

AN ACT concerning criminal law.

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

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

(20 ILCS 2310/2310-705 new)

Sec. 2310-705. Firearms restraining order awareness.

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

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

(2) production of materials that can be given to health care workers that assist in identifying people who may benefit from awareness of the Firearms Restraining Order Act; and

(3) specific information on situations in which a firearms restraining order may be appropriate such as with situations of domestic violence, mental health crisis, or

anyone who is at risk of injuring themselves or others.

(b) Beginning July 1, 2022, the program must include the development and dissemination, through print, digital, and broadcast media, of public service announcements that publicize the firearms restraining order.

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

(20 ILCS 2605/2605-51 new)

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

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

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

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

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

Prosecutor;

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

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

(6) the Director of Public Health or his or her designee;

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

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

(9) a circuit court judge, nominated by the Chief Justice of the Supreme Court;

(10) a prosecutor with experience managing or directing a program in another state where the implementation of that state's extreme risk protection order law has achieved high rates of petition filings nominated by the National District Attorneys Association;
and

(11) an expert from law enforcement who has experience managing or directing a program in another state where the implementation of that state's extreme risk protection order law has achieved high rates of petition filings nominated by the Director of the Illinois State Police.

(b) The Commission shall be chaired by the Director of the

Illinois State Police or his or her designee. The Commission shall meet, either virtually or in person, to discuss the implementation of the Firearms Restraining Order Act as determined by the Commission while the strategies are being established.

(c) The members of the Commission shall serve without compensation and shall serve 3-year terms.

(d) An annual report shall be submitted to the General Assembly by the Commission that may include summary information about firearms restraining order use by county, challenges to Firearms Restraining Order Act implementation, and recommendations for increasing and improving implementation.

(e) The Commission shall develop a model policy with an overall framework for the timely relinquishment of firearms whenever a firearms restraining order is issued. The model policy shall be finalized within the first 4 months of convening. In formulating the model policy, the Commission shall consult counties in Illinois and other states with extreme risk protection order laws which have achieved a high rate of petition filings. Once approved, the Illinois State Police shall work with their local law enforcement agencies within their county to design a comprehensive strategy for the timely relinquishment of firearms, using the model policy as an overall framework. Each individual agency may make small modifications as needed to the model policy and must approve

and adopt a policy that aligns with the model policy. The Illinois State Police shall convene local police chiefs and sheriffs within their county as needed to discuss the relinquishment of firearms.

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

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

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

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

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

a. The curriculum for probationary police officers which shall be offered by all certified schools shall include, but not be limited to, courses of procedural justice, arrest and use and control tactics, search and seizure, including temporary questioning, civil rights, human rights, human relations, cultural competency, including implicit bias and racial and ethnic sensitivity, criminal law, law of criminal procedure, constitutional and proper use of law enforcement authority, vehicle and

traffic law including uniform and non-discriminatory enforcement of the Illinois Vehicle Code, traffic control and accident investigation, techniques of obtaining physical evidence, court testimonies, statements, reports, firearms training, training in the use of electronic control devices, including the psychological and physiological effects of the use of those devices on humans, first-aid (including cardiopulmonary resuscitation), training in the administration of opioid antagonists as defined in paragraph (1) of subsection (e) of Section 5-23 of the Substance Use Disorder Act, handling of juvenile offenders, recognition of mental conditions and crises, including, but not limited to, the disease of addiction, which require immediate assistance and response and methods to safeguard and provide assistance to a person in need of mental treatment, recognition of abuse, neglect, financial exploitation, and self-neglect of adults with disabilities and older adults, as defined in Section 2 of the Adult Protective Services Act, crimes against the elderly, law of evidence, the hazards of high-speed police vehicle chases with an emphasis on alternatives to the high-speed chase, and physical training. The curriculum shall include specific training in techniques for immediate response to and investigation of cases of domestic violence and of sexual assault of adults and children, including cultural

perceptions and common myths of sexual assault and sexual abuse as well as interview techniques that are age sensitive and are trauma informed, victim centered, and victim sensitive. The curriculum shall include training in techniques designed to promote effective communication at the initial contact with crime victims and ways to comprehensively explain to victims and witnesses their rights under the Rights of Crime Victims and Witnesses Act and the Crime Victims Compensation Act. The curriculum shall also include training in effective recognition of and responses to stress, trauma, and post-traumatic stress experienced by police officers that is consistent with Section 25 of the Illinois Mental Health First Aid Training Act in a peer setting, including recognizing signs and symptoms of work-related cumulative stress, issues that may lead to suicide, and solutions for intervention with peer support resources. The curriculum shall include a block of instruction addressing the mandatory reporting requirements under the Abused and Neglected Child Reporting Act. The curriculum shall also include a block of instruction aimed at identifying and interacting with persons with autism and other developmental or physical disabilities, reducing barriers to reporting crimes against persons with autism, and addressing the unique challenges presented by cases involving victims or witnesses with autism and other

developmental disabilities. The curriculum shall include training in the detection and investigation of all forms of human trafficking. The curriculum shall also include instruction in trauma-informed responses designed to ensure the physical safety and well-being of a child of an arrested parent or immediate family member; this instruction must include, but is not limited to: (1) understanding the trauma experienced by the child while maintaining the integrity of the arrest and safety of officers, suspects, and other involved individuals; (2) de-escalation tactics that would include the use of force when reasonably necessary; and (3) inquiring whether a child will require supervision and care. The curriculum for permanent police officers shall include, but not be limited to: (1) refresher and in-service training in any of the courses listed above in this subparagraph, (2) advanced courses in any of the subjects listed above in this subparagraph, (3) training for supervisory personnel, and (4) specialized training in subjects and fields to be selected by the board. The training in the use of electronic control devices shall be conducted for probationary police officers, including University police officers. The curriculum shall also include training on the use of a firearms restraining order by providing instruction on the process used to file a firearms restraining order and how to identify situations in which

a firearms restraining order is appropriate.

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

c. Minimum requirements for instructors.

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

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

f. Minimum basic training requirements which a probationary court security officer must satisfactorily complete before being eligible for permanent employment as a court security officer for a participating local governmental agency. The Board shall establish those training requirements which it considers appropriate for court security officers and shall certify schools to conduct that training.

A person hired to serve as a court security officer must obtain from the Board a certificate (i) attesting to

his or her successful completion of the training course; (ii) attesting to his or her satisfactory completion of a training program of similar content and number of hours that has been found acceptable by the Board under the provisions of this Act; or (iii) attesting to the Board's determination that the training course is unnecessary because of the person's extensive prior law enforcement experience.

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

All individuals hired as court security officers on or after June 1, 1997 (the effective date of Public Act 89-685) shall be certified within 12 months of the date of their hire, unless a waiver has been obtained by the Board, or they shall forfeit their positions.

The Sheriff's Merit Commission, if one exists, or the Sheriff's Office if there is no Sheriff's Merit Commission, shall maintain a list of all individuals who have filed applications to become court security officers and who meet the eligibility requirements established under this Act. Either the Sheriff's Merit Commission, or

the Sheriff's Office if no Sheriff's Merit Commission exists, shall establish a schedule of reasonable intervals for verification of the applicants' qualifications under this Act and as established by the Board.

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

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

(Source: P.A. 100-121, eff. 1-1-18; 100-247, eff. 1-1-18; 100-759, eff. 1-1-19; 100-863, eff. 8-14-18; 100-910, eff. 1-1-19; 101-18, eff. 1-1-20; 101-81, eff. 7-12-19; 101-215, eff. 1-1-20; 101-224, eff. 8-9-19; 101-375, eff. 8-16-19; 101-564, eff. 1-1-20; revised 9-10-19.)"; and

(50 ILCS 705/7.1 new)

Sec. 7.1. Firearms restraining order training.

(a) The Illinois Law Enforcement Training Standards Board shall develop and approve a standard curriculum for a training

program on the Firearms Restraining Order Act. The Board shall conduct a training program that trains officers on the use of firearms restraining orders, how to identify situations in which a firearms restraining order is appropriate, and how to safely promote the usage of the firearms restraining order in different situations. Officers who have successfully completed this program shall be issued a certificate attesting to their attendance.

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

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

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

(430 ILCS 67/5)

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

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

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

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

"Petitioner" means:

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

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

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

make an operable firearm.

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

(430 ILCS 67/10)

Sec. 10. Commencement of action; procedure.

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

(b) A petition for a firearms restraining order may be filed in: (1) any county where the respondent resides or (2) any county where an incident occurred that involved the respondent posing an immediate and present danger of causing personal injury to the respondent or another by having in his or her custody or control, or purchasing, possessing, or receiving, a firearm, ammunition, or firearm parts that could be assembled to make an operable firearm.

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

(d) The court shall provide, through the office of the clerk of the court, simplified forms and clerical assistance to help with the writing and filing of a petition under this

Section by any person not represented by counsel. In addition, that assistance may be provided by the State's Attorney.

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

(430 ILCS 67/35)

Sec. 35. Ex parte orders and emergency hearings.

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

(b) If the respondent is alleged to pose an immediate and present danger of causing personal injury to an intimate partner, or an intimate partner is alleged to have been the target of a threat or act of violence by the respondent, the petitioner shall make a good faith effort to provide notice to any and all intimate partners of the respondent. The notice must include that the petitioner intends to petition the court for an emergency firearms restraining order, and, if the

petitioner is a law enforcement officer, referral to relevant domestic violence or stalking advocacy or counseling resources, if appropriate. The petitioner shall attest to having provided the notice in the filed affidavit or verified pleading. If, after making a good faith effort, the petitioner is unable to provide notice to any or all intimate partners, the affidavit or verified pleading should describe what efforts were made.

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

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

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

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

emergency order.

(f-5) If the court issues an emergency firearms restraining order, it shall, upon a finding of probable cause that the respondent possesses firearms, ammunition, or firearm parts that could be assembled to make an operable firearm, issue a search warrant directing a law enforcement agency to seize the respondent's firearms, ammunition, and firearm parts that could be assembled to make an operable firearm. The court may, as part of that warrant, direct the law enforcement agency to search the respondent's residence and other places where the court finds there is probable cause to believe he or she is likely to possess the firearms, ammunition, or firearm parts that could be assembled to make an operable firearm. A return of the search warrant shall be filed by the law enforcement agency within 4 days thereafter, setting forth the time, date, and location that the search warrant was executed and what items, if any, were seized.

(g) An emergency firearms restraining order shall require:

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

(2) the respondent to turn over to the local law enforcement agency any Firearm Owner's Identification Card

and concealed carry license in his or her possession. The local law enforcement agency shall immediately mail the card and concealed carry license to the Department of State Police Firearm Services Bureau for safekeeping. The firearm or firearms, ammunition, and firearm parts that could be assembled to make an operable firearm and Firearm Owner's Identification Card and concealed carry license, if unexpired, shall be returned to the respondent after the firearms restraining order is terminated or expired.

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

other application as deemed appropriate by the local law enforcement agency.

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

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

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

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

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

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

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

(i) In accordance with subsection (e) of this Section, the court shall schedule a full hearing as soon as possible, but no longer than 14 days from the issuance of an ex parte firearms restraining order, to determine if a 6-month firearms restraining order shall be issued. The court may extend an ex parte order as needed, but not to exceed 14 days, to effectuate service of the order or if necessary to continue protection. The court may extend the order for a greater length of time by mutual agreement of the parties.

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

(430 ILCS 67/40)

Sec. 40. Six-month orders.

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

and locations of any firearms, ammunition, and firearm parts that could be assembled to make an operable firearm presently believed by the petitioner to be possessed or controlled by the respondent.

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

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

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

days.

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

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

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

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

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

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

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

(7) A pattern of violent acts or violent threats,

including, but not limited to, threats of violence or acts of violence by the respondent directed toward himself, herself, or another.

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

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

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

that could be assembled to make an operable firearm. A return of the search warrant shall be filed by the law enforcement agency within 4 days thereafter, setting forth the time, date, and location that the search warrant was executed and what items, if any, were seized.

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

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

(2) the respondent to turn over to the local law enforcement agency any firearm, ammunition, and firearm parts that could be assembled to make an operable firearm or Firearm Owner's Identification Card and concealed carry license in his or her possession. The local law enforcement agency shall immediately mail the card and concealed carry license to the Department of State Police Firearm Services Bureau for safekeeping. The firearm or firearms, ammunition, and firearm parts that could be assembled to make an operable firearm and Firearm Owner's Identification Card and concealed carry license, if unexpired, shall be returned to the respondent after the firearms restraining order is terminated or expired.

(i) Except as otherwise provided in subsection (i-5) of this Section, upon expiration of the period of safekeeping, if

the firearms, ammunition, and firearm parts that could be assembled to make an operable firearm or Firearm Owner's Identification Card cannot be returned to the respondent because the respondent cannot be located, fails to respond to requests to retrieve the firearms, ammunition, and firearm parts that could be assembled to make an operable firearm, or is not lawfully eligible to possess a firearm, ammunition, and firearm parts that could be assembled to make an operable firearm, upon petition from the local law enforcement agency, the court may order the local law enforcement agency to destroy the firearms, ammunition, and firearm parts that could be assembled to make an operable firearm, use the firearms, ammunition, and firearm parts that could be assembled to make an operable firearm for training purposes, or use the firearms, ammunition, and firearm parts that could be assembled to make an operable firearm for any other application as deemed appropriate by the local law enforcement agency.

(i-5) A respondent whose Firearm Owner's Identification Card has been revoked or suspended may petition the court, if the petitioner is present in court or has notice of the respondent's petition, to transfer the respondent's firearm, ammunition, and firearm parts that could be assembled to make an operable firearm to a person who is lawfully able to possess the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm if the person does not

reside at the same address as the respondent. Notice of the petition shall be served upon the person protected by the emergency firearms restraining order. While the order is in effect, the transferee who receives the respondent's firearms, ammunition, and firearm parts that could be assembled to make an operable firearm must swear or affirm by affidavit that he or she shall not transfer the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm to the respondent or to anyone residing in the same residence as the respondent.

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

(1) the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm are ~~is~~ removed from the respondent's custody, control, or possession and the lawful owner agrees to store the

firearm, ammunition, and firearm parts that could be assembled to make an operable firearm in a manner such that the respondent does not have access to or control of the firearm, ammunition, and firearm parts that could be assembled to make an operable firearm; and

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

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

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

(k) When the court issues a firearms restraining order under this Section, the court shall inform the respondent that

he or she is entitled to one hearing during the period of the order to request a termination of the order, under Section 45 of this Act, and shall provide the respondent with a form to request a hearing.

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

(430 ILCS 67/45)

Sec. 45. Termination and renewal.

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

(1) The respondent shall have the burden of proving by a preponderance of the evidence that the respondent does not pose a danger of causing personal injury to himself, herself, or another in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm, ammunition, and firearm parts that could be assembled to make an operable firearm.

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

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

(1) A court shall, after notice and a hearing, renew a

firearms restraining order issued under this part if the petitioner proves, by clear and convincing evidence, that the respondent continues to pose a danger of causing personal injury to himself, herself, or another in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm, ammunition, and firearm parts that could be assembled to make an operable firearm.

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

(3) At the hearing, the petitioner shall have the burden of proving by clear and convincing evidence that the respondent continues to pose a danger of causing personal injury to himself, herself, or another in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm, ammunition, and firearm parts that could be assembled to make an operable firearm.

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

Public Act 102-0345

HB1092 Enrolled

LRB102 03106 RLC 13119 b

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

(430 ILCS 67/85 new)

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