



Rep. Martin J. Moylan

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LRB100 04773 SLF 19458 a

1 AMENDMENT TO HOUSE BILL 745

2 AMENDMENT NO. _____. Amend House Bill 745 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Section 4 as follows:

6 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

7 Sec. 4. (a) Each applicant for a Firearm Owner's
8 Identification Card must:

9 (1) Make application on blank forms prepared and
10 furnished at convenient locations throughout the State by
11 the Department of State Police, or by electronic means, if
12 and when made available by the Department of State Police;
13 and

14 (2) Submit evidence to the Department of State Police
15 that:

16 (i) He or she is 21 years of age or over, or if he

1 or she is under 21 years of age that he or she has the
2 written consent of his or her parent or legal guardian
3 to possess and acquire firearms and firearm ammunition
4 and that he or she has never been convicted of a
5 misdemeanor other than a traffic offense or adjudged
6 delinquent, provided, however, that such parent or
7 legal guardian is not an individual prohibited from
8 having a Firearm Owner's Identification Card and files
9 an affidavit with the Department as prescribed by the
10 Department stating that he or she is not an individual
11 prohibited from having a Card;

12 (ii) He or she has not been convicted of a felony
13 under the laws of this or any other jurisdiction;

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

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

20 (v) He or she is not a person with an intellectual
21 disability;

22 (vi) He or she is not an alien who is unlawfully
23 present in the United States under the laws of the
24 United States;

25 (vii) He or she is not subject to an existing order
26 of protection prohibiting him or her from possessing a

1 firearm;

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

7 (ix) He or she has not been convicted of domestic
8 battery, aggravated domestic battery, or a
9 substantially similar offense in another jurisdiction
10 committed before, on or after January 1, 2012 (the
11 effective date of Public Act 97-158). If the applicant
12 knowingly and intelligently waives the right to have an
13 offense described in this clause (ix) tried by a jury,
14 and by guilty plea or otherwise, results in a
15 conviction for an offense in which a domestic
16 relationship is not a required element of the offense
17 but in which a determination of the applicability of 18
18 U.S.C. 922(g) (9) is made under Section 112A-11.1 of the
19 Code of Criminal Procedure of 1963, an entry by the
20 court of a judgment of conviction for that offense
21 shall be grounds for denying the issuance of a Firearm
22 Owner's Identification Card under this Section;

23 (x) (Blank);

24 (xi) He or she is not an alien who has been
25 admitted to the United States under a non-immigrant
26 visa (as that term is defined in Section 101(a) (26) of

1 the Immigration and Nationality Act (8 U.S.C.
2 1101(a)(26))), or that he or she is an alien who has
3 been lawfully admitted to the United States under a
4 non-immigrant visa if that alien is:

5 (1) admitted to the United States for lawful
6 hunting or sporting purposes;

7 (2) an official representative of a foreign
8 government who is:

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

13 (B) en route to or from another country to
14 which that alien is accredited;

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

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

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

24 (xii) He or she is not a minor subject to a
25 petition filed under Section 5-520 of the Juvenile
26 Court Act of 1987 alleging that the minor is a

1 delinquent minor for the commission of an offense that
2 if committed by an adult would be a felony;

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

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

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

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

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

15 (3) Upon request by the Department of State Police,
16 sign a release on a form prescribed by the Department of
17 State Police waiving any right to confidentiality and
18 requesting the disclosure to the Department of State Police
19 of limited mental health institution admission information
20 from another state, the District of Columbia, any other
21 territory of the United States, or a foreign nation
22 concerning the applicant for the sole purpose of
23 determining whether the applicant is or was a patient in a
24 mental health institution and disqualified because of that
25 status from receiving a Firearm Owner's Identification
26 Card. No mental health care or treatment records may be

1 requested. The information received shall be destroyed
2 within one year of receipt.

3 (a-5) Each applicant for a Firearm Owner's Identification
4 Card who is over the age of 18 shall furnish to the Department
5 of State Police either his or her Illinois driver's license
6 number or Illinois Identification Card number, except as
7 provided in subsection (a-10).

8 (a-10) Each applicant for a Firearm Owner's Identification
9 Card, who is employed as a law enforcement officer, an armed
10 security officer in Illinois, or by the United States Military
11 permanently assigned in Illinois and who is not an Illinois
12 resident, shall furnish to the Department of State Police his
13 or her driver's license number or state identification card
14 number from his or her state of residence. The Department of
15 State Police may adopt rules to enforce the provisions of this
16 subsection (a-10).

17 (a-15) If an applicant applying for a Firearm Owner's
18 Identification Card moves from the residence address named in
19 the application, he or she shall immediately notify in a form
20 and manner prescribed by the Department of State Police of that
21 change of address.

22 (a-20) Each applicant for a Firearm Owner's Identification
23 Card shall furnish to the Department of State Police his or her
24 photograph. An applicant who is 21 years of age or older
25 seeking a religious exemption to the photograph requirement
26 must furnish with the application an approved copy of United

1 States Department of the Treasury Internal Revenue Service Form
2 4029. In lieu of a photograph, an applicant regardless of age
3 seeking a religious exemption to the photograph requirement
4 shall submit fingerprints on a form and manner prescribed by
5 the Department with his or her application.

6 (a-25) Beginning 180 days after the effective date of this
7 amendatory Act of the 100th General Assembly, each applicant
8 for the issuance or renewal of a Firearm Owner's Identification
9 Card shall include a full set of his or her fingerprints in
10 electronic format to the Department of State Police for the
11 purpose of identity verification, unless the applicant has
12 previously provided a full set of his or her fingerprints to
13 the Department under this Act or the Firearm Concealed Carry
14 Act.

15 (1) The fingerprints must be transmitted through a
16 live scan fingerprint vendor licensed by the
17 Department of Financial and Professional Regulation or
18 a criminal justice agency authorized by the Department
19 to submit fingerprints under this Act or the Firearm
20 Concealed Carry Act. These fingerprints shall be
21 checked against the fingerprint records now and
22 hereafter filed in the Department and Federal Bureau of
23 Investigation criminal history records databases,
24 including all available state and local criminal
25 history record information files, including records of
26 juvenile adjudications.

1 (2) The Department shall charge applicants a fee
2 for conducting the criminal history record check,
3 which shall be deposited in the State Police Services
4 Fund and shall not exceed the actual cost of the State
5 and national criminal history record check.

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

12 (c) Upon such written consent, pursuant to Section 4,
13 paragraph (a)(2)(i), the parent or legal guardian giving the
14 consent shall be liable for any damages resulting from the
15 applicant's use of firearms or firearm ammunition.

16 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

17 Section 10. The Firearm Concealed Carry Act is amended by
18 changing Sections 30 and 50 as follows:

19 (430 ILCS 66/30)

20 Sec. 30. Contents of license application.

21 (a) The license application shall be in writing, under
22 penalty of perjury, on a standard form adopted by the
23 Department and shall be accompanied by the documentation
24 required in this Section and the applicable fee. Each

1 application form shall include the following statement printed
2 in bold type: "Warning: Entering false information on this form
3 is punishable as perjury under Section 32-2 of the Criminal
4 Code of 2012."

5 (b) The application shall contain the following:

6 (1) the applicant's name, current address, date and
7 year of birth, place of birth, height, weight, hair color,
8 eye color, maiden name or any other name the applicant has
9 used or identified with, and any address where the
10 applicant resided for more than 30 days within the 10 years
11 preceding the date of the license application;

12 (2) the applicant's valid driver's license number or
13 valid state identification card number;

14 (3) a waiver of the applicant's privacy and
15 confidentiality rights and privileges under all federal
16 and state laws, including those limiting access to juvenile
17 court, criminal justice, psychological, or psychiatric
18 records or records relating to any institutionalization of
19 the applicant, and an affirmative request that a person
20 having custody of any of these records provide it or
21 information concerning it to the Department. The waiver
22 only applies to records sought in connection with
23 determining whether the applicant qualifies for a license
24 to carry a concealed firearm under this Act, or whether the
25 applicant remains in compliance with the Firearm Owners
26 Identification Card Act;

1 (4) an affirmation that the applicant possesses a
2 currently valid Firearm Owner's Identification Card and
3 card number if possessed or notice the applicant is
4 applying for a Firearm Owner's Identification Card in
5 conjunction with the license application;

6 (5) an affirmation that the applicant has not been
7 convicted or found guilty of:

8 (A) a felony;

9 (B) a misdemeanor involving the use or threat of
10 physical force or violence to any person within the 5
11 years preceding the date of the application; or

12 (C) 2 or more violations related to driving while
13 under the influence of alcohol, other drug or drugs,
14 intoxicating compound or compounds, or any combination
15 thereof, within the 5 years preceding the date of the
16 license application; and

17 (6) whether the applicant has failed a drug test for a
18 drug for which the applicant did not have a prescription,
19 within the previous year, and if so, the provider of the
20 test, the specific substance involved, and the date of the
21 test;

22 (7) written consent for the Department to review and
23 use the applicant's Illinois digital driver's license or
24 Illinois identification card photograph and signature;

25 (8) a full set of fingerprints submitted to the
26 Department in electronic format for the purpose of

1 verification of identity in a form and manner prescribed by
2 the Department, unless the applicant has previously
3 provided a full set of his or her fingerprints to the
4 Department under the Firearm Owners Identification Card
5 Act; ~~provided the Department may accept an application~~
6 ~~submitted without a set of fingerprints in which case the~~
7 ~~Department shall be granted 30 days in addition to the 90~~
8 ~~days provided under subsection (e) of Section 10 of this~~
9 ~~Act to issue or deny a license;~~

10 (9) a head and shoulder color photograph in a size
11 specified by the Department taken within the 30 days
12 preceding the date of the license application; and

13 (10) a photocopy of any certificates or other evidence
14 of compliance with the training requirements under this
15 Act.

16 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

17 (430 ILCS 66/50)

18 Sec. 50. License renewal. Applications for renewal of a
19 license shall be made to the Department. A license shall be
20 renewed for a period of 5 years upon receipt of a completed
21 renewal application, completion of 3 hours of training required
22 under Section 75 of this Act, payment of the applicable renewal
23 fee, and completion of an investigation under Section 35 of
24 this Act. The renewal application shall contain the information
25 required in Section 30 of this Act, except that the applicant

1 need not resubmit a full set of fingerprints if the applicant
2 has previously provided a full set of his or her fingerprints
3 to the Department under this Act or the Firearm Owners
4 Identification Card Act.

5 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)".