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CYNTHIA A. GRANT
SUPREME COURT CLERK

No. 129421

IN THE
SUPREME COURT OF ILLINOIS

ACCURACY FIREARMS, LLC, et al., ¹	)	Petition for Leave to Appeal from
	)	the Appellate Court of Illinois,
Plaintiffs-Respondents,	)	Fifth Judicial District,
	)	No. 5-23-0035
v.)	
)	
Governor JAY ROBERT PRITZKER,)	
and Attorney General KWAME RAOUL,)	
in their official capacities,	)	Interlocutory Appeal from the
	)	Circuit Court for the Fourth
Defendants-Petitioners,	)	Judicial Circuit, Effingham
	)	County, Illinois,
and	)	No. 2023-MR-4
)	
EMANUEL CHRISTOPHER WELCH,)	
in his capacity as Speaker of the House;)	
and DONALD F. HARMON, in his)	
capacity as Senate President,	)	The Honorable
	)	JOSHUA MORRISON,
Defendants.	)	Judge Presiding.

**MOTION TO HOLD PETITION FOR LEAVE TO APPEAL IN
ABEYANCE PENDING DISPOSITION IN *CAULKINS v. PRITZKER***

Defendants-Petitioners Governor JB Pritzker and Attorney General Kwame Raoul (“petitioners”), in their official capacities, move this Court to hold their petition for leave to appeal in this case in abeyance pending the disposition in *Caulkins v. Pritzker*, No. 129453, which is a direct appeal currently pending before this Court. *Caulkins* presents questions arising out of an equal protection challenge

¹ The caption to the appellate court decision, which is in the appendix to the petition for leave to appeal, contains a complete list of plaintiffs-respondents. A1-12.

to the Protect Illinois Communities Act (“Act”), Public Act 102-1116, that is similar to the challenge in this case. But *Caulkins* presents those questions on the merits following a final circuit court judgment. This case, in contrast, is in a preliminary posture following the grant of a temporary restraining order (“TRO”), and thus the petition for leave to appeal asks this Court to decide whether respondents are likely to succeed on the merits of their challenge. Therefore, the disposition of *Caulkins*, which will decide the merits of an equal protection challenge to the Act, will determine whether respondents are likely to succeed on their similar challenge, and may obviate the need for this Court to address the questions regarding the remaining TRO elements that will be presented if the petition for leave to appeal were to be granted.

In support of this motion, petitioners attach a supporting record and state the following.

BACKGROUND

1. This appeal concerns the constitutionality of the Act’s restrictions on the possession and sale of assault weapons and “large capacity ammunition feeding device[s]” (“LCMs”). As relevant here, beginning January 10, 2023, the Act prohibits the knowing manufacture, delivery, sale, import, or purchase of assault weapons or LCMs, except sales to persons in other States or authorized to possess them. 720 ILCS 5/24-1.9(b) & 1.10(b). The Act also prohibits possession of assault weapons beginning on January 1, 2024, though persons who lawfully possessed them as of January 10, 2023, may continue to possess as long as they provide an endorsement

affidavit to the Illinois State Police by January 1, 2024. *Id.* 5/24-1.9(c)-(d). Similarly, while the Act prohibits possession of LCMs as of April 10, 2023, those who already possessed them may continue to do so. *Id.* 5/24-1.10(c)-(d). And the Act contains exemptions for those who either (1) are in certain professions that are required by law to obtain certain firearms training and qualifications, or (2) must use firearms in the course of their official duties. *Id.* 5/24-1.9(e), 1.10(e).

2. Respondents filed an action in the circuit court alleging that the Act violates the Illinois Constitution in four ways. *See Accuracy Firearms v. Pritzker*, 2023 IL App (5th) 230035, ¶¶ 1-11. Relevant here, Count IV alleged that the exemptions in 720 ILCS 5/24-1.9(e) and 720 ILCS 5/24-1.10(e) violate the Illinois Constitution’s guarantee of equal protection of the laws. *Id.* ¶ 10.

3. On January 20, 2023, the circuit court entered a TRO in this matter. On January 31, 2023, the appellate court issued a 2-1 decision affirming the TRO. *See generally Accuracy Firearms*, 2023 IL App (5th) 230035. The majority determined that there was a “fair question” that respondents would likely succeed on their equal protection claim and that they had a clear right in need of protection. *Id.* ¶¶ 20, 48-63. Specifically, in addressing the likelihood of success on the merits, the majority ruled that the Illinois Constitution’s right to bear arms in Article I, Section 22, was fundamental for purposes of an equal protection claim, and thus would require applying strict scrutiny. *Id.* ¶¶ 57-58. And the majority further decided that the exemptions likely would not satisfy strict scrutiny, because it was possible that

some of respondents might be as well trained in firearms use and safety as those exempted. *Id.* ¶¶ 58-62.

4. The majority also determined that respondents had sufficiently shown irreparable harm and no adequate remedy at law, by shifting the burden of those elements to petitioners and stating: “we have no facts that would allow us to find that money damages would eliminate the potential constitutional violation alleged by plaintiffs.” *Id.* ¶ 63. As for balancing the equities, the majority recognized the important interest in “protect[ing] the citizens of this state from the random atrocities associated with mass shootings,” but concluded that this interest was outweighed by flaws that it perceived to have occurred in the legislative process giving rise to the Act. *Id.* ¶¶ 64-65.

5. Petitioners filed a request to file an oversize petition for leave to appeal, as well as a request to expedite consideration of the petition and allow the petition to stand as petitioners’ opening brief. This Court allowed the oversize petition, and denied the request for expedited consideration. Respondents answered the petition on March 20, 2023.

6. The *Caulkins* plaintiffs brought an action in the Circuit Court of Macon County, which included an equal protection claim similar to the one in this case. SR4 (acknowledging that *Caulkins* equal protection claim is very similar to the one in this case); *see* SR18-29. The parties moved for summary judgment, and the circuit court entered a final judgment, which, as relevant here, granted the plaintiffs’ motion for summary judgment on the equal protection claim. SR157-58. In particular, the

circuit court reasoned that it was obligated to follow the appellate court's conclusions in affirming the TRO in this case. *See* SR157-58.

7. Petitioners, who are defendants in *Caulkins*, filed a notice of direct appeal from the circuit court to this Court, and that appeal has been placed on an accelerated docket, with briefing underway and oral argument to be held in May 2023. SR159-66.

ARGUMENT

8. The petition for leave to appeal presents three issues: (1) whether the appellate court erred in ruling that respondents will likely succeed on the merits of their equal protection claim; (2) whether the appellate court erred in ruling that respondents would suffer irreparable harm absent a TRO; and (3) whether the appellate court erred in ruling that the balancing of the equities favors respondents.

9. *Caulkins* will give a dispositive answer with respect to the first of these issues: whether respondents will likely succeed on the merits of their equal protection claim. And because *Caulkins* is an appeal from a final judgment, it will squarely answer that question on the merits, rather than in a preliminary posture evaluating only the likelihood of success. *See People ex rel. Sherman v. Cryns*, 203 Ill. 2d 264, 277 (2003) (“A preliminary injunction is not intended to determine controverted rights or decide the merits of a case.”); *Postma v. Jack Brown Buick, Inc.*, 157 Ill. 2d 391, 397 (1993). And if the Court resolves *Caulkins* in petitioners' favor, then the second and third issues presented in the petition—whether respondents have suffered irreparable harm and whether the equities weigh in their

favor—would not need to be resolved because respondents would be conclusively unable to succeed on the merits. *See Kable Printing Co. v. Mount Morris Bookbinders Union Loc. 65-B*, 63 Ill. 2d 514, 523 (1976) (party must show it is likely to succeed on the merits to obtain TRO).

10. Moreover, holding this petition in abeyance pending *Caulkins* would not burden respondents or the Court. As noted, *Caulkins* is on an accelerated docket, to be argued in May 2023. Thus, this appeal would not be materially delayed by waiting for the Court to decide *Caulkins*.

WHEREFORE, Defendants-Petitioners request that this Court hold this petition for leave to appeal in abeyance pending this Court’s disposition of *Caulkins v. Pritzker*, No. 129453.

Respectfully submitted,

KWAME RAOUL
Attorney General
State of Illinois

By: /s/ Leigh J. Jahnig
LEIGH J. JAHNIG
Assistant Attorney General
100 West Randolph Street
12th Floor
Chicago, Illinois 60601
(312) 793-1473 (office)
(773) 590-7877 (cell)
CivilAppeals@ilag.gov (primary)
Leigh.Jahnig@ilag.gov (secondary)

JUSTICE

JUSTICE

JUSTICE

DATED: _____

LEIGH J. JAHNIG
100 West Randolph Street, Chicago, Illinois 60601
CivilAppeals@ilag.gov (primary)
Leigh.Jahnig@ilag.gov (secondary)

CERTIFICATE OF FILING AND SERVICE

I certify that on March 31, 2023, I electronically filed the foregoing **Motion to Hold Petition for Leave to Appeal in Abeyance Pending Disposition in *Caulkins v. Pritzker***, with the Clerk of the Court for the Supreme Court of Illinois, by using the Odyssey eFileIL system.

I further certify that the other participant in this appeal, named below, is a registered service contact on the Odyssey eFileIL system, and thus will be served via the Odyssey eFileIL system.

Thomas G. DeVore
tom@silverlakelaw.com

Under penalties as provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure, I certify that the statements set forth in this instrument are true and correct to the best of my knowledge, information, and belief.

/s/ Leigh J. Jahnig
LEIGH J. JAHNIG
Assistant Attorney General
100 West Randolph Street
12th Floor
Chicago, Illinois 60601
(312) 793-1473 (office)
(773) 590-7877 (cell)
CivilAppeals@ilag.gov (primary)
Leigh.Jahnig@ilag.gov (secondary)

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VERIFICATION BY CERTIFICATION

I, LEIGH J. JAHNIG, state the following:

1. I am a citizen of the United States over the age of 18. My current business address is 100 West Randolph Street, 12th Floor, Chicago, Illinois 60601. I have personal knowledge of the facts stated in this verification by certification. If called upon, I could testify competently to these facts.

2. I am an Assistant Attorney General in the Civil Appeals Division of the Office of the Attorney General of the State of Illinois, and I am one of the attorneys representing Defendants-Petitioners in this matter. I submit this verification in support of Defendants-Petitioners' motion to hold the petition for leave to appeal in this matter in abeyance.

3. I am the attorney responsible for preparing the Supporting Record, which is one volume, to be filed with this Court in support of this motion. I am familiar with the documents that have been filed, and the orders entered by the circuit court, in *Caulkins v. Pritzker*, in the Circuit Court of Macon County (No. 2023 CH 3). I am also familiar with the documents that have been filed, and the orders entered, in the appeal of that case currently pending in the Supreme Court of Illinois (No. 129453).

4. The documents included in the Supporting Record include true and correct copies of documents filed and orders entered in *Caulkins*.

5. The other factual statements made in the motion are true and correct to the best of my knowledge, information, and belief.

Under penalties as provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure, I certify that the statements set forth in this instrument are true and correct to the best of my knowledge, information, and belief.

Executed on March 31, 2023

/s/ Leigh J. Jahnig
LEIGH J. JAHNIG
Assistant Attorney General
100 West Randolph Street, 12th Floor
Chicago, Illinois 60601
(312) 793-1473 (office)
(773) 590-7877 (cell)
CivilAppeals@ilag.gov (primary)
Leigh.Jahnig@ilag.gov (secondary)

SR1

IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL DISTRICT
MACON COUNTY, ILLINOIS

Dan Caulkins, Perry Lewin, Decatur Jewelry &
Antiques, Inc and Law-Abiding Gun Owners
of Macon County, a voluntary unincorporated
Association,

2023CH3

Plaintiffs

VS.

2023 CH-_____

Governor JAY ROBERT PRITZKER, in his
official capacity.

EMANUEL CHRISTOPHER WELCH, in his
capacity as Speaker of the House.

DONALD F. HARMON, in his capacity as Senate
President.

KWAME RAOUL, in his capacity as Attorney
General.

Defendants.

COMPLAINT FOR DECLARATORY
JUDGMENT AND INJUNCTIVE RELIEF

NOW COME, Plaintiffs, Law-Abiding Gun Owners of Macon County, a voluntary unincorporated association, Dan Caulkins, Perry Lewin and Decatur Jewelry & Antiques, Inc. by and through their attorneys, Jerrold H. Stocks and Brian D. Eck of Featherstun, Gaumer, Stocks, Flynn & Eck, LLP, and for their Verified Complaint for Declaratory Judgment pursuant to 735 ILCS 5/2-701 et seq. and Injunctive Relief pursuant to 735 ILCS 5/11-101 et seq. and 42 U.S.C. Section 1983 against Defendants, state:

PARTY PLAINTIFFS

1. Decatur Jewelry & Antiques, Inc, d/b/a Decatur Jewelry & Pawn holds a validly issued Federal Firearm's License is a licensed pawn-broker and has engaged and is engaged in intra-state and interstate commerce involving the sale, possession and transfer of firearms and desire to deliver, sell, import, or purchase an assault weapon, assault weapon attachment, .50 caliber rifle, or

.50 caliber cartridge and/or manufacture, deliver, sell, or purchase large capacity ammunition feeding devices as defined in 720 ILCS 5/24-1.9(a) and/or 720 ILCS 5/24-1.10(a).¹ Further, this Plaintiff holds, as security, assault weapons for which that the statutes challenged herein criminalize return to rightful owners.

2. Law-Abiding Gun Owners of Macon County is a voluntary unincorporated association of similarly interested members associated for the purpose of protecting the Second Amendment and Property rights of law-abiding gun owners who, *inter alia*, possess or otherwise desire to deliver, sell, import, or purchase an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge and/or manufacture, deliver, sell, or purchase large capacity ammunition feeding devices as defined in 720 ILCS 5/24-1.9(a) and/or 720 ILCS 5/24-1.10(a) for which membership requires the member to possess a validly issued and currently active Firearm Owner's Identification card [FOID] that asserts standing to obtain the declarations and remedies sought herein for the benefit of its members. *Ezell v. City of Chicago*, 651 F.3d 684, 96 (7th Cir. 2011). The current Roster of Members is attached as Exhibit "A."

3. Dan Caulkins and Perry Lewin, individually, holders of validly issued FOID cards, are residents and citizens of the State of Illinois who, *inter alia*, possess or otherwise desire to deliver, sell, import, or purchase an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge and/or manufacture, deliver, sell, or purchase large capacity ammunition feeding devices as defined in 720 ILCS 5/24-1.9(a) and/or 720 ILCS 5/24-1.10(a).

¹ Throughout this complaint, Plaintiffs use the phrase "assault weapon" solely due to the fact that Defendants have created an arbitrary definition of the term within HB5471. Plaintiffs contend the weapons, and other attachments, of which Defendants attempt to create a blanket ban are in fact not assault weapons in the sense that none of them are in fact equivalent to weapons of war which the military has access. For all intents and purposes, the weapons defined in the statute are merely some of the most commonly owned semi-automatic weapons.

4. Decatur Jewelry & Antiques has standing to raise the constitutional rights of its customers or patrons of its services which includes one or more of the Members identified on Exhibit A. *Ezell v. City of Chicago*, 651 F.3d 684, 96 (7th Cir. 2011); also see: *Craig v. Boren*, 429 U.S 190 (1976).

*[PLEADING NOTE: Except for language typed in **BOLD** hereafter, the allegations and relief stated herein are an incorporation of the material allegations stated in Cause No.-- -- in the Circuit Court for the ----- Circuit of Illinois, Effingham County, which resulted in the Order attached as Exhibit E that has been appealed by Defendants to the Fifth District Appellate Court.]*

PARTY DEFENDANTS

5. Defendant Jay Robert Pritzker is the duly elected Governor of the State of Illinois. Under Article V, Section 8 of the Illinois Constitution, the Governor "shall have the supreme executive power and shall be responsible for the faithful execution of the laws." Ill. Const. 1970, art. V, § 8.
6. Defendant Emmanuel Christopher Welch is the duly elected Speaker of the Illinois House of Representatives.
7. As Speaker of the House, Defendant Welch certified that all procedural requirements for the passage of HB 5471 were met.
8. Defendant Don Harmon is the duly elected president of the Illinois Senate.
9. As president of the Senate, Defendant Harmon certified that all procedural requirements for the passage of HB 5471 were met.
7. Defendant Kwame Raoul is the duly elected Attorney General of the State of Illinois.
10. As Attorney General, he has publicly proclaimed he will enforce the provisions of HB 5471 against the citizens of Illinois. (See <https://www.thecentersquare.com/illinois/attorney-general>).

<https://www.legis.gov/legislation/article.aspx?docid=866d435c-938f-11ed-bf51-3b89f7f861d3.html>

FACTUAL BASIS

11. House Bill 5471, referred to as the "INS CODE-PUBLIC ADJUSTERS" (hereinafter "HB 5471" or "Public Act 102-116") was originally introduced in the Illinois House of Representatives by Representative Dagmara Avelar on January 28, 2022. (See Exhibit B)
12. The title of the bill a introduced is "An Act concerning Regulation". (See Exhibit C)
13. The act of regulating; a rule or order prescribed for management or government; a regulating principle; a precept. (See <https://thelawdictionary.org/regulation/>)
14. As introduced, HB 5471 consisted of approximately nine (9) pages and sought to amend very modestly provisions of Illinois Insurance Code regarding insurance contracts. *Id.*
15. The synopsis for HB 5471 as introduced indicated that, the subject of the bill was focused on providing the e-mail address of the adjuster as well as other provisions regarding an insurance contract. *Id.*
16. HB5471 received three (3) readings in the House and was passed on March 04, 2022. (See Exhibit B)
17. HB 5471 arrived in the Senate March 07, 2022. *Id.*
18. The first reading of HB 5471 in the Senate occurred on March 07, 2022, where it was referred to the Assignments Committee. *Id.*
19. The second reading of HB5471 in the Senate occurred on November 30, 2022 wherein it was placed on the calendar for a third reading on December 01, 2022. *Id.*
20. On or about January 08, 2023, which was a Sunday afternoon at 3:00 P.M., before the third reading occurred in the Senate, Senator Don Harmon filed Senate Floor Amendment No. I which completely stripped the insurance provisions of the bill, which were being considered

- by the legislature all the way up until this time, and completely replaced them with new substantive proposed changes governing weapons, human and drug trafficking. (See Exhibit D)
21. The next day on January 9, 2023, Amendments 2,3,4,5 were presented in the Senate which amendments did not significantly deviate from the first amendment. (See Exhibit B)
22. On January 9, 2023, the amendments passed the Senate and the matter was sent back to the House on January 10, 2023. *Id.*
23. The final version of HB 5471 as amended by the Senate is attached hereto as Exhibit E.
24. According to the Senate amendment's synopsis, the bill now dealt with various topics such as Amends the Illinois State Police Law of the Civil Administrative Code of Illinois. Provides that the Division of Criminal Investigation of the Illinois State Police shall conduct other investigations as provided by law, including, but not limited to, investigations of human trafficking, illegal drug trafficking, and illegal firearms trafficking. Provides that the Division of Criminal Investigation shall provide statewide coordination and strategy pertaining to firearm-related intelligence, firearms trafficking interdiction, and investigations. Amends the Firearm Owners Identification Card Act. Provides that a petitioner may request a plenary firearms restraining order of up to one-year, but not less than 6 months (rather than 6 months). Provides that the order may be renewed for an additional period of up to one year. Amends the Criminal Code of 2012. Provides that beginning January 1, 2024, it is unlawful for any person within the State to knowingly possess an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge, with exemptions, and provides penalties. Provides that it is unlawful for any person within the State to knowingly manufacture, deliver, sell, purchase, or cause to be manufactured, delivered, sold, or purchased a large capacity ammunition feeding device, with specified exemptions, and provides penalties. Contains a severability provision. Amends the Freedom of Information Act. Exempts from disclosure under the Act certain

information concerning endorsements received by the Illinois State Police. (See Exhibit B)

25. After these voluminous amendments were made by the Senate, the subject of HB 5471 no longer addressed the issue of insurance adjusters and their contracts, as its new subject was now modifying completely different laws regarding weapons, human and drug trafficking.
26. After returning to the House, HB 5471 was not three times before voting to pass it.
27. On January 10, 2023, within a few hours after the House merely voted to concur with the Senate amendments Governor Pritzker signed Public Act 102-1116, which ironically is titled Insurance Code Public Adjusters, into law. (See Exhibit B)

COUNT I

DECLARATORY JUDGMENT THE ACT VIOLATES THE SINGLE ISSUE RULE OF THE ILLINOIS CONSTITUTION

28. Plaintiffs incorporate paragraphs 1 through 27 as if each had been specifically plead herein.
29. Plaintiffs have a right to insist their fundamental rights are not impaired by the Defendants due to their engaging in lawmaking which violates Article IV, Section 8 of the Illinois Constitution.
30. Article IV, Section 8 of the Illinois Constitution provides in pertinent part: "Bills, except bills for appropriations and for the codification, revision or rearrangement of laws, shall be confined to one subject." (See Ill. Const. 1970, art. IV, § 8(d)).
31. Because the single subject rule is a substantive rather than procedural requirement for the passage of bills, an alleged violation of the rule is subject to judicial review. *Johnson v. Edgar*, 176 Ill. 2d 499, 514 (1997) (citing, *People v. Dunigan*, 165 Ill.2d 235 (1995)).
32. The single subject rule ensures the structured and well-informed debate and passage of bills by "limiting each bill to a single subject, so each legislator can better understand and more intelligently debate the issues presented by a bill." *People v. Cervantes*, 189 Ill. 2d 80, 83-84 (1999) (citing *People v. Reedy*, 295 Ill. App. 3d 34 (2d Dist. 1999)).
33. The single subject requirement, therefore, "ensures that the legislature addresses the difficult

decisions it faces directly and subject to public scrutiny" *Cervantes* 189 Ill.2d at 84 (citing, *Johnson v. Edgar*, 176 Ill.2d 499 (1997)).

34. In addition to preventing logrolling, the single subject rule also facilitates the enactment of bills through an orderly and informed legislative process. *People v. Olender*, 222 Ill.2d 123 (Ill. 2005)

35. A Public Act that violates the single subject rule is not severable; rather, the entire Public Act is unconstitutional and, thus, void. *Reedy*, 295 Ill. App. 3d at 42.

36. The subject may be as broad as the legislature chooses. *People v. Bocclair*, 202 Ill.2d 89, 109, (2002); *Johnson*, 176 Ill.2d at 515.

37. However, "while the legislature is free to choose subjects comprehensive in scope, the single subject requirement may not be circumvented by selecting a topic so broad that the rule is evaded as 'a meaningful constitutional check on the legislature's actions'" (Emphasis Added)

Bocclair, 202 Ill.2d at 109, (quoting *Johnson*, 176 Ill.2d at 515-18).

38. Here HB 5471 originated with a subject called "an act regarding regulation."

39. By definition, the subject of regulation is so broad it could encompass any subject matter for which the Defendants might consider passage.

40. HB 5471 originated as an act making very modest changes Illinois Insurance Code regarding contracts.

39. From its origination until two days before its passage, the nature and character of the act remained the same as it made its way through the public and deliberative process of the legislature.

41. The amendments made just two days before its passage had no logical or natural connection to the original act as they vitiated the original insurance provisions as presented on January 28,

2022 and replaced them with numerous unrelated subjects as compared to the original act.

42. Moreover, the subjects for which the amendments modified HB 5471 included, but were not limited to:

- a) Ordered the criminal investigations unit to conduct investigations regarding human trafficking, illegal drug trafficking and illegal firearms tracking;
- b) Amended the law regarding the procurement of bids for certain services related to purchases of certain technology by the Illinois State Police;
- c) Modifies the provision of firearms restraining orders;
- d) Created new provisions in the law regarding the ban on certain semi-automatic weapons

43. First, the Court should declare the single subject of "an act regarding regulation" is so broad that it renders meaningless the constitutionally mandated check on the legislature as required by Article IV, Section 8 of the Illinois Constitution.

44. The subject of regulation is so broad that allows the legislature to "gut and replace" bills without limitation on any subject they choose.

45. Secondly, the Court should declare the act as it originated and the amendments have no logical relation to one another and as such HB 5471 is violative of Article IV, Section 8 of the Illinois Constitution.

46. The Defendants cannot ignore the fact that the original subject of HB 5471 has no logical relation to the amendments merely because they chose to redact the original subject in its totality.

47. Even comparing the provision of the Amendments to one another would be a futile act for the Court as the generic term regulation means nothing of substance for which it might compare specific provisions within the amendments.

48. By engaging in such gamesmanship in violation of the single subject rule, the Defendants

rendered the single subject rule meaningless which forecloses the Plaintiffs elected representatives, or themselves for that matter, the opportunity to scrutinize legislation and

materially participate in the legislative process.

49. An actual controversy exists between the Parties which would be terminated in whole or in part by a declaratory judgment.

50. An immediate and definitive determination is necessary to clarify the rights and interests of all parties affected.

WHEREFORE, Plaintiffs, herein request that this court enter Declaratory Judgment as follows:

- A. That the Court declare Public Act 102-116 unconstitutional as violative of the single subject rule given the subject is so broad that it has rendered meaningless the constitutionally mandated check on the legislature as required by Article IV, Section 8 of the Illinois Constitution;
- B. Plaintiffs pray this Honorable Court declare Public Act 102-116 unconstitutional as violative of the single subject rule given the subject of the act as introduced as a modification of the Illinois Insurance Code bears no logical relation to the subjects of the amendments;
- C. That the Court grant such other and further relief as is just and proper.

COUNT II
DECLARATORY JUDGMENT
THE ACT VIOLATES THE THREE READINGS CLAUSE
OF THE ILLINOIS CONSTITUTION

- 51. Plaintiffs incorporate paragraphs 1 through 50 as if each had been specifically plead herein.
- 52. Plaintiffs have a right to insist their fundamental rights are not impaired by the Defendants due to their engaging in lawmaking which violates Article IV, Section 8 of the Illinois Constitution.
- 53. Article IV, Section 8 of the Illinois Constitution provides, in pertinent part, that "a bill shall be read by title on three different days in each house." Ill. Const. 1970, art. IV, § 8(d).

54. The Three Readings rule applies not only to the original bill, but to amendments when they represent a substantial departure from the original bill.
55. In *Giebelhausen v. Daley*, 407 Ill. 25, 48 (1950), our supreme court held that the "complete substitution of a new bill under the original number, dealing with a subject which was not akin or closely allied to the original bill, and which was not read three times in each House, after it has been so altered, [was a] clear violation of a similar three-readings rule in the 1870 Constitution. See Ill. Const. 1870, art. IV, § 13 ("Every bill shall be read at large on three different days, in each house***.')." *Doe v. Lyft, Inc.*, 2020 IL App (1st) 191328,, 53 (1st Dist. 2021).
56. As more fully laid out in this matter, the amendments made to HB 5471 by the Senate represented an absolute departure from the original bill which originated in the House.
57. The Senate amendments constituted a total substitution of the original HB 5471, which subjects the amendments to the Three Readings rule in the Senate as well as the House.
58. In essence, HB 5471 was only read one time in the Senate after the amendments, and it was not read at all in the House.
59. Plaintiffs acknowledge that a challenge to legislation under the Three Readings rule provided in Art. IV, Section 8(d) implicates the Enrolled Bill doctrine, which provides that, once the Speaker of the House and President of the Senate certify that the procedural requirements for passing legislation have been met, there is a presumption the procedural requirements have been satisfied.
60. However, Plaintiffs do not concede this ends the inquiry and affirmatively assert that the Enrolled Bill Doctrine must fall as it cannot be reconciled with Art. IV, Section 8(d) and our Illinois Court made it clear continued abuses of this constitutional requirement would result in the Courts stepping in.

61. Any further deference under the Enrolled Bill Doctrine by the Courts allows the General Assembly to blatantly and systematically continue its subversion of this unambiguous constitutional mandate by certifying, with no discernable standards, penalty, or review, that it has complied with Art. IV, Section 8 when unequivocal violations are in plain sight.
62. The Enrolled Bill Doctrine has been subject to significant abuse by the General Assembly, which has not escaped the notice of the Supreme Court. In *Geja's Cafe v. Metro. Pier & Exposition Auth.*, 153 Ill. 2d 239, 260 (1992), the Supreme Court explained that, "if the General Assembly continues its poor record of policing itself, we reserve the right to revisit this issue on another day to decide the continued propriety of ignoring this constitutional violation." In *Friends of Parks v. Chicago Park Dist.*, 203 Ill. 2d 312, 329 (2003), the Illinois Supreme Court reiterated this concern, citing previous instances where it "noted ... that the legislature had shown remarkably poor self-discipline in policing itself in regard to the three-readings requirement." ⁶
63. The passage of HB 5471 provides the perfect example of why the Court must abandon the Enrolled Bill doctrine. A simple and likely uncontroversial insurance regulation bill was gutted and replaced by the Senate at the last moment into a final product that bore no resemblance to the original material, thereby creating a new bill that contains significant impairments to a fundamental constitutional right, and then it simply passed in the House by concurrence without any opportunity for any meaningful public debate or deliberation of any sort.

⁶ The Illinois Supreme Court has left the door wide open for the Courts to intervene with the legislatures continued abuse of the clear disregard for the Illinois Constitution. It is time for the Court to step up and put an end to this practice which is now being used to invade the most sacred of fundamental rights held by its citizens.

64. The record of proceedings reflects not only did the Senate amendments receive one (1) reading in the Senate, but upon return to the House it received no readings on the amended bill and was simply called for a vote on the concurrence.
65. Therefore, it will be beyond contest in this matter that a Three Readings violation has occurred.
66. Given the General Assembly's demonstrated inability, which has lasted decades, to police themselves on the matter, and given fundamental constitutional rights are now being infringed upon by this abuse, the Enrolled Bill Doctrine must be abrogated in the public interest and in furtherance of the original purpose of the Three Readings clause.
67. An actual controversy exists between the Parties which would be terminated in whole or in part by a declaratory judgment.
68. An immediate and definitive determination is necessary to clarify the rights and interests of all parties affected.

WHEREFORE, Plaintiffs, herein request that this court enter Declaratory Judgment as follows:

- A. That the Court declare Public Act 102-116 unconstitutional as violative of the Three Readings Rule as required by Article IV, Section 8 of the Illinois Constitution;
- B. That the Court grant such other and further relief as is just and proper.

COUNT III
DECLARATORY JUDGMENT
HB 5471 VIOLATES THE DUE PROCESS CLAUSE
OF THE ILLINOIS CONSTITUTION

69. Plaintiffs incorporate paragraphs 1 through 68 as if each had been specifically plead herein.
70. Plaintiffs have a right to insist their fundamental rights are not impaired by the Defendants due to their engaging in lawmaking which violates Article I, Section 2 of the Illinois Constitution.

71. Article I, Section 2 of the Illinois Constitution provides in pertinent part: " No person shall be deprived of life, liberty or property without due process of law of the laws. " Ill. Const. 1970, art. I,§ 2.
72. When government action depriving a person of life, liberty, or property survives substantive due process scrutiny, it must still be implemented in a fair manner. *People v. Barker*, 2021 IL App (1st) 192588, 188 N.E.3d 21,453 Ill.Dec. 549.
73. The due process clause protects fundamental fairness and justice. *Lyon v. Department of Children & Family Services*, 209 Ill.2d 264,282 Ill.Dec. 799, 807 N.E.2d 423 (2004).
74. The guarantee of due process of law extends to every governmental proceeding which may interfere with personal or property rights, whether the process be legislative, judicial, administrative, or executive. *People ex rel. Harris v. Parrish Oil Production, Inc.*, 249 Ill.App.3d 664, 622 N.E.2d 810, 190 Ill.Dec. 780
75. Due process of law is a conception of fundamental justice and is not satisfied by merely formal procedural correctness. *People v. Dugan*, 401 Ill. 442, 82 N.E.2d 482 (1948)
76. The proposition that a person shall not be deprived of life, liberty, or property without due process of law is as old as any principle of civilized government and is found in the Magna Carta and in substance, if not in form, in nearly all constitutions adopted by the several States. *Id.*
77. "Procedural due process claims challenge the constitutionality of the specific procedures used to deny a person's life, liberty, or property." *People v. Cardona*, 2013 IL 114076, 1 15, 369 Ill.Dec. 117, 986 N.E.2d 66

78. Due process requires, at minimum, a meaningful opportunity to be heard. *Colquitt v. Rich Township High School District No. 227*, 298 Ill. App. 3d 856, 863 (1998).
79. Classification of the right affected dictates the level of scrutiny to be applied by a reviewing court in determining whether the statute in question is in accordance with the Constitution. *Napleton v. Village of Hinsdale*, 229 Ill. 2d 296, 307 (2008).
80. When determining whether a statute violates constitutional guarantees of due process, a reviewing court must first determine the nature of the right upon which the statute allegedly infringes. *People v. Beard*, 366 Ill. App. 3d 197,200 (2006)
81. Where the right infringed upon is a fundamental right, the statute is subject to strict scrutiny analysis. *Id.*
82. To survive strict scrutiny, the measures employed by the government body must be necessary to serve a compelling state interest and must be narrowly tailored to it. *Napleton*, 229 Ill. 2d at 307.
83. In this case, Plaintiffs were denied any meaningful opportunity to participate in the passage of HB 5471 which attempts to materially impair their fundamental rights to bear arms.
84. As a result of these due process violations, Plaintiffs fundamental rights to bear arms have been impaired as guaranteed by Ill. Const. 1970, art. I, § 22.
85. Plaintiffs have due process rights which demand orderly proceedings based upon clearly established constitutional safeguards before their fundamental rights might be impaired.
86. The due process violation being complained of herein is the complete and total failure of the Defendants to comply with express constitutional procedural guarantees afforded the Plaintiffs

under Ill. Const. 1970, art. IV, § 8(d).

87. The subversive procedures engaged in by the Defendants were completely calculated to be a workaround to these constitutional procedural guarantees.

88. First, the Defendants have completely ignored the constitutional procedural rights of Plaintiffs in regard to the single issue rule of the Illinois Constitution.

89. On or about January 28, 2022, HB 5471 began as a subject of an innocuous insurance regulation which as a result passed through the Illinois House of Representatives, and almost all the way through the Senate, bearing no semblance to any potential impairment of Plaintiffs fundamental rights to bear arms guaranteed under Ill. Const. 1970, art. I, § 22.

90. Without warning or notice, the Defendants struck with their amendments which completely altered the subject of HB 5471 from an innocuous insurance regulation into a significant weapons ban bill which cut at the heart of Plaintiffs fundamental and inalienable rights to bear arms.

91. Then less than 48 hours later on January 10, 2022, HB 5471 was signed by Governor Pritzker into law.

92. From its origination on January 28, 2022, until its passage on January 10, 2023, HB 5471 was in the public eye for 347 days.

93. For 345 days of its existence, its subject was one of insurance regulation that had no logical connection or relevance to any sort of impairment on fundamental rights to bear arms.

94. Just two days before its passage, the amendments wholly changed the subject and character of HB 5471.

95. By utilizing a subject of "regulation" the Defendants subdued the Plaintiffs as to what might lie ahead within this bill, and thereby rendered the single subject requirement of the Illinois Constitution a meaningless safeguard of Plaintiff's due process rights.
96. Secondly, notwithstanding the abuses engaged in by Defendants regarding the use of the generic subject of regulation, there is no meaningful or logical connection between insurance regulation and regulations on weapons, drugs and human trafficking.⁷
97. As required by the Illinois Constitution, HB 5471 was read three times in the House of Representatives when its subject was that of insurance regulation; it was also read twice in the Senate as an insurance regulation.
98. After the "gut and replace" on January 08, 2022, the new subject of the HB 5471, being that in regard to weapons, drugs and human trafficking, was only read one time.
99. While the enrolled bill doctrine has until now been a shield for the Defendants to engage in this practice against attacks brought under Ill. Const. 1970, art. IV, § 8(d) such as in Count II, the Defendants are not protected by such precedent for claims brought under the due process clause as provided in Ill. Const. 1970, art. I, § 2.⁸
100. The complete disregard of the single subject rule and the three readings rule by the Defendants evidence violations of the due process safeguards afforded Plaintiff's under Ill.

⁷ The use of the word "regulation" as the subject for a bill is clearly for the purpose of the Defendants to alter the substance of a bill to whatever they choose at the last moment. This abuse of process allows Defendants to quietly present a "shell bill" up to the point to the end of the legislative process without any concern being taken for months by the citizens of the state and then at the last moment the Defendants gut and replace the subject to something wholly unrelated to the originating subject. Due process of law must demand more of the Defendants or otherwise the legislative process of providing the citizens notice and to materially participate in government as guaranteed by the constitution is rendered meaningless.

⁸ A challenge to the Three Readings Rule under Article IV, Section 8(d) is separate and apart from any claim brought under due process, as this claim alleges a separate and independent constitutional violation as guaranteed under Article I, Section 2. Furthermore, as argued herein, it is far past time the Court put an end to the abuses of the Three Readings Rule and no longer allow the Enrolled Bill Doctrine to be blanket cover for these egregious violations.

Const. 1970, art. I, § 2.

101. Separate and apart from the claims raised by Plaintiffs under Ill. Const. 1970, art. IV, § 8(d) are independent violations of the due process guarantees afforded Plaintiffs under Ill. Const. 1970, art. I, § 2.

102. An actual controversy exists between the Parties which would be terminated in whole or in part by a declaratory judgment.

103. An immediate and definitive determination is necessary to clarify the rights and interests of all parties affected.

WHEREFORE, Plaintiffs, herein request that this court enter Declaratory Judgment as follows::

A. That the Court declare Public Act 102-116 unconstitutional as violative of Due Process as required by Article I, Section 2 of the Illinois Constitution;

B. That the Court grant such other and further relief as is just and proper.

COUNT IV

DECLARATORY JUDGMENT

720 ILCS 5/24-1.9 AND 720 ILCS 5/24-1.10 OF HB 5471 VIOLATE THE EQUAL PROTECTION CLAUSE OF THE ILLINOIS CONSTITUTION

104. Plaintiffs incorporate paragraphs 1 through 103 as if each had been specifically plead herein.

105. Plaintiffs have a right to insist their fundamental rights are not impaired by the Defendants due to their engaging in lawmaking which violates Article I, Section 2 of the Illinois Constitution.

106. Article I, Section 2 of the Illinois Constitution provides in pertinent part: " No person shall be deprived of life, liberty or property without equal protection of the laws. " Ill. Const. 1970, art. I, § 2.

107. HB 5471 added the following provision to the Illinois Criminal Code.

Sec. 24-1. Unlawful use of weapons. (a) A person commits the offense of unlawful use of weapons when he knowingly:

- (15) Carries or possesses any assault weapon or .50 caliber rifle in violation of Section 24-1.9; or
- (16) Manufactures, sells, delivers, imports, or purchases any assault weapon or .50 caliber rifle in violation of Section 24-1.9.

(See 720 ILCS 5/24-1(15) and 720 ILCS 5/24-1(16))

- 108. A person convicted of 720 ILCS 5/24-1(15) commits a Class A misdemeanor on their first offense and a Class 3 felony on any subsequent offense.
- 109. A person convicted of 720 ILCS 5/24-1(16) commits a Class 3 felony.
- 110. The definition of what constitutes an assault weapon is defined in the statute at 720 ILCS 5/24-1.9(a).
- 111. Except as provided in subsections (c), (d), (e), on or after the effective date of the amendatory act, it is unlawful for any person within this state to knowingly manufacture, deliver, sell, import, or purchase or cause to be manufactured, delivered, sold, imported, or purchased by another, an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge. (See 720 ILCS 5/24-1.9(b)).
- 112. Except as provided in subsection (d), beginning January 01, 2024, it is unlawful for any person in this state to knowingly possess an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge. (See 720 ILCS 5/24-1.9(c)).
- 113. As of January 01, 2024, a person may possess assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge only if the person has by January 01, 2024 provided the Illinois State Police an endorsement affidavit as prescribed by the law. (See 720 ILCS 5/24-1.9(d)).

114. The endorsement affidavit requires the person to attest they either owned the assault weapon prior to the passage effective date of this act or otherwise inherited it from an authorized person. *Id.*
115. The endorsement affidavit must include the make, model and serial number of the assault weapon. *Id.*
116. Furthermore, beginning 90 days from the effective date of this amendatory Act of the 102nd General Assembly, a person may only possess an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge, at the following locations:
- a) on private property owned or immediately controlled by the person;
 - b) on private property that is not open to the public with the express permission of the person who owns or immediately controls such property;
 - c) while on the premises of a licensed firearms dealer or gunsmith for the purpose of lawful repair;
 - d) while engaged in the legal use of the assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge at a properly licensed firing range or sport shooting competition venue; or
 - e) while traveling to or from these locations, provided that the assault weapon, assault weapon attachment, or .50 caliber rifle is unloaded and the assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge is enclosed in a case, firearm carrying box, shipping box, or other container.

(See 720 ILCS 5/24-1.9(d)).

117. Beginning January 01, 2024, a person with the endorsement affidavit for an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge, can only transfer to the following:
- a) persons authorized under subdivisions (1) through (5) of subsection (e);
 - b) to an heir;
 - c) an individual residing in another state;

d) a licensed firearms dealer.

(See 720 ILCS 5/24-1.9(d)).

118. The provision of this Section regarding the purchase or possession of assault weapons, assault weapons attachments, .50 caliber rifles, and .50 caliber cartridges, as well as those provisions of this Section that prohibit causing those items to be purchased or possessed, do not apply to:

- 1) peace officers as defined by Section 2-13 of this Code.
- 2) Qualified law enforcement officers and qualified retired law enforcement officers as defined in the Law Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B and 926C) and as recognized under Illinois law.
- 3) Acquisition and possession by a federal, State, or local law enforcement agency for the purpose of equipping the agency's peace officers as defined in paragraph (1) or (2) of this subsection (e).
- 4) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense.
- 5) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while performing their official duties or while traveling to or from their places of duty.⁹
- 6) Any company that employs armed security officers in this State at a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear

⁹ As the Court considers these exceptions, all of which violate equal protections, the ridiculousness of some of them will become apparent. A member of our military is exempt as long as he or she is in the service but must seemingly give up their rights after being discharged. However, a retired law enforcement officer can continue to exercise their rights their whole life. One can't even begin to appreciate the absurdity of these types of distinguishing provisions until considering the possibility that one class of persons might have a better lobbying group than the other.

Regulatory Commission and any person employed as an armed security force member at a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the federal Nuclear Regulatory Commission and while performing official duties.

- 7) Any private security contractor agency licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 that employs private security contractors and any private security contractor who is licensed and has been issued a firearm control card under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 while performing official duties.

(See 720 ILCS 5/24-1.9(e)).

119. The provisions of this Section do not apply to the manufacture, delivery, sale, import, purchase, or possession of an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge or causing the manufacture, delivery, sale, importation, purchase, or possession of those items:

- (A) for sale or transfer to persons authorized under subdivisions (1) through (7) of this subsection (e) to possess those items;
- (B) for sale or transfer to the United States or any department or agency thereof; or
- (C) for sale or transfer in another state or for export.

(See 720 ILCS 5/24-1.9(e)).

120. The definition of what constitutes large capacity ammunition feeding device is defined in the statute at 720 ILCS 5/24-1.10(a).

121. Except as provided in subsections (e) and (f), it is unlawful for any person within this State to knowingly manufacture, deliver, sell, purchase, or cause to be manufactured, delivered, sold, or purchased a large capacity ammunition feeding device. (See 720ILCS 5/24-1.10(b)).
122. Except as provided in subsections (d), (e), and (f), and beginning 90 days after the effective date of this amendatory Act of the 102nd General Assembly, it is unlawful to knowingly possess a large capacity ammunition feeding device. (See 720ILCS 5/24-1.10(c)).
123. Subsection (c) does not apply to a person's possession of a large capacity ammunition feeding device if the person lawfully possessed that large capacity ammunition feeding device before the effective date of this amendatory Act of the 102nd General Assembly, provided that the person shall possess such device only:
- a) on private property owned or immediately controlled by the person;
 - b) on private property that is not open to the public with the express permission of the person who owns or immediately controls such property;
 - c) while on the premises of a licensed firearms dealer or gunsmith for the purpose of lawful repair;
 - d) while engaged in the legal use of the large capacity ammunition feeding device at a properly licensed firing range or sport shooting competition venue; or
 - e) while traveling to or from these locations, provided that the large capacity ammunition feeding device is enclosed in a case, firearm carrying box, shipping box, or other container.
- (See 720ILCS 5/24-1.10(d)).
124. A person authorized under this Section to possess a large capacity ammunition feeding device may transfer the large capacity ammunition feeding device only:
- a) to an heir;
 - b) an individual residing in another state maintaining it in another state;
 - c) or a dealer licensed as a federal firearms dealer.

(See 720ILCS 5/24-1.10(d)).

125. The provision of this Section regarding the purchase or possession of large capacity ammunition feeding devices, do not apply to:

- 1) peace officers as defined by Section 2-13 of this Code.
- 2) Qualified law enforcement officers and qualified retired law enforcement officers as defined in the Law Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B and 926C) and as recognized under Illinois law.
- 3) Acquisition and possession by a federal, State, or local law enforcement agency for the purpose of equipping the agency's peace officers as defined in paragraph (1) or (2) of this subsection (e).
- 4) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense.
- 5) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while performing their official duties or while traveling to or from their places of duty.
- 6) Any company that employs armed security officers in this State at a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission and any person employed as an armed security force member at a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the federal Nuclear Regulatory Commission and while performing official duties.

- 7) Any private security contractor agency licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 that employs private security contractors and any private security contractor who is licensed and has been issued a firearm control card under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 while performing official duties.

(See 720 ILCS 5/24-1.10(e)).

126. The provisions of this Section do not apply to the manufacture, delivery, sale, importation, purchase, or possession of large capacity ammunition feeding device:

- A) for sale or transfer to persons authorized under subdivisions (1) through (7) of this subsection (e) to possess those items;
- B) for sale or transfer to the United States or any department or agency thereof; or
- C) for sale or transfer in another state or for export.

(See 720 ILCS 5/24-1.10(f)).

127. Sentence. A person who knowingly manufactures, delivers, sells, purchases, possesses, or causes to be manufactured, delivered, sold, possessed, or purchased in violation of this Section a large capacity ammunition feeding device capable of holding more than 10 rounds of ammunition for long guns or more than 15 rounds of ammunition for handguns commits a petty offense with a fine of \$1,000 for each violation. (See 720 ILCS 5/24-1.10(g)).

128. At issue is the infringement of a right to bear arms as guaranteed by the Illinois constitution. Ill. Const. 1970, art. I, § 22.

129. The constitutional guarantee of equal protection requires that the government treat similarly situated individuals in a similar manner. *People v. Warren*, 173 Ill.2d 348, 361, 219 Ill.Dec. 533, 671 N.E.2d 700 (1996).

130. The analysis applied in assessing equal protection claims is the same under both the United States and Illinois Constitutions. *Nevitt v. Lang/elder*, 157 Ill.2d 116, 124, 191 Ill.Dec. 36,623 N.E.2d 281 (1993).
131. It does not preclude the State from enacting legislation that draws distinctions between different categories of people, but it does prohibit the government from according different treatment to persons who have been placed by a statute into different classes on the basis of criteria wholly unrelated to the purpose of the legislation. *Id.*
132. In reviewing a claim that a statute violates equal protection, the court applies different levels of scrutiny depending on the nature of the statutory classification involved. *Jacobson v. Department of Public Aid*, 171 Ill.2d 314 (1996)
133. Classifications based on race or national origin or affecting fundamental rights are strictly scrutinized. *Id.*
134. A fundamental right for the purpose of equal protection analysis consists of a right that lies "at the heart of the relationship between the individual and a republican form of nationally integrated government." *People v. Shephard*, 152 Ill. 2d 489, (Ill. 1992).
135. In other words, a fundamental right is simply a right that is explicitly or implicitly guaranteed by either the Federal or State Constitution. *Id.*
136. The right to bear arms is a fundamental right. *McDonald v. City of Chicago, IL*, 561 U.S. 742 (2010).
137. To survive strict scrutiny in the equal protection context, as in due process analysis, the means employed by the legislature must be necessary to advance a compelling state interest, and the statute must be narrowly tailored to the attainment of the legislative goal. *In re R.C.*, 195 Ill.2d 291 (2001).

138. Under the strict scrutiny standard of review, a statute is not entitled to a presumption of constitutionality. *Estate of Hicks*, 174 Ill.2d 433 (1996).
139. Rather, the statute may be upheld only if the means employed by the legislature to achieve the stated goal were necessary to advance a compelling state interest. *Id.*
140. In addition, the statute must be narrowly tailored; that is, a statute incorporating a suspect classification will be upheld only if the legislature employed the least restrictive means consistent with attainment of the legislative goal. *Id.*
141. Here, the Defendants have chosen to create different categories of citizens who are subjected to the requirements of 720 ILCS 5/24-1.09 *et seq.* and 720 ILCS 5/24-1.10 *et seq.*
142. Within 720 ILCS 5/24-1.09(e) and 720 ILCS 5/24-1.10(e) are (7) seven enumerated classifications of persons who are exempt from compliance with restrictive provisions in those Sections regarding the assault weapon, assault weapon attachment, .50 caliber rifle, .50 caliber cartridge and large capacity ammunition feeding devices.
143. These exempt citizens are seemingly a protected class based upon their occupations.
144. These occupations include but are not limited to peace officers, current and retired law enforcement, prison guards, jailers, prison wardens, and prison superintendents.
145. Citizens who are employed in these professions do not have the statutory restrictions placed upon their individual rights in regard to assault weapons, assault weapons attachment, .50 caliber rifle, .50 caliber cartridge and large capacity magazine feeding devices.
146. It defies comprehension as to how Defendants could classify the Plaintiffs as a category of persons whose individual rights to bear arms must be restrained, but yet carve out a large class of persons who are wholly exempt based on their employment status.¹⁰

¹⁰ There is much to be said at some point regarding any alleged compelling public purpose which the Defendants may be seeking to further; however, given the complete abandonment of the legislative process the public record of

147. Plaintiffs rights to purchase, transfer, possess, deliver, sell and import assault weapons, assault weapon attachments, .50 caliber rifles, and .50 caliber cartridges have been all but eliminated by HB5471.
148. As for their continued possession of assault weapons owned at the time of passage of HB 5471, only if a Plaintiff chooses to register their firearm, may he or she lawfully possess it.
149. Even if registry does occur, he or she may only possess the firearm on certain private property or at a firing range or shooting competition.
150. However, if a person falls within those categories enumerated within 720 ILCS 5/24-1.09(e) and 720 ILCS 5/24-1.10(e), he or she is free as an individual to purchase, transfer, possess, deliver, sell and import assault weapons, assault weapon attachments, .50 caliber rifles, and .50 caliber cartridges at their pleasure, and further has no obligation to register them.
151. Creating an exempt status for those persons is not only irrational and completely lacking anything approaching common sense, there are no set of facts wherein it can survive a constitutional attack based upon equal protection regardless of the standard of review.¹¹
152. Given the Defendants as laid out herein shoved this bill through the legislature in only two days, the Court will not find in the public record any information regarding the compelling public purpose for HB5471; however, what is certain is that regardless of the purpose of the

HB 5471 is devoid of any evidence of what public purpose was being furthered. Quite simply this Court will be left to speculate on what that compelling purpose might be. Regardless, there is no rational basis, let alone reasoning which might withstand strict scrutiny, which justifies carving out large categories of citizens who are free to buy and possess without limitation based upon their employment status. How on earth can a citizens fundamental right to bear arms in furtherance of self-defense be categorized based upon where they work at a given moment in their life. For example, if a citizen is a jailer, he or she retains their rights, but at the moment he or she is no longer employed in that position, their rights expire. It's an absolute absurdity.

¹¹ Why understanding the reasoning of the Defendants in providing for such an exemption is wholly irrelevant, the Court should note the overwhelming connection of many of those exempt persons is their status as belonging to a particular public union. One can't help but consider their very powerful lobbies were responsible for successfully carving out their members from being subjected to this law. What legitimate purpose can be gleaned from allowing for example a county jailer to be able to purchase, transfer, etc. a .50 caliber rifle at will when the rest of the citizens of the state are prohibited. It defies common sense and reeks of political patronage, but all that really matters is that it violates equal protection.

law which the Defendants might self-servingly try and create, there is no way the purpose is

furthered by exempting those persons enumerated within 720 ILCS 5/24-1.09(e) and 720 ILCS 5/24-1.10(e) from being subjected to the law.

153. Such actions by the Defendants are indisputably in violation of the Plaintiffs equal rights to be treated the same as their fellow citizens who are similarly situated in regard to their individual and fundamental constitutional rights to bear arms for self-defense.

WHEREFORE, Plaintiffs, herein request that this court enter Declaratory Judgment as follows:

- A. That the Court declare 720 ILCS 5/24-1.09 *et seq.* and 720 ILCS 5/24-1.10 *et seq.* unconstitutional as violative of the Equal Protection Clause of Article I, Section 2 of the Illinois Constitution;
- B. That the Court grant such other and further relief as is just and proper.

COUNT V

DECLARATORY JUDGMENT

720 ILCS 5/24-1.9 AND 720 ILCS 5/24-1.10 OF HB 5471 VIOLATE THE SPECIAL LEGISLATION CLAUSE OF THE ILLINOIS CONSTITUTION

154. Plaintiffs incorporate paragraphs 1 through 153 as if each had been specifically plead herein.

155. Article IV, Section 13 of the Illinois Constitution provides that “the General Assembly shall pass no special or local law when a general law is or can be made applicable. Whether a general law is or can be made applicable shall be a matter for judicial determination.”

156. The special legislation clause expressly prohibits the General Assembly from conferring a special benefit or exclusive privilege on a person or a group of persons to the exclusion of others similarly situated. *In re Petition of Village of Vernon Hills*, 168 Ill.2d 117, 127 (1995). “Special legislation analysis is deeply embedded in the constitutional jurisprudence of this state. The ban on special legislation originally arose in the

nineteenth century in response to the General Assembly's abuse of the legislative process by granting special charters for various economic entities.” *Best v. Taylor Machine Works*, 179 Ill.2d 367, 391 (1997).

157. The 2nd Amendment protects the additional right to commercial and non-commercial sale of arms. No presumption of constitutionality attaches to a law that restricts non-commercial sale or gift of arms. *District of Columbia v Heller*, 554 U.S. 570 (2008)

158. The Illinois Criminal Code as amended by HB 5471, [720 ILCS 5/24-1.9 and 720 ILCS 5/24-1.10] creates an economic franchise for those excepted from its criminal provisions to engage commerce, commercial and non-commercial, in gun sales on a broader basis not available to all who own “assault weapons” or desire to purchase, gift, receive or sell “assault weapons.” No strictly scrutinized, intermediately scrutinized or rational basis exists to support the creation of the economic franchise to engage commerce on dissimilar terms to those excepted from the criminal provisions of the legislative scheme.

159. The Article IV, Section 13 violation by the Defendants creates a special classification according the excepted class an economic franchise in gun commerce denied similarly situated in regard to their individual and fundamental constitutional rights to purchase, sell, transfer or deliver arms in non-commercial or commercial transactions..

WHEREFORE, Plaintiffs, herein request that this court enter Declaratory Judgment as follows:

- A. That this Court declare 720 ILCS 5/24-1.09 *et seq.* and 720 ILCS 5/24-1.10 *et seq.* unconstitutional as violative of the Special Legislation Clause of Article IV, Section 13 of the Illinois Constitution;
- B. That the Court grant such other and further relief as is just and proper.

COUNT VI
REQUEST FOR AN INJUNCTION
ENJOINING ENFORCEMENT OF
720 ILCS 5/24-1.9 AND 720 ILCS 5/24-1.10

160. Plaintiffs incorporate paragraphs 1 through 159 as if each had been specifically plead herein.
161. Plaintiffs have a right to insist their fundamental rights are not impaired by the Defendants due to their engaging in lawmaking which violates the Illinois Constitution.
162. There can be no doubt the Defendants are attempting to constrain the rights of Plaintiffs to keep and bear arms within the provisions of 720 ILCS 5/24-1.09 *et seq.* and 720 ILCS 5/24-1.10 *et seq.*
163. Effective immediately, if the Plaintiffs do not comply with specific provisions of 720 ILCS 5/24-1.9(b), 720 ILCS 5/24-1.10(b), they are subjected to criminal prosecution pursuant to 720 ILCS 5/24-1(15), 720 ILCS 5/24-1(16) and 720 ILCS 5/24-1.10(g).
164. Effective in 90 days, the Plaintiffs are limited to where they might possess their firearms or be subjecting themselves to criminal penalty. (See 720 ILCS 5/24-1.9(d)).
165. Quite simply, the Defendants are infringing upon the lawful right of the Plaintiffs to keep and bear arms.
166. The Plaintiffs have no adequate remedy at law in which to seek relief from the irreparable harm caused by the Defendants, for every day the Plaintiffs are subjected to these unconstitutional provisions, their freedoms and liberties regarding their rights to bear arms are being constrained and they are further being subjected to criminal prosecution.
167. The Plaintiffs have proven the Defendants have engaged in unconstitutional conduct for one or more of the four independent reasons, with any one of the five being sufficient on its

own to warrant granting injunctive relief:

- a) Defendants have violated Ill. Const. 1970, art. IV, § 8(d) for failure to comply with the Single Subject Rule.
- b) Defendants have violated Ill. Const. 1970, art. IV, § 8(d) for failure to comply with the Three Readings Requirement.
- c) Defendants have violated Ill. Const. 1970, art. I, § 2 for failure to comply the Equal Protection Clause.
- d) Defendants have violated Ill. Const. 1970, art. I, § 2 for failure to comply the Due Process Clause.
- e) **Defendants have violated Ill. Const. 1970, art IV, Section 13 by enacting special legislation.**

WHEREFORE, PLAINTIFFS herein request that this court enter an Order:

- A. Finding the Plaintiffs have a right to expect Defendants pass legislation in compliance with the procedural and substantive provisions of the Illinois Constitution;
- B. Enter an injunction permanently enjoining the Defendants, or anyone under their direction or control from enforcing 720 ILCS 5124-1.09 *et seq.* and 720 ILCS 5124-1.10 *et seq.* against Plaintiffs.
- C. For such other relief as this Court deems just and proper.

COUNT VII **DUE PROCESS /REGULATORY TAKING**

168. Plaintiff, Decatur Jewelry and Antiques, Inc. incorporates Paragraphs 1-167 stated above.

169. The Plaintiff, Decatur Jewelry and Antiques, Inc. is a licensed pawn broker that has in its possession, firearms that have been pawned as security for money loaned.

170. The State of Illinois has stated that Public Act 102-1116 prohibits this Plaintiff from returning the subject firearm or materials to its rightful owner. See Exhibit F

170. As applied, the statutory scheme would impair the obligation of the contract between the rightful owner, my customer, and this Plaintiff.

171. The statutory scheme takes Plaintiff's monetary interest in the contract with the rightful gun owner.

172. The taking is complete or, alternatively, deprives the rightful owner of all economically beneficial use of his property.

173. My customer and this Plaintiff are denied due process of law under Article 1 Section 2 of the Illinois Constitution and the Fifth and Fourteenth Amendments of the United States Constitution.

174. The state of Illinois' interference with the rightful owner's use of his property is substantial and complete to satisfy the requirements of an unconstitutional taking.

175. The unconstitutional actions alleged in Counts I, II and III above, incorporated herein for purposes of Count VI, prevented reasonable Notice and Opportunity to restore possession of assault weapons as defined in the statutory amendments effective upon enactment to deny due process to Plaintiff and his customer(s). The statutory scheme caused a de facto forced purchase/sale without due process of law.

WHEREFORE, the Plaintiff, Decatur Jewelry and Antiques, Inc. respectfully requests declaratory judgment as follows:

A. That, as applied, the subject legislation is unconstitutional in violation of Illinois Constitution Article 1 Section 2, U.S. Constitution Amendments Five and Fourteen;

B. For injunctive relief, temporarily, preliminarily, and permanently enjoining the enforcement of 720 ILCS 5/24-1.9 and 720 ILCS 5/24-1.10;

C. For such other relief the Court deems just and proper.

Dan Caulkins, Perry Lewin, Decatur Jewelry &
Antiques, Inc and Law-Abiding Gun Owners
of Macon County, a voluntary unincorporated
Association,

Plaintiffs,

BY: FEATHERSTUN, GAUMER, STOCKS,
FLYNN & ECK, LLP, Its Attorneys,

By: /s/ Jerrold H. Stocks
/s/ Brian D. Eck

Jerrold H. Stocks
ARDC No. 6201986
Brian D Eck
ARDC No. 06296309
FEATHERSTUN, GAUMER, STOCKS,
FLYNN & ECK, LLP
101 S. State Street, Suite 240
P. O. Box 1760
Decatur, Illinois 62525
Telephone: (217) 429-4453
E-mail: jstocks@decatur.legal
E-mail: beck@decatur.legal

CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/ Dan Caulkins

Dan Caulkins

Name

Michael James Haskins
Barry L McCammon
Bob Moody
Gentry Jackson Prince
Parker Smith
Stephen L. Logan
Sheila Yvonne Melton
Joshua Donlan
Ronald D Pate
Todd Vemmer
Kevin W Cripps
Jason S. A. Bruns
Alan Wade
Diana Lynn Cook
Jason Jones
Kevin E Townes
Troy M Thornton
Hunter Allen Dill
Blair W Kilver
Justin Raymond Davis
Gregory L Mayberry
DIANE D RODRIGUEZ
David M Marler
Timothy Allen Dunahee, Sr
Gordon G Gebhart
Gregory H. Cochran
Casey Boatman
Michael David Hall
Kenneth Ryan Prince
Karla Burrus
Joseph Anthony musillami jr
Daniel Edward Groves
Danny Simmons
Michael Wayne Leach
Jason Geiler
ROBERT EARL BUTLER
William Etsel Nunn
Daniel Muir
Channing M Knight Sr
Brenda J Gaitros
Randy W Sowers
Michael Naumov
Paul Steven Bomstad.
Randy Wayne Bates
Richard Nolte
Terra Mckenzie

Todd A Thornton
Sam Jimison
John Frank Czekanski
Jennifer Beasley
Todd Jacobs
Ralph G Matthews
ROBERT B DRABING
Tami Capasso
Neil A. Seeley
Kyle Douglas Swisher
Tricia L Benton
Philip Michael Johnson
Joshua Gibson
Rex Fleming
Gary Crabtree
Julian sims
Charles Brian Bishop
Paul Brent Gorden
Jerry baumgartner
Matt p filchak jr
Kevin D Stockton
Phillip Stambaugh
Bradley Centola
Chris Whipps
Donald Towner
Drew Hilderbrand
Anthony James Merriman
Heather Maxey
David Sproul
Brian Armstrong
David Robert Browning
Jeff Roddy
Sarah Rempel
Dustin Richard Schaub
Samuel L Short
Aaron William Peck
Ronald Trimmer Jr
Nicholas Foraker
Susanne L Valentino Polito
Donald W. Vest
Skylor Wold
Benjamin E Manley
Michelle Tankersley
Thomas W. Hill
David H McDonald
Chris Wise
Britne Cripe

Cushing
Troy E Courtright
Brad Marshall
Andrea Templeton
Rebecca J Burkham
Kenneth L. Ervin
Aric Greenberg
Matthew Bruce
Stacy radinsky
Garrett A Marshall
Phillip Evan Hampton
Anthony D. Bell6
Larry Dean Conlin Jr
Julie Horath
jessica ann conlin
Keith William Ott
Caleb Rutherford
William Edward Heitz
Eric McGlauchlen
Jennifer Wood
Glenda Corzine
David R. Lehman
Christopher W Pumphrey
Harold G. Eagle
Margaret Katherine Ohlwine
Chris Knight
Chad Thilker
Jarrod Rempel
Tyler Noel Jones
Mary Ann Walker
Michael Wayne Janetzky
Jason hollingsead
Zachary Jones
Scott Carter
Kelly Lynn Stinnett
Nicolette Lynn Brennan
Jeremy Yarrington
Jacob Alexander Marshall
Thomas W Avery III
PATRICK M MCCAIN
Jordan Jacobs
Andrew Hanes
Shawne R Wempen
SCOTT D CARTER
Kara J Hubner
Gerald A Snyder
Chance Allen Mills

Dalton Trusner
Donald D. Holeman
Faithanne Bolt
Roger Dale Ray
Nicholas Guinn
Kimberly J Ginger
DARRELL MICHAEL HASLETT
Jonathan lee Whitcomb
Dorrie Jankowski
Karen J Oesch
Bryan Nathaniel Ray
Jeffrey F Armstrong
William Summers
Monte R. Thornton
Caleb A. Camp
Samuel Hardy
David Mitchell Chalmers
Brian Hayes
Daniel Finney
Dave W Watts
David Semler
John Mark Moore
Lorne Faletic
Mitchell L Estep Jr
Dave Wiley
Kathleen Davis
David Alderson
Alena Jackson
Coke Johnson
Terry James Yoder sr.
Ronald Lee Chenoweth
Jeff Elzy
Coty J Alexander
DANNY LYNN PAYTON
Justin Edgecombe
Terry yoder
Colton fahs
Edward Eugene Hunter
Charles D Dean
Jamie A Lawson
Janet M Clark
Elizabeth Uptmor
Samuel J Timbush
John D Ferriell
Nathan Byrd
Nicholas K Berry
Pamela Craft

Cynthia Doran
Linda Schutte
Steve Funk
Seth W Black
Jacob Douglas Smith
Theresa Linder
Todd Daniels
Paul Rawlins
Kenneth Lyons
Steven Marshall
Carol Geiler
Troy Smith
Jeffrey Jones
Laura Marie Cullison
James Randolph Melton
William Kaigley
Seth Mudd
Tamara Dukeman
Lillian Baldwin
Gerald M Weseloh
Christopher McChesney
Clayton David Compton
Robert Nichols
Doug Taylor
Shawn Renfro
Don Bruder
Cheryl Sproul
Rebecca Rae Davis
Jamie Grider
Jevon Thomas
Thomas j olson
Shane Ryan Conaway
Michael Finn
Gary Roberts
William Craig Miller
Thomas Eichenauer
Melissa Maple
Steve Wright
Steven Lawrence Royal
Claude A Harvard
Heidi M Hall
Paul Lowery
Brooke Friesner
Brandon Sullens
Thomas Michael Rogers
Sadie Stambaugh
Linda Ambrose

Travis John Pierce
Rogenia Culp
Mitchell Davis Bolyard
Susan Bacon
Ralph Warren Griffiths II
Rebecca McNutt
Melissa Lynne Byrd
Johnathan A Gambrill
Michael s tharp
Brandon Waugh
James W Brewer Jr
Shawn Louis Waskowiak
Christopher Kenneth Copenbarger
Kelley Morrison
Austin Patrick Doolin
Dwayne w durbin
Michael J Scott
Willard schrock
Paula Spitzer
Logan Petro
Lavonne C Marshall
matthew broadhacker
Thomas A Larry
Bruce Brian Smith
Eric J Stark
Kyle Bradford
Michael Butts
Erik Royer
James Ridenour
Nola Trimmer
Terry Goforth
Timothy Scott Griffey
G. Edward Walton
Marvin Rickey Pagel
Gary G Farr
Trent Trudeau
Terry Rigdon RRP Sporting Goods
Steve Duncan
Joshua Cole
Jerry Seeforth
Kevin Kowalis
Monica L Courtright
Bob Capasso
John Scott Thompson
Sanford Shriver
Scott Buxton
David J Hill

Chad clark
Daniel I Lester
Cole Shonk
Kevin Mathias
Jeffrey s mcqueen
Kent Lyle Kirby
Russell Neu
Kevin Stockwell
Scott Punke
Katherine Von Qualen
Brandi Jean McDonald
Brian Ekiss
John E. Beggs Jr.
James William Turner
Janet L. Broadhacker
Keith D Brown
Chris D Senger
Marcus A Swaim
Charles Anton DeLude
Steven hoyt wages
Chad warren finney
Colton Hubner
Jami Trybom
Del Beiler
Douglas L Dukeman
Chadd Robert Mathias
Danny Higgins
Kent Hawthorne
Leslie Brennan
Franklin C. Brannock
DOUGLAS W SCHMIDGALL
Vandell Beasley
Anthony Tyler
Chloe Hambrecht
Timothy Allen Largent
Jeremy Nation
Ryan Banman
Aaron Ragsdale
Kathryn Mary House
Brian Keith Clark
Aaron Kruger
Jacob Hunt
Lee G Mudd
Joseph Anthony musillami jr
Ronald Monier
Brian Wayne Jones
Mary Eileen Janetzky

Benjamin Haslett
Angela Jean Hoch
Brett Joseph Ahlin
Nicholas Myers
Cliffton earl swaggerty II
Gary Phillip Workman
Joshua A Tulak
Heather Marie Thomas
Richard A Thornton
Del Beiler
Joseph James A. Ramos
Scott Gaitros
Jason Lynn Smith
Harry Fleming
Thomas A Hall
James Martin
Daniel Hiser
Brandon Niles
Anthony Shane Cooper
Emily Gilmore
Joanne L McQueen
Aarin Coate
Robert j macak
Tim Modro II
Heather Carder
Marcus A Smith
Aaron Sproul
Brandon helton
Jonathan J Book
Rodney Wade Van Zee
Jeff Otto
Krystal
LeAnna Talley
AmandaRose Hicks-Barnhardt
M Sue Burgess
Forest Dirk Fields
Brooke Lee Smith
Richard Perry
Kelly Osborne
Jersei Ricks
Mary Ann Good
John Keller
Stephen P. House
Valerie R Walker
Mark William Kaylor
Reed Sullivan
Christopher Robinson

Richard B. Bolt
Christian Minich
MARK STEVAN EKISS
REYNALDO RODRIGUEZ JR
Danielle Ferriell
Thomas Eugene Creighton
Thomas A. Dettore
Steven Mitchell Morgan
Terry Rigdon
Keaton Taylor
Nathan Raley
Leonard Hostetler
Douglas Gosnell
Robert E Wilcott
Christopher m gideon
Robert Disney
Joseph M Vanbeneden Jr
Stacy Elizabeth Hupp
Jacob William McIlwain
Miles Crystal
Joey ONeill-Hollingsead
Tyler Jason Brandis
Michael S Musgrave
Dan Neilson
Michael R Broadhacker
Steven A. Maher
Chase Sifford
Andrew Spangler
Stan Boulware
Kyle A Ginger
matthew broadhacker
Leon Cash
Jacob Chad Smith
Matthew Gilmore
Tim Modro
Kevin Wood
Stephen D Kunzman
Andrew Mckean
Hilary Crawford
Micah Ryan Ray
Matthew Crawford
Jerry potts
Alexa T. Sammons
Jeffrey L Bray
Jacob Russell Rogers
Marjorie Rutherford
Michael Koprek

Thomas Hamson
David Hambrecht
Walter Joseph Talazac III
gale kirkpatrick
Scott W Fibley
Melinda Kay Valentine
Jordan Haske
Christopher Edwin Lawrence
James F. Voigt Jr
Jeremy Phelps
Jason Hill
Dion w fincher
Joshua Ferguson
Andrew Glenden Nunn
Eric Kretsinger
ROBERT ELLIS
MARY KAY ELLIS
Rick Perry
Roy D Goodman
David D Brewer
Kenneth Bulthuis
Robert A Woelfel
Gary W Moser
Karrigan True
Juan e calixto
Len Lovel
Justin Elmore
Nelly Badalov
James DiBartolomeo Jr
Sandra L Bray
Cole mcelwee
Michael E Myers
Duane Enis
Earl Dujuan Taylor
Larry Wayne Day
Kyle Andrew finn
Tim Brown
George J Johns
Sarah McChesney
Douglas C White
Thomas L. Bates
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Melissa Durley

Brett Andrew Scroggins
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Carlos Brown
Matthew G Alward
Matthew Gilmore
Benjamin Paul Summers Sr.
William Dirk Tucker
Cynthia D McCullough
Jeremy David Good
Micheal L. Stine
William Weiss
Roger Oliver
Diana Bolt
Michael Scott Burge
Amy Hines
Carlton Drew Harris
Victor Lee Petty
Kennette F Chenoweth
Douglas Beese
Allan Courtney
Joseph Clifford Dieckhaus
John G. Hines
Lawrence w sparks jr
Leslie Crisman
Nathaniel E. Webster
Courtnei Bolt
George M Haarman
John Walters
Scott A Myers
David Reid Shroyer
William Paul Nash
Justin Poynter
Van W Beasley
Leonard Konich
Erik Dru Davenport
Thomas A Swafford
Timothy A Bucher
William J. Emrich
Casey Bolt
Christopher Ray
Todd Laughhunn
Jerod Benedict
Adam Hills
RYAN S EPPERSON
Jenifer McCoskey
Emory Stephenson

P. Thomas Ambrose
Jody Taylor
Brian Patrick Prince
Dustin Michael Morrison
Bryan Horath
David Purvis
Rick Moma
Jason e. Moore
Derek Kresin
Jerry Sebok / soy city pistol club
Ryan Earley
Gregory Alan Blakey
Deanna m gideon
Brandon Brummitt
Ryan Tyler Cox
Chris Kline
Steven c peterson
Linda Shriver
Jeremiah T Grider
SCOTT A RUTHERFORD
Shawn Durley
Justin Tyler Dowds
Nicholas Hortenstine
Justin Kidd
Steven melton
Gunes Ozyurt
John Samuel Hazelwonder
Benjamin Haynes
Michael J. Vandermillen
David Van Stedum
Brandon Melcher
Stephen E Yeager
Collin Young
Philip Otto
Brianhillphotography@gmail.com
Bruce Haubner
Rhett Banman
James Michael Sommer
Dale G Johnson
Thomas Hall
Brittney N Campbell
James Walker Jr
Zachary Colbert
Anthony Shane Cooper
Toby M Tackett
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Mark Elmer Daniel
Joshua Golden
Ronald Roy Black
Stanley T Stables
Haley Wallace
Michael L Gillett
Sue Jimison
Leroy Walston
Gary Gundy
Eric Maxey
Ryan Dunlap
DAVID GLENN
Thomas S Myers
David Bailey
Kurt William Hoch
Joshua Alan O'Laughlin
Corbin Fair
Robert E. Miller
Tyler Jason Brandis
Erica Hilderbrand
Randall A Williams
G. Neal Fleming
Michael P Williams
Chris McMullen
Richard Mattingly
William J. Holdener, Jr.
Jacob Hugo Hoerdeman
Todd Matthew Albert
William Macy frederick
Regina A Camp
Monty Franklin Knapp
Kenneth Christopher Bagley
D.K. Ellison
Eric Daniel Mast
Tim Modro
Amber yoder
Kenneth Von Qualen
Amy L Myers
Michael Roach
Cathy Jo Walston



EXHIBIT C

[Previous General Assemblies](#)**Full Text of HB5471** 102nd General Assembly[Introduced](#) [Engrossed](#) [Enrolled](#)[Senate Amendment 001](#) [Senate Amendment 002](#) [Senate Amendment 003](#)[Senate Amendment 004](#) [Senate Amendment 005](#)[Public Act](#)[Printer-Friendly Version](#) [PDF](#) [Bill Status](#)**102ND GENERAL ASSEMBLY**
State of Illinois
2021 and 2022
HB5471

Introduced 1/31/2022, by Rep. Dagmara Avelar

SYNOPSIS AS INTRODUCED:215 ILCS 5/1510
215 ILCS 5/1575
215 ILCS 5/Art. XXXI.75 rep.

Amends the Illinois Insurance Code. In provisions concerning a contract between public adjuster and insured, provides that: a public adjuster shall ensure that the contract contains the email address of the public adjuster; a public adjuster may also provide an exact copy of the contract to the insurer's authorized representative for receiving notice of loss or damage in specified circumstances; a public adjuster may provide emergency services before a written contract with the insured has been executed; a public adjuster shall not provide services until a written contract with the insured has been executed and an exact copy of the contract has been provided to the insurer; at the option of an insured, any contract between a public adjuster and the insured shall be voidable for 5 business days after the copy of the contract has been received by the insurer, except as provided in the Fire Damage Representation Agreement Act; the insured may void the contract by notifying the public adjuster in writing by sending an email to the email address shown on the contract. been received by the insurer, except as provided in the Fire Damage Representation Agreement Act. Defines "adjusting insurance claims" and "compensation". Changes a definition of "public adjuster". Removes a definition of "adjusting a claim for loss or damage covered by an insurance contract". Repeals the Public Insurance Adjusters and Registered Firms Article of the Illinois Insurance Code. Effective immediately.

A BILL FOR

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1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Insurance Code is amended by
5 changing Sections 1510 and 1575 as follows:

6 (215 ILCS 5/1510)

7 Sec. 1510. Definitions. In this Article:

8 ~~"Adjusting a claim for loss or damage covered by an~~
9 ~~insurance contract" means negotiating values, damages, or~~
10 ~~depreciation or applying the loss circumstances to insurance~~
11 ~~policy provisions.~~

12 "Adjusting insurance claims" means representing an insured
13 with an insurer for compensation, and while representing that
14 insured either negotiating values, damages, or depreciation,
15 or applying the loss circumstances to insurance policy
16 provisions.

17 "Business entity" means a corporation, association,
18 partnership, limited liability company, limited liability
19 partnership, or other legal entity.

20 "Compensation" includes, but is not limited to, the
21 following:

22 (1) any assignment of insurance proceeds or a
23 percentage of the insurance proceeds;

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1 (2) any agreement to make repairs for the amount of
2 the insurance proceeds payable; or

3 (3) assertion of any lien against insurance proceeds

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4 payable.

5 "Department" means the Department of Insurance.

6 "Director" means the Director of Insurance.

7 "Fingerprints" means an impression of the lines on the
8 finger taken for the purpose of identification. The impression
9 may be electronic or in ink converted to electronic format.

10 "Home state" means the District of Columbia and any state
11 or territory of the United States where the public adjuster's
12 principal place of residence or principal place of business is
13 located. If neither the state in which the public adjuster
14 maintains the principal place of residence nor the state in
15 which the public adjuster maintains the principal place of
16 business has a substantially similar law governing public
17 adjusters, the public adjuster may declare another state in
18 which it becomes licensed and acts as a public adjuster to be
19 the home state.

20 "Individual" means a natural person.

21 "Person" means an individual or a business entity.

22 "Public adjuster" means any person who, for compensation
23 or any other thing of value on behalf of the insured:

24 (i) acts, ~~or~~ aids, or represents the insured solely in
25 relation to first party claims arising under insurance
26 contracts that insure the real or personal property of the

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1 ~~insured, on behalf of an insured~~ in adjusting an insurance
2 ~~a~~ claim for loss or damage covered by an insurance
3 contract;

4 (ii) advertises for employment as a public adjuster of
5 insurance claims or solicits business or represents
6 himself or herself to the public as a public adjuster of
7 first party insurance claims for losses or damages arising
8 out of policies of insurance that insure real or personal
9 property; or

10 (iii) directly or indirectly solicits business,
11 investigates or adjusts losses, or advises an insured
12 about first party claims for losses or damages arising out
13 of policies of insurance that insure real or personal
14 property for another person engaged in the business of

15 adjusting losses or damages covered by an insurance policy
16 for the insured.

17 "Uniform individual application" means the current version
18 of the National Association of Directors (NAIC) Uniform
19 Individual Application for resident and nonresident
20 individuals.

21 "Uniform business entity application" means the current
22 version of the National Association of Insurance Commissioners
23 (NAIC) Uniform Business Entity Application for resident and
24 nonresident business entities.

25 "Webinar" means an online educational presentation during
26 which a live and participating instructor and participating

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1 viewers, whose attendance is periodically verified throughout
2 the presentation, actively engage in discussion and in the
3 submission and answering of questions.
4 (Source: P.A. 102-135, eff. 7-23-21.)

5 (215 ILCS 5/1575)

6 Sec. 1575. Contract between public adjuster and insured.

7 (a) Public adjusters shall ensure that all contracts for
8 their services are in writing and contain the following terms:

9 (1) legible full name of the adjuster signing the
10 contract, as specified in Department records;

11 (2) permanent home state business address, email
12 address, and phone number;

13 (3) license number;

14 (4) title of "Public Adjuster Contract";

15 (5) the insured's full name, street address, insurance
16 company name, and policy number, if known or upon
17 notification;

18 (6) a description of the loss and its location, if
19 applicable;

20 (7) description of services to be provided to the
21 insured;

22 (8) signatures of the public adjuster and the insured;

23 (9) date and time the contract was signed by the
24 public adjuster and date and time the contract was signed
25 by the insured;

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- 1 (10) attestation language stating that the public
2 adjuster is fully bonded pursuant to State law; and
3 (11) full salary, fee, commission, compensation, or
4 other considerations the public adjuster is to receive for
5 services.
6 (b) The contract may specify that the public adjuster
7 shall be named as a co-payee on an insurer's payment of a
8 claim.
9 (1) If the compensation is based on a share of the
10 insurance settlement, the exact percentage shall be
11 specified.
12 (2) Initial expenses to be reimbursed to the public
13 adjuster from the proceeds of the claim payment shall be
14 specified by type, with dollar estimates set forth in the
15 contract and with any additional expenses first approved
16 by the insured.
17 (3) Compensation provisions in a public adjuster
18 contract shall not be redacted in any copy of the contract
19 provided to the Director.
20 (c) If the insurer, not later than 5 business days after
21 the date on which the loss is reported to the insurer, either
22 pays or commits in writing to pay to the insured the policy
23 limit of the insurance policy, the public adjuster shall:
24 (1) not receive a commission consisting of a
25 percentage of the total amount paid by an insurer to
26 resolve a claim;

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- 1 (2) inform the insured that loss recovery amount might
2 not be increased by insurer; and
3 (3) be entitled only to reasonable compensation from
4 the insured for services provided by the public adjuster
5 on behalf of the insured, based on the time spent on a
6 claim and expenses incurred by the public adjuster, until
7 the claim is paid or the insured receives a written

8 commitment to pay from the insurer.

9 (d) A public adjuster shall provide the insured a written
10 disclosure concerning any direct or indirect financial
11 interest that the public adjuster has with any other party who
12 is involved in any aspect of the claim, other than the salary,
13 fee, commission, or other consideration established in the
14 written contract with the insured, including, but not limited
15 to, any ownership of or any compensation expected to be
16 received from, any construction firm, salvage firm, building
17 appraisal firm, board-up company, or any other firm that
18 provides estimates for work, or that performs any work, in
19 conjunction with damages caused by the insured loss on which
20 the public adjuster is engaged. The word "firm" shall include
21 any corporation, partnership, association, joint-stock
22 company, or person.

23 (e) A public adjuster contract may not contain any
24 contract term that:

25 (1) allows the public adjuster's percentage fee to be
26 collected when money is due from an insurance company, but

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1 not paid, or that allows a public adjuster to collect the
2 entire fee from the first check issued by an insurance
3 company, rather than as a percentage of each check issued
4 by an insurance company;

5 (2) requires the insured to authorize an insurance
6 company to issue a check only in the name of the public
7 adjuster;

8 (3) precludes a public adjuster or an insured from
9 pursuing civil remedies;

10 (4) includes any hold harmless agreement that provides
11 indemnification to the public adjuster by the insured for
12 liability resulting from the public adjuster's negligence;
13 or

14 (5) provides power of attorney by which the public
15 adjuster can act in the place and instead of the insured.

16 (f) The following provisions apply to a contract between a
17 public adjuster and an insured:

18 (1) Prior to the signing of the contract, the public

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19 adjuster shall provide the insured with a separate signed
20 and dated disclosure document regarding the claim process
21 that states:
22 "Property insurance policies obligate the insured to
23 present a claim to his or her insurance company for
24 consideration. There are 3 types of adjusters that could
25 be involved in that process. The definitions of the 3
26 types are as follows:

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1 (A) "Company adjuster" means the insurance
2 adjusters who are employees of an insurance company.
3 They represent the interest of the insurance company
4 and are paid by the insurance company. They will not
5 charge you a fee.

6 (B) "Independent adjuster" means the insurance
7 adjusters who are hired on a contract basis by an
8 insurance company to represent the insurance company's
9 interest in the settlement of the claim. They are paid
10 by your insurance company. They will not charge you a
11 fee.

12 (C) "Public adjuster" means the insurance
13 adjusters who do not work for any insurance company.
14 They represent ~~work for~~ the insured to assist in the
15 preparation, presentation, and settlement of the
16 claim. The insured hires them by signing a contract
17 agreeing to pay them a fee or commission based on a
18 percentage of the settlement, or other method of
19 compensation."

20 (2) The insured is not required to hire a public
21 adjuster to help the insured meet his or her obligations
22 under the policy, but has the right to do so.

23 (3) The public adjuster is not a representative or
24 employee of the insurer.

25 (4) The salary, fee, commission, or other
26 consideration is the obligation of the insured, not the

1 insurer, except when rights have been assigned to the
2 public adjuster by the insured.

3 (g) The contracts shall be executed in duplicate to
4 provide an original contract to the public adjuster, and an
5 original contract to the insured. The public adjuster's
6 original contract shall be available at all times for
7 inspection without notice by the Director.

8 (h) The public adjuster shall provide the insurer, or its
9 authorized representative for receiving notice of loss or
10 damage, with an exact copy of the contract with by the insured
11 by email after execution of the contract, authorizing the
12 public adjuster to represent the insured's interest.

13 (i) The public adjuster shall give the insured written
14 notice of the insured's rights as a consumer under the law of
15 this State.

16 (j) A public adjuster shall not provide services, other
17 than emergency services, until a written contract with the
18 insured has been executed, on a form filed with and approved by
19 the Director, and an exact copy of the contract has been
20 provided to the insurer, or its authorized representative for
21 receiving notice of loss or damage. Except as provided in the
22 Fire Damage Representation Agreement Act, at At the option of
23 the insured, any such contract shall be voidable for 5
24 business days after the copy has been received by the insurer
25 execution. The insured may void the contract by notifying the
26 public adjuster in writing by (i) registered or certified

1 mail, return receipt requested, to the address shown on the
2 contract, or (ii) personally serving the notice on the public
3 adjuster, or (iii) sending an email to the email address shown
4 on the contract.

5 (k) If the insured exercises the right to rescind the
6 contract, anything of value given by the insured under the
7 contract will be returned to the insured within 15 business
8 days following the receipt by the public adjuster of the
9 cancellation notice.

10 (Source: P.A. 96-1332, eff. 1-1-11; 97-333, eff. 8-12-11.)

11 (215 ILCS 5/Art. XXXI.75 rep.)

12 Section 10. The Illinois Insurance Code is amended by
13 repealing Article XXXI 3/4.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.

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EXHIBIT D

HB5471sam001 102ND GENERAL ASSEMBLY

Sen. Don Harmon**Filed: 1/8/2023**

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AMENDMENT TO HOUSE BILL 5471

AMENDMENT NO. _____. Amend House Bill 5471 by replacing everything after the enacting clause with the following:

"Section 1. This Act may be referred to as the Protect Illinois Communities Act.

Section 5. The Illinois State Police Law of the Civil Administrative Code of Illinois is amended by changing Sections 2605-35 and 2605-51.1 as follows:

(20 ILCS 2605/2605-35) (was 20 ILCS 2605/55a-3)

Sec. 2605-35. Division of Criminal Investigation.

(a) The Division of Criminal Investigation shall exercise the following functions and those in Section 2605-30:

(1) Exercise the rights, powers, and duties vested by law in the Illinois State Police by the Illinois Horse Racing Act of 1975, including those set forth in Section

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2605-215.

(2) Investigate the origins, activities, personnel, and incidents of crime and enforce the criminal laws of this State related thereto.

(3) Enforce all laws regulating the production, sale, prescribing, manufacturing, administering, transporting,

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8 distributing, or use of controlled substances and
9 cannabis.

10 (4) Cooperate with the police of cities, villages, and
11 incorporated towns and with the police officers of any
12 county in enforcing the laws of the State and in making
13 arrests and recovering property.

14 (5) Apprehend and deliver up any person charged in
15 this State or any other state with treason or a felony or
16 other crime who has fled from justice and is found in this
17 State.

18 (6) Investigate recipients and providers under the
19 Illinois Public Aid Code and any personnel involved in the
20 administration of the Code who are suspected of any
21 violation of the Code pertaining to fraud in the
22 administration, receipt, or provision of assistance and
23 pertaining to any violation of criminal law; and exercise
24 the functions required under Section 2605-220 in the
25 conduct of those investigations.

26 (7) Conduct other investigations as provided by law.

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1 including, but not limited to, investigations of human
2 trafficking, illegal drug trafficking, and illegal
3 firearms trafficking.

4 (8) Investigate public corruption.

5 (9) Exercise other duties that may be assigned by the
6 Director in order to fulfill the responsibilities and
7 achieve the purposes of the Illinois State Police, which
8 may include the coordination of gang, terrorist, and
9 organized crime prevention, control activities, and
10 assisting local law enforcement in their crime control
11 activities.

12 (10) Conduct investigations (and cooperate with
13 federal law enforcement agencies in the investigation) of
14 any property-related crimes, such as money laundering,
15 involving individuals or entities listed on the sanctions
16 list maintained by the U.S. Department of Treasury's
17 Office of Foreign Asset Control.

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19 (c) The Division of Criminal Investigation shall provide
 20 statewide coordination and strategy pertaining to
 21 firearm-related intelligence, firearms trafficking
 22 interdiction, and investigations reaching across all divisions
 23 of the Illinois State Police, including providing crime gun
 24 intelligence support for suspects and firearms involved in
 25 firearms trafficking or the commission of a crime involving
 26 firearms that is investigated by the Illinois State Police and

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1 other federal, State, and local law enforcement agencies, with
 2 the objective of reducing and preventing illegal possession
 3 and use of firearms, firearms trafficking, firearm-related
 4 homicides, and other firearm-related violent crimes in
 5 Illinois.

6 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22;
 7 102-1108, eff. 12-21-22.)

8 (20 ILCS 2605/2605-51.1)

9 (Section scheduled to be repealed on June 1, 2026)

10 Sec. 2605-51.1. Commission on Implementing the Firearms
 11 Restraining Order Act.

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

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

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

23 (3) at least 3 State's Attorneys, nominated by the
 24 Director of the Office of the State's Attorneys Appellate
 25 Prosecutor;

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(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; and

(12) a circuit court clerk, nominated by the President

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of the Illinois Association of Court Clerks.

(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

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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

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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 June 1, 2025 (3 years after the effective date of Public Act 102-345).

(g) This Section is repealed June 1, 2026 (4 years after the effective date of Public Act 102-345).

(Source: P.A. 102-345, eff. 6-1-22; 102-813, eff. 5-13-22.)

Section 7. The Illinois Procurement Code is amended by changing Section 1-10 as follows:

(30 ILCS 500/1-10)

Sec. 1-10. Application.

(a) This Code applies only to procurements for which bidders, offerors, potential contractors, or contractors were first solicited on or after July 1, 1998. This Code shall not be construed to affect or impair any contract, or any provision of a contract, entered into based on a solicitation prior to the implementation date of this Code as described in

Article 99, including, but not limited to, any covenant

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23 entered into with respect to any revenue bonds or similar
24 instruments. All procurements for which contracts are

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1 solicited between the effective date of Articles 50 and 99 and
2 July 1, 1998 shall be substantially in accordance with this
3 Code and its intent.

4 (b) This Code shall apply regardless of the source of the
5 funds with which the contracts are paid, including federal
6 assistance moneys. This Code shall not apply to:

7 (1) Contracts between the State and its political
8 subdivisions or other governments, or between State
9 governmental bodies, except as specifically provided in
10 this Code.

11 (2) Grants, except for the filing requirements of
12 Section 20-80.

13 (3) Purchase of care, except as provided in Section
14 5-30.6 of the Illinois Public Aid Code and this Section.

15 (4) Hiring of an individual as an employee and not as
16 an independent contractor, whether pursuant to an
17 employment code or policy or by contract directly with
18 that individual.

19 (5) Collective bargaining contracts.

20 (6) Purchase of real estate, except that notice of
21 this type of contract with a value of more than \$25,000
22 must be published in the Procurement Bulletin within 10
23 calendar days after the deed is recorded in the county of
24 jurisdiction. The notice shall identify the real estate
25 purchased, the names of all parties to the contract, the
26 value of the contract, and the effective date of the

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1 contract.

2 (7) Contracts necessary to prepare for anticipated
3 litigation, enforcement actions, or investigations,
4 provided that the chief legal counsel to the Governor

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agency is one subject to the jurisdiction of the Governor,
and provided that the chief legal counsel of any other
procuring entity subject to this Code shall give his or
her prior approval when the procuring entity is not one
subject to the jurisdiction of the Governor.

(8) (Blank).

(9) Procurement expenditures by the Illinois
Conservation Foundation when only private funds are used.

(10) (Blank).

(11) Public-private agreements entered into according
to the procurement requirements of Section 20 of the
Public-Private Partnerships for Transportation Act and
design-build agreements entered into according to the
procurement requirements of Section 25 of the
Public-Private Partnerships for Transportation Act.

(12) (A) Contracts for legal, financial, and other
professional and artistic services entered into by the
Illinois Finance Authority in which the State of Illinois
is not obligated. Such contracts shall be awarded through
a competitive process authorized by the members of the
Illinois Finance Authority and are subject to Sections

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5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
as well as the final approval by the members of the
Illinois Finance Authority of the terms of the contract.

(B) Contracts for legal and financial services entered
into by the Illinois Housing Development Authority in
connection with the issuance of bonds in which the State
of Illinois is not obligated. Such contracts shall be
awarded through a competitive process authorized by the
members of the Illinois Housing Development Authority and
are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
and 50-37 of this Code, as well as the final approval by
the members of the Illinois Housing Development Authority
of the terms of the contract.

(13) Contracts for services, commodities, and
equipment to support the delivery of timely forensic
science services in consultation with and subject to the

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17 approval of the Chief Procurement Officer as provided in
 18 subsection (d) of Section 5-4-3a of the Unified Code of
 19 Corrections, except for the requirements of Sections
 20 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
 21 Code; however, the Chief Procurement Officer may, in
 22 writing with justification, waive any certification
 23 required under Article 50 of this Code. For any contracts
 24 for services which are currently provided by members of a
 25 collective bargaining agreement, the applicable terms of
 26 the collective bargaining agreement concerning

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1 subcontracting shall be followed.

2 On and after January 1, 2019, this paragraph (13),
 3 except for this sentence, is inoperative.

4 (14) Contracts for participation expenditures required
 5 by a domestic or international trade show or exhibition of
 6 an exhibitor, member, or sponsor.

7 (15) Contracts with a railroad or utility that
 8 requires the State to reimburse the railroad or utilities
 9 for the relocation of utilities for construction or other
 10 public purpose. Contracts included within this paragraph
 11 (15) shall include, but not be limited to, those
 12 associated with: relocations, crossings, installations,
 13 and maintenance. For the purposes of this paragraph (15),
 14 "railroad" means any form of non-highway ground
 15 transportation that runs on rails or electromagnetic
 16 guideways and "utility" means: (1) public utilities as
 17 defined in Section 3-105 of the Public Utilities Act, (2)
 18 telecommunications carriers as defined in Section 13-202
 19 of the Public Utilities Act, (3) electric cooperatives as
 20 defined in Section 3.4 of the Electric Supplier Act, (4)
 21 telephone or telecommunications cooperatives as defined in
 22 Section 13-212 of the Public Utilities Act, (5) rural
 23 water or waste water systems with 10,000 connections or
 24 less, (6) a holder as defined in Section 21-201 of the
 25 Public Utilities Act, and (7) municipalities owning or
 26 operating utility systems consisting of public utilities

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as that term is defined in Section 11-117-2 of the Illinois Municipal Code.

(16) Procurement expenditures necessary for the Department of Public Health to provide the delivery of timely newborn screening services in accordance with the Newborn Metabolic Screening Act.

(17) Procurement expenditures necessary for the Department of Agriculture, the Department of Financial and Professional Regulation, the Department of Human Services, and the Department of Public Health to implement the Compassionate Use of Medical Cannabis Program and Opioid Alternative Pilot Program requirements and ensure access to medical cannabis for patients with debilitating medical conditions in accordance with the Compassionate Use of Medical Cannabis Program Act.

(18) This Code does not apply to any procurements necessary for the Department of Agriculture, the Department of Financial and Professional Regulation, the Department of Human Services, the Department of Commerce and Economic Opportunity, and the Department of Public Health to implement the Cannabis Regulation and Tax Act if the applicable agency has made a good faith determination that it is necessary and appropriate for the expenditure to fall within this exemption and if the process is conducted in a manner substantially in accordance with the requirements of Sections 20-160, 25-60, 30-22, 50-5,

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50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35, 50-36, 50-37, 50-38, and 50-50 of this Code; however, for Section 50-35, compliance applies only to contracts or subcontracts over \$100,000. Notice of each contract entered into under this paragraph (18) that is related to the procurement of goods and services identified in

Paragraph (1) through (9) of this subsection shall be

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published in the Procurement Bulletin within 14 calendar days after contract execution. The Chief Procurement Officer shall prescribe the form and content of the notice. Each agency shall provide the Chief Procurement Officer, on a monthly basis, in the form and content prescribed by the Chief Procurement Officer, a report of contracts that are related to the procurement of goods and services identified in this subsection. At a minimum, this report shall include the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to this Code utilized. A copy of any or all of these contracts shall be made available to the Chief Procurement Officer immediately upon request. The Chief Procurement Officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that includes, at a minimum, an annual summary of the monthly information reported to the Chief Procurement Officer. This exemption becomes inoperative 5 years after

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June 25, 2019 (the effective date of Public Act 101-27).

(19) Acquisition of modifications or adjustments, limited to assistive technology devices and assistive technology services, adaptive equipment, repairs, and replacement parts to provide reasonable accommodations (i) that enable a qualified applicant with a disability to complete the job application process and be considered for the position such qualified applicant desires, (ii) that modify or adjust the work environment to enable a qualified current employee with a disability to perform the essential functions of the position held by that employee, (iii) to enable a qualified current employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities, and (iv) that allow a customer, client, claimant, or member of the public

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seeking State services full use and enjoyment of and

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18 access to its programs, services, or benefits.

19 For purposes of this paragraph (19):

20 "Assistive technology devices" means any item, piece
21 of equipment, or product system, whether acquired
22 commercially off the shelf, modified, or customized, that
23 is used to increase, maintain, or improve functional
24 capabilities of individuals with disabilities.

25 "Assistive technology services" means any service that
26 directly assists an individual with a disability in

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1 selection, acquisition, or use of an assistive technology
2 device.

3 "Qualified" has the same meaning and use as provided
4 under the federal Americans with Disabilities Act when
5 describing an individual with a disability.

6 (20) Procurement expenditures necessary for the
7 Illinois Commerce Commission to hire third-party
8 facilitators pursuant to Sections 16-105.17 and 16-108.18
9 of the Public Utilities Act or an ombudsman pursuant to
10 Section 16-107.5 of the Public Utilities Act, a
11 facilitator pursuant to Section 16-105.17 of the Public
12 Utilities Act, or a grid auditor pursuant to Section
13 16-105.10 of the Public Utilities Act.

14 (21) Procurement expenditures for the purchase,
15 renewal, and expansion of software, software licenses, or
16 software maintenance agreements that support the efforts
17 of the Illinois State Police to enforce, regulate, and
18 administer the Firearm Owners Identification Card Act, the
19 Firearm Concealed Carry Act, the Firearms Restraining
20 Order Act, the Firearm Dealer License Certification Act,
21 the Law Enforcement Agencies Data System (LEADS), the
22 Uniform Crime Reporting Act, the Criminal Identification
23 Act, the Uniform Conviction Information Act, and the Gun
24 Trafficking Information Act, or establish or maintain
25 record management systems necessary to conduct human
26 trafficking investigations or gun trafficking or other

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stolen firearm investigations. This paragraph (21) applies to contracts entered into on or after the effective date of this amendatory Act of the 102nd General Assembly and the renewal of contracts that are in effect on the effective date of this amendatory Act of the 102nd General Assembly.

Notwithstanding any other provision of law, for contracts with an annual value of more than \$100,000 entered into on or after October 1, 2017 under an exemption provided in any paragraph of this subsection (b), except paragraph (1), (2), or (5), each State agency shall post to the appropriate procurement bulletin the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. The chief procurement officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the chief procurement officer.

(c) This Code does not apply to the electric power procurement process provided for under Section 1-75 of the Illinois Power Agency Act and Section 16-111.5 of the Public Utilities Act.

(d) Except for Section 20-160 and Article 50 of this Code, and as expressly required by Section 9.1 of the Illinois Lottery Law, the provisions of this Code do not apply to the

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procurement process provided for under Section 9.1 of the Illinois Lottery Law.

(e) This Code does not apply to the process used by the Capital Development Board to retain a person or entity to assist the Capital Development Board with its duties related to the determination of costs of a clean coal SNG brownfield facility, as defined by Section 1-10 of the Illinois Power Agency Act, as required in subsection (h-3) of Section 9-220 of the Public Utilities Act, including calculating the range

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10 of capital costs, the range of operating and maintenance
 11 costs, or the sequestration costs or monitoring the
 12 construction of clean coal SNG brownfield facility for the
 13 full duration of construction.

14 (f) (Blank).

15 (g) (Blank).

16 (h) This Code does not apply to the process to procure or
 17 contracts entered into in accordance with Sections 11-5.2 and
 18 11-5.3 of the Illinois Public Aid Code.

19 (i) Each chief procurement officer may access records
 20 necessary to review whether a contract, purchase, or other
 21 expenditure is or is not subject to the provisions of this
 22 Code, unless such records would be subject to attorney-client
 23 privilege.

24 (j) This Code does not apply to the process used by the
 25 Capital Development Board to retain an artist or work or works
 26 of art as required in Section 14 of the Capital Development

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1 Board Act.

2 (k) This Code does not apply to the process to procure
 3 contracts, or contracts entered into, by the State Board of
 4 Elections or the State Electoral Board for hearing officers
 5 appointed pursuant to the Election Code.

6 (l) This Code does not apply to the processes used by the
 7 Illinois Student Assistance Commission to procure supplies and
 8 services paid for from the private funds of the Illinois
 9 Prepaid Tuition Fund. As used in this subsection (l), "private
 10 funds" means funds derived from deposits paid into the
 11 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

12 (m) This Code shall apply regardless of the source of
 13 funds with which contracts are paid, including federal
 14 assistance moneys. Except as specifically provided in this
 15 Code, this Code shall not apply to procurement expenditures
 16 necessary for the Department of Public Health to conduct the
 17 Healthy Illinois Survey in accordance with Section 2310-431 of
 18 the Department of Public Health Powers and Duties Law of the
 19 Civil Administrative Code of Illinois.

20 (Source: P.A. 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
 21 101-363, eff. 8-9-19; 102-175, eff. 7-29-21; 102-483, eff

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22 1-1-22; 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662,
 23 eff. 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22.)

24 Section 10. The Firearm Owners Identification Card Act is
 25 amended by changing Sections 2, 3, 4, and 8 and by adding

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1 Section 4.1 as follows:

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

3 Sec. 2. Firearm Owner's Identification Card required;
 4 exceptions.

5 (a) (1) No person may acquire or possess any firearm, stun
 6 gun, or taser within this State without having in his or her
 7 possession a Firearm Owner's Identification Card previously
 8 issued in his or her name by the Illinois State Police under
 9 the provisions of this Act.

10 (2) No person may acquire or possess firearm ammunition
 11 within this State without having in his or her possession a
 12 Firearm Owner's Identification Card previously issued in his
 13 or her name by the Illinois State Police under the provisions
 14 of this Act.

15 (b) The provisions of this Section regarding the
 16 possession of firearms, firearm ammunition, stun guns, and
 17 tasers do not apply to:

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

20 (2) Members of the Armed Forces of the United States
 21 or the National Guard, while engaged in the operation of
 22 their official duties;

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

25 (4) Members of bona fide veterans organizations which

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1 receive firearms directly from the armed forces of the
 2 United States, while using the firearms for ceremonial

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

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

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

(8) Nonresidents while at a firearm showing or display recognized by the Illinois State Police; however, at all other times and in all other places these persons must have their firearms unloaded and enclosed in a case;

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

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

(11) Unemancipated minors while in the custody and immediate control of their parent or legal guardian or

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other person in loco parentis to the minor if the parent or legal guardian or other person in loco parentis to the minor has a currently valid Firearm Owner's Identification Card;

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

(13) Nonresident hunters whose state of residence does not require them to be licensed or registered to possess a firearm and only during hunting season, with valid hunting licenses, while accompanied by, and using a firearm owned by, a person who possesses a valid Firearm Owner's Identification Card and while in an area within a

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15 hunting is permitted and controlled, but in no instance
 16 upon sites owned or managed by the Department of Natural
 17 Resources;

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

23 (15) A person who is otherwise eligible to obtain a
 24 Firearm Owner's Identification Card under this Act and is
 25 under the direct supervision of a holder of a Firearm
 26 Owner's Identification Card who is 21 years of age or

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1 older while the person is on a firing or shooting range or
 2 is a participant in a firearms safety and training course
 3 recognized by a law enforcement agency or a national,
 4 statewide shooting sports organization; ~~and~~

5 ~~(16) Competitive shooting athletes whose competition~~
 6 ~~firearms are sanctioned by the International Olympic~~
 7 ~~Committee, the International Paralympic Committee, the~~
 8 ~~International Shooting Sport Federation, or USA Shooting~~
 9 ~~in connection with such athletes' training for and~~
 10 ~~participation in shooting competitions at the 2016 Olympic~~
 11 ~~and Paralympic Games and sanctioned test events leading up~~
 12 ~~to the 2016 Olympic and Paralympic Games.~~

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

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

24 (d) Any person who becomes a resident of this State, who is
 25 not otherwise prohibited from obtaining, possessing, or using

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26 a firearm or firearm ammunition, shall not be required to have

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1 a Firearm Owner's Identification Card to possess firearms or
2 firearms ammunition until 60 calendar days after he or she
3 obtains an Illinois driver's license or Illinois
4 Identification Card.

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

6 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

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

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

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

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1 (a-10) Notwithstanding item (2) of subsection (a) of this
2 Section, any person who is not a federally licensed firearm
3 dealer and who desires to transfer or sell a firearm or
4 firearms to any person who is not a federally licensed firearm
5 dealer shall, before selling or transferring the firearms,
6 contact a federal firearm license dealer under paragraph (1)
7 of subsection (a-15) of this Section to conduct the transfer

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8 or the Illinois State Police with the transferee's or
 9 purchaser's Firearm Owner's Identification Card number to
 10 determine the validity of the transferee's or purchaser's
 11 Firearm Owner's Identification Card under State and federal
 12 law including the National Instant Criminal Background Check
 13 System. This subsection shall not be effective until July 1,
 14 2023. Until that date the transferor shall contact the
 15 Illinois State Police with the transferee's or purchaser's
 16 Firearm Owner's Identification Card number to determine the
 17 validity of the card January 1, 2014. The Illinois State
 18 Police may adopt rules concerning the implementation of this
 19 subsection. The Illinois State Police shall provide the seller
 20 or transferor an approval number if the purchaser's Firearm
 21 Owner's Identification Card is valid. Approvals issued by the
 22 Illinois State Police for the purchase of a firearm pursuant
 23 to this subsection are valid for 30 days from the date of
 24 issue.

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

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

15 (2) transfers as a bona fide gift to the transferor's
 16 husband, wife, son, daughter, stepson, stepdaughter,
 17 father, mother, stepfather, stepmother, brother, sister,
 aunt, grandfather, grandmother,

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- 19 grandson, granddaughter, father-in-law, mother-in-law,
 20 son-in-law, or daughter-in-law;
 21 (3) transfers by persons acting pursuant to operation
 22 of law or a court order;
 23 (4) transfers on the grounds of a gun show under
 24 subsection (a-5) of this Section;
 25 (5) the delivery of a firearm by its owner to a
 26 gunsmith for service or repair, the return of the firearm

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

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

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

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

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

20 (a-20) The Illinois State Police shall develop an
 21 Internet-based system for individuals to determine the
 22 validity of a Firearm Owner's Identification Card prior to the
 23 sale or transfer of a firearm. The Illinois State Police shall
 24 have the Internet-based system updated ~~completed~~ and available
 25 for use by January 1, 2024 ~~July 1, 2015~~. The Illinois State
 26 Police shall adopt rules not inconsistent with this Section to

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1 implement this system; but no rule shall allow the Illinois
 2 State Police to retain records in contravention of State and
 3 federal law.

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

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

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1 dealer shall not be liable for the accuracy of any information
 2 in the transfer record submitted pursuant to this Section.
 3 Such records record shall contain the date of the transfer;
 4 the description, serial number or other information
 5 identifying the firearm, stun gun, or taser if no serial
 6 number is available; and, if the transfer was completed within
 7 this State, the transferee's Firearm Owner's Identification
 8 Card number and any approval number or documentation provided
 9 by the Illinois State Police pursuant to subsection (a-10) of
 10 this Section; if the transfer was not completed within this

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12 transferee. On or after January 1, 2006, the record shall
 13 contain the date of application for transfer of the firearm.
 14 On demand of a peace officer such transferor shall produce for
 15 inspection such record of transfer. For any transfer pursuant
 16 to subsection (a-10) of this Section, on the demand of a peace
 17 officer, such transferee shall identify the federally licensed
 18 firearm dealer maintaining the transfer record. If the
 19 transfer or sale took place at a gun show, the record shall
 20 include the unique identification number. Failure to record
 21 the unique identification number or approval number is a petty
 22 offense. For transfers of a firearm, stun gun, or taser made on
 23 or after January 18, 2019 (the effective date of Public Act
 24 100-1178), failure by the private seller to maintain the
 25 transfer records in accordance with this Section, or failure
 26 by a transferee pursuant to subsection a-10 of this Section to

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

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

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24 Card prior to the shipment of the ammunition. The ammunition
 25 may be shipped only to an address on either of those 2
 26 documents.

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1 (c) The provisions of this Section regarding the transfer
 2 of firearm ammunition shall not apply to those persons
 3 specified in paragraph (b) of Section 2 of this Act.
 4 (Source: P.A. 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

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

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

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

24 (a-10) Notwithstanding item (2) of subsection (a) of this
 25 Section, any person who is not a federally licensed firearm

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1 dealer and who desires to transfer or sell a firearm or
 2 firearms to any person who is not a federally licensed firearm
 3 dealer shall, before selling or transferring the firearms,
 4 contact a federal firearm license dealer under paragraph (1)

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or the Illinois State Police with the transferee's or purchaser's Firearm Owner's Identification Card number to determine the validity of the transferee's or purchaser's Firearm Owner's Identification Card under State and federal law, including the National Instant Criminal Background Check System. This subsection shall not be effective until July 1, 2023 ~~January 1, 2024~~. Until that date the transferor shall contact the Illinois State Police with the transferee's or purchaser's Firearm Owner's Identification Card number to determine the validity of the card. The Illinois State Police may adopt rules concerning the implementation of this subsection. The Illinois State Police shall provide the seller or transferor an approval number if the purchaser's Firearm Owner's Identification Card is valid. Approvals issued by the Illinois State Police for the purchase of a firearm pursuant to this subsection are valid for 30 days from the date of issue.

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

(1) transfers that occur at the place of business of a federally licensed firearm dealer, if the federally

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

(2) transfers as a bona fide gift to the transferor's husband, wife, son, daughter, stepson, stepdaughter, father, mother, stepfather, stepmother, brother, sister, nephew, niece, uncle, aunt, grandfather, grandmother,

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grandson, granddaughter, father-in-law, mother-in-law,
son-in-law, or daughter-in-law;

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

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

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

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service or repair and the return of the firearm to the
gunsmith;

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

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

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

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

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

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

11 (b) Any person within this State who transfers or causes
 12 to be transferred any firearm, stun gun, or taser shall keep a
 13 record of such transfer for a period of 10 years from the date
 14 of transfer. Any person within this State who receives any
 15 firearm, stun gun, or taser pursuant to subsection (a-10)
 16 shall provide a record of the transfer within 10 days of the
 17 transfer to a federally licensed firearm dealer and shall not
 18 be required to maintain a transfer record. The federally
 19 licensed firearm dealer shall maintain the transfer record for
 20 20 years from the date of receipt. A federally licensed
 21 firearm dealer may charge a fee not to exceed \$25 to retain the
 22 record. The record shall be provided and maintained in either
 23 an electronic or paper format. The federally licensed firearm
 24 dealer shall not be liable for the accuracy of any information
 25 in the transfer record submitted pursuant to this Section.
 26 Such records shall contain the date of the transfer; the

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1 description, serial number or other information identifying
 2 the firearm, stun gun, or taser if no serial number is
 3 available; and, if the transfer was completed within this
 4 State, the transferee's Firearm Owner's Identification Card
 5 number and any approval number or documentation provided by
 6 the Illinois State Police pursuant to subsection (a-10) of
 7 this Section; if the transfer was not completed within this
 8 State, the record shall contain the name and address of the
 9 transferee. On or after January 1, 2006, the record shall

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10 contain the date of application for transfer of the firearm.
 11 On demand of a peace officer such transferor shall produce for
 12 inspection such record of transfer. For any transfer pursuant
 13 to subsection (a-10) of this Section, on the demand of a peace
 14 officer, such transferee shall identify the federally licensed
 15 firearm dealer maintaining the transfer record. If the
 16 transfer or sale took place at a gun show, the record shall
 17 include the unique identification number. Failure to record
 18 the unique identification number or approval number is a petty
 19 offense. For transfers of a firearm, stun gun, or taser made on
 20 or after January 18, 2019 (the effective date of Public Act
 21 100-1178), failure by the private seller to maintain the
 22 transfer records in accordance with this Section, or failure
 23 by a transferee pursuant to subsection a-10 of this Section to
 24 identify the federally licensed firearm dealer maintaining the
 25 transfer record, is a Class A misdemeanor for the first
 26 offense and a Class 4 felony for a second or subsequent offense

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

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

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

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

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1 (Source: P.A. 102-237, eff. 1-1-24; 102-538, eff. 8-20-21;
2 102-813, eff. 5-13-22.)

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

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

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

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

23 (a-10) Notwithstanding item (2) of subsection (a) of this
24 Section, any person who is not a federally licensed firearm
25 dealer and who desires to transfer or sell a firearm or

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1 firearms to any person who is not a federally licensed firearm
2 dealer shall, before selling or transferring the firearms,

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4 purchaser's Firearm Owner's Identification Card number to
 5 determine the validity of the transferee's or purchaser's
 6 Firearm Owner's Identification Card. This subsection shall not
 7 be effective until January 1, 2014. The Illinois State Police
 8 may adopt rules concerning the implementation of this
 9 subsection. The Illinois State Police shall provide the seller
 10 or transferor an approval number if the purchaser's Firearm
 11 Owner's Identification Card is valid. Approvals issued by the
 12 Illinois State Police for the purchase of a firearm pursuant
 13 to this subsection are valid for 30 days from the date of
 14 issue.

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

17 (1) transfers that occur at the place of business of a
 18 federally licensed firearm dealer, if the federally
 19 licensed firearm dealer conducts a background check on the
 20 prospective recipient of the firearm in accordance with
 21 Section 3.1 of this Act and follows all other applicable
 22 federal, State, and local laws as if he or she were the
 23 seller or transferor of the firearm, although the dealer
 24 is not required to accept the firearm into his or her
 25 inventory. The purchaser or transferee may be required by
 26 the federally licensed firearm dealer to pay a fee not to

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1 exceed \$10 per firearm, which the dealer may retain as
 2 compensation for performing the functions required under
 3 this paragraph, plus the applicable fees authorized by
 4 Section 3.1;

5 (2) transfers as a bona fide gift to the transferor's
 6 husband, wife, son, daughter, stepson, stepdaughter,
 7 father, mother, stepfather, stepmother, brother, sister,
 8 nephew, niece, uncle, aunt, grandfather, grandmother,
 9 grandson, granddaughter, father-in-law, mother-in-law,
 10 son-in-law, or daughter-in-law;

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

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

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

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

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

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

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

10 (a-20) The Illinois State Police shall develop an
11 Internet-based system for individuals to determine the
12 validity of a Firearm Owner's Identification Card prior to the
13 sale or transfer of a firearm. The Illinois State Police shall
14 have the Internet-based system completed and available for use
15 by July 1, 2015. The Illinois State Police shall adopt rules
16 not inconsistent with this Section to implement this system.

17 (b) Any person within this State who transfers or causes
18 to be transferred any firearm, stun gun, or taser shall keep a
19 record of such transfer for a period of 10 years from the date
20 of transfer. Such record shall contain the date of the
21 transfer; the description, serial number or other information
22 identifying the firearm, stun gun, or taser if no serial
23 number is available; and, if the transfer was completed within
24 this State, the transferee's Firearm Owner's Identification
25 Card number and any approval number or documentation provided

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26 by the Illinois State Police pursuant to subsection (a-10) of

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1 this Section; if the transfer was not completed within this
 2 State, the record shall contain the name and address of the
 3 transferee. On or after January 1, 2006, the record shall
 4 contain the date of application for transfer of the firearm.
 5 On demand of a peace officer such transferor shall produce for
 6 inspection such record of transfer. If the transfer or sale
 7 took place at a gun show, the record shall include the unique
 8 identification number. Failure to record the unique
 9 identification number or approval number is a petty offense.
 10 For transfers of a firearm, stun gun, or taser made on or after
 11 January 18, 2019 (the effective date of Public Act 100-1178),
 12 failure by the private seller to maintain the transfer records
 13 in accordance with this Section is a Class A misdemeanor for
 14 the first offense and a Class 4 felony for a second or
 15 subsequent offense. A transferee shall not be criminally
 16 liable under this Section provided that he or she provides the
 17 Illinois State Police with the transfer records in accordance
 18 with procedures established by the Illinois State Police. The
 19 Illinois State Police shall establish, by rule, a standard
 20 form on its website.

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

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

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8 specified in paragraph (b) of Section 2 of this Act.

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

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, stun gun, or taser to any person within
14 this State unless the transferee with whom he deals displays
15 either: (1) a currently valid Firearm Owner's Identification
16 Card which has previously been issued in his or her name by the
17 Illinois State Police under the provisions of this Act; or (2)
18 a currently valid license to carry a concealed firearm which
19 has previously been issued in his or her name by the Illinois
20 State Police under the Firearm Concealed Carry Act. In
21 addition, all firearm, stun gun, and taser transfers by
22 federally licensed firearm dealers are subject to Section 3.1.

23 (a-5) Any person who is not a federally licensed firearm
24 dealer and who desires to transfer or sell a firearm while that
25 person is on the grounds of a gun show must, before selling or

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1 transferring the firearm, request the Illinois State Police to
2 conduct a background check on the prospective recipient of the
3 firearm in accordance with Section 3.1.

4 (a-10) Notwithstanding item (2) of subsection (a) of this
5 Section, any person who is not a federally licensed firearm
6 dealer and who desires to transfer or sell a firearm or
7 firearms to any person who is not a federally licensed firearm
8 dealer shall, before selling or transferring the firearms,
9 contact a federal firearm license dealer under paragraph (1)
10 of subsection (a-15) of this Section to conduct the transfer
11 or the Illinois State Police with the transferee's or
12 purchaser's Firearm Owner's Identification Card number to
13 determine the validity of the transferee's or purchaser's
14 Firearm Owner's Identification Card under State and federal
15 law, including the National Instant Criminal Background Check
16 System. This subsection shall not be effective until January
17 1, 2024. Until that date the transferor shall contact the
18 Illinois State Police with the transferee's or purchaser's
19 Firearm Owner's Identification Card number to determine the

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

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

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

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

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

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

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

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

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

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

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

(a-20) The Illinois State Police shall develop an Internet-based system for individuals to determine the validity of a Firearm Owner's Identification Card prior to the sale or transfer of a firearm. The Illinois State Police shall have the Internet-based system updated and available for use

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by January 1, 2024. The Illinois State Police shall adopt rules not inconsistent with this Section to implement this system; but no rule shall allow the Illinois State Police to retain records in contravention of State and federal law.

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

shall have the Internet-based system completed and available

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12 for use by July 1, 2022. The Illinois State Police shall adopt
13 rules not inconsistent with this Section to implement this
14 system.

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

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

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24 or after January 18, 2019 (the effective date of Public Act
25 100-1178), failure by the private seller to maintain the
26 transfer records in accordance with this Section, or failure

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

17 (b-5) Any resident may purchase ammunition from a person
18 within or outside of Illinois if shipment is by United States
19 mail or by a private express carrier authorized by federal law
20 to ship ammunition. Any resident purchasing ammunition within
21 or outside the State of Illinois must provide the seller with a
22 copy of his or her valid Firearm Owner's Identification Card
23 or valid concealed carry license and either his or her
24 Illinois driver's license or Illinois State Identification
25 Card prior to the shipment of the ammunition. The ammunition
26 may be shipped only to an address on either of those 2

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1 documents.

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

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6 102-813, eff. 5-13-22.)

7 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

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

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

12 (1) Submit an application as made available by the
13 Illinois State Police; and

14 (2) Submit evidence to the Illinois State Police that:

15 (i) This subparagraph (i) applies through the
16 180th day following July 12, 2019 (the effective date
17 of Public Act 101-80). He or she is 21 years of age or
18 over, or if he or she is under 21 years of age that he
19 or she has the written consent of his or her parent or
20 legal guardian to possess and acquire firearms and
21 firearm ammunition and that he or she has never been
22 convicted of a misdemeanor other than a traffic
23 offense or adjudged delinquent, provided, however,
24 that such parent or legal guardian is not an
25 individual prohibited from having a Firearm Owner's

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

5 (i-5) This subparagraph (i-5) applies on and after
6 the 181st day following July 12, 2019 (the effective
7 date of Public Act 101-80). He or she is 21 years of
8 age or over, or if he or she is under 21 years of age
9 that he or she has never been convicted of a
10 misdemeanor other than a traffic offense or adjudged
11 delinquent and is an active duty member of the United
12 States Armed Forces or the Illinois National Guard or
13 has the written consent of his or her parent or legal
14 guardian to possess and acquire firearms and firearm
15 ammunition, provided, however, that such parent or

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17 having a Firearm Owner's Identification Card and files
 18 an affidavit with the Illinois State Police as
 19 prescribed by the Illinois State Police stating that
 20 he or she is not an individual prohibited from having a
 21 Card or the active duty member of the United States
 22 Armed Forces or the Illinois National Guard under 21
 23 years of age annually submits proof to the Illinois
 24 State Police, in a manner prescribed by the Illinois
 25 State Police;

26 (ii) He or she has not been convicted of a felony

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1 under the laws of this or any other jurisdiction;

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

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

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

10 (vi) He or she is not a noncitizen who is
 11 unlawfully present in the United States under the laws
 12 of the United States;

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

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

21 (ix) He or she has not been convicted of domestic
 22 battery, aggravated domestic battery, or a
 23 substantially similar offense in another jurisdiction
 24 committed before, on or after January 1, 2012 (the
 25 effective date of Public Act 97-158). If the applicant
 26 knowingly and intelligently waives the right to have

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1 an offense described in this clause (ix) tried by a
2 jury, and by guilty plea or otherwise, results in a
3 conviction for an offense in which a domestic
4 relationship is not a required element of the offense
5 but in which a determination of the applicability of
6 18 U.S.C. 922(g)(9) is made under Section 112A-11.1 of
7 the Code of Criminal Procedure of 1963, an entry by the
8 court of a judgment of conviction for that offense
9 shall be grounds for denying the issuance of a Firearm
10 Owner's Identification Card under this Section;

11 (x) (Blank);

12 (xi) He or she is not a noncitizen who has been
13 admitted to the United States under a non-immigrant
14 visa (as that term is defined in Section 101(a)(26) of
15 the Immigration and Nationality Act (8 U.S.C.
16 1101(a)(26))), or that he or she is a noncitizen who
17 has been lawfully admitted to the United States under
18 a non-immigrant visa if that noncitizen is:

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

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

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

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1 (B) en route to or from another country to
2 which that noncitizen is accredited;

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

6 (4) a foreign law enforcement officer of a
7 friendly foreign government entering the United

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

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

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

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

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

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

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

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

(a-5) Each applicant for a Firearm Owner's Identification Card who is over the age of 18 shall furnish to the Illinois

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

22 (a-10) Each applicant for a Firearm Owner's Identification
 23 Card, who is employed as a law enforcement officer, an armed
 24 security officer in Illinois, or by the United States Military
 25 permanently assigned in Illinois and who is not an Illinois
 26 resident, shall furnish to the Illinois State Police his or

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1 her driver's license number or state identification card
 2 number from his or her state of residence. The Illinois State
 3 Police may adopt rules to enforce the provisions of this
 4 subsection (a-10).

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

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

21 (a-25) Beginning January 1, 2023, each applicant for the
 22 issuance of a Firearm Owner's Identification Card may include
 23 a full set of his or her fingerprints in electronic format to
 24 the Illinois State Police, unless the applicant has previously
 25 provided a full set of his or her fingerprints to the Illinois
 26 State Police under this Act or the Firearm Concealed Carry

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

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

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

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

26 (c) Upon such written consent, pursuant to Section 4,

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1 paragraph (a)(2)(i), the parent or legal guardian giving the
 2 consent shall be liable for any damages resulting from the
 3 applicant's use of firearms or firearm ammunition.

4 (Source: P.A. 101-80, eff. 7-12-19; 102-237, eff. 1-1-22;
 5 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1030, eff.
 6 5-27-22.)

7 (430 ILCS 65/4.1 new)

8 Sec. 4.1. Assault weapon, .50 caliber rifle, assault
 9 weapon attachment, or .50 caliber cartridge endorsement.

10 (a) The endorsement affidavit form completed pursuant to
 11 Section 24-1.9 of the Criminal Code of 2012 must be executed

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13 Identification Card account.

14 (b) The Illinois State Police shall adopt rules in
 15 accordance with this Section for the electronic submission of
 16 an endorsement affidavit.

17 (c) Entering false information on the endorsement
 18 affidavit form is a violation of this Act and is also
 19 punishable as perjury under Section 32-2 of the Criminal Code
 20 of 2012.

21 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

22 Sec. 8. Grounds for denial and revocation. The Illinois
 23 State Police has authority to deny an application for or to
 24 revoke and seize a Firearm Owner's Identification Card

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1 previously issued under this Act only if the Illinois State
 2 Police finds that the applicant or the person to whom such card
 3 was issued is or was at the time of issuance:

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

7 (b) This subsection (b) applies through the 180th day
 8 following July 12, 2019 (the effective date of Public Act
 9 101-80). A person under 21 years of age who does not have
 10 the written consent of his parent or guardian to acquire
 11 and possess firearms and firearm ammunition, or whose
 12 parent or guardian has revoked such written consent, or
 13 where such parent or guardian does not qualify to have a
 14 Firearm Owner's Identification Card;

15 (b-5) This subsection (b-5) applies on and after the
 16 181st day following July 12, 2019 (the effective date of
 17 Public Act 101-80). A person under 21 years of age who is
 18 not an active duty member of the United States Armed
 19 Forces or the Illinois National Guard and does not have
 20 the written consent of his or her parent or guardian to
 21 acquire and possess firearms and firearm ammunition, or
 22 whose parent or guardian has revoked such written consent,
 23 or where such parent or guardian does not qualify to have a
 24 Firearm Owner's Identification Card;

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

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1 (d) A person addicted to narcotics;
 2 (e) A person who has been a patient of a mental health
 3 facility within the past 5 years or a person who has been a
 4 patient in a mental health facility more than 5 years ago
 5 who has not received the certification required under
 6 subsection (u) of this Section. An active law enforcement
 7 officer employed by a unit of government or a Department
 8 of Corrections employee authorized to possess firearms who
 9 is denied, revoked, or has his or her Firearm Owner's
 10 Identification Card seized under this subsection (e) may
 11 obtain relief as described in subsection (c-5) of Section
 12 10 of this Act if the officer or employee did not act in a
 13 manner threatening to the officer or employee, another
 14 person, or the public as determined by the treating
 15 clinical psychologist or physician, and the officer or
 16 employee seeks mental health treatment;
 17 (f) A person whose mental condition is of such a
 18 nature that it poses a clear and present danger to the
 19 applicant, any other person or persons, or the community;
 20 (g) A person who has an intellectual disability;
 21 (h) A person who intentionally makes a false statement
 22 in the Firearm Owner's Identification Card application or
 23 endorsement affidavit;
 24 (i) A noncitizen who is unlawfully present in the
 25 United States under the laws of the United States;
 26 (i-5) A noncitizen who has been admitted to the United

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1 States under a non-immigrant visa (as that term is defined
 2 in Section 101(a)(26) of the Immigration and Nationality
 3 Act (8 U.S.C. 1101(a)(26))), except that this subsection
 4 (i-5) does not apply to any noncitizen who has been

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5 lawfully admitted to the United States under a
6 non-immigrant visa if that noncitizen is:

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

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

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

15 (B) en route to or from another country to
16 which that noncitizen is accredited;

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

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

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

26 (j) (Blank);

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

6 (l) A person who has been convicted of domestic
7 battery, aggravated domestic battery, or a substantially
8 similar offense in another jurisdiction committed before,
9 on or after January 1, 2012 (the effective date of Public
10 Act 97-158). If the applicant or person who has been
11 previously issued a Firearm Owner's Identification Card
12 under this Act knowingly and intelligently waives the
13 right to have an offense described in this paragraph (1)
14 tried by a jury, and by guilty plea or otherwise, results

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

(m) (Blank);

(n) A person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois

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State statute or by federal law;

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

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

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

(r) A person who has been adjudicated as a person with a mental disability;

(s) A person who has been found to have a developmental disability;

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

(u) A person who has had his or her Firearm Owner's Identification Card revoked or denied under subsection (e) of this Section or item (iv) of paragraph (2) of subsection (a) of Section 4 of this Act because he or she was a patient in a mental health facility as provided in subsection (e) of this Section, shall not be permitted to obtain a Firearm Owner's Identification Card, after the

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1 mental health evaluation by a physician, clinical
 2 psychologist, or qualified examiner as those terms are
 3 defined in the Mental Health and Developmental
 4 Disabilities Code, and has received a certification that
 5 he or she is not a clear and present danger to himself,
 6 herself, or others. The physician, clinical psychologist,
 7 or qualified examiner making the certification and his or
 8 her employer shall not be held criminally, civilly, or
 9 professionally liable for making or not making the
 10 certification required under this subsection, except for
 11 willful or wanton misconduct. This subsection does not
 12 apply to a person whose firearm possession rights have
 13 been restored through administrative or judicial action
 14 under Section 10 or 11 of this Act.

15 Upon revocation of a person's Firearm Owner's
 16 Identification Card, the Illinois State Police shall provide
 17 notice to the person and the person shall comply with Section
 18 9.5 of this Act.

19 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
 20 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
 21 5-27-22.)

22 Section 15. The Firearms Restraining Order Act is amended
 23 by changing Sections 40, 45, and 55 as follows:

24 (430 ILCS 67/40)

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1 Sec. 40. Plenary ~~Six-month~~ orders.

2 (a) A petitioner may request a ~~6-month~~ firearms
 3 restraining order for up to one year by filing an affidavit or
 4 verified pleading alleging that the respondent poses a
 5 significant danger of causing personal injury to himself,
 6 herself, or another in the near future by having in his or her
 7 custody or control, purchasing, possessing, or receiving a
 8 firearm, ammunition, and firearm parts that could be assembled

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9 to make an operable firearm. The petition shall also describe
 10 the number, types, and locations of any firearms, ammunition,
 11 and firearm parts that could be assembled to make an operable
 12 firearm presently believed by the petitioner to be possessed
 13 or controlled by the respondent. The firearms restraining
 14 order may be renewed for an additional period of up to one year
 15 in accordance with Section 45 of this Act.

16 (b) If the respondent is alleged to pose a significant
 17 danger of causing personal injury to an intimate partner, or
 18 an intimate partner is alleged to have been the target of a
 19 threat or act of violence by the respondent, the petitioner
 20 shall make a good faith effort to provide notice to any and all
 21 intimate partners of the respondent. The notice must include
 22 the duration of time that the petitioner intends to petition
 23 the court for a ~~6-month~~ firearms restraining order, and, if
 24 the petitioner is a law enforcement officer, referral to
 25 relevant domestic violence or stalking advocacy or counseling
 26 resources, if appropriate. The petitioner shall attest to

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1 having provided the notice in the filed affidavit or verified
 2 pleading. If, after making a good faith effort, the petitioner
 3 is unable to provide notice to any or all intimate partners,
 4 the affidavit or verified pleading should describe what
 5 efforts were made.

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

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

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

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

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(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

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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 plenary firearms restraining order, the court shall issue a firearms restraining order that shall be in effect for up to one year, but not less than 6 months, 6

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months subject to renewal under Section 45 of this Act or

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2 termination under that Section.

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

19 (h) A plenary ~~6-month~~ firearms restraining order shall
20 require:

21 (1) the respondent to refrain from having in his or
22 her custody or control, purchasing, possessing, or
23 receiving additional firearms, ammunition, and firearm
24 parts that could be assembled to make an operable firearm
25 for the duration of the order under Section 8.2 of the
26 Firearm Owners Identification Card Act; and

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1 (2) the respondent to comply with Section 9.5 of the
2 Firearm Owners Identification Card Act and subsection (g)
3 of Section 70 of the Firearm Concealed Carry Act.

4 (i) Except as otherwise provided in subsection (i-5) of
5 this Section, upon expiration of the period of safekeeping, if
6 the firearms, ammunition, and firearm parts that could be
7 assembled to make an operable firearm or Firearm Owner's
8 Identification Card cannot be returned to the respondent
9 because the respondent cannot be located, fails to respond to
10 requests to retrieve the firearms, ammunition, and firearm
11 parts that could be assembled to make an operable firearm, or
12 is not lawfully eligible to possess a firearm, ammunition, and
13 firearm parts that could be assembled to make an operable

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14 firearm, upon petition from the local law enforcement agency,
 15 the court may order the local law enforcement agency to
 16 destroy the firearms, ammunition, and firearm parts that could
 17 be assembled to make an operable firearm, use the firearms,
 18 ammunition, and firearm parts that could be assembled to make
 19 an operable firearm for training purposes, or use the
 20 firearms, ammunition, and firearm parts that could be
 21 assembled to make an operable firearm for any other
 22 application as deemed appropriate by the local law enforcement
 23 agency.

24 (i-5) A respondent whose Firearm Owner's Identification
 25 Card has been revoked or suspended may petition the court, if
 26 the petitioner is present in court or has notice of the

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

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

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26 firearm parts that could be assembled to make an operable

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1 firearm shall be returned to him or her, provided that:

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

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

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

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

4 (k) When the court issues a firearms restraining order
5 under this Section, the court shall inform the respondent that
6 he or she is entitled to one hearing during the period of the

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7 order to request a termination of the order, under Section 45
8 of this Act, and shall provide the respondent with a form to
9 request a hearing.

10 (Source: P.A. 101-81, eff. 7-12-19; 102-237, eff. 1-1-22;
11 102-345, eff. 6-1-22; 102-538, eff. 8-20-21; 102-813, eff.
12 5-13-22.)

13 (430 ILCS 67/45)

14 Sec. 45. Termination and renewal.

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

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

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

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

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

16 (2) In determining whether to renew a firearms
17 restraining order issued under this Act, the court shall

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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,

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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 up to one year and may be renewed for an additional period of up to one year ~~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. (Source: P.A. 101-81, eff. 7-12-19; 102-345, eff. 6-1-22.)

(430 ILCS 67/55)

Sec. 55. Data maintenance by law enforcement agencies.

(a) All sheriffs shall furnish to the Illinois State Police, daily, in the form and detail the Illinois State Police Department requires, copies of any recorded firearms restraining orders issued by the court, and any foreign orders of protection filed by the clerk of the court, and transmitted to the sheriff by the clerk of the court under Section 50. Each firearms restraining order shall be entered in the Law Enforcement Agencies Data System (LEADS) on the same day it is issued by the court. If an emergency firearms restraining order was issued in accordance with Section 35 of this Act, the order shall be entered in the Law Enforcement Agencies Data System (LEADS) as soon as possible after receipt from the clerk.

(b) The Illinois State Police shall maintain a complete

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1 and systematic record and index of all valid and recorded
 2 firearms restraining orders issued or filed under this Act.
 3 The data shall be used to inform all dispatchers and law
 4 enforcement officers at the scene of a violation of a firearms
 5 restraining order of the effective dates and terms of any
 6 recorded order of protection.

7 (c) The data, records, and transmittals required under
 8 this Section shall pertain to any valid emergency or plenary
 9 ~~6-month~~ firearms restraining order, whether issued in a civil
 10 or criminal proceeding or authorized under the laws of another
 11 state, tribe, or United States territory.

12 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21.)

13 Section 25. The Criminal Code of 2012 is amended by
 14 changing Section 24-1 and by adding Sections 24-1.9 and
 15 24-1.10 as follows:

16 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

17 Sec. 24-1. Unlawful use of weapons.

18 (a) A person commits the offense of unlawful use of
 19 weapons when he knowingly:

20 (1) Sells, manufactures, purchases, possesses or
 21 carries any bludgeon, black-jack, slung-shot, sand-club,
 22 sand-bag, metal knuckles or other knuckle weapon
 23 regardless of its composition, throwing star, or any
 24 knife, commonly referred to as a switchblade knife, which

1 has a blade that opens automatically by hand pressure
 2 applied to a button, spring or other device in the handle
 3 of the knife, or a ballistic knife, which is a device that
 4 propels a knifelike blade as a projectile by means of a
 5 coil spring, elastic material or compressed gas; or

6 (2) Carries or possesses with intent to use the same
 7 unlawfully against another, a dagger, dirk, billy,
 8 dangerous knife, razor, stiletto, broken bottle or other
 9 piece of glass, stun gun or taser or any other dangerous or
 10 deadly weapon or instrument of like character; or

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11 (2.5) Carries or possesses with intent to use the same
 12 unlawfully against another, any firearm in a church,
 13 synagogue, mosque, or other building, structure, or place
 14 used for religious worship; or

15 (3) Carries on or about his person or in any vehicle, a
 16 tear gas gun projector or bomb or any object containing
 17 noxious liquid gas or substance, other than an object
 18 containing a non-lethal noxious liquid gas or substance
 19 designed solely for personal defense carried by a person
 20 18 years of age or older; or

21 (4) Carries or possesses in any vehicle or concealed
 22 on or about his person except when on his land or in his
 23 own abode, legal dwelling, or fixed place of business, or
 24 on the land or in the legal dwelling of another person as
 25 an invitee with that person's permission, any pistol,
 26 revolver, stun gun or taser or other firearm, except that

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1 this subsection (a) (4) does not apply to or affect
 2 transportation of weapons that meet one of the following
 3 conditions:

4 (i) are broken down in a non-functioning state; or
 5 (ii) are not immediately accessible; or

6 (iii) are unloaded and enclosed in a case, firearm
 7 carrying box, shipping box, or other container by a
 8 person who has been issued a currently valid Firearm
 9 Owner's Identification Card; or

10 (iv) are carried or possessed in accordance with
 11 the Firearm Concealed Carry Act by a person who has
 12 been issued a currently valid license under the
 13 Firearm Concealed Carry Act; or

14 (5) Sets a spring gun; or

15 (6) Possesses any device or attachment of any kind
 16 designed, used or intended for use in silencing the report
 17 of any firearm; or

18 (7) Sells, manufactures, delivers, imports, purchases,
 19 possesses or carries:

20 (i) a machine gun, which shall be defined for the

21 purposes of this subsection as any weapon, which

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22 shoots, is designed to shoot, or can be readily
 23 restored to shoot, automatically more than one shot
 24 without manually reloading by a single function of the
 25 trigger, including the frame or receiver of any such
 26 weapon, or sells, manufactures, purchases, possesses,

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1 or carries any combination of parts designed or
 2 intended for use in converting any weapon into a
 3 machine gun, or any combination or parts from which a
 4 machine gun can be assembled if such parts are in the
 5 possession or under the control of a person;
 6 (ii) any rifle having one or more barrels less
 7 than 16 inches in length or a shotgun having one or
 8 more barrels less than 18 inches in length or any
 9 weapon made from a rifle or shotgun, whether by
 10 alteration, modification, or otherwise, if such a
 11 weapon as modified has an overall length of less than
 12 26 inches or any assault weapon or .50 caliber rifle in
 13 violation of Section 24-1.9; or
 14 (iii) any bomb, bomb-shell, grenade, bottle or
 15 other container containing an explosive substance of
 16 over one-quarter ounce for like purposes, such as, but
 17 not limited to, black powder bombs and Molotov
 18 cocktails or artillery projectiles; or
 19 (8) Carries or possesses any firearm, stun gun or
 20 taser or other deadly weapon in any place which is
 21 licensed to sell intoxicating beverages, or at any public
 22 gathering held pursuant to a license issued by any
 23 governmental body or any public gathering at which an
 24 admission is charged, excluding a place where a showing,
 25 demonstration or lecture involving the exhibition of
 26 unloaded firearms is conducted.

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or raffle of a firearm held pursuant to a license or permit issued by a governmental body, nor does it apply to persons engaged in firearm safety training courses; or

(9) Carries or possesses in a vehicle or on or about his or her person any pistol, revolver, stun gun or taser or firearm or ballistic knife, when he or she is hooded, robed or masked in such manner as to conceal his or her identity; or

(10) Carries or possesses on or about his or her person, upon any public street, alley, or other public lands within the corporate limits of a city, village, or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his or her own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun, or taser or other firearm, except that this subsection (a) (10) does not apply to or affect transportation of weapons that meet one of the following conditions:

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

(ii) are not immediately accessible; or

(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a

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person who has been issued a currently valid Firearm Owner's Identification Card; or

(iv) are carried or possessed in accordance with the Firearm Concealed Carry Act by a person who has been issued a currently valid license under the Firearm Concealed Carry Act.

A "stun gun or taser", as used in this paragraph (a) means (i) any device which is powered by electrical charging units, such as, batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of

disrupting the person's nervous system in such a manner as

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13 to render him incapable of normal functioning or (ii) any
 14 device which is powered by electrical charging units, such
 15 as batteries, and which, upon contact with a human or
 16 clothing worn by a human, can send out current capable of
 17 disrupting the person's nervous system in such a manner as
 18 to render him incapable of normal functioning; or

19 (11) Sells, manufactures, delivers, imports,
 20 possesses, or purchases any assault weapon attachment or
 21 .50 caliber cartridge in violation of Section 24-1.9 or
 22 any explosive bullet. For purposes of this paragraph (a)
 23 "explosive bullet" means the projectile portion of an
 24 ammunition cartridge which contains or carries an
 25 explosive charge which will explode upon contact with the
 26 flesh of a human or an animal. "Cartridge" means a tubular

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1 metal case having a projectile affixed at the front
 2 thereof and a cap or primer at the rear end thereof, with
 3 the propellant contained in such tube between the
 4 projectile and the cap; or

5 (12) (Blank); or

6 (13) Carries or possesses on or about his or her
 7 person while in a building occupied by a unit of
 8 government, a billy club, other weapon of like character,
 9 or other instrument of like character intended for use as
 10 a weapon. For the purposes of this Section, "billy club"
 11 means a short stick or club commonly carried by police
 12 officers which is either telescopic or constructed of a
 13 solid piece of wood or other man-made material; or

14 (14) Manufactures, possesses, sells, or offers to
 15 sell, purchase, manufacture, import, transfer, or use any
 16 device, part, kit, tool, accessory, or combination of
 17 parts that is designed to and functions to increase the
 18 rate of fire of a semiautomatic firearm above the standard
 19 rate of fire for semiautomatic firearms that is not
 20 equipped with that device, part, or combination of parts.

21 (b) Sentence. A person convicted of a violation of
 22 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
 23 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a

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24 Class A misdemeanor. A person convicted of a violation of
 25 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony;
 26 a person convicted of a violation of subsection 24-1(a)(6) or

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1 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
 2 convicted of a violation of subsection 24-1(a)(7)(i) commits a
 3 Class 2 felony and shall be sentenced to a term of imprisonment
 4 of not less than 3 years and not more than 7 years, unless the
 5 weapon is possessed in the passenger compartment of a motor
 6 vehicle as defined in Section 1-146 of the Illinois Vehicle
 7 Code, or on the person, while the weapon is loaded, in which
 8 case it shall be a Class X felony. A person convicted of a
 9 second or subsequent violation of subsection 24-1(a)(4),
 10 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
 11 felony. A person convicted of a violation of subsection
 12 24-1(a)(2.5) or 24-1(a)(14) commits a Class 2 felony. The
 13 possession of each weapon or device in violation of this
 14 Section constitutes a single and separate violation.

15 (c) Violations in specific places.

16 (1) A person who violates subsection 24-1(a)(6) or
 17 24-1(a)(7) in any school, regardless of the time of day or
 18 the time of year, in residential property owned, operated
 19 or managed by a public housing agency or leased by a public
 20 housing agency as part of a scattered site or mixed-income
 21 development, in a public park, in a courthouse, on the
 22 real property comprising any school, regardless of the
 23 time of day or the time of year, on residential property
 24 owned, operated or managed by a public housing agency or
 25 leased by a public housing agency as part of a scattered
 26 site or mixed-income development, on the real property

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1 comprising any public park, on the real property
 2 comprising any courthouse, in any conveyance owned, leased
 3 or contracted by a school to transport students to or from
 4 school or a school related activity, in any conveyance

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5 owned, leased, or contracted by a public transportation
 6 agency, or on any public way within 1,000 feet of the real
 7 property comprising any school, public park, courthouse,
 8 public transportation facility, or residential property
 9 owned, operated, or managed by a public housing agency or
 10 leased by a public housing agency as part of a scattered
 11 site or mixed-income development commits a Class 2 felony
 12 and shall be sentenced to a term of imprisonment of not
 13 less than 3 years and not more than 7 years.

14 (1.5) A person who violates subsection 24-1(a)(4),
 15 24-1(a)(9), or 24-1(a)(10) in any school, regardless of
 16 the time of day or the time of year, in residential
 17 property owned, operated, or managed by a public housing
 18 agency or leased by a public housing agency as part of a
 19 scattered site or mixed-income development, in a public
 20 park, in a courthouse, on the real property comprising any
 21 school, regardless of the time of day or the time of year,
 22 on residential property owned, operated, or managed by a
 23 public housing agency or leased by a public housing agency
 24 as part of a scattered site or mixed-income development,
 25 on the real property comprising any public park, on the
 26 real property comprising any courthouse, in any conveyance

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1 owned, leased, or contracted by a school to transport
 2 students to or from school or a school related activity,
 3 in any conveyance owned, leased, or contracted by a public
 4 transportation agency, or on any public way within 1,000
 5 feet of the real property comprising any school, public
 6 park, courthouse, public transportation facility, or
 7 residential property owned, operated, or managed by a
 8 public housing agency or leased by a public housing agency
 9 as part of a scattered site or mixed-income development
 10 commits a Class 3 felony.

11 (2) A person who violates subsection 24-1(a)(1),
 12 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
 13 time of day or the time of year, in residential property

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15 leased by a public housing agency as part of a scattered
16 site or mixed-income development, in a public park, in a
17 courthouse, on the real property comprising any school,
18 regardless of the time of day or the time of year, on
19 residential property owned, operated or managed by a
20 public housing agency or leased by a public housing agency
21 as part of a scattered site or mixed-income development,
22 on the real property comprising any public park, on the
23 real property comprising any courthouse, in any conveyance
24 owned, leased or contracted by a school to transport
25 students to or from school or a school related activity,
26 in any conveyance owned, leased, or contracted by a public

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1 transportation agency, or on any public way within 1,000
2 feet of the real property comprising any school, public
3 park, courthouse, public transportation facility, or
4 residential property owned, operated, or managed by a
5 public housing agency or leased by a public housing agency
6 as part of a scattered site or mixed-income development
7 commits a Class 4 felony. "Courthouse" means any building
8 that is used by the Circuit, Appellate, or Supreme Court
9 of this State for the conduct of official business.

10 (3) Paragraphs (1), (1.5), and (2) of this subsection
11 (c) shall not apply to law enforcement officers or
12 security officers of such school, college, or university
13 or to students carrying or possessing firearms for use in
14 training courses, parades, hunting, target shooting on
15 school ranges, or otherwise with the consent of school
16 authorities and which firearms are transported unloaded
17 enclosed in a suitable case, box, or transportation
18 package.

19 (4) For the purposes of this subsection (c), "school"
20 means any public or private elementary or secondary
21 school, community college, college, or university.

22 (5) For the purposes of this subsection (c), "public
23 transportation agency" means a public or private agency
24 that provides for the transportation or conveyance of

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25 persons by means available to the general public, except
 26 for transportation by automobiles not used for conveyance

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1 of the general public as passengers; and "public
 2 transportation facility" means a terminal or other place
 3 where one may obtain public transportation.

4 (d) The presence in an automobile other than a public
 5 omnibus of any weapon, instrument or substance referred to in
 6 subsection (a)(7) is prima facie evidence that it is in the
 7 possession of, and is being carried by, all persons occupying
 8 such automobile at the time such weapon, instrument or
 9 substance is found, except under the following circumstances:
 10 (i) if such weapon, instrument or instrumentality is found
 11 upon the person of one of the occupants therein; or (ii) if
 12 such weapon, instrument or substance is found in an automobile
 13 operated for hire by a duly licensed driver in the due, lawful
 14 and proper pursuit of his or her trade, then such presumption
 15 shall not apply to the driver.

16 (e) Exemptions.

17 (1) Crossbows, Common or Compound bows and Underwater
 18 Spearguns are exempted from the definition of ballistic
 19 knife as defined in paragraph (1) of subsection (a) of
 20 this Section.

21 (2) The provision of paragraph (1) of subsection (a)
 22 of this Section prohibiting the sale, manufacture,
 23 purchase, possession, or carrying of any knife, commonly
 24 referred to as a switchblade knife, which has a blade that
 25 opens automatically by hand pressure applied to a button,
 26 spring or other device in the handle of the knife, does not

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1 apply to a person who possesses a currently valid Firearm
 2 Owner's Identification Card previously issued in his or
 3 her name by the Illinois State Police or to a person or an
 4 entity engaged in the business of selling or manufacturing

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(Source: P.A. 101-223, eff. 1-1-20; 102-538, eff. 8-20-21.)

(720 ILCS 5/24-1.9 new)

Sec. 24-1.9. Manufacture, possession, delivery, sale, and purchase of assault weapons, .50 caliber rifles, and .50 caliber cartridges.

(a) Definitions. In this Section:

(1) "Assault weapon" means any of the following, except as provided in subdivision (2) of this subsection:

(A) A semiautomatic rifle that has the capacity to accept a detachable magazine or that may be readily modified to accept a detachable magazine, if the firearm has one or more of the following:

(i) a pistol grip or thumbhole stock;

(ii) any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;

(iii) a folding, telescoping, thumbhole, or detachable stock, or a stock that is otherwise foldable or adjustable in a manner that operates to reduce the length, size, or any other dimension, or

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otherwise enhances the concealability of, the weapon;

(iv) a flash suppressor;

(v) a grenade launcher;

(vi) a shroud attached to the barrel or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel.

(B) A semiautomatic rifle that has a fixed magazine with the capacity to accept more than 10 rounds, except for an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

(C) A semiautomatic pistol that has the capacity to accept a detachable magazine or that may be readily modified to accept a detachable magazine, if the firearm

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17 has one or more of the following:

18 (i) a threaded barrel;

19 (ii) a second pistol grip or another feature
20 capable of functioning as a protruding grip that can
21 be held by the non-trigger hand;

22 (iii) a shroud attached to the barrel or that
23 partially or completely encircles the barrel, allowing
24 the bearer to hold the firearm with the non-trigger
25 hand without being burned, but excluding a slide that
26 encloses the barrel;

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1 (iv) a flash suppressor;

2 (v) the capacity to accept a detachable magazine
3 at some location outside of the pistol grip;

4 (vi) a manufactured weight of 50 ounces or more
5 when unloaded; or

6 (vii) a buffer tube, arm brace, or other part that
7 protrudes horizontally behind the pistol grip and is
8 designed or redesigned to allow or facilitate a
9 firearm to be fired from the shoulder.

10 (D) A semiautomatic pistol that has a fixed magazine
11 with the capacity to accept more than 15 rounds.

12 (E) Any shotgun with a revolving cylinder.

13 (F) A semiautomatic shotgun that has one or more of
14 the following:

15 (i) a pistol grip or thumbhole stock;

16 (ii) any feature capable of functioning as a
17 protruding grip that can be held by the non-trigger
18 hand;

19 (iii) a folding, telescoping, or thumbhole stock;

20 (iv) a grenade launcher;

21 (v) a fixed magazine with the capacity to accept
22 or may be readily modified to accept more than five
23 rounds; or

24 (vi) the capacity to accept a detachable magazine.

25 (G) Any semiautomatic firearm that has the capacity to
26 accept a belt ammunition feeding device.

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1 (H) Any firearm that has been modified to be operable
 2 as an assault weapon as defined in this Section.

3 (I) Any part or combination of parts designed or
 4 intended to convert a firearm into an assault weapon,
 5 including any combination of parts from which an assault
 6 weapon may be readily assembled if those parts are in the
 7 possession or under the control of the same person.

8 (J) All of the following rifles, copies, duplicates,
 9 variants, or altered facsimiles with the capability of any
 10 such weapon:

11 (i) All AK types, including the following:

12 (I) AK, AK47, AK47S, AK-74, AKM, AKS, ARM,
 13 MAK90, MISR, NHM90, NHM91, SA85, SA93, Vector Arms
 14 AK-47, VEPR, WASR-10, and WUM.

15 (II) IZHMAASH Saiga AK.

16 (III) MAADI AK47 and ARM.

17 (IV) Norinco 56S, 56S2, 84S, and 86S.

18 (V) Poly Technologies AK47 and AKS.

19 (VI) SKS with a detachable magazine.

20 (ii) all AR types, including the following:

21 (I) AR-10.

22 (II) AR-15.

23 (III) Alexander Arms Overmatch Plus 16.

24 (IV) Armalite M15 22LR Carbine.

25 (V) Armalite M15-T.

26 (VI) Barrett REC7.

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1 (VII) Beretta AR-70.

2 (VIII) Black Rain Ordnance Recon Scout.

3 (IX) Bushmaster ACR.

4 (X) Bushmaster Carbon 15.

5 (XI) Bushmaster MOE series.

6 (XII) Bushmaster XM15.

7 (XIII) Chiappa Firearms MFour rifles.

8 (XIV) Colt Match Target rifles.

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9 (XV) CORE Rifle Systems CORE15 rifles.
 10 (XVI) Daniel Defense M4A1 rifles.
 11 (XVII) Devil Dog Arms 15 Series rifles.
 12 (XVIII) Diamondback DB15 rifles.
 13 (XIX) DoubleStar AR rifles.
 14 (XX) DPMS Tactical rifles.
 15 (XXI) DSA Inc. ZM-4 Carbine.
 16 (XXII) Heckler & Koch MR556.
 17 (XXIII) High Standard HSA-15 rifles.
 18 (XXIV) Jesse James Nomad AR-15 rifle.
 19 (XXV) Knight's Armament SR-15.
 20 (XXVI) Lancer L15 rifles.
 21 (XXVII) MGI Hydra Series rifles.
 22 (XXVIII) Mossberg MMR Tactical rifles.
 23 (XXIX) Noreen Firearms BN 36 rifle.
 24 (XXX) Olympic Arms.
 25 (XXXI) POF USA P415.
 26 (XXXII) Precision Firearms AR rifles.

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1 (XXXIII) Remington R-15 rifles.
 2 (XXXIV) Rhino Arms AR rifles.
 3 (XXXV) Rock River Arms LAR-15 or Rock River
 4 Arms LAR-47.
 5 (XXXVI) Sig Sauer SIG516 rifles and MCX
 6 rifles.
 7 (XXXVII) Smith & Wesson M&P15 rifles.
 8 (XXXVIII) Stag Arms AR rifles.
 9 (XXXIX) Sturm, Ruger & Co. SR556 and AR-556
 10 rifles.
 11 (XL) Uselton Arms Air-Lite M-4 rifles.
 12 (XLI) Windham Weaponry AR rifles.
 13 (XLII) WMD Guns Big Beast.
 14 (XLIII) Yankee Hill Machine Company, Inc.
 15 YHM-15 rifles.
 16 (iii) Barrett M107A1.
 17 (iv) Barrett M82A1.
 18 (v) Beretta CX4 Storm.
 19 (vi) Calico Liberty Series.

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- 21 (viii) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and
 22 AR 110C.
 23 (ix) Fabrique Nationale/FN Herstal FAL, LAR, 22
 24 FNC, 308 Match, L1A1 Sporter, PS90, SCAR, and FS2000.
 25 (x) Feather Industries AT-9.
 26 (xi) Galil Model AR and Model ARM.

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- 1 (xii) Hi-Point Carbine.
 2 (xiii) HK-91, HK-93, HK-94, HK-PSG-1, and HK USC.
 3 (xiv) IWI TAVOR, Galil ACE rifle.
 4 (xv) Kel-Tec Sub-2000, SU-16, and RFB.
 5 (xvi) SIG AMT, SIG PE-57, Sig Sauer SG 550, Sig
 6 Sauer SG 551, and SIG MCX.
 7 (xvii) Springfield Armory SAR-48.
 8 (xviii) Steyr AUG.
 9 (xix) Sturm, Ruger & Co. Mini-14 Tactical Rifle
 10 M-14/20CF.
 11 (xx) All Thompson rifles, including the following:
 12 (I) Thompson M1SB.
 13 (II) Thompson T1100D.
 14 (III) Thompson T150D.
 15 (IV) Thompson T1B.
 16 (V) Thompson T1B100D.
 17 (VI) Thompson T1B50D.
 18 (VII) Thompson T1BSB.
 19 (VIII) Thompson T1-C.
 20 (IX) Thompson T1D.
 21 (X) Thompson T1SB.
 22 (XI) Thompson T5.
 23 (XII) Thompson T5100D.
 24 (XIII) Thompson TM1.
 25 (XIV) Thompson TM1C.
 26 (xxi) UMAREX UZI rifle.

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(xxii) UZI Mini Carbine, UZI Model A Carbine, and

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2 UZI Model B Carbine.

3 (xxiii) Valmet M62S, M71S, and M78.

4 (xxiv) Vector Arms UZI Type.

5 (xxv) Weaver Arms Nighthawk.

6 (xxvi) Wilkinson Arms Linda Carbine.

7 (K) All of the following pistols, copies, duplicates,
 8 variants, or altered facsimiles with the capability of any
 9 such weapon thereof:

10 (i) All AK types, including the following:

11 (I) Centurion 39 AK pistol.

12 (II) CZ Scorpion pistol.

13 (III) Draco AK-47 pistol.

14 (IV) HCR AK-47 pistol.

15 (V) IO Inc. Hellpup AK-47 pistol.

16 (VI) Krinkov pistol.

17 (VII) Mini Draco AK-47 pistol.

18 (VIII) PAP M92 pistol.

19 (IX) Yugo Krebs Krink pistol.

20 (ii) All AR types, including the following:

21 (I) American Spirit AR-15 pistol.

22 (II) Bushmaster Carbon 15 pistol.

23 (III) Chiappa Firearms M4 Pistol GEN II.

24 (IV) CORE Rifle Systems CORE15 Roscoe pistol.

25 (V) Daniel Defense MK18 pistol.

26 (VI) DoubleStar Corporation AR pistol.

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1 (VII) DPMS AR-15 pistol.

2 (VIII) Jesse James Nomad AR-15 pistol.

3 (IX) Olympic Arms AR-15 pistol.

4 (X) Osprey Armament MK-18 pistol.

5 (XI) POF USA AR pistols.

6 (XII) Rock River Arms LAR 15 pistol.

7 (XIII) Usselton Arms Air-Lite M-4 pistol.

8 (iii) Calico pistols.

9 (iv) DSA SA58 PKP FAL pistol.

10 (v) Encom MP-9 and MP-45.

11 (vi) Heckler & Koch model SP-89 pistol.

12 (vii) Intratec AB-10, TEC-22 Scorpion, TEC-9, and

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- 14 (viii) IWI Galil Ace pistol, UZI PRO pistol.
 15 (ix) Kel-Tec PLR 16 pistol.
 16 (x) All MAC types, including the following:
 17 (I) MAC-10.
 18 (II) MAC-11.
 19 (III) Masterpiece Arms MPA A930 Mini Pistol,
 20 MPA460 Pistol, MPA Tactical Pistol, and MPA Mini
 21 Tactical Pistol.
 22 (IV) Military Armament Corp. Ingram M-11.
 23 (V) Velocity Arms VMAC.
 24 (xi) Sig Sauer P556 pistol.
 25 (xii) Sites Spectre.
 26 (xiii) All Thompson types, including the

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- 1 following:
 2 (I) Thompson TA510D.
 3 (II) Thompson TA5.
 4 (xiv) All UZI types, including Micro-UZI.
 5 (L) All of the following pistols, copies, duplicates,
 6 All of the following shotguns, copies, duplicates,
 7 variants, or altered facsimiles with the capability of any
 8 such weapon thereof:
 9 (i) DERYA Anakon MC-1980, Anakon SD12.
 10 (ii) Doruk Lethal shotguns.
 11 (iii) Franchi LAW-12 and SPAS 12.
 12 (iv) All IZHMASH Saiga 12 types, including the
 13 following:
 14 (I) IZHMASH Saiga 12.
 15 (II) IZHMASH Saiga 12S.
 16 (III) IZHMASH Saiga 12S EXP-01.
 17 (IV) IZHMASH Saiga 12K.
 18 (V) IZHMASH Saiga 12K-030.
 19 (VI) IZHMASH Saiga 12K-040 Taktika.
 20 (v) Streetsweeper.
 21 (vi) Striker 12.
 22 (2) "Assault weapon" does not include:
 23 (A) Any firearm that is an unserviceable firearm or
 24 has been made permanently inoperable.

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25 (B) An antique firearm or a replica of an antique
26 firearm.

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1 (C) A firearm that is manually operated by bolt, pump,
2 lever or slide action, unless the firearm is a shotgun
3 with a revolving cylinder.

4 (D) Any air rifle as defined in Section 24.8-0.1 of
5 this Code.

6 (3) "Assault weapon attachment" means any device capable
7 of being attached to a firearm that is specifically designed
8 for making or converting a firearm into any of the firearms
9 listed in paragraph (1) of this subsection (a).

10 (4) "Antique firearm" has the meaning ascribed to it in 18
11 U.S.C. 921(a)(16).

12 (5) ".50 caliber rifle" means a centerfire rifle capable
13 of firing a .50 caliber cartridge. The term does not include
14 any antique firearm, any shotgun including a shotgun that has
15 a rifle barrel, or any muzzle-loader which uses black powder
16 for hunting or historical reenactments.

17 (6) ".50 caliber cartridge" means a cartridge in .50 BMG
18 caliber, either by designation or actual measurement, that is
19 capable of being fired from a centerfire rifle. The term ".50
20 caliber cartridge" does not include any memorabilia or display
21 item that is filled with a permanent inert substance or that is
22 otherwise permanently altered in a manner that prevents ready
23 modification for use as live ammunition or shotgun ammunition
24 with a caliber measurement that is equal to or greater than .50
25 caliber.

26 (7) "Detachable magazine" means an ammunition feeding

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1 device that may be removed from a firearm without disassembly
2 of the firearm action, including an ammunition feeding device
3 that may be readily removed from a firearm with the use of a
4 bullet, cartridge, accessory, or other tool, or any other
5 object that functions as a tool.

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6 .(8) "Fixed magazine" means an ammunition feeding device
 7 that is permanently attached to a firearm, or contained in and
 8 not removable from a firearm, or that is otherwise not a
 9 detachable magazine, but does not include an attached tubular
 10 device designed to accept, and capable of operating only with,
 11 .22 caliber rimfire ammunition.

12 .(b) Except as provided in subsections (c), (d), and (e).
 13 on or after the effective date of this amendatory Act of the
 14 102nd General Assembly, it is unlawful for any person within
 15 this State to knowingly manufacture, deliver, sell, import, or
 16 purchase or cause to be manufactured, delivered, sold,
 17 imported, or purchased by another, an assault weapon, assault
 18 weapon attachment, .50 caliber rifle, or .50 caliber
 19 cartridge.

20 .(c) Except as otherwise provided in subsection (d), 300
 21 days after the effective date of this amendatory Act of the
 22 102nd General Assembly, it is unlawful for any person within
 23 this State to knowingly possess an assault weapon, assault
 24 weapon attachment, .50 caliber rifle, or .50 caliber
 25 cartridge.

26 .(d) This Section does not apply to a person who possessed

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1 before the effective date of this amendatory Act of the 102nd
 2 General Assembly an assault weapon, assault weapon attachment,
 3 .50 caliber rifle, or .50 caliber cartridge prohibited by
 4 subsection (c) of this Section, if the person has provided in
 5 an endorsement affidavit, prior to January 1, 2024, under oath
 6 or affirmation and in the form and manner prescribed by the
 7 Illinois State Police, no later than October 1, 2023:

8 .(1) the affiant's Firearm Owner's Identification Card
 9 number; and

10 .(2) an affirmation that the affiant: (i) possessed an
 11 assault weapon, assault weapon attachment, .50 caliber
 12 rifle, or .50 caliber cartridge before the effective date
 13 of this amendatory Act of the 102nd General Assembly; or
 14 (ii) inherited the assault weapon, assault weapon
 15 attachment, .50 caliber rifle, or .50 caliber cartridge
 16 from a person with an endorsement under this Section or

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17 from a person authorized under subdivisions (1) through
 18 (5) of subsection (e) to possess the assault weapon,
 19 assault weapon attachment, .50 caliber rifle, or .50
 20 caliber cartridge.

21 The affidavit form shall include the following statement
 22 printed in bold type: "Warning: Entering false information on
 23 this form is punishable as perjury under Section 32-2 of the
 24 Criminal Code of 2012. Entering false information on this form
 25 is a violation of the Firearm Owners Identification Card Act."

26 In any administrative, civil, or criminal proceeding in

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1 this State, a completed endorsement affidavit submitted to the
 2 Illinois State Police by a person under this Section creates a
 3 rebuttable presumption that the person is entitled to possess
 4 and transport the assault weapon, assault weapon attachment,
 5 .50 caliber rifle, or .50 caliber cartridge.

6 Beginning 90 days after the effective date of this
 7 amendatory Act of the 102nd General Assembly, a person
 8 authorized under this Section to possess an assault weapon,
 9 assault weapon attachment, .50 caliber rifle, or .50 caliber
 10 cartridge shall possess such items only:

11 (1) on private property owned or immediately
 12 controlled by the person;

13 (2) on private property that is not open to the public
 14 with the express permission of the person who owns or
 15 immediately controls such property;

16 (3) while on the premises of a licensed firearms
 17 dealer or gunsmith for the purpose of lawful repair;

18 (4) while engaged in the legal use of the assault
 19 weapon, assault weapon attachment, .50 caliber rifle, or
 20 .50 caliber cartridge at a properly licensed firing range
 21 or sport shooting competition venue; or

22 (5) while traveling to or from these locations,
 23 provided that the assault weapon, assault weapon
 24 attachment, or .50 caliber rifle is unloaded and the
 25 assault weapon, assault weapon attachment, .50 caliber
 26 rifle, or .50 caliber cartridge is enclosed in a case,

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firearm carrying box, shipping box, or other container.

Beginning on January 1, 2024, the person with the endorsement for an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge or a person authorized under subdivisions (1) through (5) of subsection (e) to possess an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge may transfer the assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge only to an heir, an individual residing in another state maintaining it in another state, or a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968. Within 10 days after transfer of the weapon except to an heir, the person shall notify the Illinois State Police of the name and address of the transferee and comply with the requirements of subsection (b) of Section 3 of the Firearm Owners Identification Card Act. The person to whom the weapon or ammunition is transferred shall, within 60 days of the transfer, complete an affidavit required under this Section. A person to whom the weapon is transferred may transfer it only as provided in this subsection.

Except as provided in subsection (e) and beginning on January 1, 2024, any person who moves into this State in possession of an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge shall, within 60 days, apply for a Firearm Owners Identification Card and

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complete an endorsement application as outlined in subsection (d).

Notwithstanding any other law, information contained in the endorsement affidavit shall be confidential and shall not be disclosed, except to law enforcement agencies acting in the performance of their duties.

(e) The provisions of this Section regarding the purchase or possession of assault weapons, assault weapon attachments, .50 caliber rifles, and .50 cartridges, as well as the

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provisions of this Section that prohibit causing those items to be purchased or possessed, do not apply to:

(1) Peace officers, as defined in Section 2-13 of this Code.

(2) Qualified law enforcement officers and qualified retired law enforcement officers as defined in the Law Enforcement Officers Safety Act of 2004 (18 USC Sections 926B and 926C) and as recognized under Illinois law.

(3) Acquisition and possession by a federal, State, or local law enforcement agency for the purpose of equipping the agency's peace officers as defined in paragraph (1) or (2) of this subsection (e).

(4) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense.

(5) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while

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performing their official duties or while traveling to or from their places of duty.

(6) Any company that employs armed security officers in this State at a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission and any person employed as an armed security force member at a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the federal Nuclear Regulatory Commission and while performing official duties.

The provisions of this Section do not apply to the manufacture, delivery, sale, import, purchase, or possession of an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge or causing the manufacture, delivery, sale, importation, purchase, or possession of those items:

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subdivisions (1) through (6) of this subsection (e) to possess those items;

(B) for sale or transfer to the United States or any department or agency thereof; or

(C) for sale or transfer in another state or for export.

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This Section does not apply to or affect any of the following:

(i) Possession of any firearm if that firearm is sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, but only when the firearm is in the actual possession of an Olympic target shooting competitor or target shooting coach for the purpose of storage, transporting to and from Olympic target shooting practice or events if the firearm is broken down in a nonfunctioning state, is not immediately accessible, or is unloaded and enclosed in a firearm case, carrying box, shipping box, or other similar portable container designed for the safe transportation of firearms, and when the Olympic target shooting competitor or target shooting coach is engaging in those practices or events. For the purposes of this paragraph (8), "firearm" has the meaning provided in Section 1.1 of the Firearm Owners Identification Card Act.

(ii) Any nonresident who transports, within 24 hours, a weapon for any lawful purpose from any place where the nonresident may lawfully possess and carry that weapon to any other place where the nonresident may lawfully possess and carry that weapon if, during the transportation, the weapon is unloaded, and neither the weapon nor any ammunition being transported is readily accessible or is

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1 directly accessible from the passenger compartment of the
2 transporting vehicle. In the case of a vehicle without a
3 compartment separate from the driver's compartment, the
4 weapon or ammunition shall be contained in a locked
5 container other than the glove compartment or console.

6 (iii) Possession of a weapon at an event taking place
7 at the World Shooting and Recreational Complex at Sparta,
8 only while engaged in the legal use of the weapon, or while
9 traveling to or from that location if the weapon is broken
10 down in a nonfunctioning state, is not immediately
11 accessible, or is unloaded and enclosed in a firearm case,
12 carrying box, shipping box, or other similar portable
13 container designed for the safe transportation of
14 firearms.

15 (iv) Possession of a weapon only for hunting use
16 expressly permitted under the Wildlife Code, or while
17 traveling to or from a location authorized for this
18 hunting use under the Wildlife Code if the weapon is
19 broken down in a nonfunctioning state, is not immediately
20 accessible, or is unloaded and enclosed in a firearm case,
21 carrying box, shipping box, or other similar portable
22 container designed for the safe transportation of
23 firearms.

24 (v) The manufacture, transportation, possession, sale,
25 or rental of blank-firing assault weapons and .50 caliber
26 rifles, or the weapon's respective attachments, to persons

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1 authorized or permitted, or both authorized and permitted,
2 to acquire and possess these weapons or attachments for
3 the purpose of rental for use solely as props for a motion
4 picture, television, or video production or entertainment
5 event.

6 Any person not subject to this Section may submit an
7 endorsement affidavit if the person chooses.

8 (f) Any sale or transfer with a background check initiated
9 to the Illinois State Police on or before the effective date of
10 this amendatory Act of the 102nd General Assembly is allowed
11 to be completed after the effective date of this amendatory

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Act once an approval is issued by the Illinois State Police and any applicable waiting period under Section 24-3 has expired.

(g) The Illinois State Police shall take all steps necessary to carry out the requirements of this Section within by October 1, 2023.

(720 ILCS 5/24-1.10 new)

Sec. 24-1.10. Manufacture, delivery, or sale of large capacity ammunition feeding devices.

(a) In this Section:

"Large capacity ammunition feeding device" means:

(1) a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition for long guns and more than 15 rounds of

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ammunition for handguns; or

(2) any combination of parts from which a device described in paragraph (1) can be assembled.

"Large capacity ammunition feeding device" does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition. "Large capacity ammunition feeding device" does not include a tubular magazine that is contained in a lever-action firearm or any device that has been made permanently inoperable.

(b) Except as provided in subsection (c) and (d), it is unlawful for any person within this State to knowingly manufacture, deliver, sell, purchase, or possess or cause to be manufactured, delivered, sold, or purchased a large capacity ammunition feeding device.

(c) This Section does not apply to any person who possesses a large capacity ammunition feeding device prior to the effective date of this amendatory Act of the 102nd General Assembly.

Beginning 90 days after the effective date of this amendatory Act of the 102nd General Assembly, a person authorized under this Section to possess a large capacity

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- 24 (1) on private property owned or immediately
 25 controlled by the person;
 26 (2) on private property that is not open to the public

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- 1 with the express permission of the person who owns or
 2 immediately controls such property;
 3 (3) while on the premises of a licensed firearms
 4 dealer or gunsmith for the purpose of lawful repair;
 5 (4) while engaged in the legal use of the large
 6 capacity ammunition feeding device at a properly licensed
 7 firing range or sport shooting competition venue; or
 8 (5) while traveling to or from these locations,
 9 provided that the large capacity ammunition feeding device
 10 is stored unloaded and enclosed in a case, firearm
 11 carrying box, shipping box, or other container.
 12 Beginning 90 days after the effective date of this
 13 amendatory Act of the 102nd General Assembly, a person
 14 authorized under this Section to possess a large capacity
 15 ammunition feeding device may transfer the large capacity
 16 ammunition feeding device only to an heir, an individual
 17 residing in another state maintaining it in another state, or
 18 a dealer licensed as a federal firearms dealer under Section
 19 923 of the federal Gun Control Act of 1968. Within 10 days
 20 after transfer of the large capacity ammunition feeding device
 21 except to an heir, the person shall notify the Illinois State
 22 Police of the name and address of the transferee and comply
 23 with the requirements of subsection (b) of Section 3 of the
 24 Firearm Owners Identification Card Act. The person to whom the
 25 large capacity ammunition feeding device is transferred shall,
 26 within 60 days of the transfer, complete an affidavit required

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- 1 under this Section. A person to whom the large capacity
 2 ammunition feeding device is transferred may transfer it only
 3 as provided in this subsection.

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after the effective date of this amendatory Act of the 102nd General Assembly, any person who moves into this State in possession of a large capacity ammunition feeding device shall, within 60 days, apply for a Firearm Owners Identification Card.

(d) The provisions of this Section regarding the purchase or possession of large capacity ammunition feeding devices, as well as the provisions of this Section that prohibit causing those items to be purchased or possessed, do not apply to:

(1) Peace officers as defined in Section 2-13 of this Code.

(2) Qualified law enforcement officers and qualified retired law enforcement officers as defined in the Law Enforcement Officers Safety Act of 2004 (18 USC Sections 926B and 926C) and as recognized under Illinois law.

(3) A federal, State, or local law enforcement agency for the purpose of equipping the agency's peace officers as defined in paragraph (1) or (2) of this subsection (d).

(4) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of an offense.

(5) Members of the Armed Services or Reserve Forces of

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the United States or the Illinois National Guard, while their official duties or while traveling to or from their places of duty.

(6) Any company that employs armed security officers in this State at a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission and any person employed as an armed security force member at a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the federal Nuclear Regulatory Commission and while performing official duties.

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16 following:

17 (1) Manufacture, delivery, sale, importation,
 18 purchase, or possession or causing to be manufactured,
 19 delivered, sold, imported, purchased, or possessed a large
 20 capacity ammunition feeding device;

21 (A) for sale or transfer to persons authorized
 22 under subdivisions (1) through (5) of subsection (d).
 23 to possess those items;

24 (B) for sale or transfer to the United States or
 25 any department or agency thereof; or

26 (C) for sale or transfer in another state or for

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1 export.

2 (2) Sale or rental of large capacity ammunition
 3 feeding devices for blank-firing assault weapons and .50
 4 caliber rifles, to persons authorized or permitted, or
 5 both authorized and permitted, to acquire these devices
 6 for the purpose of rental for use solely as props for a
 7 motion picture, television, or video production or
 8 entertainment event.

9 (f) Sentence. A person who knowingly delivers, sells,
 10 purchases, or causes to be delivered, sold, or purchased in
 11 violation of this Section a large capacity ammunition feeding
 12 device capable of holding more than 10 rounds of ammunition
 13 for long guns or more than 15 rounds of ammunition for handguns
 14 commits a petty offense with a fine of \$1,000 for each
 15 violation.

16 Section 97. Severability. The provisions of this Act are
 17 severable under Section 1.31 of the Statute on Statutes.

18 Section 99. Effective date. This Act takes effect upon
 19 becoming law."





1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical analysis performed.

3. The third part of the document presents the results of the study. It includes a series of tables and graphs that illustrate the findings of the research. The data shows a clear trend of increasing activity over time.

4. The fourth part of the document discusses the implications of the findings. It suggests that the results have significant implications for the field of study and may lead to further research in this area.

5. The fifth part of the document concludes the study. It summarizes the key findings and provides a final statement on the importance of the research.




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1  # Import the necessary libraries
2  import pandas as pd
3  import numpy as np
4  import matplotlib.pyplot as plt
5  import seaborn as sns
6  from sklearn.preprocessing import StandardScaler
7  from sklearn.model_selection import train_test_split
8  from sklearn.metrics import accuracy_score, confusion_matrix, classification_report
9  from sklearn.svm import SVC
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IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT
EFFINGHAM COUNTY, ILLINOIS

FILED

ACCURACY FIREARMS, LLC *et al.*

vs.

Governor JAY ROBERT PRITZKER, in his
official capacity.

EMANUEL CHRISTOPHER WELCH, in his
capacity as Speaker of the House.

DONALD F. HARMON, in his capacity as Senate
President.

KWAME RAOUL, in his capacity as Attorney
General.

Defendants.

2023-MR-04

JAN 20 2023

Terrence K. Kule
CLERK OF THE CIRCUIT COURT
FOURTH JUDICIAL CIRCUIT
EFFINGHAM COUNTY, ILLINOIS

TEMPORARY RESTRAINING ORDER

THIS MATTER, having come in front of the Court on an Emergency Motion for Temporary Restraining Order by Plaintiffs, the Court having considered the pleadings of the parties, oral argument of counsel finds as follows:

INTRODUCTION

The matter before the court is one of significant importance. At issue is whether the Defendants have fulfilled their obligation to enact legislation that furthers the legitimate issues of the public while following Constitutionally required regulations.

As the Court addresses each element of the requested Temporary Restraining Order (TRO), it is worth noting that Defendants presented no evidence of legislative intent for the Court to consider. Furthermore, an examination of the Illinois Legislative

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General Assembly history of the bill provided no further information. From January 28, 2022 to January 8, 2023, HB 5471 (also known as Public Act 102-1116) was a change to the Illinois Insurance Code. Within two days the bill was entirely “gutted and replaced” (as referred to in oral arguments by both Parties) with an entirely different subject and was immediately signed by Governor Pritzker. Except for the record of actions, the public record regarding this bill, including the hearings that were held, was almost entirely regarding the bill as an insurance regulation.

The Plaintiffs all appeared by Counsel for the hearing. Attorney General Raoul, and Governor Pritzker, both appeared by Counsel as well. Defendants Christopher Welch and Don Harmon failed to appear for the hearing. Attorneys for the Defendants Raoul and Pritzker argued the Court should deny the request for temporary restraining order for the Plaintiffs failure to meet the requirements of irreparable harm and likelihood of success on the merits.

STANDARD FOR A TEMPORARY RESTRAINING ORDER

A temporary restraining order is an emergency remedy intended to maintain the status quo, which is the “last, actual, peaceable uncontested status that preceded the pending controversy.” *Makindu v. Illinois High School Ass’n*, 2015 IL App (2d) 141201. ¶ 45. A party satisfies the standard for obtaining a temporary restraining order if its motion, pleadings, and supporting affidavits establish that: (1) they possess a clear and ascertainable right that is in need of protection; (2) they will suffer irreparable injury if injunctive relief is not granted; (3) there is no adequate remedy at law for the injury they are going to suffer; and (4) they are likely to succeed on the merits of their claim. *Mohanty v. St. John Heart Clinic, S.C.*, 225 Ill. 2d 52, 62 (2006); *Bradford v. Wynstone*

Property Owners' Ass'n, 355 Ill. App. 3d 736, 739 (2nd Dist. 2005). To obtain the injunction; the party must "raise a fair question as to each element required to obtain the injunction." *Makindu*, 2015 IL App (2d) 141201 at ¶ 31.

I. Plaintiff Possesses A Clear Right In Need Of Protection

The Plaintiffs argue that HB 5471 impairs their fundamental right to bear arms, and that the law was enacted in violation of the Illinois Constitution.

HB 5471 is a restraint on Plaintiffs' rights to deliver, sell, import, or purchase certain weapons, attachments, and ammunition and/or manufacture, deliver, sell, or purchase large capacity ammunition feeding devices. Defendants Raoul and Pritzker argue that a gun regulation such as HB 5471 does not impact a fundamental right and in doing so they cite *Kalodimos v. Vill. Of Morton Grove*, 103 Ill. 2d 483, 509 (1984). Since that time, the Illinois Supreme Court has considered this issue and found gun regulation is, in fact, subject to strict scrutiny. When *Kaladimos* was issued in 1984, the Courts had yet to develop their current jurisprudence regarding gun rights. However, subsequent to significant jurisprudence which occurred after 1984, in *Guns Save Live, Inc. v. Ali*, 2021 IL 126014, the Illinois Supreme Court considered an ordinance which taxed the purchases of certain ammunition. In its analysis, the Illinois Supreme Court made it clear that strict scrutiny applies to alleged Constitutional violations of regulations, such as HB 5471.

This Court finds that Plaintiffs in fact have a Constitutional fundamental right that is subject to strict scrutiny and is protected by the Constitution of Illinois and the Constitution of the United States.

II. Plaintiffs Will Suffer Irreparable Injury

Plaintiffs are being immediately and irreparably harmed each day in which their fundamental right to bear arms is being denied and that this harm is continuing in nature. When a violation of Constitutional rights has been alleged, a further showing of irreparable injury is not required. *Makindu*, 2015 IL App (2d) 141201 at ¶ 42.

“To demonstrate irreparable injury, the moving party need not show an injury that is beyond repair or compensation in damages, but rather need show only transgressions of a continuing nature.” *Victor Township Drainage Dist. 1 v. Lundeen Family Farm P’ship*, 2014 IL App (2d) 140009 ¶ 50. The injury to a Plaintiff “must be in the form of Plaintiff’s legal rights being sacrificed if Plaintiff is forced to await a decision on the merits.” *Hough v. Weber*, 202 Ill. App. 3d 674, 686 (2nd Dist. 1990).

Although the changes to the statute give ample time to register Plaintiffs’ firearms with the State Police, the changes to the requirements for transfer, sale, purchase, and importation began on effective date of the bill, January 10, 2023, resulting in the loss of fundamental rights as per that date. While the Defendants rightly argue that monetary damages do not qualify as irreparable, they fail to consider that the owners of gun stores and other litigants who suffer monetary damages due to commerce are not necessarily included in the exempted persons category and therefore have their personal rights limited. This causes a perplexing legal issue that may restrict their ability to pursue their current profession.

As stated in *Markindu* “when a violation of constitutional rights has been alleged, a further showing of irreparable injury is not required if what is at stake is not monetary”. *Makindu v. Illinois High School Assn.*, 2015 IL App (2d) 141201 (2015) The Court finds the Plaintiffs will suffer irreparable injury if an injunction does not issue.

III. Plaintiff Has No Adequate Remedy At Law

In *Hough v. Weber*, 202 Ill. App. 3d 674 (1990), the Court found that An “adequate remedy at law is one which is clear, complete and as practical and efficient to the ends of justice and its prompt administration as the equitable remedy.” *Cross Wood Products, Inc. v. Suter*, 97 Ill. App. 3d 282, 286 (1st Dist. 1981). Furthermore, because the injury of the restriction of fundamental rights is one that is continuing in nature, remedies at law are inadequate, and injunctions should be imposed. See *Fink v. Board of Trustees of Southern Illinois University*, 71 Ill. App. 2d 276, 281 (5th Dist. 1966).

For these reasons, the Court finds the Plaintiffs have no adequate remedy at law.

IV. Plaintiff Is Likely To Succeed On The Merits Of Its Claim

A. Ill. Const. 1970, art. IV, § 8(d) for failure to comply with the Single Subject Rule. Article IV, Section 8 of the Illinois Constitution provides in pertinent part: “Bills, except bills for appropriations and for the codification, revision or rearrangement of laws, shall be confined to one subject.” (See Ill. Const. 1970, art. IV, § 8(d)).

The single subject rule ensures the structured and well-informed debate and passage of bills by “limiting each bill to a single subject, so each legislator can better understand and more intelligently debate the issues presented by a bill.” *People v. Cervantes*, 189 Ill. 2d 80, 83-84 (1999) (citing *People v. Reedy*, 295 Ill. App. 3d 34 (2d Dist. 1999)). However, the Legislature may not choose a topic so broad that the rule is evaded as ‘a meaningful constitutional check on the legislature’s actions. *People v. Bocclair*, 202 Ill.2d 89, 109, 273 Ill.Dec. 560, 789 N.E.2d 734 2002 (quoting *Johnson*, 176 Ill.2d at 515-18, 224 Ill.Dec. 1, 680 N.E.2d 1372).

The Defendants argue the single issue rule is satisfied because the enacted provisions of HB 5471 all relate to the regulation of firearms. However, the name of the bill is The Protect Illinois Communities Act, which does not necessarily only refer to the regulation of firearms. In fact, one item in the bill is related to human trafficking and drug trafficking (section amending 20 ILCS 2605/2605-35). Additionally, according to the Illinois General Assembly web page, the short description is Insurance Code – Public Adjusters.

The Court has reviewed the public record and find that the nature of the bill is confusing at best and might hinder the debate regarding the bill, if it were allowed. In *Bocclair*, which was cited by both parties, the Illinois Supreme Court states clearly the subject of the act is determined by at first looking at the title. *Bocclair*, 202 Ill.2d 89 at 110. The title of HB 5471 as it originated in January 2022 and when it was signed into law was “an act concerning regulation.” The subject of regulation is so broad that it provided the opportunity for the Legislature to create substantively new legislation without any discourse. This Court finds the Plaintiffs have raised a question that has a fair likelihood of success of proving the Defendants violated the single subject requirement by choosing an overbroad original title that was used to allow them to circumvent normal Legislative processes.

B; Ill. Const. 1970, art. IV, § 8(d) for failure to comply with the Three Readings Requirement.

Article IV, Section 8 of the Illinois Constitution provides that “a bill shall be read by title on three different days in each house.” Ill. Const. 1970, art. IV, § 8(d). The Three Readings rule applies not only to the original bill, but to amendments when they represent a substantial departure from the original bill. In *Giebelhausen v. Daley*, 407 Ill. 25, 48 (1950), the Illinois Supreme Court held that the “complete substitution of a new bill under

the original number, dealing with a subject which was not akin or closely allied to the original bill, and which was not read three times in each House, after it has been so altered, [was a] clear violation of a similar three-readings rule in the 1870 Constitution. See Ill. Const. 1870, art. IV, § 13 ("Every bill shall be read at large on three different days, in each house***."),” *Doe v. Lyft, Inc.*, 2020 IL App (1st) 191328, ¶ 53 (1st Dist. 2021);

Although in *Geja's Cafe v. Metro. Pier & Exposition Auth.*, 153 Ill. 2d 239, 260 (1992), the Supreme Court found that they would not invalidate legislation on the basis of the three readings rule if it has been certified, they went on to say that, “if the General Assembly continues its poor record of policing itself, we reserve the right to revisit this issue on another day to decide the continued propriety of ignoring this Constitutional violation.” In *Friends of Parks v. Chicago Park Dist.*, 203 Ill. 2d 312, 329 (2003), the Illinois Supreme Court reiterated this concern, citing previous instances where it “noted . . . that the legislature had shown remarkably poor self-discipline in policing itself in regard to the three-readings requirement.”

This Court finds that the Defendants unequivocally and egregiously violated the Three Readings Rule of the Illinois Constitution in order to circumvent the Constitutional requirements and avoid public discourse. This Court finds that due to the strict scrutiny standard required when fundamental rights are restricted and because abuse of Supreme Court rules is so pervasive, the time to revisit this practice is now.

This Court finds that, due to the blatant disregard for Constitutional Law, the Plaintiff is likely to succeed on the merits of this claim.

C. Ill. Const. 1970, art. I, § 2 for failure to comply the Due Process Clause.

Both Parties agree that, “a constitutional challenge raised under one theory cannot be

supported by decisional law based purely on another provision.” *People v. Patterson*, 2014 IL 115012 (2014). Although the Defendant makes a valid argument that “The Illinois Supreme Court has also expressed significant doubt about using a procedural process claim to contest aspects of the legislative process” in *Cheetah Enterprises, Inc. v. Lake Cnty., Ill. App. 3d 306, 314* (1974), this case occurred prior *Geja’s Café* (1992) and *Friends of Parks* (2003), which established doubt that the Legislature was adequately policing itself to avoid the danger of irreparable harm to Constitutional rights. Due process requires, at minimum, a meaningful opportunity to be heard. *Colquitt v. Rich Township High School District No. 227*, 298 Ill. App. 3d 856, 863, 232 Ill.Dec. 924, 699 N.E.2d 1109 (1998).

In this case, Plaintiffs are free to argue that the actions of the Legislature infringe upon their due process rights Ill. Const. 1970, art. I, § 2 to have a meaningful opportunity to be heard before their rights are impacted. Otherwise, especially as it relates to the three readings rule, the Plaintiffs would be left with no remedy in the Courts to seek redress.

In oral arguments, the Defendants stated that the only procedural right which Plaintiffs are afforded is the right to raise their arguments in Court after legislation has been passed. This argument is particularly concerning to the Court, implying that the Legislature has the right to pass any law that it deems fit without regard for the Constitutionality or the procedural process. This gives confers the responsibility of assessing the Constitutionality of the law to citizens and their attorneys.

The Defendant’s statements in oral arguments also indicate that their belief is that, because the bill has been certified, certification has automatically been done in good faith and cannot be reviewed by the Court. This Court finds that assumption to be in error and

that this case is worthy of review because of the serious nature of the violation of Constitutional standards and the limitation of rights. Further, it appears that there is a significant likelihood that the certification was not done in good faith, and is an abuse of prior Supreme Court decisions.

This Court finds the Plaintiffs have shown a likelihood of success in proving the failure of the General Assembly to abide by the due process clause of the Illinois Constitution.

D. Ill. Const. 1970, art. I, § 2 for failure to comply the Equal Protection Clause.

The Defendants stipulated in oral arguments that the equal protection claim is based on the rational basis review. *People v. Shephard*, 152 Ill. 2d 489, 499 (1992); *see also Kalodimos v. Vill. of Morton Grove*, 103 Ill. 2d 483, 509 (1984). However, this Court finds that their rational basis does not hold. The Court cannot find it logical that a warden of a prison (included in the exempted persons category) is necessarily better trained or more experienced in the handling of weapons than retired military personnel (not included in the exempted persons category). It also does not follow that a member of the National Guard would be less well trained or experienced in handling a firearm when they are not on active duty compared to when they are. Further, other rational and logical exemptions have been excluded, such as a person in a wheelchair who cannot use a shotgun due to recoil concerns, thus discriminating against a protected class.

This argument could be considered moot as the U.S. Supreme Court recently found, in *New York State Rifle Association, Inc. v. Bruen*, 142 S. Ct. 2111 (2022) that the State of New York violated the Constitution when requiring "proper cause" in order to obtain a license to carry a gun. As requirements for possession of a weapon in the home is generally and necessarily less restrictive than carrying a weapon outside of the home, it

follows that "proper cause" would be unallowable for possession as well. As training and experience are being used by the Defendant to justify who can and cannot possess these weapons, it is an example of a use of "proper cause" and is therefore Unconstitutional.

Due to the lack of procedural compliance of the Defendants, the Court is left with nothing to conclude what might be the compelling public purpose of this legislation. In oral arguments, the Defendants suggested that the goal of the legislation was to reduce firearms deaths and mass shooting casualties; however, they offered no evidence that the individuals in their newly created class based on training and experience were any more or less likely to commit these crimes, nor did they provide evidence that the individuals excluded from this class were more likely to commit crimes.

The Court finds the Plaintiffs have shown a likelihood of success in relation to the equal protection clause of the Illinois Constitution and that the Defendant's use of criteria, especially those that is not evenly applied violates the face of the Supreme Court's findings in *New York State Rifle Association, Inc. v. Bruen*.

BALANCING THE EQUITIES

Any legislation that has the potential to restrict fundamental Constitutional rights must be considered carefully. The Defendants in this case did not follow the procedural requirements necessary for this legislation to stand up to the strict scrutiny that is required when restricting rights to avoid definitional irreparable harm. Further, this legislation has used criteria to choose who can and cannot possess the weapons that without due consideration. Additionally, due to the speed with which this bill was passed, the effect to protected classes could not have been considered, nor could the Legislature have studied if this was the least restrictive way to meet their goal.

Based on the forgoing, and the finding in *Makindu* that established that a Plaintiff need only raise a fair question that is a violation of a fundamental right for injunctive relief, this Court find that the Defendant has met the burden to establish cause for a TRO.

WHEREFORE, IT IS HEREBY ORDERED:

- A) A temporary restraining order is entered enjoining Defendants, or any administrative agency or law enforcement agency under its control, from exercising any color of authority to enforce any and all elements of HB5471 (also known as Public Act 102-1116), 720 ILCS 5/24-1.9 *et seq*, and 720 ILCS 5/24-1.10 *et seq* against all Plaintiffs named in this action;
- B) This order is binding upon all the parties to this action, including all of their officers, agents, employees, and attorneys.
- C) This matter is set for preliminary injunction on 2-1-23 at 9:30.

DATE: 1-20-23


JUDGE JOSHUA MORRISON

Public Act [102-1116](#) (HB5471) Frequently Asked Questions

For additional information please refer to the entire Act at this [link](#)

If I am hunting with a banned weapon under this legislation, but the firearm is approved under the Wildlife code, and I am on my property or on private property with permission from the landowner am I exempt from this legislation?
What firearms are banned under Public Act 102-1116?
Can an FFL sell an AR 15 or assault weapon or high capacity magazines to a qualified active/retired law enforcement officer for a personal purchase?
As an FFL, can I maintain an inventory of banned items for sale?
Can an FFL still transfer prohibited firearms to out of state FFL's in order to liquidate their left over stock?
Are lower receivers on the banned list?
Can an FFL still transfer firearms where the transaction was started prior to January 10, 2023 11:59:59 PM deadline?
The sale of an AR 15 or assault weapon started before it passed, but the background check was not initiated. Can the firearm still be purchased?
If an Illinois resident has an AR 15 or assault weapon prior to the passage of this Act, where can they legally possess the firearm?
Can Illinois residents legally keep current AR 15 or assault weapons as defined by the new law?
Do Illinois residents have to register their AR or assault weapons as defined by the new law?
How much does it cost to register an AR 15 or assault weapon as defined by the new law?
Can Illinois residents still buy an AR 15 or assault weapon from a private individual or a gun dealer?
How can Illinois residents sell or transfer an AR 15 or assault weapon?
What is considered a large capacity ammunition feeding device?
Can Illinois residents keep the large capacity ammunition feeding device they currently own?
Can Illinois residents buy large capacity ammunition feeding devices from a private individual or a gun dealer?
How can Illinois residents sell the high-capacity magazines they currently own?
How can a non-resident of Illinois legally travel through Illinois with an assault weapon and/or high-capacity magazines?
If an FFL, who owns an auction service, pawn shop, or store front, has taken an AR 15 or assault weapon into their inventory on consignment or as collateral prior to the signing of the bill, can the FFL now transfer the weapon back to the previous owner?
No, if assault weapon was transferred to the FFL, then it cannot be transferred back to the previous registered owner unless the previously registered owner is subject to one of the narrow exemptions listed in section 720 ILCS 5/24-1.9 within the link above.

ILLINOIS.GOV

Governor JB Pritzker

SR156

FILED**MAR 03 2023**

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
MACON COUNTY, ILLINOIS**

**SHERRY A. DOTY
CIRCUIT CLERK**

DAN CAULKINS et al.,

Plaintiffs,

v.

No. 2023 CH 3

JB PRITZKER et al.,

Defendants.

FINAL JUDGMENT

1. For the reasons set forth below, the Court enters final judgment in favor of defendants on counts I, II, III, and VI of the complaint and in favor of plaintiffs on counts IV and V of the complaint.

2. Plaintiffs allege in counts I, II, and III of the complaint that Public Act 102-1116 violates the single subject and three readings rules in article IV, section 8(d) of the Illinois constitution and that the method by which it was passed violates the due process clause in article I, section 2 of the Illinois constitution. *Accuracy Firearms, LLC v. Pritzker*, 2023 IL App (5th) 230035, ¶¶ 21-47, holds identical claims fail as a matter of law. In addition, plaintiffs allege in count VI that they are entitled to an injunction. *Kopnick v. JL Woode Management Co.*, 2017 IL App (1st) 152054, ¶ 34, holds an injunction is not a separate cause of action. The Court is bound to apply the appellate court's holdings to plaintiffs' claims in this case. *People v. Carpenter*, 228 Ill. 2d 250, 259-60 (2008). For these reasons, the Court enters final judgment in favor of defendants on plaintiffs' single subject, three readings, and due process claims in counts I, II, and III, and the claim for an injunction in count VI, of the complaint.

3. Plaintiffs allege in counts IV and V of the complaint that exceptions to the prohibitions on assault weapons and large capacity ammunition feeding devices in sections 24-1.9 and 24-1.10 of the Criminal Code of 2012 violate the equal protection clause in article I, section 2 of the Illinois constitution and the special legislation clause in article IV, section 13 of the Illinois constitution. Plaintiffs further allege sections 24-1.9 and 24-1.10 infringe on their fundamental rights to bear arms, under article I, section 22 of the Illinois constitution and U.S. Constitution, Second Amendment and therefore that to resolve plaintiffs' equal protection claim under article I, section 2 of the Illinois constitution (Count IV) and plaintiffs' special legislation claim under article IV, section 13 of the Illinois constitution (Count V), the Court must subject the challenged exceptions to strict scrutiny. Complaint ¶¶ 2, 128-136, 153, 157. *Accuracy Firearms*, 2023 IL App (5th) 230035, ¶¶ 48-62, considered an equal protection challenge to the exceptions to sections 24-1.9 and 24-1.10. The appellate court held the right to bear arms under article I, section 22 of the Illinois constitution is fundamental for equal protection purposes, that the

challenged exceptions are subject to strict scrutiny as a result, and that the challenged exceptions did not satisfy strict scrutiny. The Court is bound to apply the appellate court's holdings to plaintiffs' identical equal protection claim in this case. *Carpenter*, 228 Ill. 2d at 259-60. Further, equal protection and special legislation claims "are judged by the same standard," *In re Estate of Jolliff*, 199 Ill. 2d 510, 520 (2002), so the Court is also bound to apply those holdings to plaintiffs' special legislation claim in this case. Defendants argue that *Accuracy Firearms* is wrongly decided for multiple reasons but acknowledge that the Court is bound to apply it. For these reasons, the Court enters final judgment in favor of plaintiffs on their equal protection and special legislation claims in counts IV and V of the complaint.

4. Pursuant to Illinois Supreme Court Rule 18, and in accordance with the Court's findings above, the Court further finds that:
 - a. Sections 24-1.9 and 24-1.10 of the Criminal Code of 2012 violate the equal protection clause in article I, section 2 of the Illinois constitution and the special legislation clause in article IV, section 13 of the Illinois constitution.
 - b. Sections 24-1.9 and 24-1.10 of the Criminal Code of 2012 are facially unconstitutional under these provisions of the Illinois constitution;
 - c. Sections 24-1.9 and 24-1.10 of the Criminal Code of 2012 cannot reasonably be construed in a manner that would preserve their validity;
 - d. the finding of unconstitutionality is necessary to the Court's decision and judgment; and
 - e. this decision and judgment cannot rest upon an alternative ground.

Dated: March 3, 2023



Honorable Rodney S. Forbes
Associate Judge

APPEAL TO THE SUPREME COURT OF ILLINOIS

FROM THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
MACON COUNTY, ILLINOIS

DAN CAULKINS; PERRY LEWIN;)	
DECATUR JEWELRY & ANTIQUES)	
INC; and LAW-ABIDING GUN OWNERS)	
OF MACON COUNTY, a voluntary)	
unincorporated association,)	
)	
Plaintiffs-Appellees,)	
	)	No. 2023-CH-3
v.)	
)	
Governor JAY ROBERT PRITZKER,)	
in his official capacity; KWAME RAOUL,)	
in his capacity as Attorney General;)	
EMANUEL CHRISTOPHER WELCH, in)	
his capacity as Speaker of the House; and)	
DONALD F. HARMON, in his capacity as)	
Senate President,	)	The Honorable
	)	RODNEY S. FORBES,
Defendants-Appellants.	)	Judge Presiding.

NOTICE OF APPEAL

Under Illinois Supreme Court Rule 302(a)(1), Defendants Governor Jay Robert Pritzker and Attorney General Kwame Raoul, in their official capacities, by their attorney, Kwame Raoul, Attorney General of the State of Illinois, hereby appeal directly to the Illinois Supreme Court from the final order entered by the Honorable Judge Rodney S. Forbes of the Circuit Court for the Sixth Judicial Circuit, Macon County, Illinois, on March 3, 2023, in which the circuit court granted defendants' motion for summary judgment on counts I, II, III, and VI of the complaint, but as to counts IV and V of the complaint ruled that sections 24-1.9 and 24-1.10 of the

Criminal Code of 2012, 720 ILCS 5/24-1.9 and 720 ILCS 5/24-1.10, on their face violate the equal protection clause in Article I, Section 2 of the Illinois Constitution and the special legislation clause in Article IV, Section 13 of the Illinois Constitution. A copy of the circuit court's March 3, 2023 order is attached hereto as Exhibit A.

By this appeal, Defendants Governor Jay Robert Pritzker and Attorney General Kwame Raoul, in their official capacities, request that the Illinois Supreme Court reverse and vacate the circuit court's order to the extent it is adverse to them, and grant any other appropriate relief.

Respectfully submitted,

KWAME RAOUL
Attorney General
State of Illinois

By: /s/ Leigh J. Jahnig
LEIGH J. JAHNIG
ARDC No. 6324102
Assistant Attorney General
100 West Randolph Street
12th Floor
Chicago, Illinois 60601
(312) 793-1473 (office)
(773) 590-7877 (cell)
CivilAppeals@ilag.gov (primary)
Leigh.Jahnig@ilag.gov (secondary)

March 3, 2023

FILED**MAR 03 2023**

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
MACON COUNTY, ILLINOIS**

**SHERRY A. DOTY
CIRCUIT CLERK**

DAN CAULKINS et al.,

Plaintiffs,

v.

No. 2023 CH 3

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2. Plaintiffs allege in counts I, II, and III of the complaint that Public Act 102-1116 violates the single subject and three readings rules in article IV, section 8(d) of the Illinois constitution and that the method by which it was passed violates the due process clause in article I, section 2 of the Illinois constitution. *Accuracy Firearms, LLC v. Pritzker*, 2023 IL App (5th) 230035, ¶¶ 21-47, holds identical claims fail as a matter of law. In addition, plaintiffs allege in count VI that they are entitled to an injunction. *Kopnick v. JL Woode Management Co.*, 2017 IL App (1st) 152054, ¶ 34, holds an injunction is not a separate cause of action. The Court is bound to apply the appellate court's holdings to plaintiffs' claims in this case. *People v. Carpenter*, 228 Ill. 2d 250, 259-60 (2008). For these reasons, the Court enters final judgment in favor of defendants on plaintiffs' single subject, three readings, and due process claims in counts I, II, and III, and the claim for an injunction in count VI, of the complaint.

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challenged exceptions are subject to strict scrutiny as a result, and that the challenged exceptions did not satisfy strict scrutiny. The Court is bound to apply the appellate court's holdings to plaintiffs' identical equal protection claim in this case. *Carpenter*, 228 Ill. 2d at 259-60. Further, equal protection and special legislation claims "are judged by the same standard," *In re Estate of Jolliff*, 199 Ill. 2d 510, 520 (2002), so the Court is also bound to apply those holdings to plaintiffs' special legislation claim in this case. Defendants argue that *Accuracy Firearms* is wrongly decided for multiple reasons but acknowledge that the Court is bound to apply it. For these reasons, the Court enters final judgment in favor of plaintiffs on their equal protection and special legislation claims in counts IV and V of the complaint.

4. Pursuant to Illinois Supreme Court Rule 18, and in accordance with the Court's findings above, the Court further finds that:
 - a. Sections 24-1.9 and 24-1.10 of the Criminal Code of 2012 violate the equal protection clause in article I, section 2 of the Illinois constitution and the special legislation clause in article IV, section 13 of the Illinois constitution.
 - b. Sections 24-1.9 and 24-1.10 of the Criminal Code of 2012 are facially unconstitutional under these provisions of the Illinois constitution;
 - c. Sections 24-1.9 and 24-1.10 of the Criminal Code of 2012 cannot reasonably be construed in a manner that would preserve their validity;
 - d. the finding of unconstitutionality is necessary to the Court's decision and judgment; and
 - e. this decision and judgment cannot rest upon an alternative ground.

Dated: March 3, 2023



Honorable Rodney S. Forbes
Associate Judge

CERTIFICATE OF FILING AND SERVICE

I certify that on March 3, 2023, I electronically filed the foregoing Notice of Appeal with the Clerk of the Circuit Court of the Sixth Judicial Circuit, Macon County, Illinois by using the Odyssey eFileIL system.

I further certify that the other participants in this case, named below, are not registered service contacts on the Odyssey eFileIL system, and that they will thus be served on March 3, 2023, by transmitting a copy from my e-mail address to the primary and secondary e-mail addresses designated by that participant.

Jerrold H. Stocks
jstocks@Decatur.legal

Brian D. Eck
beck@Decatur.legal

Michael J. Kasper
mjkasper60@mac.com

Luke A. Casson
lcasson@andreou-casson.com

Adam R. Vaught
avaught@kilbridevaught.com

Devon C. Bruce
dbruce@powerrogers.com

Thomas G. DeVore
tom@silverlakelaw.com

Under penalties as provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure, I certify that the statements set forth in this instrument are true and correct to the best of my knowledge, information, and belief.

/s/ Leigh J. Jahnig
LEIGH J. JAHNIG
ARDC No. 6324102
Assistant Attorney General
100 West Randolph Street
12th Floor
Chicago, Illinois 60601
(312) 793-1473 (office)
(773) 590-7877 (cell)
CivilAppeals@ilag.gov (primary)
Leigh.Jahnig@ilag.gov (secondary)

SR163



SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING
200 East Capitol Avenue
SPRINGFIELD, ILLINOIS 62701-1721

CYNTHIA A. GRANT
Clerk of the Court

(217) 782-2035
TDD: (217) 524-8132

March 07, 2023

FIRST DISTRICT OFFICE
160 North LaSalle Street, 20th Floor
Chicago, IL 60601-3103
(312) 793-1332
TDD: (312) 793-6185

Leigh Jacqueline Jahnig
Office of the Illinois Attorney General
100 West Randolph Street, 12th Floor
Chicago, IL 60601

In re: Caulkins v. Pritzker
 129453

Dear Leigh Jacqueline Jahnig:

Enclosed is a certified order entered March 07, 2023, by the Supreme Court of Illinois in the above-captioned cause.

Very truly yours,

A handwritten signature in cursive script that reads "Cynthia A. Grant".

Clerk of the Supreme Court

cc: Adam Robert Vaught
 Attorney General of Illinois - Civil Division
 Brian David Eck
 Devon Campbell Bruce
 Jerrold Harris Stocks
 Luke Andrew Casson
 Macon County Circuit Court
 Michael James Kasper

SR164

State of Illinois Supreme Court

I, Cynthia A. Grant, Clerk of the Supreme Court of the State of Illinois, and keeper of the records, files and Seal thereof do hereby certify the following to be a true copy of an order entered March 07, 2023, in a certain cause entitled:

129453

Dan Caulkins, Perry Lewin, Decatur
Jewelry & Antiques Inc., and Law-
Abiding Gun Owners of Macon County,
a voluntary unincorporated association,

Appellees

v.

Governor Jay Robert Pritzker, in his
official capacity, Kwame Raoul, in his
capacity as Attorney General, Emanuel
Christopher Welch, in his capacity as
Speaker of the House, and Donald F.
Harmon, in his capacity as Senate
President,

Appellants

Appeal from
Macon County Circuit Court
23CH3

Filed in this office on the 6th day of March A.D. 2023.



*IN TESTIMONY WHEREOF, I have set my
hand and affixed the seal of said
Supreme Court, in Springfield, in said
State, this 7th day of March, 2023.*

Cynthia A. Grant

*Clerk,
Supreme Court of the State of Illinois*

SR165

SUPREME COURT OF ILLINOIS

Dan Caulkins, Perry Lewin, Decatur)	
Jewelry & Antiques Inc., and Law-)	
Abiding Gun Owners of Macon County, a)	
voluntary unincorporated association,	)	Appeal from
	)	Macon County Circuit Court
Appellees	)	23CH3
)	
v.)	
)	
Governor Jay Robert Pritzker, in his)	
official capacity, Kwame Raoul, in his)	
capacity as Attorney General, Emanuel)	
Christopher Welch, in his capacity as)	
Speaker of the House, and Donald F.)	
Harmon, in his capacity as Senate)	
President,)	
)	
Appellants)	

ORDER

This cause coming to be heard on the motion of appellants, due notice having been given, and the Court being fully advised in the premises;

IT IS ORDERED that the motion to place appeal on an accelerated docket pursuant to Supreme Court Rule 311(b) is allowed. The record on appeal shall be filed with the Clerk of this Court by March 15, 2023. The appellants' brief shall be filed on or before March 20, 2023. The appellees' brief shall be filed on or before April 13, 2023. The reply brief shall be filed on or before April 27, 2023. Oral argument will be scheduled for the May 2023 term of court.

Order entered by the Court.

FILED
 March 07, 2023
 SUPREME COURT
 CLERK

CERTIFICATE OF FILING AND SERVICE

I certify that on March 31, 2023, I electronically filed the foregoing **Supporting Record** with the Clerk of the Court for the Supreme Court of Illinois, by using the Odyssey eFileIL system.

I further certify that the other participant in this appeal, named below, is a registered service contact on the Odyssey eFileIL system, and thus will be served via the Odyssey eFileIL system.

Thomas G. DeVore
tom@silverlakelaw.com

Under penalties as provided by law pursuant to section 1-109 of the Illinois Code of Civil Procedure, I certify that the statements set forth in this instrument are true and correct to the best of my knowledge, information, and belief.

/s/ Leigh J. Jahnig
LEIGH J. JAHNIG
Assistant Attorney General
100 West Randolph Street
12th Floor
Chicago, Illinois 60601
(312) 793-1473 (office)
(773) 590-7877 (cell)
CivilAppeals@ilag.gov (primary)
Leigh.Jahnig@ilag.gov (secondary)