

AN ACT concerning criminal law.

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

Section 5. The Criminal Code of 2012 is amended by changing Sections 2-13 and 24-8 as follows:

(720 ILCS 5/2-13) (from Ch. 38, par. 2-13)

Sec. 2-13. "Peace officer". "Peace officer" means (i) any person who by virtue of the person's ~~his~~ office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or (ii) any person who, by statute, is granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State.

For purposes of Sections concerning unlawful possession of weapons, for the purposes of assisting an Illinois peace officer in an arrest, or when the commission of any offense under Illinois law is directly observed by the person, and statutes involving the false personation of a peace officer, false personation of a peace officer while carrying a deadly weapon, false personation of a peace officer in attempting or committing a felony, and false personation of a peace officer in attempting or committing a forcible felony, then officers,

agents, or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered "peace officers" under this Code, including, but not limited to, all criminal investigators of:

(1) the United States Department of Justice, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Drug Enforcement Administration and all United States Marshals or Deputy United States Marshals whose duties involve the enforcement of federal criminal laws;

(1.5) the United States Department of Homeland Security, United States Citizenship and Immigration Services, United States Coast Guard, United States Customs and Border Protection, and United States Immigration and Customs Enforcement;

(2) the United States Department of the Treasury, the Alcohol and Tobacco Tax and Trade Bureau, and the United States Secret Service;

(3) the United States Internal Revenue Service;

(4) the United States General Services Administration;

(5) the United States Postal Service;

(6) (blank); and

(7) the United States Department of Defense.

(Source: P.A. 102-558, eff. 8-20-21; 103-822, eff. 1-1-25.)

(720 ILCS 5/24-8)

Sec. 24-8. Firearm evidence.

(a) Upon seizing or taking into custody ~~recovering~~ a firearm that was (i) unlawfully possessed, (ii) used for any unlawful purpose, (iii) recovered from the scene of a crime, or (iv) reasonably believed to have been used or associated with the commission of a crime, or when a firearm is acquired by the law enforcement agency as an abandoned, lost, or discarded firearm, ~~from the possession of anyone who is not permitted by federal or State law to possess a firearm,~~ a law enforcement agency shall use the best available information, including a firearms trace ~~when necessary,~~ to determine how and from whom the person gained possession of the firearm and ~~and~~. ~~Upon recovering a firearm that was used in the commission of any offense classified as a felony or upon recovering a firearm that appears to have been lost, mislaid, stolen, or otherwise unclaimed, a law enforcement agency shall use the best available information, including a firearms trace, to determine prior ownership of the firearm.~~

(b) Law enforcement shall, ~~when appropriate,~~ use the National Tracing Center of the Federal Bureau of Alcohol, Tobacco, ~~and~~ Firearms and Explosives and the National Crime Information Center of the Federal Bureau of Investigation in complying with subsection (a) of this Section.

(b-5) Law enforcement shall use the National Tracing Center of the Federal Bureau of Alcohol, Tobacco, Firearms and

Explosives' eTrace platform or successor platform in complying with subsection (a). Law enforcement shall participate in the National Tracing Center of the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives' eTrace platform or successor platform's collective data sharing program for the purpose of sharing firearm trace reports among all law enforcement agencies in this State on a reciprocal basis.

(c) Law enforcement agencies shall use the Illinois State Police Law Enforcement Agencies Data System (LEADS) Gun File to enter all stolen, seized, or recovered firearms as prescribed by LEADS regulations and policies.

(d) Whenever a law enforcement agency recovers a fired cartridge case at a crime scene or has reason to believe that the recovered fired cartridge case is related to or associated with the commission of a crime, the law enforcement agency shall submit the evidence to the National Integrated Ballistics Information Network (NIBIN) or an Illinois State Police laboratory for NIBIN processing. Whenever a law enforcement agency seizes or recovers a semiautomatic firearm that is deemed suitable to be entered into the NIBIN that was: (i) unlawfully possessed, (ii) used for any unlawful purpose, (iii) recovered from the scene of a crime, (iv) is reasonably believed to have been used or associated with the commission of a crime, or (v) is acquired by the law enforcement agency as an abandoned or discarded firearm, the law enforcement agency shall submit the evidence to the NIBIN or an Illinois State

Police laboratory for NIBIN processing. When practicable, all NIBIN-suitable evidence and NIBIN-suitable test fires from recovered firearms shall be entered into the NIBIN within 2 business days of submission to Illinois State Police laboratories that have NIBIN access or another NIBIN site. Exceptions to this may occur if the evidence in question requires analysis by other forensic disciplines. The Illinois State Police laboratory, submitting agency, and relevant court representatives shall determine whether the request for additional analysis outweighs the 2 business-day requirement. Illinois State Police laboratories that do not have NIBIN access shall submit NIBIN-suitable evidence and test fires to an Illinois State Police laboratory with NIBIN access. Upon receipt at the laboratory with NIBIN access, when practicable, the evidence and test fires shall be entered into the NIBIN within 2 business days. Exceptions to this 2 business-day requirement may occur if the evidence in question requires analysis by other forensic disciplines. The Illinois State Police laboratory, submitting agency, and relevant court representatives shall determine whether the request for additional analysis outweighs the 2 business-day requirement. Nothing in this Section shall be interpreted to conflict with standards and policies for NIBIN sites as promulgated by the federal Bureau of Alcohol, Tobacco, Firearms and Explosives or successor agencies.

(Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;

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

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