

AN ACT concerning domestic violence.

**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 Section 24-3 as follows:

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

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

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

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age.

(b) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent.

(c) Sells or gives any firearm to any narcotic addict.

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction.

(e) Sells or gives any firearm to any person who has been a patient in a mental institution within the past 5 years. In this subsection (e):

"Mental institution" means any hospital, institution, clinic, evaluation facility, mental health center, or part thereof, which is used primarily for the care or treatment of persons with mental illness.

"Patient in a mental institution" means the person was admitted, either voluntarily or involuntarily, to a mental institution for mental health treatment, unless the treatment was voluntary and solely for an alcohol abuse disorder and no other secondary substance abuse disorder or mental illness.

(f) Sells or gives any firearms to any person who is a person with an intellectual disability.

(g) Delivers any firearm, incidental to a sale, without withholding delivery of the firearm for at least 72 hours after application for its purchase has been made, or delivers a stun gun or taser, incidental to a sale, without withholding delivery of the stun gun or taser for at least 24 hours after application for its purchase has been made. However, this paragraph (g) does not apply to:

(1) the sale of a firearm to a law enforcement officer if the seller of the firearm knows that the person to whom he or she is selling the firearm is a law enforcement officer or the sale of a firearm to a person who desires to purchase a firearm for use in promoting the public interest incident to his or her employment as a bank

guard, armed truck guard, or other similar employment; (2) a mail order sale of a firearm from a federally licensed firearms dealer to a nonresident of Illinois under which the firearm is mailed to a federally licensed firearms dealer outside the boundaries of Illinois; (3) (blank); (4) the sale of a firearm to a dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923); or (5) the transfer or sale of any rifle, shotgun, or other long gun to a resident registered competitor or attendee or non-resident registered competitor or attendee by any dealer licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 at competitive shooting events held at the World Shooting Complex sanctioned by a national governing body. For purposes of transfers or sales under subparagraph (5) of this paragraph (g), the Department of Natural Resources shall give notice to the Illinois State Police at least 30 calendar days prior to any competitive shooting events at the World Shooting Complex sanctioned by a national governing body. The notification shall be made on a form prescribed by the Illinois State Police. The sanctioning body shall provide a list of all registered competitors and attendees at least 24 hours before the events to the Illinois State Police. Any changes to the list of registered competitors and attendees shall be forwarded to the Illinois State

Police as soon as practicable. The Illinois State Police must destroy the list of registered competitors and attendees no later than 30 days after the date of the event. Nothing in this paragraph (g) relieves a federally licensed firearm dealer from the requirements of conducting a NICS background check through the Illinois Point of Contact under 18 U.S.C. 922(t). For purposes of this paragraph (g), "application" means when the buyer and seller reach an agreement to purchase a firearm. For purposes of this paragraph (g), "national governing body" means a group of persons who adopt rules and formulate policy on behalf of a national firearm sporting organization.

(h) While holding any license as a dealer, importer, manufacturer or pawnbroker under the federal Gun Control Act of 1968, manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph, (1) "firearm" is defined as in the Firearm Owners Identification Card Act; and (2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which such a firearm can be assembled.

(i) Sells or gives a firearm of any size to any person under 18 years of age who does not possess a valid Firearm Owner's Identification Card.

(j) Sells or gives a firearm while engaged in the business of selling firearms at wholesale or retail without being licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923). In this paragraph (j):

A person "engaged in the business" means a person who devotes time, attention, and labor to engaging in the activity as a regular course of trade or business with the principal objective of livelihood and profit, but does not include a person who makes occasional repairs of firearms or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms.

"With the principal objective of livelihood and profit" means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection; however, proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism.

(k) Sells or transfers ownership of a firearm to a person who does not display to the seller or transferor of

the firearm either: (1) a currently valid Firearm Owner's Identification Card that has previously been issued in the transferee's name by the Illinois State Police under the provisions of the Firearm Owners Identification Card Act; or (2) a currently valid license to carry a concealed firearm that has previously been issued in the transferee's name by the Illinois State Police under the Firearm Concealed Carry Act. This paragraph (k) does not apply to the transfer of a firearm to a person who is exempt from the requirement of possessing a Firearm Owner's Identification Card under Section 2 of the Firearm Owners Identification Card Act. For the purposes of this Section, a currently valid Firearm Owner's Identification Card or license to carry a concealed firearm means receipt of an approval number issued in accordance with subsection (a-10) of Section 3 or Section 3.1 of the Firearm Owners Identification Card Act.

(1) In addition to the other requirements of this paragraph (k), all persons who are not federally licensed firearms dealers must also have complied with subsection (a-10) of Section 3 of the Firearm Owners Identification Card Act by determining the validity of a purchaser's Firearm Owner's Identification Card.

(2) All sellers or transferors who have complied with the requirements of subparagraph (1) of this paragraph (k) shall not be liable for damages in any

civil action arising from the use or misuse by the transferee of the firearm transferred, except for willful or wanton misconduct on the part of the seller or transferor.

(l) Not being entitled to the possession of a firearm, delivers the firearm, knowing it to have been stolen or converted. It may be inferred that a person who possesses a firearm with knowledge that its serial number has been removed or altered has knowledge that the firearm is stolen or converted.

(m) Gives a firearm or firearm parts to or allows a respondent in an order of protection action access to a firearm or firearm parts in violation of a court order under Section 112A-14(b)(14.5)(E) or (F) of the Code of Criminal Procedure of 1963 or subparagraph (D) or (E) of paragraph (14.5) of subsection (b) of Section 214 of the Illinois Domestic Violence Act of 1986.

(B) Paragraph (h) of subsection (A) does not include firearms sold within 6 months after enactment of Public Act 78-355 (approved August 21, 1973, effective October 1, 1973), nor is any firearm legally owned or possessed by any citizen or purchased by any citizen within 6 months after the enactment of Public Act 78-355 subject to confiscation or seizure under the provisions of that Public Act. Nothing in Public Act 78-355 shall be construed to prohibit the gift or trade of any firearm if that firearm was legally held or acquired within 6

months after the enactment of that Public Act.

(C) Sentence.

(1) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (c), (e), (f), (g), or (h) of subsection (A) commits a Class 4 felony.

(2) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (b) or (i) of subsection (A) commits a Class 3 felony.

(3) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (a) of subsection (A) commits a Class 2 felony.

(4) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony. Any person convicted of a second or subsequent violation of unlawful sale or delivery of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real

property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony for which the sentence shall be a term of imprisonment of no less than 5 years and no more than 15 years.

(5) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (a) or (i) of subsection (A) in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, or on any public way within 1,000 feet of the real property comprising any public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony.

(6) Any person convicted of unlawful sale or delivery

of firearms in violation of paragraph (j) of subsection (A) commits a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

(7) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (k) of subsection (A) commits a Class 4 felony, except that a violation of subparagraph (1) of paragraph (k) of subsection (A) shall not be punishable as a crime or petty offense. A third or subsequent conviction for a violation of paragraph (k) of subsection (A) is a Class 1 felony.

(8) A person 18 years of age or older convicted of unlawful sale or delivery of firearms in violation of paragraph (a) or (i) of subsection (A), when the firearm that was sold or given to another person under 18 years of age was used in the commission of or attempt to commit a forcible felony, shall be fined or imprisoned, or both, not to exceed the maximum provided for the most serious forcible felony so committed or attempted by the person under 18 years of age who was sold or given the firearm.

(9) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (d) of subsection (A) commits a Class 3 felony.

(10) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (l) of subsection (A) commits a Class 2 felony if the delivery is of one firearm. Any person convicted of unlawful sale or delivery

of firearms in violation of paragraph (1) of subsection (A) commits a Class 1 felony if the delivery is of not less than 2 and not more than 5 firearms at the same time or within a one-year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (1) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 30 years if the delivery is of not less than 6 and not more than 10 firearms at the same time or within a 2-year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (1) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 40 years if the delivery is of not less than 11 and not more than 20 firearms at the same time or within a 3-year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (1) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of imprisonment of not less than 6 years and not more than 50 years if the delivery is of not less than 21 and not more than 30 firearms at the same time or within a 4-year period. Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (1) of subsection (A) commits a Class X felony for which he or she shall be sentenced to a term of

imprisonment of not less than 6 years and not more than 60 years if the delivery is of 31 or more firearms at the same time or within a 5-year period.

(11) Any person convicted of unlawful sale or delivery of firearms in violation of paragraph (m) of subsection (A) commits a Class A misdemeanor. A second or subsequent violation is a Class 4 felony.

(D) For purposes of this Section:

"School" means a public or private elementary or secondary school, community college, college, or university.

"School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district.

(E) A prosecution for a violation of paragraph (k) of subsection (A) of this Section may be commenced within 6 years after the commission of the offense. A prosecution for a violation of this Section other than paragraph (g) of subsection (A) of this Section may be commenced within 5 years after the commission of the offense defined in the particular paragraph.

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

Section 10. The Code of Criminal Procedure of 1963 is amended by changing Section 112A-14 as follows:

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

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

(a) (Blank).

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

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

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

(A) Right to occupancy. A party has a right to

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

(B) Presumption of hardships. If petitioner and respondent each has the right to occupancy of a residence or household, the court shall balance (i) the hardships to respondent and any minor child or dependent adult in respondent's care resulting from entry of this remedy with (ii) the hardships to petitioner and any minor child or dependent adult in petitioner's care resulting from continued exposure to the risk of abuse (should petitioner remain at the residence or household) or from loss of possession of the residence or household (should petitioner leave to avoid the risk of abuse). When determining the balance of hardships, the court shall also take into account the accessibility of the residence or household. Hardships need not be balanced if respondent does not have a right to occupancy.

The balance of hardships is presumed to favor possession by petitioner unless the presumption is

rebutted by a preponderance of the evidence, showing that the hardships to respondent substantially outweigh the hardships to petitioner and any minor child or dependent adult in petitioner's care. The court, on the request of petitioner or on its own motion, may order respondent to provide suitable, accessible, alternate housing for petitioner instead of excluding respondent from a mutual residence or household.

(3) Stay away order and additional prohibitions. Order respondent to stay away from petitioner or any other person protected by the domestic violence order of protection, or prohibit respondent from entering or remaining present at petitioner's school, place of employment, or other specified places at times when petitioner is present, or both, if reasonable, given the balance of hardships. Hardships need not be balanced for the court to enter a stay away order or prohibit entry if respondent has no right to enter the premises.

(A) If a domestic violence order of protection grants petitioner exclusive possession of the residence, prohibits respondent from entering the residence, or orders respondent to stay away from petitioner or other protected persons, then the court may allow respondent access to the residence to remove items of clothing and personal adornment used

exclusively by respondent, medications, and other items as the court directs. The right to access shall be exercised on only one occasion as the court directs and in the presence of an agreed-upon adult third party or law enforcement officer.

(B) When the petitioner and the respondent attend the same public, private, or non-public elementary, middle, or high school, the court when issuing a domestic violence order of protection and providing relief shall consider the severity of the act, any continuing physical danger or emotional distress to the petitioner, the educational rights guaranteed to the petitioner and respondent under federal and State law, the availability of a transfer of the respondent to another school, a change of placement or a change of program of the respondent, the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school, and any other relevant facts of the case. The court may order that the respondent not attend the public, private, or non-public elementary, middle, or high school attended by the petitioner, order that the respondent accept a change of placement or change of program, as determined by the school district or private or non-public school, or place restrictions on the respondent's movements within the school attended by

the petitioner. The respondent bears the burden of proving by a preponderance of the evidence that a transfer, change of placement, or change of program of the respondent is not available. The respondent also bears the burden of production with respect to the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school. A transfer, change of placement, or change of program is not unavailable to the respondent solely on the ground that the respondent does not agree with the school district's or private or non-public school's transfer, change of placement, or change of program or solely on the ground that the respondent fails or refuses to consent or otherwise does not take an action required to effectuate a transfer, change of placement, or change of program. When a court orders a respondent to stay away from the public, private, or non-public school attended by the petitioner and the respondent requests a transfer to another attendance center within the respondent's school district or private or non-public school, the school district or private or non-public school shall have sole discretion to determine the attendance center to which the respondent is transferred. If the court order results in a transfer of the minor respondent to another attendance center, a change in

the respondent's placement, or a change of the respondent's program, the parents, guardian, or legal custodian of the respondent is responsible for transportation and other costs associated with the transfer or change.

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

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

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

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

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

If the respondent is charged with abuse (as defined in Section 112A-3 of this Code) of a minor child, there shall be a rebuttable presumption that awarding temporary significant decision-making responsibility to respondent

would not be in the child's best interest.

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

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

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

- (iii) improperly conceal or detain the minor child; or

- (iv) otherwise act in a manner that is not in the best interests of the minor child.

The court shall not be limited by the standards set forth in Section 603.10 of the Illinois Marriage and Dissolution of Marriage Act. If the court grants parenting time, the order shall specify dates and times for the parenting time to take place or other specific parameters or conditions that are appropriate. No order for parenting time shall refer merely to the term "reasonable parenting time". Petitioner may deny respondent access to the minor child if, when respondent arrives for parenting time,

respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of petitioner or petitioner's minor children or is behaving in a violent or abusive manner. If necessary to protect any member of petitioner's family or household from future abuse, respondent shall be prohibited from coming to petitioner's residence to meet the minor child for parenting time, and the petitioner and respondent shall submit to the court their recommendations for reasonable alternative arrangements for parenting time. A person may be approved to supervise parenting time only after filing an affidavit accepting that responsibility and acknowledging accountability to the court.

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

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

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

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

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

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

No order under this provision shall affect title to property.

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

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

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

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

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

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

(12) Order for payment of support. Order respondent to pay temporary support for the petitioner or any child in the petitioner's care or over whom the petitioner has been allocated parental responsibility, when the respondent has a legal obligation to support that person, in accordance with the Illinois Marriage and Dissolution of Marriage Act, which shall govern, among other matters, the amount

of support, payment through the clerk and withholding of income to secure payment. An order for child support may be granted to a petitioner with lawful physical care of a child, or an order or agreement for physical care of a child, prior to entry of an order allocating significant decision-making responsibility. Such a support order shall expire upon entry of a valid order allocating parental responsibility differently and vacating petitioner's significant decision-making responsibility unless otherwise provided in the order.

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

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

subsection (a) (3) of Section 501 of that Act.

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

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

(14.5) Prohibition of possession of firearms and firearm parts; search and seizure of firearms and firearm parts.

(A) Subject to the provisions of subparagraph (B-2), if applicable, a person who is subject to an existing domestic violence order of protection issued under this Code may not lawfully possess firearms or firearm parts that could be assembled to make an operable firearm or a Firearm Owner's Identification Card under Section 8.2 of the Firearm Owners Identification Card Act.

(B) Any firearms in the possession of the respondent, except as provided in subparagraph (C) of

this paragraph (14.5) and subject to the provisions of subparagraph (B-2), if applicable, shall be ordered by the court to be surrendered to law enforcement for safekeeping. Any firearms or firearm parts on the respondent's person or at the place of service shall be immediately surrendered to the serving officers at the time of service of the order of protection, and any other firearms or firearm parts shall be surrendered to local law enforcement within 24 hours of service of the order of protection. Any Firearm Owner's Identification Card or Concealed Carry License in the possession of the respondent, except as provided in subparagraph (C), shall also be ordered by the court to be turned over to serving officers at the time of service of the order of protection or, if not on the respondent's person or at the location where the respondent is served at the time of service, to local law enforcement within 24 hours of service of the order. The law enforcement agency shall immediately mail the card, as well as any license, to the Illinois State Police Firearm Owner's Identification Card Office for safekeeping.

(B-1) Upon request of the petitioner or the State's Attorney on behalf of the petitioner, a law enforcement officer may seek a search warrant based on the allegations in the petition for the Order of

Protection.

(i) If requested by law enforcement, the court shall issue a search warrant for the seizure of any firearms or firearm parts that could be assembled to make an operable firearm belonging to the respondent at or after entry of an order of protection if the court, based upon sworn testimony and governed by Sections 108-3 and 108-4, finds probable cause exists that:

(aa) the respondent poses an immediate and present credible threat to the physical safety of the petitioner protected by the order of protection;

(bb) the respondent possesses firearms or firearm parts that could be assembled to make an operable firearm; and

(cc) the firearms or firearm parts that could be assembled to make an operable firearm are located at the residence, vehicle, or other property of the respondent to be searched.

(ii) The search warrant shall specify with particularity the scope of the search, including the property to be searched, and shall direct the law enforcement agency to seize the respondent's firearms and firearm parts that could be assembled

to make an operable firearm. Law enforcement shall also be directed to seize into their possession any Firearm Owner's Identification Card and any Concealed Carry License belonging to the respondent.

(iii) The law enforcement agency to which the court has directed the warrant shall execute the warrant no later than 96 hours after issuance. The law enforcement agency to which the court has directed the warrant may coordinate with other law enforcement agencies to execute the warrant. A return of the warrant shall be filed by the law enforcement agency within 24 hours of execution, setting forth the time, date, and location where the warrant was executed and what items, if any, were seized. If the court is not in session, the return information shall be returned on the next date the court is in session. Subject to the provisions of this Section, peace officers shall have the same authority to execute a warrant issued under this subsection as a warrant issued under Article 108.

(iv) If the property to be searched is in another county, the petitioner or the State's Attorney may seek a search warrant in that county with the law enforcement agency with primary

responsibility for responding to service calls at the property to be searched. Regardless of whether the petitioner is working with the State's Attorney under subsection (d) of Section 112A-4.5, the petitioner may request the State's Attorney's assistance to request that the law enforcement agency in the county where the property is located seek a search warrant.

(v) Service of an order of protection shall, to the extent possible, be concurrent with any warrant issued under this paragraph.

(B-2) Ex parte relief may be granted under this paragraph (14.5) only if the court finds that personal injury to the petitioner is likely to occur if the respondent received prior notice and if the petitioner has otherwise satisfied the requirements of Section 112A-17.5 of this Article.

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

(D) (i) Any firearms or firearm parts that could be assembled to make an operable firearm that have been seized or surrendered shall be kept by the law enforcement agency that took possession of the items for safekeeping, except as provided in subparagraph (C), (E), or (F). The period of safekeeping shall be for the duration of the order of protection. Except as provided in subparagraph (F), the respondent is prohibited from transferring firearms or firearm parts to another individual in lieu of surrender to law enforcement. The law enforcement agency shall provide an itemized statement of receipt to the respondent and the court describing any seized or surrendered firearms or firearm parts and informing the respondent that the respondent may seek the return of the respondent's items at the end of the order of protection. The law enforcement agency may enter arrangements, as needed, with federally licensed firearm dealers or other law enforcement agencies for the storage of any firearms seized or surrendered under this subsection.

(ii) It is the respondent's responsibility to request the return or reinstatement of any Firearm Owner's Identification Card or Concealed Carry License and to notify the Illinois State Police Firearm Owner's Identification Card Office at the end of the

Order of Protection.

(iii) At the end of the order of protection, a respondent may request the return of any seized or surrendered firearms or firearm parts that could be assembled to make an operable firearm. Seized or surrendered firearms or firearm parts shall be returned within 14 days of the request to the respondent, if the respondent is lawfully eligible to possess firearms, or to a designated third party who is lawfully eligible to possess firearms. If the firearms or firearm parts cannot be returned to respondent because (1) the respondent has not requested the return or transfer of the firearms or firearm parts as set forth in this subparagraph and (2) the respondent cannot be located or fails to respond to more than 3 requests to retrieve the firearms, upon petition from the appropriate law enforcement agency and notice to the respondent at the respondent's last known address, the court may order the law enforcement agency to destroy the firearms or firearm parts; use the firearms or firearm parts for training purposes, or for any other application as deemed appropriate by the law enforcement agency; or turn over the firearms or firearm parts to a third party who is lawfully eligible to possess firearms, and who does not reside with respondent.

(E)(i) If a person other than the respondent claims title to any firearms or firearm parts that could be assembled to make an operable firearm seized or surrendered under this subsection, the person may petition the court to have the firearm and firearm parts that could be assembled to make an operable firearm returned to him or her with proper notice to the petitioner and respondent. If, at a hearing on the petition, the court determines the person to be the lawful owner of the firearm and firearm parts that could be assembled to make an operable firearm, the firearm and firearm parts that could be assembled to make an operable firearm shall be returned to the person, provided that:

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

(bb) the firearm and firearm parts that could be assembled to make an operable firearm are not

otherwise unlawfully possessed by the owner.

(ii) The person petitioning for the return of his or her firearm and firearm parts that could be assembled to make an operable firearm must swear or affirm by affidavit that he or she:

(aa) is the lawful owner of the firearm and firearm parts that could be assembled to make an operable firearm;

(bb) shall not transfer the firearm and firearm parts that could be assembled to make an operable firearm to the respondent; and

(cc) will store the firearm and firearm parts that could be assembled to make an operable firearm in a manner that the respondent does not have access to or control of the firearm and firearm parts that could be assembled to make an operable firearm.

(F)(i) The respondent may file a motion to transfer, at the next scheduled hearing, any seized or surrendered firearms or firearm parts to a third party. Notice of the motion shall be provided to the petitioner and the third party must appear at the hearing.

(ii) The court may order transfer of the seized or surrendered firearm or firearm parts only if:

(aa) the third party transferee affirms by

affidavit and to the open court that:

(I) the third party transferee does not reside with the respondent;

(II) the respondent does not have access to the location in which the third party transferee intends to keep the firearms or firearm parts;

(III) the third party transferee will not transfer the firearm or firearm parts to the respondent or anyone who resides with the respondent;

(IV) the third party transferee will maintain control and possession of the firearm or firearm parts until otherwise ordered by the court; and

(V) the third party transferee is aware that transferring the firearms or firearm parts or allowing the respondent access to the firearms or firearm parts would be a violation of Section 24-3 of the Criminal Code of 2012 ~~will be subject to criminal penalties for transferring the firearms or firearm parts to the respondent;~~ and

(bb) the court finds that:

(I) the third party ~~respondent~~ holds a valid Firearm Owner's Identification; and

(II) the transfer of firearms or firearm parts to the third party transferee does not place the petitioner or any other protected parties at any additional threat or risk of harm.

(15) Prohibition of access to records. If a domestic violence order of protection prohibits respondent from having contact with the minor child, or if petitioner's address is omitted under subsection (b) of Section 112A-5 of this Code, or if necessary to prevent abuse or wrongful removal or concealment of a minor child, the order shall deny respondent access to, and prohibit respondent from inspecting, obtaining, or attempting to inspect or obtain, school or any other records of the minor child who is in the care of petitioner.

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

(17) Order for injunctive relief. Enter injunctive relief necessary or appropriate to prevent further abuse of a family or household member or to effectuate one of the granted remedies, if supported by the balance of hardships. If the harm to be prevented by the injunction is abuse or any other harm that one of the remedies listed

in paragraphs (1) through (16) of this subsection is designed to prevent, no further evidence is necessary to establish that the harm is an irreparable injury.

(18) Telephone services.

(A) Unless a condition described in subparagraph (B) of this paragraph exists, the court may, upon request by the petitioner, order a wireless telephone service provider to transfer to the petitioner the right to continue to use a telephone number or numbers indicated by the petitioner and the financial responsibility associated with the number or numbers, as set forth in subparagraph (C) of this paragraph. In this paragraph (18), the term "wireless telephone service provider" means a provider of commercial mobile service as defined in 47 U.S.C. 332. The petitioner may request the transfer of each telephone number that the petitioner, or a minor child in his or her custody, uses. The clerk of the court shall serve the order on the wireless telephone service provider's agent for service of process provided to the Illinois Commerce Commission. The order shall contain all of the following:

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

(ii) Each telephone number that will be transferred.

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

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

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

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

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

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

(C) The petitioner assumes all financial responsibility for and right to the use of any

telephone number transferred under this paragraph. In this paragraph, "financial responsibility" includes monthly service costs and costs associated with any mobile device associated with the number.

(D) A wireless telephone service provider may apply to the petitioner its routine and customary requirements for establishing an account or transferring a number, including requiring the petitioner to provide proof of identification, financial information, and customer preferences.

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

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

(G) The Illinois Commerce Commission shall maintain the list of registered agents for service for each wireless telephone service provider on the Commission's website. The Commission may consult with wireless telephone service providers and the Circuit

Court Clerks on the manner in which this information is provided and displayed.

(c) Relevant factors; findings.

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

(i) the nature, frequency, severity, pattern, and consequences of the respondent's past abuse of the petitioner or any family or household member, including the concealment of his or her location in order to evade service of process or notice, and the likelihood of danger of future abuse to petitioner or any member of petitioner's or respondent's family or household; and

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

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

(i) availability, accessibility, cost, safety, adequacy, location, and other characteristics of

alternate housing for each party and any minor child or dependent adult in the party's care;

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

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

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

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

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

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

(4) (Blank).

(5) Never married parties. No rights or responsibilities for a minor child born outside of marriage attach to a putative father until a father and child relationship has been established under the Illinois Parentage Act of 1984, the Illinois Parentage Act of 2015, the Illinois Public Aid Code, Section 12 of the Vital

Records Act, the Juvenile Court Act of 1987, the Probate Act of 1975, the Uniform Interstate Family Support Act, the Expedited Child Support Act of 1990, any judicial, administrative, or other act of another state or territory, any other statute of this State, or by any foreign nation establishing the father and child relationship, any other proceeding substantially in conformity with the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, or when both parties appeared in open court or at an administrative hearing acknowledging under oath or admitting by affirmation the existence of a father and child relationship. Absent such an adjudication, no putative father shall be granted temporary allocation of parental responsibilities, including parenting time with the minor child, or physical care and possession of the minor child, nor shall an order of payment for support of the minor child be entered.

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

The findings shall be an official record or in writing.

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

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

(2) respondent was voluntarily intoxicated;

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

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

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

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

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

(Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-1065, eff. 5-11-25.)

Section 15. The Illinois Domestic Violence Act of 1986 is amended by changing Section 214 as follows:

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

Sec. 214. Order of protection; remedies.

(a) Issuance of order. If the court finds that petitioner has been abused by a family or household member or that petitioner is a high-risk adult who has been abused, neglected, or exploited, as defined in this Act, an order of protection prohibiting the abuse, neglect, or exploitation shall issue; provided that petitioner must also satisfy the requirements of one of the following Sections, as appropriate: Section 217 on emergency orders, Section 218 on interim orders, or Section 219 on plenary orders. Petitioner shall not be denied an order of protection because petitioner or respondent is a minor. The court, when determining whether or not to issue an order of protection, shall not require physical manifestations of abuse on the person of the victim. Modification and extension of prior orders of protection shall be in accordance with this Act.

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

(1) Prohibition of abuse, neglect, or exploitation.

Prohibit respondent's harassment, interference with personal liberty, intimidation of a dependent, physical abuse, or willful deprivation, neglect or exploitation, as defined in this Act, or stalking of the petitioner, as defined in Section 12-7.3 of the Criminal Code of 2012, if such abuse, neglect, exploitation, or stalking has occurred or otherwise appears likely to occur if not prohibited.

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

(A) Right to occupancy. A party has a right to occupancy of a residence or household if it is solely or jointly owned or leased by that party, that party's spouse, a person with a legal duty to support that party or a minor child in that party's care, or by any person or entity other than the opposing party that authorizes that party's occupancy (e.g., a domestic violence shelter). Standards set forth in subparagraph

(B) shall not preclude equitable relief.

(B) Presumption of hardships. If petitioner and respondent each has the right to occupancy of a residence or household, the court shall balance (i) the hardships to respondent and any minor child or dependent adult in respondent's care resulting from entry of this remedy with (ii) the hardships to petitioner and any minor child or dependent adult in petitioner's care resulting from continued exposure to the risk of abuse (should petitioner remain at the residence or household) or from loss of possession of the residence or household (should petitioner leave to avoid the risk of abuse). When determining the balance of hardships, the court shall also take into account the accessibility of the residence or household. Hardships need not be balanced if respondent does not have a right to occupancy.

The balance of hardships is presumed to favor possession by petitioner unless the presumption is rebutted by a preponderance of the evidence, showing that the hardships to respondent substantially outweigh the hardships to petitioner and any minor child or dependent adult in petitioner's care. The court, on the request of petitioner or on its own motion, may order respondent to provide suitable, accessible, alternate housing for petitioner instead

of excluding respondent from a mutual residence or household.

(3) Stay away order and additional prohibitions. Order respondent to stay away from petitioner or any other person protected by the order of protection, or prohibit respondent from entering or remaining present at petitioner's school, place of employment, or other specified places at times when petitioner is present, or both, if reasonable, given the balance of hardships. Hardships need not be balanced for the court to enter a stay away order or prohibit entry if respondent has no right to enter the premises.

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

(B) When the petitioner and the respondent attend the same public, private, or non-public elementary,

middle, or high school, the court when issuing an order of protection and providing relief shall consider the severity of the act, any continuing physical danger or emotional distress to the petitioner, the educational rights guaranteed to the petitioner and respondent under federal and State law, the availability of a transfer of the respondent to another school, a change of placement or a change of program of the respondent, the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to another school, and any other relevant facts of the case. The court may order that the respondent not attend the public, private, or non-public elementary, middle, or high school attended by the petitioner, order that the respondent accept a change of placement or change of program, as determined by the school district or private or non-public school, or place restrictions on the respondent's movements within the school attended by the petitioner. The respondent bears the burden of proving by a preponderance of the evidence that a transfer, change of placement, or change of program of the respondent is not available. The respondent also bears the burden of production with respect to the expense, difficulty, and educational disruption that would be caused by a transfer of the respondent to

another school. A transfer, change of placement, or change of program is not unavailable to the respondent solely on the ground that the respondent does not agree with the school district's or private or non-public school's transfer, change of placement, or change of program or solely on the ground that the respondent fails or refuses to consent or otherwise does not take an action required to effectuate a transfer, change of placement, or change of program. When a court orders a respondent to stay away from the public, private, or non-public school attended by the petitioner and the respondent requests a transfer to another attendance center within the respondent's school district or private or non-public school, the school district or private or non-public school shall have sole discretion to determine the attendance center to which the respondent is transferred. In the event the court order results in a transfer of the minor respondent to another attendance center, a change in the respondent's placement, or a change of the respondent's program, the parents, guardian, or legal custodian of the respondent is responsible for transportation and other costs associated with the transfer or change.

(C) The court may order the parents, guardian, or legal custodian of a minor respondent to take certain

actions or to refrain from taking certain actions to ensure that the respondent complies with the order. In the event the court orders a transfer of the respondent to another school, the parents, guardian, or legal custodian of the respondent is responsible for transportation and other costs associated with the change of school by the respondent.

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

(5) Physical care and possession of the minor child. In order to protect the minor child from abuse, neglect, or unwarranted separation from the person who has been the minor child's primary caretaker, or to otherwise protect the well-being of the minor child, the court may do either or both of the following: (i) grant petitioner physical care or possession of the minor child, or both, or (ii)

order respondent to return a minor child to, or not remove a minor child from, the physical care of a parent or person in loco parentis.

If a court finds, after a hearing, that respondent has committed abuse (as defined in Section 103) of a minor child, there shall be a rebuttable presumption that awarding physical care to respondent would not be in the minor child's best interest.

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

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

(7) Parenting time. Determine the parenting time, if any, of respondent in any case in which the court awards physical care or allocates temporary significant decision-making responsibility of a minor child to petitioner. The court shall restrict or deny respondent's

parenting time with a minor child if the court finds that respondent has done or is likely to do any of the following: (i) abuse or endanger the minor child during parenting time; (ii) use the parenting time as an opportunity to abuse or harass petitioner or petitioner's family or household members; (iii) improperly conceal or detain the minor child; or (iv) otherwise act in a manner that is not in the best interests of the minor child. The court shall not be limited by the standards set forth in Section 603.10 of the Illinois Marriage and Dissolution of Marriage Act. If the court grants parenting time, the order shall specify dates and times for the parenting time to take place or other specific parameters or conditions that are appropriate. No order for parenting time shall refer merely to the term "reasonable parenting time".

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

If necessary to protect any member of petitioner's family or household from future abuse, respondent shall be prohibited from coming to petitioner's residence to meet the minor child for parenting time, and the parties shall submit to the court their recommendations for reasonable

alternative arrangements for parenting time. A person may be approved to supervise parenting time only after filing an affidavit accepting that responsibility and acknowledging accountability to the court.

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

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

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

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

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

If petitioner's sole claim to ownership of the property is that it is marital property, the court may award petitioner temporary possession thereof under the

standards of subparagraph (ii) of this paragraph only if a proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

No order under this provision shall affect title to property.

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

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

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

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

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

(11.5) Protection of animals. Grant the petitioner the

exclusive care, custody, or control of any animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the animal.

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

(13) Order for payment of losses. Order respondent to

pay petitioner for losses suffered as a direct result of the abuse, neglect, or exploitation. Such losses shall include, but not be limited to, medical expenses, lost earnings or other support, repair or replacement of property damaged or taken, reasonable attorney's fees, court costs and moving or other travel expenses, including additional reasonable expenses for temporary shelter and restaurant meals.

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

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

(14) Prohibition of entry. Prohibit the respondent from entering or remaining in the residence or household

while the respondent is under the influence of alcohol or drugs and constitutes a threat to the safety and well-being of the petitioner or the petitioner's children.

(14.5) Prohibition of possession of firearms and firearm parts; search and seizure of firearms and firearms parts.

(A) (i) Prohibit a respondent against whom an emergency, interim, or plenary order of protection was issued from possessing, during the duration of the order, any firearms or firearm parts that could be assembled into an operable firearm if a search warrant is issued under (A-1) or the order:

(aa) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate, or the petitioner has satisfied the requirements of Section 217;

(bb) restrains such person from using physical force; harassing, stalking, or threatening ~~an intimate partner of such person or child of such intimate partner or person~~; or engaging in other conduct that would place a petitioner ~~an intimate partner~~ in reasonable fear of bodily injury ~~to the partner or child~~; and

(cc) includes a finding that such person represents a credible threat to the physical

safety of a petitioner ~~such intimate partner or child.~~

(ii) The court shall order any respondent prohibited from possessing firearms under item (i) of subparagraph (A) to surrender any firearms or firearm parts that could be assembled to make an operable firearm. Any firearms or firearm parts on the respondent's person or at the place of service shall be surrendered to the serving officers at the time of service of the order of protection, and any other firearms or firearm parts shall be surrendered to local law enforcement within 24 hours of service of the order of protection. Any Firearm Owner's Identification Card or Concealed Carry License in the possession of the respondent, except as provided in subparagraph (B), shall also be ordered by the court to be turned over to the officer serving the order of protection at the time of service or, if not on the respondent's person or at the location where the respondent is served at the time of service, to local law enforcement within 24 hours of service of the order of protection. The law enforcement agency shall immediately mail the card, as well as any license, to the Illinois State Police Firearm Owner's Identification Card Office for safekeeping.

(A-1)(i) Upon issuance of an emergency, interim,

or plenary order of protection and subject to the provisions of item (ii) of this subparagraph (A-1), the court shall issue a search warrant for the seizure of any firearms or firearm parts that could be assembled to make an operable firearm belonging to the respondent if the court, based upon sworn testimony, finds that:

(aa) the respondent poses a credible threat to the physical safety of the petitioner protected by the order of protection; and

(bb) probable cause exists to believe that:

(I) the respondent possesses firearms or firearm parts that could be assembled to make an operable firearm;

(II) the firearms or firearm parts that could be assembled to make an operable firearm are located at the residence, vehicle, or other property of the respondent to be searched; and

(III) the credible threat to the physical safety of the petitioner protected by the order of protection is immediate and present.

The record shall reflect the court's findings in determining whether the search warrant shall be issued.

(ii) If the petitioner does not seek a warrant

under this subparagraph (A-1) or the court determines that the requirements of this subparagraph (A-1) have not been met, relief under subparagraph (A) alone may be granted.

(iii) An ex parte search warrant shall be granted under this subparagraph (A-1) only if the court finds that:

(aa) the elements of item (i) of subparagraph (A-1) have been met;

(bb) personal injury to the petitioner is likely to occur if the respondent received prior notice; and

(cc) the petitioner has otherwise satisfied the requirements of Section 217 of this Act.

(iv) Oral testimony is sufficient in lieu of an affidavit to support a finding of probable cause.

(v) A search warrant issued under this subparagraph (A-1) shall be directed by the court for enforcement to the law enforcement agency with primary responsibility for responding to calls for service at the location to be searched or to another appropriate law enforcement agency if justified by the circumstances. The search warrant shall specify with particularity the scope of the search, including the property to be searched, and shall direct the law enforcement agency to seize the respondent's firearms

and firearm parts that could be assembled to make an operable firearm. Law enforcement shall also be directed to seize any Firearm Owner's Identification Card and any Concealed Carry License belonging to the respondent.

(vi) The petitioner shall prepare an information sheet, reviewed by the court, for law enforcement at the time the warrant is granted. The information sheet shall include:

(aa) contact information for the petitioner, the petitioner's attorney, or both, including a telephone number and email, if available;

(bb) a physical description of the respondent, including the respondent's date of birth, if known, or approximate age, height, weight, race, and hair color;

(cc) days and times that the respondent is likely to be at the property to be searched, if known; and

(dd) whether people other than the respondent are likely to be present at the property to be searched and when, if known.

(vii) The information sheet shall be transmitted to the law enforcement agency to which the search warrant is directed in the same manner as the warrant is transmitted under Section 222 of this Act.

(viii) If the court, after determining a search warrant should issue, finds that the petitioner has made a credible report of domestic violence to the local law enforcement agency within the previous 90 days, law enforcement shall execute the warrant no later than 96 hours after receipt of the warrant. If the court finds that petitioner has not made such a report, the law enforcement agency to which the court has directed the warrant shall, within 48 hours of receipt, evaluate the warrant and seek any corrections to the warrant, and, if applicable, add to or negate the warrant. If the law enforcement agency seeks to negate the warrant, it shall take reasonable steps to notify the petitioner before appearing before the court. The record shall reflect the court's findings in determining whether to correct, add, or negate the warrant. If a change is made regarding the search warrant, law enforcement shall execute the warrant no later than 96 hours after the correction is issued. The law enforcement agency shall notify the petitioner of any changes to the warrant or if the warrant has been negated. The law enforcement agency to which the court has directed the warrant may coordinate with other law enforcement agencies to execute the warrant. A return of the warrant shall be filed by the law enforcement agency within 24 hours of execution,

setting forth the time, date, and location where the warrant was executed and what items, if any, were seized. If the court is not in session, the return information shall be returned on the next date the court is in session. Subject to the provisions of this Section, peace officers shall have the same authority to execute a warrant issued pursuant to this subsection as a warrant issued under Article 108 of the Code of Criminal Procedure of 1963.

(ix) Upon discovering a defect in the search warrant, the appropriate law enforcement agency may petition the court to correct the warrant. The law enforcement agency shall notify the petitioner of any such correction.

(x) Upon petition by the appropriate law enforcement agency, the court may modify the search warrant or extend the time to execute the search warrant for a period of no more than 96 hours. If the court is not in session, the law enforcement agency may seek an extension and, if needed, modification on the next day the court is in session. Any extension granted under this paragraph shall run from the end of the initial period to execute the warrant or the entry of the extending order, whichever is later. In determining whether to modify or extend the warrant, the court shall consider:

(aa) any increased risk to the petitioner's safety that may result from a modification or extension of the warrant;

(bb) any unnecessary risk to law enforcement that would be mitigated by a modification or extension of the warrant;

(cc) any risks to third parties at the location to be searched that would be mitigated by a modification or extension of the warrant; and

(dd) the likelihood of successful execution of warrant.

The record shall reflect the court's findings in determining whether to extend or modify the warrant. If seeking an extension of time to execute the warrant, the law enforcement agency shall take reasonable steps to notify the petitioner prior to appearing before the court. The law enforcement agency shall notify the petitioner of any modification or extension of the warrant.

(xi) Service of any order of protection shall, to the extent possible, be concurrent with the execution of any search warrant under this paragraph.

(B) If the respondent is a peace officer as defined in Section 2-13 of the Criminal Code of 2012, the court shall order that any firearms used by the respondent in the performance of his or her duties as a

peace officer be surrendered to the chief law enforcement executive of the agency in which the respondent is employed, who shall retain the firearms for safekeeping for the duration of the order of protection.

(C) (i) Any firearms or firearm parts that could be assembled to make an operable firearm shall be kept by the law enforcement agency that took possession of the items for safekeeping, except as provided in subparagraph (B). The period of safekeeping shall be for the duration of the order of protection. Except as provided in subparagraph (E), the respondent is prohibited from transferring firearms or firearm parts to another individual in lieu of surrender to law enforcement. The law enforcement agency shall provide an itemized statement of receipt to the respondent and the court describing any seized or surrendered firearms or firearm parts and informing the respondent that the respondent may seek the return of the respondent's items at the end of the order of protection. The law enforcement agency may enter arrangements, as needed, with federally licensed firearm dealers or other law enforcement agencies for the storage of any firearms seized or surrendered under this subsection.

(ii) It is the respondent's responsibility to

request the return or reinstatement of any Firearm Owner's Identification Card or Concealed Carry License and notify the Illinois State Police Firearm Owner's Identification Card Office at the end of the Order of Protection.

(iii) At the end of the order of protection, a respondent may request the return of any seized or surrendered firearms or firearm parts that could be assembled to make an operable firearm. Such firearms or firearm parts shall be returned within 14 days of the request to the respondent, if the respondent is lawfully eligible to possess firearms, or to a designated third party who is lawfully eligible to possess firearms. If the firearms or firearm parts cannot be returned to respondent because (1) the respondent has not requested the return or transfer of the firearms or firearm parts as set forth in this subparagraph, and (2) the respondent cannot be located or fails to respond to more than 3 requests to retrieve the firearms or firearm parts the court may, or is not lawfully eligible to possess a firearm, upon petition from the appropriate law enforcement agency and notice to the respondent at the respondent's last known address, order the law enforcement agency to destroy the firearms or firearm parts; use the firearms or firearm parts for training purposes or for any other

application as deemed appropriate by the law enforcement agency; or turn over the firearm or firearm parts to a third party who is lawfully eligible to possess firearms, and who does not reside with respondent.

(D)(i) If a person other than the respondent claims title to any firearms and firearm parts that could be assembled to make an operable firearm seized or surrendered under this subsection, the person may petition the court to have the firearm and firearm parts that could be assembled to make an operable firearm returned to him or her with proper notice to the petitioner and respondent. If, at a hearing on the petition, the court determines the person to be the lawful owner of the firearm and firearm parts that could be assembled to make an operable firearm, the firearm and firearm parts that could be assembled to make an operable firearm shall be returned to the person, provided that:

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

or control of the firearm and firearm parts that could be assembled to make an operable firearm; and

(bb) the firearm and firearm parts that could be assembled to make an operable firearm are not otherwise unlawfully possessed by the owner.

(ii) The person petitioning for the return of his or her firearm and firearm parts that could be assembled to make an operable firearm must swear or affirm by affidavit that he or she:

(aa) is the lawful owner of the firearm and firearm parts that could be assembled to make an operable firearm;

(bb) shall not transfer the firearm and firearm parts that could be assembled to make an operable firearm to the respondent; and

(cc) will store the firearm and firearm parts that could be assembled to make an operable firearm in a manner that the respondent does not have access to or control of the firearm and firearm parts that could be assembled to make an operable firearm.

(E) (i) The respondent may file a motion to transfer, at the next scheduled hearing, any seized or surrendered firearms or firearm parts to a third party. Notice of the motion shall be provided to the

petitioner and the third party must appear at the hearing.

(ii) The court may order transfer of the seized or surrendered firearm or firearm parts only if:

(aa) the third party transferee affirms by affidavit and to the open court that:

(I) the third party transferee does not reside with the respondent;

(II) the respondent does not have access to the location in which the third party transferee intends to keep the firearms or firearm parts;

(III) the third party transferee will not transfer the firearm or firearm parts to the respondent or anyone who resides with the respondent;

(IV) the third party transferee will maintain control and possession of the firearm or firearm parts until otherwise ordered by the court; and

(V) the third party transferee is aware that transferring the firearms or firearm parts or allowing the respondent access to the firearms or firearm parts would be a violation of Section 24-3 of the Criminal Code of 2012
~~will be subject to criminal penalties for~~

~~transferring the firearms or firearm parts to
the respondent; and~~

(bb) the court finds that:

(I) the third party ~~respondent~~ holds a valid Firearm Owner's Identification; and

(II) the transfer of firearms or firearm parts to the third party transferee does not place the petitioner or any other protected parties at any additional threat or risk of harm.

(15) Prohibition of access to records. If an order of protection prohibits respondent from having contact with the minor child, or if petitioner's address is omitted under subsection (b) of Section 203, or if necessary to prevent abuse or wrongful removal or concealment of a minor child, the order shall deny respondent access to, and prohibit respondent from inspecting, obtaining, or attempting to inspect or obtain, school or any other records of the minor child who is in the care of petitioner.

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

(17) Order for injunctive relief. Enter injunctive

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

(18) Telephone services.

(A) Unless a condition described in subparagraph (B) of this paragraph exists, the court may, upon request by the petitioner, order a wireless telephone service provider to transfer to the petitioner the right to continue to use a telephone number or numbers indicated by the petitioner and the financial responsibility associated with the number or numbers, as set forth in subparagraph (C) of this paragraph. For purposes of this paragraph (18), the term "wireless telephone service provider" means a provider of commercial mobile service as defined in 47 U.S.C. 332. The petitioner may request the transfer of each telephone number that the petitioner, or a minor child in his or her custody, uses. The clerk of the court shall serve the order on the wireless telephone service provider's agent for service of process

provided to the Illinois Commerce Commission. The order shall contain all of the following:

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

(ii) Each telephone number that will be transferred.

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

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

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

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

(iii) The transfer would cause a geographic or other limitation on network or service provision

to the petitioner.

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

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

(D) A wireless telephone service provider may apply to the petitioner its routine and customary requirements for establishing an account or transferring a number, including requiring the petitioner to provide proof of identification, financial information, and customer preferences.

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

(F) All wireless service providers that provide services to residential customers shall provide to the Illinois Commerce Commission the name and address of an agent for service of orders entered under this paragraph (18). Any change in status of the registered agent must be reported to the Illinois Commerce

Commission within 30 days of such change.

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

(c) Relevant factors; findings.

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

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

(ii) the danger that any minor child will be abused or neglected or improperly relocated from the jurisdiction, improperly concealed within the State or improperly separated from the child's primary

caretaker.

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

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

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

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

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

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

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

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

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

When a verified petition for an emergency order of protection in accordance with the requirements of Sections 203 and 217 is presented to the court, the court shall examine petitioner on oath or affirmation. An emergency order of protection shall be issued by the court if it appears from the contents of the petition and the examination of petitioner that the averments are sufficient to indicate abuse by respondent and to support the granting of relief under the issuance of the emergency order of protection.

(5) Never married parties. No rights or responsibilities for a minor child born outside of marriage attach to a putative father until a father and child relationship has been established under the Illinois Parentage Act of 1984, the Illinois Parentage Act of 2015, the Illinois Public Aid Code, Section 12 of the Vital Records Act, the Juvenile Court Act of 1987, the Probate Act of 1975, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, the Expedited Child Support Act of 1990, any judicial, administrative, or other act of another state or

territory, any other Illinois statute, or by any foreign nation establishing the father and child relationship, any other proceeding substantially in conformity with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193), or where both parties appeared in open court or at an administrative hearing acknowledging under oath or admitting by affirmation the existence of a father and child relationship. Absent such an adjudication, finding, or acknowledgment, no putative father shall be granted temporary allocation of parental responsibilities, including parenting time with the minor child, or physical care and possession of the minor child, nor shall an order of payment for support of the minor child be entered.

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

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

(1) Respondent has cause for any use of force, unless

that cause satisfies the standards for justifiable use of force provided by Article 7 of the Criminal Code of 2012;

(2) Respondent was voluntarily intoxicated;

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

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

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

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

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

(Source: P.A. 102-538, eff. 8-20-21; 103-1065, eff. 5-11-25.)