



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0745

by Rep. Martin J. Moylan

SYNOPSIS AS INTRODUCED:

430 ILCS 65/4
430 ILCS 66/20
430 ILCS 66/30

from Ch. 38, par. 83-4

Amends the Firearm Owners Identification Card Act. Provides that on and after the effective date of the bill, each applicant for the issuance or renewal of a Firearm Owner's Identification Card shall provide a full set of his or her fingerprints in electronic format to the Department of State Police. Provides that fingerprints collected shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. Amends the Firearm Concealed Carry Act. Removes the option of not providing a set of fingerprints with a concealed carry license application (rather than the Department may accept an application submitted without a set of fingerprints in which case the Department shall be granted 30 days in addition to the 90-day period to issue or deny a license). Makes other conforming changes.

LRB100 04773 SLF 14782 b

1 AN ACT concerning public safety.

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

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
17 or she is under 21 years of age that he or she has the
18 written consent of his or her parent or legal guardian
19 to possess and acquire firearms and firearm ammunition
20 and that he or she has never been convicted of a
21 misdemeanor other than a traffic offense or adjudged
22 delinquent, provided, however, that such parent or
23 legal guardian is not an individual prohibited from

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

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

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

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

13 (v) He or she is not a person with an intellectual
14 disability;

15 (vi) He or she is not an alien who is unlawfully
16 present in the United States under the laws of the
17 United States;

18 (vii) He or she is not subject to an existing order
19 of protection prohibiting him or her from possessing a
20 firearm;

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

26 (ix) He or she has not been convicted of domestic

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

16 (x) (Blank);

17 (xi) He or she is not an alien who has been
18 admitted to the United States under a non-immigrant
19 visa (as that term is defined in Section 101(a)(26) of
20 the Immigration and Nationality Act (8 U.S.C.
21 1101(a)(26))), or that he or she is an alien who has
22 been lawfully admitted to the United States under a
23 non-immigrant visa if that alien is:

24 (1) admitted to the United States for lawful
25 hunting or sporting purposes;

26 (2) an official representative of a foreign

1 government who is:

2 (A) accredited to the United States
3 Government or the Government's mission to an
4 international organization having its
5 headquarters in the United States; or

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

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

11 (4) a foreign law enforcement officer of a
12 friendly foreign government entering the United
13 States on official business; or

14 (5) one who has received a waiver from the
15 Attorney General of the United States pursuant to
16 18 U.S.C. 922 (y) (3);

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

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

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

1 Illinois;

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

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

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

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

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

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

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

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

25 (a-25) On and after the effective date of this amendatory
26 Act of the 100th General Assembly, each applicant for the

1 issuance or renewal of a Firearm Owner's Identification Card
2 shall provide a full set of his or her fingerprints in
3 electronic format to the Department of State Police, unless the
4 applicant has previously provided a full set of his or her
5 fingerprints to the Department under this Act or the Firearm
6 Concealed Carry Act. Fingerprints collected under this
7 subsection shall be checked against the Department of State
8 Police and Federal Bureau of Investigation criminal history
9 record databases now and hereafter filed.

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

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

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

21 Section 10. The Firearm Concealed Carry Act is amended by
22 changing Section 20 and 30 as follows:

23 (430 ILCS 66/20)

24 Sec. 20. Concealed Carry Licensing Review Board.

1 (a) There is hereby created within the Department of State
2 Police a Concealed Carry Licensing Review Board to consider any
3 objection to an applicant's eligibility to obtain a license
4 under this Act submitted by a law enforcement agency or the
5 Department under Section 15 of this Act. The Board shall
6 consist of 7 commissioners to be appointed by the Governor,
7 with the advice and consent of the Senate, with 3 commissioners
8 residing within the First Judicial District and one
9 commissioner residing within each of the 4 remaining Judicial
10 Districts. No more than 4 commissioners shall be members of the
11 same political party. The Governor shall designate one
12 commissioner as the Chairperson. The Board shall consist of:

13 (1) one commissioner with at least 5 years of service
14 as a federal judge;

15 (2) 2 commissioners with at least 5 years of experience
16 serving as an attorney with the United States Department of
17 Justice;

18 (3) 3 commissioners with at least 5 years of experience
19 as a federal agent or employee with investigative
20 experience or duties related to criminal justice under the
21 United States Department of Justice, Drug Enforcement
22 Administration, Department of Homeland Security, or
23 Federal Bureau of Investigation; and

24 (4) one member with at least 5 years of experience as a
25 licensed physician or clinical psychologist with expertise
26 in the diagnosis and treatment of mental illness.

1 (b) The initial terms of the commissioners shall end on
2 January 12, 2015. Thereafter, the commissioners shall hold
3 office for 4 years, with terms expiring on the second Monday in
4 January of the fourth year. Commissioners may be reappointed.
5 Vacancies in the office of commissioner shall be filled in the
6 same manner as the original appointment, for the remainder of
7 the unexpired term. The Governor may remove a commissioner for
8 incompetence, neglect of duty, malfeasance, or inability to
9 serve. Commissioners shall receive compensation in an amount
10 equal to the compensation of members of the Executive Ethics
11 Commission and may be reimbursed for reasonable expenses
12 actually incurred in the performance of their Board duties,
13 from funds appropriated for that purpose.

14 (c) The Board shall meet at the call of the chairperson as
15 often as necessary to consider objections to applications for a
16 license under this Act. If necessary to ensure the
17 participation of a commissioner, the Board shall allow a
18 commissioner to participate in a Board meeting by electronic
19 communication. Any commissioner participating electronically
20 shall be deemed present for purposes of establishing a quorum
21 and voting.

22 (d) The Board shall adopt rules for the review of
23 objections and the conduct of hearings. The Board shall
24 maintain a record of its decisions and all materials considered
25 in making its decisions. All Board decisions and voting records
26 shall be kept confidential and all materials considered by the

1 Board shall be exempt from inspection except upon order of a
2 court.

3 (e) In considering an objection of a law enforcement agency
4 or the Department, the Board shall review the materials
5 received with the objection from the law enforcement agency or
6 the Department. By a vote of at least 4 commissioners, the
7 Board may request additional information from the law
8 enforcement agency, Department, or the applicant, or the
9 testimony of the law enforcement agency, Department, or the
10 applicant. The Board may require that the applicant submit
11 electronic fingerprints to the Department if not previously
12 submitted for an updated background check where the Board
13 determines it lacks sufficient information to determine
14 eligibility. The Board may only consider information submitted
15 by the Department, a law enforcement agency, or the applicant.
16 The Board shall review each objection and determine by a
17 majority of commissioners whether an applicant is eligible for
18 a license.

19 (f) The Board shall issue a decision within 30 days of
20 receipt of the objection from the Department. However, the
21 Board need not issue a decision within 30 days if:

22 (1) the Board requests information from the applicant,
23 including but not limited to electronic fingerprints to be
24 submitted to the Department if not previously submitted, in
25 accordance with subsection (e) of this Section, in which
26 case the Board shall make a decision within 30 days of

1 receipt of the required information from the applicant;

2 (2) the applicant agrees, in writing, to allow the
3 Board additional time to consider an objection; or

4 (3) the Board notifies the applicant and the Department
5 that the Board needs an additional 30 days to issue a
6 decision.

7 (g) If the Board determines by a preponderance of the
8 evidence that the applicant poses a danger to himself or
9 herself or others, or is a threat to public safety, then the
10 Board shall affirm the objection of the law enforcement agency
11 or the Department and shall notify the Department that the
12 applicant is ineligible for a license. If the Board does not
13 determine by a preponderance of the evidence that the applicant
14 poses a danger to himself or herself or others, or is a threat
15 to public safety, then the Board shall notify the Department
16 that the applicant is eligible for a license.

17 (h) Meetings of the Board shall not be subject to the Open
18 Meetings Act and records of the Board shall not be subject to
19 the Freedom of Information Act.

20 (i) The Board shall report monthly to the Governor and the
21 General Assembly on the number of objections received and
22 provide details of the circumstances in which the Board has
23 determined to deny licensure based on law enforcement or
24 Department objections under Section 15 of this Act. The report
25 shall not contain any identifying information about the
26 applicants.

1 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

2 (430 ILCS 66/30)

3 Sec. 30. Contents of license application.

4 (a) The license application shall be in writing, under
5 penalty of perjury, on a standard form adopted by the
6 Department and shall be accompanied by the documentation
7 required in this Section and the applicable fee. Each
8 application form shall include the following statement printed
9 in bold type: "Warning: Entering false information on this form
10 is punishable as perjury under Section 32-2 of the Criminal
11 Code of 2012."

12 (b) The application shall contain the following:

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

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

21 (3) a waiver of the applicant's privacy and
22 confidentiality rights and privileges under all federal
23 and state laws, including those limiting access to juvenile
24 court, criminal justice, psychological, or psychiatric
25 records or records relating to any institutionalization of

1 the applicant, and an affirmative request that a person
2 having custody of any of these records provide it or
3 information concerning it to the Department. The waiver
4 only applies to records sought in connection with
5 determining whether the applicant qualifies for a license
6 to carry a concealed firearm under this Act, or whether the
7 applicant remains in compliance with the Firearm Owners
8 Identification Card Act;

9 (4) an affirmation that the applicant possesses a
10 currently valid Firearm Owner's Identification Card and
11 card number if possessed or notice the applicant is
12 applying for a Firearm Owner's Identification Card in
13 conjunction with the license application;

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

16 (A) a felony;

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

20 (C) 2 or more violations related to driving while
21 under the influence of alcohol, other drug or drugs,
22 intoxicating compound or compounds, or any combination
23 thereof, within the 5 years preceding the date of the
24 license application; and

25 (6) whether the applicant has failed a drug test for a
26 drug for which the applicant did not have a prescription,

1 within the previous year, and if so, the provider of the
2 test, the specific substance involved, and the date of the
3 test;

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

7 (8) a full set of fingerprints submitted to the
8 Department in electronic format, ~~provided the Department~~
9 ~~may accept an application submitted without a set of~~
10 ~~fingerprints in which case the Department shall be granted~~
11 ~~30 days in addition to the 90 days provided under~~
12 ~~subsection (c) of Section 10 of this Act to issue or deny a~~
13 ~~license;~~

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

17 (10) a photocopy of any certificates or other evidence
18 of compliance with the training requirements under this
19 Act.

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