



Rep. Jerry Lee Long

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LRB100 18279 SLF 37435 a

1 AMENDMENT TO HOUSE BILL 4851

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4851 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 Sections 1.1, 5, 7, and 13.2 and by adding  
6 Section 8.3 as follows:

7 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

8 Sec. 1.1. For purposes of this Act:

9 "Addicted to narcotics" means a person who has been:

10 (1) convicted of an offense involving the use or  
11 possession of cannabis, a controlled substance, or  
12 methamphetamine within the past year; or

13 (2) determined by the Department of State Police to be  
14 addicted to narcotics based upon federal law or federal  
15 guidelines.

16 "Addicted to narcotics" does not include possession or use

1 of a prescribed controlled substance under the direction and  
2 authority of a physician or other person authorized to  
3 prescribe the controlled substance when the controlled  
4 substance is used in the prescribed manner.

5 "Adjudicated as a person with a mental disability" means  
6 the person is the subject of a determination by a court, board,  
7 commission or other lawful authority that the person, as a  
8 result of marked subnormal intelligence, or mental illness,  
9 mental impairment, incompetency, condition, or disease:

10 (1) presents a clear and present danger to himself,  
11 herself, or to others;

12 (2) lacks the mental capacity to manage his or her own  
13 affairs or is adjudicated a person with a disability as  
14 defined in Section 11a-2 of the Probate Act of 1975;

15 (3) is not guilty in a criminal case by reason of  
16 insanity, mental disease or defect;

17 (3.5) is guilty but mentally ill, as provided in  
18 Section 5-2-6 of the Unified Code of Corrections;

19 (4) is incompetent to stand trial in a criminal case;

20 (5) is not guilty by reason of lack of mental  
21 responsibility under Articles 50a and 72b of the Uniform  
22 Code of Military Justice, 10 U.S.C. 850a, 876b;

23 (6) is a sexually violent person under subsection (f)  
24 of Section 5 of the Sexually Violent Persons Commitment  
25 Act;

26 (7) is a sexually dangerous person under the Sexually

1 Dangerous Persons Act;

2 (8) is unfit to stand trial under the Juvenile Court  
3 Act of 1987;

4 (9) is not guilty by reason of insanity under the  
5 Juvenile Court Act of 1987;

6 (10) is subject to involuntary admission as an  
7 inpatient as defined in Section 1-119 of the Mental Health  
8 and Developmental Disabilities Code;

9 (11) is subject to involuntary admission as an  
10 outpatient as defined in Section 1-119.1 of the Mental  
11 Health and Developmental Disabilities Code;

12 (12) is subject to judicial admission as set forth in  
13 Section 4-500 of the Mental Health and Developmental  
14 Disabilities Code; or

15 (13) is subject to the provisions of the Interstate  
16 Agreements on Sexually Dangerous Persons Act.

17 "Clear and present danger" means a person who:

18 (1) communicates a serious threat of physical violence  
19 against a reasonably identifiable victim or poses a clear  
20 and imminent risk of serious physical injury to himself,  
21 herself, or another person as determined by a physician,  
22 clinical psychologist, or qualified examiner; or

23 (2) demonstrates threatening physical or verbal  
24 behavior, such as violent, suicidal, or assaultive  
25 threats, actions, or other behavior, as determined by a  
26 physician, clinical psychologist, qualified examiner,

1 school administrator, or law enforcement official.

2 "Clinical psychologist" has the meaning provided in  
3 Section 1-103 of the Mental Health and Developmental  
4 Disabilities Code.

5 "Controlled substance" means a controlled substance or  
6 controlled substance analog as defined in the Illinois  
7 Controlled Substances Act.

8 "Counterfeit" means to copy or imitate, without legal  
9 authority, with intent to deceive.

10 "Federally licensed firearm dealer" means a person who is  
11 licensed as a federal firearms dealer under Section 923 of the  
12 federal Gun Control Act of 1968 (18 U.S.C. 923).

13 "Firearm" means any device, by whatever name known, which  
14 is designed to expel a projectile or projectiles by the action  
15 of an explosion, expansion of gas or escape of gas; excluding,  
16 however:

17 (1) any pneumatic gun, spring gun, paint ball gun, or  
18 B-B gun which expels a single globular projectile not  
19 exceeding .18 inch in diameter or which has a maximum  
20 muzzle velocity of less than 700 feet per second;

21 (1.1) any pneumatic gun, spring gun, paint ball gun, or  
22 B-B gun which expels breakable paint balls containing  
23 washable marking colors;

24 (2) any device used exclusively for signalling or  
25 safety and required or recommended by the United States  
26 Coast Guard or the Interstate Commerce Commission;

1           (3) any device used exclusively for the firing of stud  
2           cartridges, explosive rivets or similar industrial  
3           ammunition; and

4           (4) an antique firearm (other than a machine-gun)  
5           which, although designed as a weapon, the Department of  
6           State Police finds by reason of the date of its  
7           manufacture, value, design, and other characteristics is  
8           primarily a collector's item and is not likely to be used  
9           as a weapon.

10          "Firearm ammunition" means any self-contained cartridge or  
11          shotgun shell, by whatever name known, which is designed to be  
12          used or adaptable to use in a firearm; excluding, however:

13           (1) any ammunition exclusively designed for use with a  
14           device used exclusively for signalling or safety and  
15           required or recommended by the United States Coast Guard or  
16           the Interstate Commerce Commission; and

17           (2) any ammunition designed exclusively for use with a  
18           stud or rivet driver or other similar industrial  
19           ammunition.

20          "Gun show" means an event or function:

21           (1) at which the sale and transfer of firearms is the  
22           regular and normal course of business and where 50 or more  
23           firearms are displayed, offered, or exhibited for sale,  
24           transfer, or exchange; or

25           (2) at which not less than 10 gun show vendors display,  
26           offer, or exhibit for sale, sell, transfer, or exchange

1 firearms.

2 "Gun show" includes the entire premises provided for an  
3 event or function, including parking areas for the event or  
4 function, that is sponsored to facilitate the purchase, sale,  
5 transfer, or exchange of firearms as described in this Section.  
6 Nothing in this definition shall be construed to exclude a gun  
7 show held in conjunction with competitive shooting events at  
8 the World Shooting Complex sanctioned by a national governing  
9 body in which the sale or transfer of firearms is authorized  
10 under subparagraph (5) of paragraph (g) of subsection (A) of  
11 Section 24-3 of the Criminal Code of 2012.

12 Unless otherwise expressly stated, "gun show" does not  
13 include training or safety classes, competitive shooting  
14 events, such as rifle, shotgun, or handgun matches, trap,  
15 skeet, or sporting clays shoots, dinners, banquets, raffles, or  
16 any other event where the sale or transfer of firearms is not  
17 the primary course of business.

18 "Gun show promoter" means a person who organizes or  
19 operates a gun show.

20 "Gun show vendor" means a person who exhibits, sells,  
21 offers for sale, transfers, or exchanges any firearms at a gun  
22 show, regardless of whether the person arranges with a gun show  
23 promoter for a fixed location from which to exhibit, sell,  
24 offer for sale, transfer, or exchange any firearm.

25 "Involuntarily admitted" has the meaning as prescribed in  
26 Sections 1-119 and 1-119.1 of the Mental Health and

1 Developmental Disabilities Code.

2 "Mental health facility" means any licensed private  
3 hospital or hospital affiliate, institution, or facility, or  
4 part thereof, and any facility, or part thereof, operated by  
5 the State or a political subdivision thereof which provide  
6 treatment of persons with mental illness and includes all  
7 hospitals, institutions, clinics, evaluation facilities,  
8 mental health centers, colleges, universities, long-term care  
9 facilities, and nursing homes, or parts thereof, which provide  
10 treatment of persons with mental illness whether or not the  
11 primary purpose is to provide treatment of persons with mental  
12 illness.

13 "National governing body" means a group of persons who  
14 adopt rules and formulate policy on behalf of a national  
15 firearm sporting organization.

16 "Patient" means:

17 (1) a person who is admitted as an inpatient or  
18 resident of a public or private mental health facility for  
19 mental health treatment under Chapter III of the Mental  
20 Health and Developmental Disabilities Code as an informal  
21 admission, a voluntary admission, a minor admission, an  
22 emergency admission, or an involuntary admission,  
23 ~~voluntarily receives mental health treatment as an~~  
24 ~~in-patient or resident of any public or private mental~~  
25 ~~health facility,~~ unless the treatment was solely for an  
26 alcohol abuse disorder ~~and no other secondary substance~~

1 ~~abuse disorder or mental illness;~~ or

2 (2) a person who voluntarily or involuntarily receives  
3 mental health treatment as an out-patient or is otherwise  
4 provided services by a public or private mental health  
5 facility, and who poses a clear and present danger to  
6 himself, herself, or to others.

7 "Person with a developmental disability" means a person  
8 with a disability which is attributable to any other condition  
9 which results in impairment similar to that caused by an  
10 intellectual disability and which requires services similar to  
11 those required by persons with intellectual disabilities. The  
12 disability must originate before the age of 18 years, be  
13 expected to continue indefinitely, and constitute a  
14 substantial disability. This disability results, in the  
15 professional opinion of a physician, clinical psychologist, or  
16 qualified examiner, in significant functional limitations in 3  
17 or more of the following areas of major life activity:

- 18 (i) self-care;  
19 (ii) receptive and expressive language;  
20 (iii) learning;  
21 (iv) mobility; or  
22 (v) self-direction.

23 "Person with an intellectual disability" means a person  
24 with a significantly subaverage general intellectual  
25 functioning which exists concurrently with impairment in  
26 adaptive behavior and which originates before the age of 18



1 years.

2 "Physician" has the meaning as defined in Section 1-120 of  
3 the Mental Health and Developmental Disabilities Code.

4 "Qualified examiner" has the meaning provided in Section  
5 1-122 of the Mental Health and Developmental Disabilities Code.

6 "Sanctioned competitive shooting event" means a shooting  
7 contest officially recognized by a national or state shooting  
8 sport association, and includes any sight-in or practice  
9 conducted in conjunction with the event.

10 "School administrator" means the person required to report  
11 under the School Administrator Reporting of Mental Health Clear  
12 and Present Danger Determinations Law.

13 "Stun gun or taser" has the meaning ascribed to it in  
14 Section 24-1 of the Criminal Code of 2012.

15 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,  
16 eff. 7-27-15; 99-642, eff. 7-28-16.)

17 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

18 Sec. 5. Application and renewal.

19 (a) The Department of State Police shall either approve or  
20 deny all applications within 30 days from the date they are  
21 received, except as provided in subsection (b) of this Section,  
22 and every applicant found qualified under Section 8 of this Act  
23 by the Department shall be entitled to a Firearm Owner's  
24 Identification Card upon the payment of a \$10 fee. Any  
25 applicant who is an active duty member of the Armed Forces of

1 the United States, a member of the Illinois National Guard, or  
2 a member of the Reserve Forces of the United States is exempt  
3 from the application fee. \$6 of each fee derived from the  
4 issuance of Firearm Owner's Identification Cards, or renewals  
5 thereof, shall be deposited in the Wildlife and Fish Fund in  
6 the State Treasury; \$1 of the fee shall be deposited in the  
7 State Police Services Fund and \$3 of the fee shall be deposited  
8 in the State Police Firearm Services Fund.

9 (b) Renewal applications shall be approved or denied within  
10 60 business days, provided the applicant submitted his or her  
11 renewal application prior to the expiration of his or her  
12 Firearm Owner's Identification Card. If a renewal application  
13 has been submitted prior to the expiration date of the  
14 applicant's Firearm Owner's Identification Card, the Firearm  
15 Owner's Identification Card shall remain valid while the  
16 Department processes the application, unless the person is  
17 subject to or becomes subject to revocation under this Act. The  
18 cost for a renewal application shall be \$10 which shall be  
19 deposited into the State Police Firearm Services Fund.

20 (Source: P.A. 98-63, eff. 7-9-13.)

21 (430 ILCS 65/7) (from Ch. 38, par. 83-7)

22 Sec. 7. Validity of Firearm Owner's Identification Card.

23 (a) Except as provided in Section 8 of this Act or  
24 subsection (b) of this Section, a Firearm Owner's  
25 Identification Card issued under the provisions of this Act

1 shall be valid for the person to whom it is issued for a period  
2 of 10 years from the date of issuance.

3 (b) If a renewal application is submitted to the Department  
4 before the expiration date of the applicant's current Firearm  
5 Owner's Identification Card, the Firearm Owner's  
6 Identification Card shall remain valid for a period of 60  
7 business days, unless the person is subject to or becomes  
8 subject to revocation under this Act.

9 (Source: P.A. 95-581, eff. 6-1-08.)

10 (430 ILCS 65/8.3 new)

11 Sec. 8.3. Suspension of Firearm Owner's Identification  
12 Card. The Department of State Police may, by rule in a manner  
13 consistent with the Department's rules concerning revocation,  
14 provide for the suspension of the Firearm Owner's  
15 Identification Card of a person whose Firearm Owner's  
16 Identification Card is subject to revocation and seizure under  
17 this Act for the duration of the disqualification if the  
18 disqualification is not a permanent grounds for revocation of a  
19 Firearm Owner's Identification Card under this Act.

20 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

21 Sec. 13.2. Renewal; name or address change; replacement  
22 card. The Department of State Police shall, 60 days prior to  
23 the expiration of a Firearm Owner's Identification Card,  
24 forward by first class mail to each person whose card is to

1 expire a notification of the expiration of the card and  
2 instructions for renewal ~~an application which may be used to~~  
3 ~~apply for renewal of the card~~. It is the obligation of the  
4 holder of a Firearm Owner's Identification Card to notify the  
5 Department of State Police of any address change since the  
6 issuance of the Firearm Owner's Identification Card. Whenever  
7 any person moves from the residence address named on his or her  
8 card, the person shall within 21 calendar days thereafter  
9 notify in a form and manner prescribed by the Department of his  
10 or her old and new residence addresses and the card number held  
11 by him or her. Any person whose legal name has changed from the  
12 name on the card that he or she has been previously issued must  
13 apply for a corrected card within 30 calendar days after the  
14 change. The cost for a corrected card shall be \$5. The cost for  
15 replacement of a card which has been lost, destroyed, or stolen  
16 shall be \$5 if the loss, destruction, or theft of the card is  
17 reported to the Department of State Police. The fees collected  
18 under this Section ~~which~~ shall be deposited into the State  
19 Police Firearm Services Fund.

20 (Source: P.A. 97-1131, eff. 1-1-13; 98-63, eff. 7-9-13.)

21 Section 10. The Firearm Concealed Carry Act is amended by  
22 changing Section 65 as follows:

23 (430 ILCS 66/65)

24 Sec. 65. Prohibited areas.

1           (a) A licensee under this Act shall not knowingly carry a  
2 firearm on or into:

3           (1) Any building, real property, and parking area under  
4 the control of a public or private elementary or secondary  
5 school.

6           (2) Any building, real property, and parking area under  
7 the control of a pre-school or child care facility,  
8 including any room or portion of a building under the  
9 control of a pre-school or child care facility. Nothing in  
10 this paragraph shall prevent the operator of a child care  
11 facility in a family home from owning or possessing a  
12 firearm in the home or license under this Act, if no child  
13 under child care at the home is present in the home or the  
14 firearm in the home is stored in a locked container when a  
15 child under child care at the home is present in the home.

16           (3) Any building, parking area, or portion of a  
17 building under the control of an officer of the executive  
18 or legislative branch of government, provided that nothing  
19 in this paragraph shall prohibit a licensee from carrying a  
20 concealed firearm onto the real property, bikeway, or trail  
21 in a park regulated by the Department of Natural Resources  
22 or any other designated public hunting area or building  
23 where firearm possession is permitted as established by the  
24 Department of Natural Resources under Section 1.8 of the  
25 Wildlife Code.

26           (4) Any building designated for matters before a

1 circuit court, appellate court, or the Supreme Court, or  
2 any building or portion of a building under the control of  
3 the Supreme Court.

4 (5) Any building or portion of a building under the  
5 control of a unit of local government.

6 (6) Any building, real property, and parking area under  
7 the control of an adult or juvenile detention or  
8 correctional institution, prison, or jail.

9 (7) Any building, real property, and parking area under  
10 the control of a public or private hospital or hospital  
11 affiliate, mental health facility, or nursing home.

12 (8) Any bus, train, or form of transportation paid for  
13 in whole or in part with public funds, and any building,  
14 real property, and parking area under the control of a  
15 public transportation facility paid for in whole or in part  
16 with public funds.

17 (9) Any building, real property, and parking area under  
18 the control of an establishment that serves alcohol on its  
19 premises, if more than 50% of the establishment's gross  
20 receipts within the prior 3 months is from the sale of  
21 alcohol. The owner of an establishment who knowingly fails  
22 to prohibit concealed firearms on its premises as provided  
23 in this paragraph or who knowingly makes a false statement  
24 or record to avoid the prohibition on concealed firearms  
25 under this paragraph is subject to the penalty under  
26 subsection (c-5) of Section 10-1 of the Liquor Control Act

1 of 1934.

2 (10) Any public gathering or special event conducted on  
3 property open to the public that requires the issuance of a  
4 permit from the unit of local government, provided this  
5 prohibition shall not apply to a licensee who must walk  
6 through a public gathering in order to access his or her  
7 residence, place of business, or vehicle.

8 (11) Any building or real property that has been issued  
9 a Special Event Retailer's license as defined in Section  
10 1-3.17.1 of the Liquor Control Act during the time  
11 designated for the sale of alcohol by the Special Event  
12 Retailer's license, or a Special use permit license as  
13 defined in subsection (q) of Section 5-1 of the Liquor  
14 Control Act during the time designated for the sale of  
15 alcohol by the Special use permit license.

16 (12) Any public playground.

17 (13) Any public park, athletic area, or athletic  
18 facility under the control of a municipality or park  
19 district, provided nothing in this Section shall prohibit a  
20 licensee from carrying a concealed firearm while on a trail  
21 or bikeway if only a portion of the trail or bikeway  
22 includes a public park.

23 (14) Any real property under the control of the Cook  
24 County Forest Preserve District.

25 (15) Any building, classroom, laboratory, medical  
26 clinic, hospital, artistic venue, athletic venue,

1 entertainment venue, officially recognized  
2 university-related organization property, whether owned or  
3 leased, and any real property, including parking areas,  
4 sidewalks, and common areas under the control of a public  
5 or private community college, college, or university.

6 (16) Any building, real property, or parking area under  
7 the control of a gaming facility licensed under the  
8 Riverboat Gambling Act or the Illinois Horse Racing Act of  
9 1975, including an inter-track wagering location licensee.

10 (17) Any stadium, arena, or the real property or  
11 parking area under the control of a stadium, arena, or any  
12 collegiate or professional sporting event.

13 (18) Any building, real property, or parking area under  
14 the control of a public library.

15 (19) Any building, real property, or parking area under  
16 the control of an airport.

17 (20) Any building, real property, or parking area under  
18 the control of an amusement park.

19 (21) Any building, real property, or parking area under  
20 the control of a zoo or museum.

21 (22) Any street, driveway, parking area, property,  
22 building, or facility, owned, leased, controlled, or used  
23 by a nuclear energy, storage, weapons, or development site  
24 or facility regulated by the federal Nuclear Regulatory  
25 Commission. The licensee shall not under any circumstance  
26 store a firearm or ammunition in his or her vehicle or in a



1 compartment or container within a vehicle located anywhere  
2 in or on the street, driveway, parking area, property,  
3 building, or facility described in this paragraph.

4 (23) Any area where firearms are prohibited under  
5 federal law.

6 (a-5) Nothing in this Act shall prohibit a public or  
7 private community college, college, or university from:

8 (1) prohibiting persons from carrying a firearm within  
9 a vehicle owned, leased, or controlled by the college or  
10 university;

11 (2) developing resolutions, regulations, or policies  
12 regarding student, employee, or visitor misconduct and  
13 discipline, including suspension and expulsion;

14 (3) developing resolutions, regulations, or policies  
15 regarding the storage or maintenance of firearms, which  
16 must include designated areas where persons can park  
17 vehicles that carry firearms; and

18 (4) permitting the carrying or use of firearms for the  
19 purpose of instruction and curriculum of officially  
20 recognized programs, including but not limited to military  
21 science and law enforcement training programs, or in any  
22 designated area used for hunting purposes or target  
23 shooting.

24 (a-10) The owner of private real property of any type may  
25 prohibit the carrying of concealed firearms on the property  
26 under his or her control. The owner must post a sign in

1 accordance with subsection (d) of this Section indicating that  
2 firearms are prohibited on the property, unless the property is  
3 a private residence.

4 (b) Notwithstanding subsections (a), (a-5), and (a-10) of  
5 this Section except under paragraph (22) or (23) of subsection  
6 (a), any licensee prohibited from carrying a concealed firearm  
7 into the parking area of a prohibited location specified in  
8 subsection (a), (a-5), or (a-10) of this Section shall be  
9 permitted to carry a concealed firearm on or about his or her  
10 person within a vehicle into the parking area and may store a  
11 firearm or ammunition concealed in a case within a locked  
12 vehicle or locked container out of plain view within the  
13 vehicle in the parking area. A licensee may carry a concealed  
14 firearm in the immediate area surrounding his or her vehicle  
15 within a prohibited parking lot area only for the limited  
16 purpose of storing or retrieving a firearm within the vehicle's  
17 trunk. For purposes of this subsection, "case" includes a glove  
18 compartment or console that completely encloses the concealed  
19 firearm or ammunition, the trunk of the vehicle, or a firearm  
20 carrying box, shipping box, or other container.

21 (c) A licensee shall not be in violation of this Section  
22 while he or she is traveling along a public right of way that  
23 touches or crosses any of the premises under subsection (a),  
24 (a-5), or (a-10) of this Section if the concealed firearm is  
25 carried on his or her person in accordance with the provisions  
26 of this Act or is being transported in a vehicle by the

1 licensee in accordance with all other applicable provisions of  
2 law.

3 (c-5) A licensee under this Act who is a current member of  
4 the General Assembly or State employee shall not be in  
5 violation of this Section when he or she carries a concealed  
6 weapon on State property, except he or she shall not carry a  
7 concealed weapon on the grounds of the Capitol Complex.

8 (d) Signs stating that the carrying of firearms is  
9 prohibited shall be clearly and conspicuously posted at the  
10 entrance of a building, premises, or real property specified in  
11 this Section as a prohibited area, unless the building or  
12 premises is a private residence. Signs shall be of a uniform  
13 design as established by the Department and shall be 4 inches  
14 by 6 inches in size. The Department shall adopt rules for  
15 standardized signs to be used under this subsection.

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