 an approval number if the purchaser's Firearm Owner's  
25 Identification Card is valid. Approvals issued by the Illinois  
26 State Police for the purchase of a firearm pursuant to this

1 subsection are valid for 30 days from the date of issue.

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

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

18 (2) transfers as a bona fide gift to the transferor's  
19 husband, wife, son, daughter, stepson, stepdaughter,  
20 father, mother, stepfather, stepmother, brother, sister,  
21 nephew, niece, uncle, aunt, grandfather, grandmother,  
22 grandson, granddaughter, father-in-law, mother-in-law,  
23 son-in-law, or daughter-in-law;

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

26 (4) transfers on the grounds of a gun show under

1 subsection (a-5) of this Section;

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

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

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

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

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

23 (a-20) The Illinois State Police shall develop an  
24 Internet-based system for individuals to determine the  
25 validity of a Firearm Owner's Identification Card prior to the  
26 sale or transfer of a firearm. The Illinois State Police shall

1 have the Internet-based system updated and available for use  
2 by January 1, 2024. The Illinois State Police shall adopt  
3 rules not inconsistent with this Section to implement this  
4 system; but no rule shall allow the Illinois State Police to  
5 retain records in contravention of State and federal law.

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

16 (b) Any person within this State who transfers or causes  
17 to be transferred any firearm, stun gun, or taser shall keep a  
18 record of such transfer for a period of 10 years from the date  
19 of transfer. Any person within this State who receives any  
20 firearm, stun gun, or taser pursuant to subsection (a-10)  
21 shall provide a record of the transfer within 10 days of the  
22 transfer to a federally licensed firearm dealer and shall not  
23 be required to maintain a transfer record. The federally  
24 licensed firearm dealer shall maintain the transfer record for  
25 20 years from the date of receipt. A federally licensed  
26 firearm dealer may charge a fee not to exceed \$25 to retain the

1 record. The record shall be provided and maintained in either  
2 an electronic or paper format. The federally licensed firearm  
3 dealer shall not be liable for the accuracy of any information  
4 in the transfer record submitted pursuant to this Section.  
5 Such records shall contain the date of the transfer; the  
6 description, serial number or other information identifying  
7 the firearm, stun gun, or taser if no serial number is  
8 available; and, if the transfer was completed within this  
9 State, the transferee's Firearm Owner's Identification Card  
10 number and any approval number or documentation provided by  
11 the Illinois State Police pursuant to subsection (a-10) of  
12 this Section; if the transfer was not completed within this  
13 State, the record shall contain the name and address of the  
14 transferee. On or after January 1, 2006, the record shall  
15 contain the date of application for transfer of the firearm.  
16 On demand of a peace officer ~~the such~~ transferor shall produce  
17 for inspection ~~the such~~ record of transfer. For any transfer  
18 pursuant to subsection (a-10) of this Section, on the demand  
19 of a peace officer, ~~the such~~ transferee shall identify the  
20 federally licensed firearm dealer maintaining the transfer  
21 record. If the transfer or sale took place at a gun show, the  
22 record shall include the unique identification number. Failure  
23 to record the unique identification number or approval number  
24 is a petty offense. For transfers of a firearm, stun gun, or  
25 taser made on or after January 18, 2019 (the effective date of  
26 Public Act 100-1178), failure by the private seller to

1 maintain the transfer records in accordance with this Section,  
2 or failure by a transferee pursuant to subsection a-10 of this  
3 Section to identify the federally licensed firearm dealer  
4 maintaining the transfer record, is a Class A misdemeanor for  
5 the first offense and a Class 4 felony for a second or  
6 subsequent offense occurring within 10 years of the first  
7 offense and the second offense was committed after conviction  
8 of the first offense. Whenever any person who has not  
9 previously been convicted of any violation of subsection  
10 (a-5), the court may grant supervision pursuant to and  
11 consistent with the limitations of Section 5-6-1 of the  
12 Unified Code of Corrections. A transferee or transferor shall  
13 not be criminally liable under this Section provided that he  
14 or she provides the Illinois State Police with the transfer  
15 records in accordance with procedures established by the  
16 Illinois State Police. The Illinois State Police shall  
17 establish, by rule, a standard form on its website.

18 (b-5) Any resident may purchase ammunition from a person  
19 within or outside of Illinois if shipment is by United States  
20 mail or by a private express carrier authorized by federal law  
21 to ship ammunition. Any resident purchasing ammunition within  
22 or outside the State of Illinois must provide the seller with a  
23 copy of his or her valid Firearm Owner's Identification Card  
24 or valid concealed carry license and either his or her  
25 Illinois driver's license or Illinois State Identification  
26 Card prior to the shipment of the ammunition. The ammunition

1 may be shipped only to an address on either of those 2  
2 documents.

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

6 (Source: P.A. 102-237, eff. 1-1-24; 102-538, eff. 8-20-21;  
7 102-813, eff. 5-13-22; 102-1116, eff. 1-10-23.)

8 Section 20. The Firearms Restraining Order Act is amended  
9 by changing Section 5 as follows:

10 (430 ILCS 67/5)

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

12 "Family member of the respondent" means a spouse, former  
13 spouse, person with whom the respondent has a minor child in  
14 common, parent, child, or step-child of the respondent, any  
15 other person related by blood or present marriage to the  
16 respondent, or a person who shares a common dwelling with the  
17 respondent.

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

23 "Intimate partner" means a spouse, former spouse, a person  
24 with whom the respondent has or allegedly has a child in



1 common, or a person with whom the respondent has or has had a  
2 dating or engagement relationship.

3 "Petitioner" means:

4 (1) a family member of the respondent as defined in  
5 this Act; ~~or~~

6 (2) a law enforcement officer who files a petition  
7 alleging that the respondent poses a danger of causing  
8 personal injury to himself, herself, or another by having  
9 in his or her custody or control, purchasing, possessing,  
10 or receiving a firearm, ammunition, or firearm parts that  
11 could be assembled to make an operable firearm or removing  
12 firearm parts that could be assembled to make an operable  
13 firearm; or

14 (3) intimate partner.

15 "Respondent" means the person alleged in the petition to  
16 pose a danger of causing personal injury to himself, herself,  
17 or another by having in his or her custody or control,  
18 purchasing, possessing, or receiving a firearm, ammunition, or  
19 firearm parts that could be assembled to make an operable  
20 firearm or removing firearm parts that could be assembled to  
21 make an operable firearm.

22 (Source: P.A. 101-81, eff. 7-12-19; 102-345, eff. 6-1-22.)

23 Section 25. The Criminal Code of 2012 is amended by adding  
24 Section 24-4.3 as follows:

1 (720 ILCS 5/24-4.3 new)

2 Sec. 24-4.3. Unlawful sale or delivery of prepackaged  
3 explosive components.

4 (a) A person commits unlawful sale or delivery of  
5 prepackaged explosive components when he or she knowingly does  
6 any of the following:

7 (1) Sells or gives prepackaged explosive components to  
8 a person who is disqualified under the Firearm Owners  
9 Identification Card Act.

10 (A) the person's Firearm Owner's Identification  
11 Card is revoked or subject to revocation under Section  
12 8 of the Firearm Owners Identification Card Act;

13 (B) the person's Firearm Owner's Identification  
14 Card is expired and not otherwise eligible for renewal  
15 under the Firearm Owners Identification Card Act; or

16 (C) the person does not possess a currently valid  
17 Firearm Owner's Identification Card, and the person is  
18 not otherwise eligible under the Firearm Owners  
19 Identification Card Act.

20 (2) Sells or transfers prepackaged explosive  
21 components to a person who does not display to the seller  
22 or transferor of the prepackaged explosive components a  
23 currently valid Firearm Owner's Identification Card that  
24 has previously been issued in the transferee's name by the  
25 Department of State Police under the Firearm Owners  
26 Identification Card Act. This paragraph (2) does not apply

1 to the transfer of prepackaged explosive components to a  
2 person who is exempt from the requirement of possessing a  
3 Firearm Owner's Identification Card under Section 2 of the  
4 Firearm Owners Identification Card Act. For the purposes  
5 of this Section, a currently valid Firearm Owner's  
6 Identification Card means a Firearm Owner's Identification  
7 Card that has not expired.

8 (3) Sells or gives prepackaged explosive components  
9 while engaged in the business of selling prepackaged  
10 explosive components at wholesale or retail without being  
11 licensed as a federal firearms dealer under Section 923 of  
12 the federal Gun Control Act of 1968 (18 U.S.C. 923). In  
13 this paragraph (3), a person "engaged in the business"  
14 means a person who devotes time, attention, and labor to  
15 engaging in the activity as a regular course of trade or  
16 business with the principal objective of livelihood and  
17 profit.

18 (b) For the purposes of this Section, "prepackaged  
19 explosive components" means a prepackaged product containing 2  
20 or more unmixed, commercially manufactured chemical substances  
21 that are not independently classified as explosives but which,  
22 when mixed or combined, results in an explosive material  
23 subject to regulation by the federal Bureau of Alcohol,  
24 Tobacco, Firearms, and Explosives under Title 27 CFR Part 555.

25 (c) All sellers or transferors who have complied with the  
26 requirements of this Section shall not be liable for damages

1 in any civil action arising from the use or misuse by the  
2 transferee of the prepackaged explosive components  
3 transferred, except for willful or wanton misconduct on the  
4 part of the seller or transferor.

5 (d) Sentence. Any person who is convicted of unlawful sale  
6 or delivery of prepackaged explosive components commits a  
7 Class 4 felony.

8 Section 30. The Code of Criminal Procedure of 1963 is  
9 amended by changing Section 112A-14 as follows:

10 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

11 Sec. 112A-14. Domestic violence order of protection;  
12 remedies.

13 (a) (Blank).

14 (b) The court may order any of the remedies listed in this  
15 subsection (b). The remedies listed in this subsection (b)  
16 shall be in addition to other civil or criminal remedies  
17 available to petitioner.

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

24 (2) Grant of exclusive possession of residence.

1 Prohibit respondent from entering or remaining in any  
2 residence, household, or premises of the petitioner,  
3 including one owned or leased by respondent, if petitioner  
4 has a right to occupancy thereof. The grant of exclusive  
5 possession of the residence, household, or premises shall  
6 not affect title to real property, nor shall the court be  
7 limited by the standard set forth in subsection (c-2) of  
8 Section 501 of the Illinois Marriage and Dissolution of  
9 Marriage Act.

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

19 (B) Presumption of hardships. If petitioner and  
20 respondent each has the right to occupancy of a  
21 residence or household, the court shall balance (i)  
22 the hardships to respondent and any minor child or  
23 dependent adult in respondent's care resulting from  
24 entry of this remedy with (ii) the hardships to  
25 petitioner and any minor child or dependent adult in  
26 petitioner's care resulting from continued exposure to

1           the risk of abuse (should petitioner remain at the  
2           residence or household) or from loss of possession of  
3           the residence or household (should petitioner leave to  
4           avoid the risk of abuse). When determining the balance  
5           of hardships, the court shall also take into account  
6           the accessibility of the residence or household.  
7           Hardships need not be balanced if respondent does not  
8           have a right to occupancy.

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

20          (3) Stay away order and additional prohibitions. Order  
21          respondent to stay away from petitioner or any other  
22          person protected by the domestic violence order of  
23          protection, or prohibit respondent from entering or  
24          remaining present at petitioner's school, place of  
25          employment, or other specified places at times when  
26          petitioner is present, or both, if reasonable, given the

1 balance of hardships. Hardships need not be balanced for  
2 the court to enter a stay away order or prohibit entry if  
3 respondent has no right to enter the premises.

4 (A) If a domestic violence order of protection  
5 grants petitioner exclusive possession of the  
6 residence, prohibits respondent from entering the  
7 residence, or orders respondent to stay away from  
8 petitioner or other protected persons, then the court  
9 may allow respondent access to the residence to remove  
10 items of clothing and personal adornment used  
11 exclusively by respondent, medications, and other  
12 items as the court directs. The right to access shall  
13 be exercised on only one occasion as the court directs  
14 and in the presence of an agreed-upon adult third  
15 party or law enforcement officer.

16 (B) When the petitioner and the respondent attend  
17 the same public, private, or non-public elementary,  
18 middle, or high school, the court when issuing a  
19 domestic violence order of protection and providing  
20 relief shall consider the severity of the act, any  
21 continuing physical danger or emotional distress to  
22 the petitioner, the educational rights guaranteed to  
23 the petitioner and respondent under federal and State  
24 law, the availability of a transfer of the respondent  
25 to another school, a change of placement or a change of  
26 program of the respondent, the expense, difficulty,

1 and educational disruption that would be caused by a  
2 transfer of the respondent to another school, and any  
3 other relevant facts of the case. The court may order  
4 that the respondent not attend the public, private, or  
5 non-public elementary, middle, or high school attended  
6 by the petitioner, order that the respondent accept a  
7 change of placement or change of program, as  
8 determined by the school district or private or  
9 non-public school, or place restrictions on the  
10 respondent's movements within the school attended by  
11 the petitioner. The respondent bears the burden of  
12 proving by a preponderance of the evidence that a  
13 transfer, change of placement, or change of program of  
14 the respondent is not available. The respondent also  
15 bears the burden of production with respect to the  
16 expense, difficulty, and educational disruption that  
17 would be caused by a transfer of the respondent to  
18 another school. A transfer, change of placement, or  
19 change of program is not unavailable to the respondent  
20 solely on the ground that the respondent does not  
21 agree with the school district's or private or  
22 non-public school's transfer, change of placement, or  
23 change of program or solely on the ground that the  
24 respondent fails or refuses to consent or otherwise  
25 does not take an action required to effectuate a  
26 transfer, change of placement, or change of program.



1           When a court orders a respondent to stay away from the  
2           public, private, or non-public school attended by the  
3           petitioner and the respondent requests a transfer to  
4           another attendance center within the respondent's  
5           school district or private or non-public school, the  
6           school district or private or non-public school shall  
7           have sole discretion to determine the attendance  
8           center to which the respondent is transferred. If the  
9           court order results in a transfer of the minor  
10          respondent to another attendance center, a change in  
11          the respondent's placement, or a change of the  
12          respondent's program, the parents, guardian, or legal  
13          custodian of the respondent is responsible for  
14          transportation and other costs associated with the  
15          transfer or change.

16                 (C) The court may order the parents, guardian, or  
17                 legal custodian of a minor respondent to take certain  
18                 actions or to refrain from taking certain actions to  
19                 ensure that the respondent complies with the order. If  
20                 the court orders a transfer of the respondent to  
21                 another school, the parents, guardian, or legal  
22                 custodian of the respondent is responsible for  
23                 transportation and other costs associated with the  
24                 change of school by the respondent.

25                 (4) Counseling. Require or recommend the respondent to  
26                 undergo counseling for a specified duration with a social

1 worker, psychologist, clinical psychologist,  
2 psychiatrist, family service agency, alcohol or substance  
3 abuse program, mental health center guidance counselor,  
4 agency providing services to elders, program designed for  
5 domestic violence abusers, or any other guidance service  
6 the court deems appropriate. The court may order the  
7 respondent in any intimate partner relationship to report  
8 to an Illinois Department of Human Services protocol  
9 approved partner abuse intervention program for an  
10 assessment and to follow all recommended treatment.

11 (5) Physical care and possession of the minor child.  
12 In order to protect the minor child from abuse, neglect,  
13 or unwarranted separation from the person who has been the  
14 minor child's primary caretaker, or to otherwise protect  
15 the well-being of the minor child, the court may do either  
16 or both of the following: (i) grant petitioner physical  
17 care or possession of the minor child, or both, or (ii)  
18 order respondent to return a minor child to, or not remove  
19 a minor child from, the physical care of a parent or person  
20 in loco parentis.

21 If the respondent is charged with abuse (as defined in  
22 Section 112A-3 of this Code) of a minor child, there shall  
23 be a rebuttable presumption that awarding physical care to  
24 respondent would not be in the minor child's best  
25 interest.

26 (6) Temporary allocation of parental responsibilities

1 and significant decision-making responsibilities. Award  
2 temporary significant decision-making responsibility to  
3 petitioner in accordance with this Section, the Illinois  
4 Marriage and Dissolution of Marriage Act, the Illinois  
5 Parentage Act of 2015, and this State's Uniform  
6 Child-Custody Jurisdiction and Enforcement Act.

7 If the respondent is charged with abuse (as defined in  
8 Section 112A-3 of this Code) of a minor child, there shall  
9 be a rebuttable presumption that awarding temporary  
10 significant decision-making responsibility to respondent  
11 would not be in the child's best interest.

12 (7) Parenting time. Determine the parenting time, if  
13 any, of respondent in any case in which the court awards  
14 physical care or temporary significant decision-making  
15 responsibility of a minor child to petitioner. The court  
16 shall restrict or deny respondent's parenting time with a  
17 minor child if the court finds that respondent has done or  
18 is likely to do any of the following:

19 (i) abuse or endanger the minor child during  
20 parenting time;

21 (ii) use the parenting time as an opportunity to  
22 abuse or harass petitioner or petitioner's family or  
23 household members;

24 (iii) improperly conceal or detain the minor  
25 child; or

26 (iv) otherwise act in a manner that is not in the

1 best interests of the minor child.

2 The court shall not be limited by the standards set  
3 forth in Section 603.10 of the Illinois Marriage and  
4 Dissolution of Marriage Act. If the court grants parenting  
5 time, the order shall specify dates and times for the  
6 parenting time to take place or other specific parameters  
7 or conditions that are appropriate. No order for parenting  
8 time shall refer merely to the term "reasonable parenting  
9 time". Petitioner may deny respondent access to the minor  
10 child if, when respondent arrives for parenting time,  
11 respondent is under the influence of drugs or alcohol and  
12 constitutes a threat to the safety and well-being of  
13 petitioner or petitioner's minor children or is behaving  
14 in a violent or abusive manner. If necessary to protect  
15 any member of petitioner's family or household from future  
16 abuse, respondent shall be prohibited from coming to  
17 petitioner's residence to meet the minor child for  
18 parenting time, and the petitioner and respondent shall  
19 submit to the court their recommendations for reasonable  
20 alternative arrangements for parenting time. A person may  
21 be approved to supervise parenting time only after filing  
22 an affidavit accepting that responsibility and  
23 acknowledging accountability to the court.

24 (8) Removal or concealment of minor child. Prohibit  
25 respondent from removing a minor child from the State or  
26 concealing the child within the State.

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

7           (10) Possession of personal property. Grant petitioner  
8 exclusive possession of personal property and, if  
9 respondent has possession or control, direct respondent to  
10 promptly make it available to petitioner, if:

11           (i) petitioner, but not respondent, owns the  
12 property; or

13           (ii) the petitioner and respondent own the  
14 property jointly; sharing it would risk abuse of  
15 petitioner by respondent or is impracticable; and the  
16 balance of hardships favors temporary possession by  
17 petitioner.

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

25           No order under this provision shall affect title to  
26 property.

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

6                   (i) petitioner, but not respondent, owns the  
7           property; or

8                   (ii) the petitioner and respondent own the  
9           property jointly, and the balance of hardships favors  
10          granting this remedy.

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

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

21          (11.5) Protection of animals. Grant the petitioner the  
22          exclusive care, custody, or control of any animal owned,  
23          possessed, leased, kept, or held by either the petitioner  
24          or the respondent or a minor child residing in the  
25          residence or household of either the petitioner or the  
26          respondent and order the respondent to stay away from the

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

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

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

1 other travel expenses, including additional reasonable  
2 expenses for temporary shelter and restaurant meals.

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

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

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

24 (14.5) Prohibition of firearm possession.

25 (A) A person who is subject to an existing  
26 domestic violence order of protection issued under



1           this Code may not lawfully possess weapons or a  
2           Firearm Owner's Identification Card under Section 8.2  
3           of the Firearm Owners Identification Card Act.

4           (B) Any firearms in the possession of the  
5           respondent, except as provided in subparagraph (C) of  
6           this paragraph (14.5), shall be ordered by the court  
7           to be turned over to a local law enforcement agency  
8           ~~person with a valid Firearm Owner's Identification~~  
9           ~~Card~~ for safekeeping and the respondent shall be  
10           prohibited from acquiring or possessing any firearms  
11           for the duration of the order of protection. The court  
12           shall issue an order that the respondent comply with  
13           Section 9.5 of the Firearm Owners Identification Card  
14           Act.

15           (B-1) Immediately upon entry of an order of  
16           protection prohibiting firearm possession under this  
17           Section, the court shall issue a seizure order of any  
18           firearm in the possession of the respondent, to be  
19           kept by the local law enforcement agency for  
20           safekeeping, except as provided in subparagraph (C). A  
21           return of the seizure order shall be filed by the law  
22           enforcement agency within 48 hours thereafter, setting  
23           forth the time, date, and location that the seizure  
24           order was executed and what items, if any, were  
25           seized. The petitioner's general description of the  
26           firearm or firearms and their location shall be

1           sufficient to support issuing a seizure order. If the  
2           seizure order is not served within 48 hours because  
3           the respondent cannot be located, law enforcement  
4           shall file the statement of receipt explaining the  
5           efforts and attempts made to serve the order on the  
6           respondent. The period of safekeeping shall be for the  
7           duration of the order of protection.

8           (B-2) Notwithstanding the issuance of a seizure  
9           order under subsection (B-1), the respondent shall be  
10          ordered to immediately surrender any firearms to the  
11          appropriate law enforcement agency and prohibited from  
12          transferring firearms to another individual in lieu of  
13          surrender to law enforcement.

14          (B-3) The relevant law enforcement agency shall  
15          provide a statement of receipt of any firearm seized  
16          or surrendered with a description of any firearm  
17          seized or surrendered to the respondent and the court.  
18          If the respondent fails to surrender the respondent's  
19          weapons in accordance with the order to surrender, the  
20          law enforcement agency shall file a statement of  
21          receipt explaining how and when the order was served  
22          and that the respondent did not comply within the  
23          required time. This statement of receipt shall be  
24          prima facie evidence of compliance with an order to  
25          surrender firearms.

26          (C) If the respondent is a peace officer as

1 defined in Section 2-13 of the Criminal Code of 2012,  
2 the court shall order that any firearms used by the  
3 respondent in the performance of his or her duties as a  
4 peace officer be surrendered to the chief law  
5 enforcement executive of the agency in which the  
6 respondent is employed, who shall retain the firearms  
7 for safekeeping for the duration of the domestic  
8 violence order of protection.

9 (D) Upon expiration of the period of safekeeping,  
10 if the firearms or Firearm Owner's Identification Card  
11 cannot be returned to respondent because respondent  
12 cannot be located, fails to respond to requests to  
13 retrieve the firearms, or is not lawfully eligible to  
14 possess a firearm, upon petition from the local law  
15 enforcement agency, the court may order the local law  
16 enforcement agency to destroy the firearms, use the  
17 firearms for training purposes, or for any other  
18 application as deemed appropriate by the local law  
19 enforcement agency; or that the firearms be turned  
20 over to a third party who is lawfully eligible to  
21 possess firearms, and who does not reside with  
22 respondent.

23 (15) Prohibition of access to records. If a domestic  
24 violence order of protection prohibits respondent from  
25 having contact with the minor child, or if petitioner's  
26 address is omitted under subsection (b) of Section 112A-5

1 of this Code, or if necessary to prevent abuse or wrongful  
2 removal or concealment of a minor child, the order shall  
3 deny respondent access to, and prohibit respondent from  
4 inspecting, obtaining, or attempting to inspect or obtain,  
5 school or any other records of the minor child who is in  
6 the care of petitioner.

7 (16) Order for payment of shelter services. Order  
8 respondent to reimburse a shelter providing temporary  
9 housing and counseling services to the petitioner for the  
10 cost of the services, as certified by the shelter and  
11 deemed reasonable by the court.

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

21 (18) Telephone services.

22 (A) Unless a condition described in subparagraph  
23 (B) of this paragraph exists, the court may, upon  
24 request by the petitioner, order a wireless telephone  
25 service provider to transfer to the petitioner the  
26 right to continue to use a telephone number or numbers

1 indicated by the petitioner and the financial  
2 responsibility associated with the number or numbers,  
3 as set forth in subparagraph (C) of this paragraph. In  
4 this paragraph (18), the term "wireless telephone  
5 service provider" means a provider of commercial  
6 mobile service as defined in 47 U.S.C. 332. The  
7 petitioner may request the transfer of each telephone  
8 number that the petitioner, or a minor child in his or  
9 her custody, uses. The clerk of the court shall serve  
10 the order on the wireless telephone service provider's  
11 agent for service of process provided to the Illinois  
12 Commerce Commission. The order shall contain all of  
13 the following:

14 (i) The name and billing telephone number of  
15 the account holder including the name of the  
16 wireless telephone service provider that serves  
17 the account.

18 (ii) Each telephone number that will be  
19 transferred.

20 (iii) A statement that the provider transfers  
21 to the petitioner all financial responsibility for  
22 and right to the use of any telephone number  
23 transferred under this paragraph.

24 (B) A wireless telephone service provider shall  
25 terminate the respondent's use of, and shall transfer  
26 to the petitioner use of, the telephone number or

1 numbers indicated in subparagraph (A) of this  
2 paragraph unless it notifies the petitioner, within 72  
3 hours after it receives the order, that one of the  
4 following applies:

5 (i) The account holder named in the order has  
6 terminated the account.

7 (ii) A difference in network technology would  
8 prevent or impair the functionality of a device on  
9 a network if the transfer occurs.

10 (iii) The transfer would cause a geographic or  
11 other limitation on network or service provision  
12 to the petitioner.

13 (iv) Another technological or operational  
14 issue would prevent or impair the use of the  
15 telephone number if the transfer occurs.

16 (C) The petitioner assumes all financial  
17 responsibility for and right to the use of any  
18 telephone number transferred under this paragraph. In  
19 this paragraph, "financial responsibility" includes  
20 monthly service costs and costs associated with any  
21 mobile device associated with the number.

22 (D) A wireless telephone service provider may  
23 apply to the petitioner its routine and customary  
24 requirements for establishing an account or  
25 transferring a number, including requiring the  
26 petitioner to provide proof of identification,

1 financial information, and customer preferences.

2 (E) Except for willful or wanton misconduct, a  
3 wireless telephone service provider is immune from  
4 civil liability for its actions taken in compliance  
5 with a court order issued under this paragraph.

6 (F) All wireless service providers that provide  
7 services to residential customers shall provide to the  
8 Illinois Commerce Commission the name and address of  
9 an agent for service of orders entered under this  
10 paragraph (18). Any change in status of the registered  
11 agent must be reported to the Illinois Commerce  
12 Commission within 30 days of such change.

13 (G) The Illinois Commerce Commission shall  
14 maintain the list of registered agents for service for  
15 each wireless telephone service provider on the  
16 Commission's website. The Commission may consult with  
17 wireless telephone service providers and the Circuit  
18 Court Clerks on the manner in which this information  
19 is provided and displayed.

20 (c) Relevant factors; findings.

21 (1) In determining whether to grant a specific remedy,  
22 other than payment of support, the court shall consider  
23 relevant factors, including, but not limited to, the  
24 following:

25 (i) the nature, frequency, severity, pattern, and  
26 consequences of the respondent's past abuse of the

1 petitioner or any family or household member,  
2 including the concealment of his or her location in  
3 order to evade service of process or notice, and the  
4 likelihood of danger of future abuse to petitioner or  
5 any member of petitioner's or respondent's family or  
6 household; and

7 (ii) the danger that any minor child will be  
8 abused or neglected or improperly relocated from the  
9 jurisdiction, improperly concealed within the State,  
10 or improperly separated from the child's primary  
11 caretaker.

12 (2) In comparing relative hardships resulting to the  
13 parties from loss of possession of the family home, the  
14 court shall consider relevant factors, including, but not  
15 limited to, the following:

16 (i) availability, accessibility, cost, safety,  
17 adequacy, location, and other characteristics of  
18 alternate housing for each party and any minor child  
19 or dependent adult in the party's care;

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

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

24 (3) Subject to the exceptions set forth in paragraph  
25 (4) of this subsection (c), the court shall make its  
26 findings in an official record or in writing, and shall at



1 a minimum set forth the following:

2 (i) That the court has considered the applicable  
3 relevant factors described in paragraphs (1) and (2)  
4 of this subsection (c).

5 (ii) Whether the conduct or actions of respondent,  
6 unless prohibited, will likely cause irreparable harm  
7 or continued abuse.

8 (iii) Whether it is necessary to grant the  
9 requested relief in order to protect petitioner or  
10 other alleged abused persons.

11 (4) (Blank).

12 (5) Never married parties. No rights or  
13 responsibilities for a minor child born outside of  
14 marriage attach to a putative father until a father and  
15 child relationship has been established under the Illinois  
16 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
17 the Illinois Public Aid Code, Section 12 of the Vital  
18 Records Act, the Juvenile Court Act of 1987, the Probate  
19 Act of 1975, the Uniform Interstate Family Support Act,  
20 the Expedited Child Support Act of 1990, any judicial,  
21 administrative, or other act of another state or  
22 territory, any other statute of this State, or by any  
23 foreign nation establishing the father and child  
24 relationship, any other proceeding substantially in  
25 conformity with the federal Personal Responsibility and  
26 Work Opportunity Reconciliation Act of 1996, or when both

1 parties appeared in open court or at an administrative  
2 hearing acknowledging under oath or admitting by  
3 affirmation the existence of a father and child  
4 relationship. Absent such an adjudication, no putative  
5 father shall be granted temporary allocation of parental  
6 responsibilities, including parenting time with the minor  
7 child, or physical care and possession of the minor child,  
8 nor shall an order of payment for support of the minor  
9 child be entered.

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

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

21 (1) respondent has cause for any use of force, unless  
22 that cause satisfies the standards for justifiable use of  
23 force provided by Article 7 of the Criminal Code of 2012;

24 (2) respondent was voluntarily intoxicated;

25 (3) petitioner acted in self-defense or defense of  
26 another, provided that, if petitioner utilized force, such

1 force was justifiable under Article 7 of the Criminal Code  
2 of 2012;

3 (4) petitioner did not act in self-defense or defense  
4 of another;

5 (5) petitioner left the residence or household to  
6 avoid further abuse by respondent;

7 (6) petitioner did not leave the residence or  
8 household to avoid further abuse by respondent; or

9 (7) conduct by any family or household member excused  
10 the abuse by respondent, unless that same conduct would  
11 have excused such abuse if the parties had not been family  
12 or household members.

13 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;  
14 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

15 Section 35. The Unified Code of Corrections is amended by  
16 changing Section 5-6-3.6 as follows:

17 (730 ILCS 5/5-6-3.6)

18 (Section scheduled to be repealed on January 1, 2024)

19 Sec. 5-6-3.6. First Time Weapon Offense ~~Offender~~ Program.

20 (a) The General Assembly has sought to promote public  
21 safety, reduce recidivism, and conserve valuable resources of  
22 the criminal justice system through the creation of diversion  
23 programs for non-violent offenders. This amendatory Act of the  
24 103rd General Assembly ~~amendatory Act of the 100th General~~

1 ~~Assembly~~ establishes a ~~pilot~~ program for first-time,  
2 non-violent offenders charged with certain weapons possession  
3 offenses. The General Assembly recognizes some persons,  
4 particularly ~~young adults~~ in areas of high crime or poverty,  
5 may have experienced trauma that contributes to poor decision  
6 making skills, and the creation of a diversionary program  
7 poses a greater benefit to the community and the person than  
8 incarceration. Under this program, a court, with the consent  
9 of the defendant and the State's Attorney, may sentence a  
10 defendant charged with an unlawful use of weapons offense  
11 under Section 24-1 of the Criminal Code of 2012 or aggravated  
12 unlawful use of a weapon offense under Section 24-1.6 of the  
13 Criminal Code of 2012, if punishable as a Class 4 felony or  
14 lower, to a First Time Weapon Offense ~~Offender~~ Program.

15 (b) A defendant is not eligible for this Program if:

16 (1) the offense was committed during the commission of  
17 a violent offense as defined in subsection (h) of this  
18 Section;

19 (2) he or she has previously been convicted or placed  
20 on probation or conditional discharge for any violent  
21 offense under the laws of this State, the laws of any other  
22 state, or the laws of the United States;

23 (3) he or she had a prior successful completion of the  
24 First Time Weapon Offense ~~Offender~~ Program under this  
25 Section;

26 (4) he or she has previously been adjudicated a

1 delinquent minor for the commission of a violent offense;

2 (5) (blank); or ~~he or she is 21 years of age or older;~~

3 ~~or~~

4 (6) he or she has an existing order of protection  
5 issued against him or her.

6 (b-5) In considering whether a defendant shall be  
7 sentenced to the First Time Weapon Offense ~~Offender~~ Program,  
8 the court shall consider the following:

9 (1) the age, immaturity, or limited mental capacity of  
10 the defendant;

11 (2) the nature and circumstances of the offense;

12 (3) whether participation in the Program is in the  
13 interest of the defendant's rehabilitation, including any  
14 employment or involvement in community, educational,  
15 training, or vocational programs;

16 (4) whether the defendant suffers from trauma, as  
17 supported by documentation or evaluation by a licensed  
18 professional; and

19 (5) the potential risk to public safety.

20 (c) For an offense committed on or after January 1, 2018  
21 (the effective date of Public Act 100-3) ~~and before January 1,~~  
22 ~~2024,~~ whenever an eligible person pleads guilty to an unlawful  
23 use of weapons offense under Section 24-1 of the Criminal Code  
24 of 2012 or aggravated unlawful use of a weapon offense under  
25 Section 24-1.6 of the Criminal Code of 2012, which is  
26 punishable as a Class 4 felony or lower, the court, with the

1 consent of the defendant and the State's Attorney, may,  
2 without entering a judgment, sentence the defendant to  
3 complete the First Time Weapon Offense ~~Offender~~ Program. When  
4 a defendant is placed in the Program, the court shall defer  
5 further proceedings in the case until the conclusion of the  
6 period or until the filing of a petition alleging violation of  
7 a term or condition of the Program. Upon violation of a term or  
8 condition of the Program, the court may enter a judgment on its  
9 original finding of guilt and proceed as otherwise provided by  
10 law. Upon fulfillment of the terms and conditions of the  
11 Program, the court shall discharge the person and dismiss the  
12 proceedings against the person.

13 (d) The Program shall be at least 6 ~~18~~ months and not to  
14 exceed 18 ~~24~~ months, as determined by the court at the  
15 recommendation of the Program administrator and the State's  
16 Attorney. The Program administrator may be appointed by the  
17 Chief Judge of each Judicial Circuit.

18 (e) The conditions of the Program shall be that the  
19 defendant:

20 (1) not violate any criminal statute of this State or  
21 any other jurisdiction;

22 (2) refrain from possessing a firearm or other  
23 dangerous weapon;

24 (3) (blank); ~~obtain or attempt to obtain employment;~~

25 (4) (blank); ~~attend educational courses designed to~~  
26 ~~prepare the defendant for obtaining a high school diploma~~

1 ~~or to work toward passing high school equivalency testing~~  
2 ~~or to work toward completing a vocational training~~  
3 ~~program;~~

4 (5) (blank); ~~refrain from having in his or her body~~  
5 ~~the presence of any illicit drug prohibited by the~~  
6 ~~Methamphetamine Control and Community Protection Act, the~~  
7 ~~Cannabis Control Act, or the Illinois Controlled~~  
8 ~~Substances Act, unless prescribed by a physician, and~~  
9 ~~submit samples of his or her blood or urine or both for~~  
10 ~~tests to determine the presence of any illicit drug;~~

11 (6) (blank); ~~perform a minimum of 50 hours of~~  
12 ~~community service;~~

13 (7) attend and participate in any Program activities  
14 deemed required by the Program administrator, such as  
15 ~~including but not limited to:~~ counseling sessions,  
16 in-person and over the phone check-ins, and educational  
17 classes; and

18 (8) (blank). ~~pay all fines, assessments, fees, and~~  
19 ~~costs.~~

20 (f) The Program may, in addition to other conditions,  
21 require that the defendant:

22 (1) obtain or attempt to obtain employment ~~wear an~~  
23 ~~ankle bracelet with GPS tracking;~~

24 (2) attend educational courses designed to prepare the  
25 defendant for obtaining a high school diploma or to work  
26 toward passing high school equivalency testing or to work

1 toward completing a vocational training program ~~undergo~~  
2 ~~medical or psychiatric treatment, or treatment or~~  
3 ~~rehabilitation approved by the Department of Human~~  
4 ~~Services; and~~

5 (3) refrain from having in his or her body the  
6 presence of any illicit drug prohibited by the  
7 Methamphetamine Control and Community Protection Act or  
8 the Illinois Controlled Substances Act, unless prescribed  
9 by a physician, and submit samples of his or her blood or  
10 urine or both for tests to determine the presence of any  
11 illicit drug;

12 (4) perform community service; ~~attend or reside in a~~  
13 ~~facility established for the instruction or residence of~~  
14 ~~defendants on probation.~~

15 (5) pay all fines, assessments, fees, and costs; and

16 (6) comply with such other reasonable conditions as  
17 the court may impose.

18 (g) There may be only one discharge and dismissal under  
19 this Section. If a person is convicted of any offense which  
20 occurred within 5 years subsequent to a discharge and  
21 dismissal under this Section, the discharge and dismissal  
22 under this Section shall be admissible in the sentencing  
23 proceeding for that conviction as evidence in aggravation.

24 (h) For purposes of this Section, "violent offense" means  
25 any offense in which bodily harm was inflicted or force was  
26 used against any person or threatened against any person; any



1 offense involving the possession of a firearm or dangerous  
2 weapon; any offense involving sexual conduct, sexual  
3 penetration, or sexual exploitation; violation of an order of  
4 protection, stalking, hate crime, domestic battery, or any  
5 offense of domestic violence.

6 (i) (Blank). ~~This Section is repealed on January 1, 2024.~~  
7 (Source: P.A. 102-245, eff. 8-3-21; 102-1109, eff. 12-21-22.)

8 Section 40. The Illinois Domestic Violence Act of 1986 is  
9 amended by changing Sections 202 and 214 as follows:

10 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

11 Sec. 202. Commencement of action; filing fees; dismissal.

12 (a) How to commence action. Actions for orders of  
13 protection are commenced:

14 (1) Independently: By filing a petition for an order  
15 of protection in any civil court, unless specific courts  
16 are designated by local rule or order.

17 (2) In conjunction with another civil proceeding: By  
18 filing a petition for an order of protection under the  
19 same case number as another civil proceeding involving the  
20 parties, including, but not limited to: (i) any proceeding  
21 under the Illinois Marriage and Dissolution of Marriage  
22 Act, Illinois Parentage Act of 2015, Nonsupport of Spouse  
23 and Children Act, or Revised Uniform Reciprocal  
24 Enforcement of Support Act or an action for nonsupport

1 brought under Article X of the Illinois Public Aid Code,  
2 provided that a petitioner and the respondent are a party  
3 to or the subject of that proceeding; ~~or~~ (ii) a  
4 guardianship proceeding under the Probate Act of 1975, or  
5 a proceeding for involuntary commitment under the Mental  
6 Health and Developmental Disabilities Code, or any  
7 proceeding, other than a delinquency petition, under the  
8 Juvenile Court Act of 1987, provided that a petitioner or  
9 the respondent is a party to or the subject of such  
10 proceeding; or (iii) an emergency or plenary proceeding  
11 under the Firearms Restraining Order Act provided that a  
12 petitioner and the respondent are a party to or the  
13 subject of that proceeding.

14 (3) In conjunction with a delinquency petition or a  
15 criminal prosecution as provided in Section 112A-20 of the  
16 Code of Criminal Procedure of 1963.

17 (a-1) A petition for an order of protection may be filed in  
18 person ~~in person~~ or online.

19 (a-5) When a petition for an emergency order of protection  
20 is filed, the petition shall not be publicly available until  
21 the petition is served on the respondent.

22 (b) Filing, certification, and service fees. No fee shall  
23 be charged by the clerk for filing, amending, vacating,  
24 certifying, or photocopying petitions or orders; or for  
25 issuing alias summons; or for any related filing service. No  
26 fee shall be charged by the sheriff for service by the sheriff

1 of a petition, rule, motion, or order in an action commenced  
2 under this Section.

3 (c) Dismissal and consolidation. Withdrawal or dismissal  
4 of any petition for an order of protection prior to  
5 adjudication where the petitioner is represented by the State  
6 shall operate as a dismissal without prejudice. No action for  
7 an order of protection shall be dismissed because the  
8 respondent is being prosecuted for a crime against the  
9 petitioner. An independent action may be consolidated with  
10 another civil proceeding, as provided by paragraph (2) of  
11 subsection (a) of this Section. For any action commenced under  
12 paragraph (2) or (3) of subsection (a) of this Section,  
13 dismissal of the conjoined case (or a finding of not guilty)  
14 shall not require dismissal of the action for the order of  
15 protection; instead, it may be treated as an independent  
16 action and, if necessary and appropriate, transferred to a  
17 different court or division. Dismissal of any conjoined case  
18 shall not affect the validity of any previously issued order  
19 of protection, and thereafter subsections (b)(1) and (b)(2) of  
20 Section 220 shall be inapplicable to such order.

21 (d) Pro se petitions. The court shall provide, through the  
22 office of the clerk of the court, simplified forms and  
23 clerical assistance to help with the writing and filing of a  
24 petition under this Section by any person not represented by  
25 counsel. In addition, that assistance may be provided by the  
26 State's Attorney ~~state's attorney~~.

1           (e) As provided in this subsection, the administrative  
2 director of the Administrative Office of the Illinois Courts,  
3 with the approval of the administrative board of the courts,  
4 may adopt rules to establish and implement a pilot program to  
5 allow the electronic filing of petitions for temporary orders  
6 of protection and the issuance of such orders by audio-visual  
7 means to accommodate litigants for whom attendance in court to  
8 file for and obtain emergency relief would constitute an undue  
9 hardship or would constitute a risk of harm to the litigant.

10           (1) As used in this subsection:

11           (A) "Electronic means" means any method of  
12 transmission of information between computers or other  
13 machines designed for the purpose of sending or  
14 receiving electronic transmission and that allows for  
15 the recipient of information to reproduce the  
16 information received in a tangible medium of  
17 expression.

18           (B) "Independent audio-visual system" means an  
19 electronic system for the transmission and receiving  
20 of audio and visual signals, including those with the  
21 means to preclude the unauthorized reception and  
22 decoding of the signals by commercially available  
23 television receivers, channel converters, or other  
24 available receiving devices.

25           (C) "Electronic appearance" means an appearance in  
26 which one or more of the parties are not present in the

1 court, but in which, by means of an independent  
2 audio-visual system, all of the participants are  
3 simultaneously able to see and hear reproductions of  
4 the voices and images of the judge, counsel, parties,  
5 witnesses, and any other participants.

6 (2) Any pilot program under this subsection (e) shall  
7 be developed by the administrative director or his or her  
8 delegate in consultation with at least one local  
9 organization providing assistance to domestic violence  
10 victims. The program plan shall include, but not be  
11 limited to:

12 (A) identification of agencies equipped with or  
13 that have access to an independent audio-visual system  
14 and electronic means for filing documents; and

15 (B) identification of one or more organizations  
16 who are trained and available to assist petitioners in  
17 preparing and filing petitions for temporary orders of  
18 protection and in their electronic appearances before  
19 the court to obtain such orders; and

20 (C) identification of the existing resources  
21 available in local family courts for the  
22 implementation and oversight of the pilot program; and

23 (D) procedures for filing petitions and documents  
24 by electronic means, swearing in the petitioners and  
25 witnesses, preparation of a transcript of testimony  
26 and evidence presented, and a prompt transmission of

1           any orders issued to the parties; and

2                   (E) a timeline for implementation and a plan for  
3           informing the public about the availability of the  
4           program; and

5                   (F) a description of the data to be collected in  
6           order to evaluate and make recommendations for  
7           improvements to the pilot program.

8           (3) In conjunction with an electronic appearance, any  
9           petitioner for an ex parte temporary order of protection  
10          may, using the assistance of a trained advocate if  
11          necessary, commence the proceedings by filing a petition  
12          by electronic means.

13                   (A) A petitioner who is seeking an ex parte  
14          temporary order of protection using an electronic  
15          appearance must file a petition in advance of the  
16          appearance and may do so electronically.

17                   (B) The petitioner must show that traveling to or  
18          appearing in court would constitute an undue hardship  
19          or create a risk of harm to the petitioner. In granting  
20          or denying any relief sought by the petitioner, the  
21          court shall state the names of all participants and  
22          whether it is granting or denying an appearance by  
23          electronic means and the basis for such a  
24          determination. A party is not required to file a  
25          petition or other document by electronic means or to  
26          testify by means of an electronic appearance.

1 (C) Nothing in this subsection (e) affects or  
2 changes any existing laws governing the service of  
3 process, including requirements for personal service  
4 or the sealing and confidentiality of court records in  
5 court proceedings or access to court records by the  
6 parties to the proceedings.

7 (4) Appearances.

8 (A) All electronic appearances by a petitioner  
9 seeking an ex parte temporary order of protection  
10 under this subsection (e) are strictly voluntary and  
11 the court shall obtain the consent of the petitioner  
12 on the record at the commencement of each appearance.

13 (B) Electronic appearances under this subsection  
14 (e) shall be recorded and preserved for transcription.  
15 Documentary evidence, if any, referred to by a party  
16 or witness or the court may be transmitted and  
17 submitted and introduced by electronic means.

18 (Source: P.A. 101-255, eff. 1-1-20; 102-853, eff. 1-1-23;  
19 revised 12-13-22.)

20 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

21 Sec. 214. Order of protection; remedies.

22 (a) Issuance of order. If the court finds that petitioner  
23 has been abused by a family or household member or that  
24 petitioner is a high-risk adult who has been abused,  
25 neglected, or exploited, as defined in this Act, an order of

1 protection prohibiting the abuse, neglect, or exploitation  
2 shall issue; provided that petitioner must also satisfy the  
3 requirements of one of the following Sections, as appropriate:  
4 Section 217 on emergency orders, Section 218 on interim  
5 orders, or Section 219 on plenary orders. Petitioner shall not  
6 be denied an order of protection because petitioner or  
7 respondent is a minor. The court, when determining whether or  
8 not to issue an order of protection, shall not require  
9 physical manifestations of abuse on the person of the victim.  
10 Modification and extension of prior orders of protection shall  
11 be in accordance with this Act.

12 (b) Remedies and standards. The remedies to be included in  
13 an order of protection shall be determined in accordance with  
14 this Section and one of the following Sections, as  
15 appropriate: Section 217 on emergency orders, Section 218 on  
16 interim orders, and Section 219 on plenary orders. The  
17 remedies listed in this subsection shall be in addition to  
18 other civil or criminal remedies available to petitioner.

19 (1) Prohibition of abuse, neglect, or exploitation.  
20 Prohibit respondent's harassment, interference with  
21 personal liberty, intimidation of a dependent, physical  
22 abuse, or willful deprivation, neglect or exploitation, as  
23 defined in this Act, or stalking of the petitioner, as  
24 defined in Section 12-7.3 of the Criminal Code of 2012, if  
25 such abuse, neglect, exploitation, or stalking has  
26 occurred or otherwise appears likely to occur if not



1 prohibited.

2 (2) Grant of exclusive possession of residence.  
3 Prohibit respondent from entering or remaining in any  
4 residence, household, or premises of the petitioner,  
5 including one owned or leased by respondent, if petitioner  
6 has a right to occupancy thereof. The grant of exclusive  
7 possession of the residence, household, or premises shall  
8 not affect title to real property, nor shall the court be  
9 limited by the standard set forth in subsection (c-2) of  
10 Section 501 of the Illinois Marriage and Dissolution of  
11 Marriage Act.

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

21 (B) Presumption of hardships. If petitioner and  
22 respondent each has the right to occupancy of a  
23 residence or household, the court shall balance (i)  
24 the hardships to respondent and any minor child or  
25 dependent adult in respondent's care resulting from  
26 entry of this remedy with (ii) the hardships to

1 petitioner and any minor child or dependent adult in  
2 petitioner's care resulting from continued exposure to  
3 the risk of abuse (should petitioner remain at the  
4 residence or household) or from loss of possession of  
5 the residence or household (should petitioner leave to  
6 avoid the risk of abuse). When determining the balance  
7 of hardships, the court shall also take into account  
8 the accessibility of the residence or household.  
9 Hardships need not be balanced if respondent does not  
10 have a right to occupancy.

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

22 (3) Stay away order and additional prohibitions. Order  
23 respondent to stay away from petitioner or any other  
24 person protected by the order of protection, or prohibit  
25 respondent from entering or remaining present at  
26 petitioner's school, place of employment, or other

1 specified places at times when petitioner is present, or  
2 both, if reasonable, given the balance of hardships.  
3 Hardships need not be balanced for the court to enter a  
4 stay away order or prohibit entry if respondent has no  
5 right to enter the premises.

6 (A) If an order of protection grants petitioner  
7 exclusive possession of the residence, or prohibits  
8 respondent from entering the residence, or orders  
9 respondent to stay away from petitioner or other  
10 protected persons, then the court may allow respondent  
11 access to the residence to remove items of clothing  
12 and personal adornment used exclusively by respondent,  
13 medications, and other items as the court directs. The  
14 right to access shall be exercised on only one  
15 occasion as the court directs and in the presence of an  
16 agreed-upon adult third party or law enforcement  
17 officer.

18 (B) When the petitioner and the respondent attend  
19 the same public, private, or non-public elementary,  
20 middle, or high school, the court when issuing an  
21 order of protection and providing relief shall  
22 consider the severity of the act, any continuing  
23 physical danger or emotional distress to the  
24 petitioner, the educational rights guaranteed to the  
25 petitioner and respondent under federal and State law,  
26 the availability of a transfer of the respondent to

1 another school, a change of placement or a change of  
2 program of the respondent, the expense, difficulty,  
3 and educational disruption that would be caused by a  
4 transfer of the respondent to another school, and any  
5 other relevant facts of the case. The court may order  
6 that the respondent not attend the public, private, or  
7 non-public elementary, middle, or high school attended  
8 by the petitioner, order that the respondent accept a  
9 change of placement or change of program, as  
10 determined by the school district or private or  
11 non-public school, or place restrictions on the  
12 respondent's movements within the school attended by  
13 the petitioner. The respondent bears the burden of  
14 proving by a preponderance of the evidence that a  
15 transfer, change of placement, or change of program of  
16 the respondent is not available. The respondent also  
17 bears the burden of production with respect to the  
18 expense, difficulty, and educational disruption that  
19 would be caused by a transfer of the respondent to  
20 another school. A transfer, change of placement, or  
21 change of program is not unavailable to the respondent  
22 solely on the ground that the respondent does not  
23 agree with the school district's or private or  
24 non-public school's transfer, change of placement, or  
25 change of program or solely on the ground that the  
26 respondent fails or refuses to consent or otherwise

1 does not take an action required to effectuate a  
2 transfer, change of placement, or change of program.  
3 When a court orders a respondent to stay away from the  
4 public, private, or non-public school attended by the  
5 petitioner and the respondent requests a transfer to  
6 another attendance center within the respondent's  
7 school district or private or non-public school, the  
8 school district or private or non-public school shall  
9 have sole discretion to determine the attendance  
10 center to which the respondent is transferred. In the  
11 event the court order results in a transfer of the  
12 minor respondent to another attendance center, a  
13 change in the respondent's placement, or a change of  
14 the respondent's program, the parents, guardian, or  
15 legal custodian of the respondent is responsible for  
16 transportation and other costs associated with the  
17 transfer or change.

18 (C) The court may order the parents, guardian, or  
19 legal custodian of a minor respondent to take certain  
20 actions or to refrain from taking certain actions to  
21 ensure that the respondent complies with the order. In  
22 the event the court orders a transfer of the  
23 respondent to another school, the parents, guardian,  
24 or legal custodian of the respondent is responsible  
25 for transportation and other costs associated with the  
26 change of school by the respondent.

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

13           (5) Physical care and possession of the minor child.  
14 In order to protect the minor child from abuse, neglect,  
15 or unwarranted separation from the person who has been the  
16 minor child's primary caretaker, or to otherwise protect  
17 the well-being of the minor child, the court may do either  
18 or both of the following: (i) grant petitioner physical  
19 care or possession of the minor child, or both, or (ii)  
20 order respondent to return a minor child to, or not remove  
21 a minor child from, the physical care of a parent or person  
22 in loco parentis.

23           If a court finds, after a hearing, that respondent has  
24 committed abuse (as defined in Section 103) of a minor  
25 child, there shall be a rebuttable presumption that  
26 awarding physical care to respondent would not be in the

1 minor child's best interest.

2 (6) Temporary allocation of parental responsibilities:  
3 significant decision-making. Award temporary  
4 decision-making responsibility to petitioner in accordance  
5 with this Section, the Illinois Marriage and Dissolution  
6 of Marriage Act, the Illinois Parentage Act of 2015, and  
7 this State's Uniform Child-Custody Jurisdiction and  
8 Enforcement Act.

9 If a court finds, after a hearing, that respondent has  
10 committed abuse (as defined in Section 103) of a minor  
11 child, there shall be a rebuttable presumption that  
12 awarding temporary significant decision-making  
13 responsibility to respondent would not be in the child's  
14 best interest.

15 (7) Parenting time. Determine the parenting time, if  
16 any, of respondent in any case in which the court awards  
17 physical care or allocates temporary significant  
18 decision-making responsibility of a minor child to  
19 petitioner. The court shall restrict or deny respondent's  
20 parenting time with a minor child if the court finds that  
21 respondent has done or is likely to do any of the  
22 following: (i) abuse or endanger the minor child during  
23 parenting time; (ii) use the parenting time as an  
24 opportunity to abuse or harass petitioner or petitioner's  
25 family or household members; (iii) improperly conceal or  
26 detain the minor child; or (iv) otherwise act in a manner

1 that is not in the best interests of the minor child. The  
2 court shall not be limited by the standards set forth in  
3 Section 603.10 of the Illinois Marriage and Dissolution of  
4 Marriage Act. If the court grants parenting time, the  
5 order shall specify dates and times for the parenting time  
6 to take place or other specific parameters or conditions  
7 that are appropriate. No order for parenting time shall  
8 refer merely to the term "reasonable parenting time".

9 Petitioner may deny respondent access to the minor  
10 child if, when respondent arrives for parenting time,  
11 respondent is under the influence of drugs or alcohol and  
12 constitutes a threat to the safety and well-being of  
13 petitioner or petitioner's minor children or is behaving  
14 in a violent or abusive manner.

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

24 (8) Removal or concealment of minor child. Prohibit  
25 respondent from removing a minor child from the State or  
26 concealing the child within the State.



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

7           (10) Possession of personal property. Grant petitioner  
8 exclusive possession of personal property and, if  
9 respondent has possession or control, direct respondent to  
10 promptly make it available to petitioner, if:

11           (i) petitioner, but not respondent, owns the  
12 property; or

13           (ii) the parties own the property jointly; sharing  
14 it would risk abuse of petitioner by respondent or is  
15 impracticable; and the balance of hardships favors  
16 temporary possession by petitioner.

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

24           No order under this provision shall affect title to  
25 property.

26           (11) Protection of property. Forbid the respondent

1 from taking, transferring, encumbering, concealing,  
2 damaging or otherwise disposing of any real or personal  
3 property, except as explicitly authorized by the court,  
4 if:

5 (i) petitioner, but not respondent, owns the  
6 property; or

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

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

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

19 (11.5) Protection of animals. Grant the petitioner the  
20 exclusive care, custody, or control of any animal owned,  
21 possessed, leased, kept, or held by either the petitioner  
22 or the respondent or a minor child residing in the  
23 residence or household of either the petitioner or the  
24 respondent and order the respondent to stay away from the  
25 animal and forbid the respondent from taking,  
26 transferring, encumbering, concealing, harming, or

1 otherwise disposing of the animal.

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

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

1 restaurant meals.

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

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

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

23 (14.5) Prohibition of firearm possession.

24 (a) Prohibit a respondent against whom an order of  
25 protection was issued from possessing any firearms  
26 during the duration of the order if the order:

1 (1) was issued after a hearing of which such  
2 person received actual notice, and at which such  
3 person had an opportunity to participate, except  
4 in circumstances where an order is entered in  
5 conjunction with an affidavit or the verified  
6 petition for an emergency order of protection  
7 demonstrating exigent circumstances thereby  
8 justifying an entry of an emergency order without  
9 prior notice;

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

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

25 (a-1) Except as provided in subparagraph (b), any  
26 ~~Any~~ Firearm Owner's Identification Card in the

1 possession of the respondent, ~~except as provided in~~  
2 ~~subsection (b)~~, shall be ordered by the court to be  
3 turned over to the local law enforcement agency and  
4 the respondent shall be prohibited from acquiring or  
5 possessing any firearms for the duration of the order  
6 of protection. The local law enforcement agency shall  
7 immediately mail the card to the Illinois State Police  
8 Firearm Owner's Identification Card Office for  
9 safekeeping.

10 (a-2) Immediately upon entry of the order of  
11 protection prohibiting firearm possession under this  
12 Section, the ~~The~~ court shall issue a seizure order  
13 ~~warrant for seizure~~ of any firearm in the possession  
14 of the respondent, to be kept by the local law  
15 enforcement agency for safekeeping, except as provided  
16 in subparagraph ~~subsection~~ (b). The petitioner's  
17 general description of the firearm or firearms and  
18 their location shall be sufficient to support issuing  
19 a seizure order. If the seizure order is not served  
20 within 48 hours because the respondent cannot be  
21 located, law enforcement shall file the statement of  
22 receipt explaining the efforts and attempts made to  
23 serve the order on the respondent. The period of  
24 safekeeping shall be for the duration of the order of  
25 protection. The respondent against whom an order of  
26 protection was issued, including an emergency order of

1           protection, shall not possess any firearms for the  
2           duration of the order.

3           (a-3) Notwithstanding the issuance of a seizure  
4           order under subparagraph (a-2), the respondent shall  
5           be ordered to immediately surrender any firearms to  
6           the appropriate law enforcement agency and prohibited  
7           from transferring firearms to another individual in  
8           lieu of surrender to law enforcement.

9           (a-4) The relevant law enforcement agency shall  
10          provide a statement of receipt of any firearm seized  
11          or surrendered with a description of any firearm  
12          seized or surrendered to the respondent and the court.  
13          If the respondent fails to surrender the respondent's  
14          weapons in accordance with the order to surrender, the  
15          law enforcement agency shall file a statement of  
16          receipt explaining how and when the order was served  
17          and that the respondent did not comply within the  
18          required time. This statement of receipt shall be  
19          prima facie evidence of compliance with an order to  
20          surrender firearms.

21          (a-5) The firearm or firearms and Firearm Owner's  
22          Identification Card, if unexpired, shall at the  
23          respondent's request, be returned to the respondent at  
24          the end of the order of protection. It is the  
25          respondent's responsibility to notify the Illinois  
26          State Police Firearm Owner's Identification Card

1           Office of the end of the order of protection.

2           (b) If the respondent is a peace officer as  
3 defined in Section 2-13 of the Criminal Code of 2012,  
4 the court shall order that any firearms used by the  
5 respondent in the performance of his or her duties as a  
6 peace officer be surrendered to the chief law  
7 enforcement executive of the agency in which the  
8 respondent is employed, who shall retain the firearms  
9 for safekeeping for the duration of the order of  
10 protection.

11           (c) Upon expiration of the period of safekeeping,  
12 if the firearms or Firearm Owner's Identification Card  
13 cannot be returned to respondent because respondent  
14 cannot be located, fails to respond to requests to  
15 retrieve the firearms, or is not lawfully eligible to  
16 possess a firearm, upon petition from the local law  
17 enforcement agency, the court may order the local law  
18 enforcement agency to destroy the firearms, use the  
19 firearms for training purposes, or for any other  
20 application as deemed appropriate by the local law  
21 enforcement agency; or that the firearms be turned  
22 over to a third party who is lawfully eligible to  
23 possess firearms, and who does not reside with  
24 respondent.

25           (15) Prohibition of access to records. If an order of  
26 protection prohibits respondent from having contact with



1 the minor child, or if petitioner's address is omitted  
2 under subsection (b) of Section 203, or if necessary to  
3 prevent abuse or wrongful removal or concealment of a  
4 minor child, the order shall deny respondent access to,  
5 and prohibit respondent from inspecting, obtaining, or  
6 attempting to inspect or obtain, school or any other  
7 records of the minor child who is in the care of  
8 petitioner.

9 (16) Order for payment of shelter services. Order  
10 respondent to reimburse a shelter providing temporary  
11 housing and counseling services to the petitioner for the  
12 cost of the services, as certified by the shelter and  
13 deemed reasonable by the court.

14 (17) Order for injunctive relief. Enter injunctive  
15 relief necessary or appropriate to prevent further abuse  
16 of a family or household member or further abuse, neglect,  
17 or exploitation of a high-risk adult with disabilities or  
18 to effectuate one of the granted remedies, if supported by  
19 the balance of hardships. If the harm to be prevented by  
20 the injunction is abuse or any other harm that one of the  
21 remedies listed in paragraphs (1) through (16) of this  
22 subsection is designed to prevent, no further evidence is  
23 necessary that the harm is an irreparable injury.

24 (18) Telephone services.

25 (A) Unless a condition described in subparagraph

26 (B) of this paragraph exists, the court may, upon

1 request by the petitioner, order a wireless telephone  
2 service provider to transfer to the petitioner the  
3 right to continue to use a telephone number or numbers  
4 indicated by the petitioner and the financial  
5 responsibility associated with the number or numbers,  
6 as set forth in subparagraph (C) of this paragraph.  
7 For purposes of this paragraph (18), the term  
8 "wireless telephone service provider" means a provider  
9 of commercial mobile service as defined in 47 U.S.C.  
10 332. The petitioner may request the transfer of each  
11 telephone number that the petitioner, or a minor child  
12 in his or her custody, uses. The clerk of the court  
13 shall serve the order on the wireless telephone  
14 service provider's agent for service of process  
15 provided to the Illinois Commerce Commission. The  
16 order shall contain all of the following:

17 (i) The name and billing telephone number of  
18 the account holder including the name of the  
19 wireless telephone service provider that serves  
20 the account.

21 (ii) Each telephone number that will be  
22 transferred.

23 (iii) A statement that the provider transfers  
24 to the petitioner all financial responsibility for  
25 and right to the use of any telephone number  
26 transferred under this paragraph.

1           (B) A wireless telephone service provider shall  
2 terminate the respondent's use of, and shall transfer  
3 to the petitioner use of, the telephone number or  
4 numbers indicated in subparagraph (A) of this  
5 paragraph unless it notifies the petitioner, within 72  
6 hours after it receives the order, that one of the  
7 following applies:

8           (i) The account holder named in the order has  
9 terminated the account.

10           (ii) A difference in network technology would  
11 prevent or impair the functionality of a device on  
12 a network if the transfer occurs.

13           (iii) The transfer would cause a geographic or  
14 other limitation on network or service provision  
15 to the petitioner.

16           (iv) Another technological or operational  
17 issue would prevent or impair the use of the  
18 telephone number if the transfer occurs.

19           (C) The petitioner assumes all financial  
20 responsibility for and right to the use of any  
21 telephone number transferred under this paragraph. In  
22 this paragraph, "financial responsibility" includes  
23 monthly service costs and costs associated with any  
24 mobile device associated with the number.

25           (D) A wireless telephone service provider may  
26 apply to the petitioner its routine and customary

1 requirements for establishing an account or  
2 transferring a number, including requiring the  
3 petitioner to provide proof of identification,  
4 financial information, and customer preferences.

5 (E) Except for willful or wanton misconduct, a  
6 wireless telephone service provider is immune from  
7 civil liability for its actions taken in compliance  
8 with a court order issued under this paragraph.

9 (F) All wireless service providers that provide  
10 services to residential customers shall provide to the  
11 Illinois Commerce Commission the name and address of  
12 an agent for service of orders entered under this  
13 paragraph (18). Any change in status of the registered  
14 agent must be reported to the Illinois Commerce  
15 Commission within 30 days of such change.

16 (G) The Illinois Commerce Commission shall  
17 maintain the list of registered agents for service for  
18 each wireless telephone service provider on the  
19 Commission's website. The Commission may consult with  
20 wireless telephone service providers and the Circuit  
21 Court Clerks on the manner in which this information  
22 is provided and displayed.

23 (c) Relevant factors; findings.

24 (1) In determining whether to grant a specific remedy,  
25 other than payment of support, the court shall consider  
26 relevant factors, including but not limited to the

1 following:

2 (i) the nature, frequency, severity, pattern and  
3 consequences of the respondent's past abuse, neglect  
4 or exploitation of the petitioner or any family or  
5 household member, including the concealment of his or  
6 her location in order to evade service of process or  
7 notice, and the likelihood of danger of future abuse,  
8 neglect, or exploitation to petitioner or any member  
9 of petitioner's or respondent's family or household;  
10 and

11 (ii) the danger that any minor child will be  
12 abused or neglected or improperly relocated from the  
13 jurisdiction, improperly concealed within the State or  
14 improperly separated from the child's primary  
15 caretaker.

16 (2) In comparing relative hardships resulting to the  
17 parties from loss of possession of the family home, the  
18 court shall consider relevant factors, including but not  
19 limited to the following:

20 (i) availability, accessibility, cost, safety,  
21 adequacy, location and other characteristics of  
22 alternate housing for each party and any minor child  
23 or dependent adult in the party's care;

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

25 (iii) the effect on the relationship of the party,  
26 and any minor child or dependent adult in the party's

1 care, to family, school, church and community.

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

6 (i) That the court has considered the applicable  
7 relevant factors described in paragraphs (1) and (2)  
8 of this subsection.

9 (ii) Whether the conduct or actions of respondent,  
10 unless prohibited, will likely cause irreparable harm  
11 or continued abuse.

12 (iii) Whether it is necessary to grant the  
13 requested relief in order to protect petitioner or  
14 other alleged abused persons.

15 (4) For purposes of issuing an ex parte emergency  
16 order of protection, the court, as an alternative to or as  
17 a supplement to making the findings described in  
18 paragraphs (c)(3)(i) through (c)(3)(iii) of this  
19 subsection, may use the following procedure:

20 When a verified petition for an emergency order of  
21 protection in accordance with the requirements of Sections  
22 203 and 217 is presented to the court, the court shall  
23 examine petitioner on oath or affirmation. An emergency  
24 order of protection shall be issued by the court if it  
25 appears from the contents of the petition and the  
26 examination of petitioner that the averments are

1 sufficient to indicate abuse by respondent and to support  
2 the granting of relief under the issuance of the emergency  
3 order of protection.

4 (5) Never married parties. No rights or  
5 responsibilities for a minor child born outside of  
6 marriage attach to a putative father until a father and  
7 child relationship has been established under the Illinois  
8 Parentage Act of 1984, the Illinois Parentage Act of 2015,  
9 the Illinois Public Aid Code, Section 12 of the Vital  
10 Records Act, the Juvenile Court Act of 1987, the Probate  
11 Act of 1975, the Revised Uniform Reciprocal Enforcement of  
12 Support Act, the Uniform Interstate Family Support Act,  
13 the Expedited Child Support Act of 1990, any judicial,  
14 administrative, or other act of another state or  
15 territory, any other Illinois statute, or by any foreign  
16 nation establishing the father and child relationship, any  
17 other proceeding substantially in conformity with the  
18 Personal Responsibility and Work Opportunity  
19 Reconciliation Act of 1996 (Pub. L. 104-193), or where  
20 both parties appeared in open court or at an  
21 administrative hearing acknowledging under oath or  
22 admitting by affirmation the existence of a father and  
23 child relationship. Absent such an adjudication, finding,  
24 or acknowledgment, no putative father shall be granted  
25 temporary allocation of parental responsibilities,  
26 including parenting time with the minor child, or physical

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

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

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

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

17 (2) Respondent was voluntarily intoxicated;

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

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

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



1           (6) Petitioner did not leave the residence or  
2 household to avoid further abuse, neglect, or exploitation  
3 by respondent;

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

9 (Source: P.A. 102-538, eff. 8-20-21.)

10           Section 95. No acceleration or delay. Where this Act makes  
11 changes in a statute that is represented in this Act by text  
12 that is not yet or no longer in effect (for example, a Section  
13 represented by multiple versions), the use of that text does  
14 not accelerate or delay the taking effect of (i) the changes  
15 made by this Act or (ii) provisions derived from any other  
16 Public Act.

17           Section 99. Effective date. This Act takes effect July 1,  
18 2023.