

1 AMENDMENT TO HOUSE BILL 1536

2 AMENDMENT NO. _____. Amend House Bill 1536 as follows:

3 on page 1, line 5, by replacing "and 8" with ", 8, and 10";
4 and

5 on page 7, by inserting after line 12, the following:

6 "(430 ILCS 65/10) (from Ch. 38, par. 83-10)

7 Sec. 10. (a) Whenever an application for a Firearm
8 Owner's Identification Card is denied, whenever the
9 Department fails to act on an application within 30 days of
10 its receipt, or whenever such a Card is revoked or seized as
11 provided for in Section 8 of this Act, the aggrieved party
12 may appeal to the Director of the Department of State Police
13 for a hearing upon such denial, revocation or seizure, unless
14 the denial, revocation, or seizure was based upon a forcible
15 felony, stalking, aggravated stalking, domestic battery, any
16 violation of either the Illinois Controlled Substances Act or
17 the Cannabis Control Act that is classified as a Class 2 or
18 greater felony, ~~or~~ any felony violation of Article 24 of the
19 Criminal Code of 1961, or any adjudication as a delinquent
20 minor for the commission of an offense that if committed by
21 an adult would be a felony, in which case the aggrieved party
22 may petition the circuit court in writing in the county of

1 his or her residence for a hearing upon such denial,
2 revocation, or seizure.

3 (b) At least 30 days before any hearing in the circuit
4 court, the petitioner shall serve the relevant State's
5 Attorney with a copy of the petition. The State's Attorney
6 may object to the petition and present evidence. At the
7 hearing the court shall determine whether substantial justice
8 has been done. Should the court determine that substantial
9 justice has not been done, the court shall issue an order
10 directing the Department of State Police to issue a Card.

11 (c) Any person prohibited from possessing a firearm
12 under Sections 24-1.1 or 24-3.1 of the Criminal Code of 1961
13 or acquiring a Firearm Owner's Identification Card under
14 Section 8 of this Act may apply to the Director of the
15 Department of State Police or petition the circuit court in
16 the county where the petitioner resides, whichever is
17 applicable in accordance with subsection (a) of this Section,
18 requesting relief from such prohibition and the Director or
19 court may grant such relief if it is established by the
20 applicant to the court's or Director's satisfaction that:

21 (0.05) when in the circuit court, the State's
22 Attorney has been served with a written copy of the
23 petition at least 30 days before any such hearing in the
24 circuit court and at the hearing the State's Attorney was
25 afforded an opportunity to present evidence and object to
26 the petition;

27 (1) the applicant has not been convicted of a
28 forcible felony under the laws of this State or any other
29 jurisdiction within 20 years of the applicant's
30 application for a Firearm Owner's Identification Card, or
31 at least 20 years have passed since the end of any period
32 of imprisonment imposed in relation to that conviction;

33 (2) the circumstances regarding a criminal
34 conviction, where applicable, the applicant's criminal

1 history and his reputation are such that the applicant
2 will not be likely to act in a manner dangerous to public
3 safety; and

4 (3) granting relief would not be contrary to the
5 public interest.

6 (d) When a minor is adjudicated delinquent for an
7 offense which if committed by an adult would be a felony, the
8 court shall notify the Department of State Police.

9 (e) The court shall review the denial of an application
10 or the revocation of a Firearm Owner's Identification Card of
11 a person who has been adjudicated delinquent for an offense
12 that if committed by an adult would be a felony if an
13 application for relief has been filed at least 10 years after
14 the adjudication of delinquency and the court determines that
15 the applicant should be granted relief from disability to
16 obtain a Firearm Owner's Identification Card. If the court
17 grants relief, the court shall notify the Department of State
18 Police that the disability has been removed and that the
19 applicant is eligible to obtain a Firearm Owner's
20 Identification Card.

21 (Source: P.A. 92-442, eff. 8-17-01.)".