

1 AN ACT in relation to firearms.

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 Sections 4, 8, and 10 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,
12 if and when made available by the Department of State
13 Police; and

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

16 (i) He or she is 21 years of age or over, or
17 if he or she is under 21 years of age that he or she
18 has the written consent of his or her parent or
19 legal guardian to possess and acquire firearms and
20 firearm ammunition and that he or she has never been
21 convicted of a misdemeanor other than a traffic
22 offense or adjudged delinquent, provided, however,
23 that such parent or legal guardian is not an
24 individual prohibited from having a Firearm Owner's
25 Identification Card and files an affidavit with the
26 Department as prescribed by the Department stating
27 that he or she is not an individual prohibited from
28 having a Card;

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

- 1 (iii) He or she is not addicted to narcotics;
- 2 (iv) He or she has not been a patient in a
3 mental institution within the past 5 years;
- 4 (v) He or she is not mentally retarded;
- 5 (vi) He or she is not an alien who is
6 unlawfully present in the United States under the
7 laws of the United States;
- 8 (vii) He or she is not subject to an existing
9 order of protection prohibiting him or her from
10 possessing a firearm;
- 11 (viii) He or she has not been convicted within
12 the past 5 years of battery, assault, aggravated
13 assault, violation of an order of protection, or a
14 substantially similar offense in another
15 jurisdiction, in which a firearm was used or
16 possessed;
- 17 (ix) He or she has not been convicted of
18 domestic battery or a substantially similar offense
19 in another jurisdiction committed on or after the
20 effective date of this amendatory Act of 1997;
- 21 (x) He or she has not been convicted within
22 the past 5 years of domestic battery or a
23 substantially similar offense in another
24 jurisdiction committed before the effective date of
25 this amendatory Act of 1997; and
- 26 (xi) He or she is not an alien who has been
27 admitted to the United States under a non-immigrant
28 visa (as that term is defined in Section 101(a)(26)
29 of the Immigration and Nationality Act (8 U.S.C.
30 1101(a)(26))), or that he or she is an alien who has
31 been lawfully admitted to the United States under a
32 non-immigrant visa if that alien is:
- 33 (1) admitted to the United States for
34 lawful hunting or sporting purposes;

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

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

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

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

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

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

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

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

27 (3) Upon request by the Department of State Police,
28 sign a release on a form prescribed by the Department of
29 State Police waiving any right to confidentiality and
30 requesting the disclosure to the Department of State
31 Police of limited mental health institution admission
32 information from another state, the District of Columbia,
33 any other territory of the United States, or a foreign
34 nation concerning the applicant for the sole purpose of

1 determining whether the applicant is or was a patient in
2 a mental health institution and disqualified because of
3 that status from receiving a Firearm Owner's
4 Identification Card. No mental health care or treatment
5 records may be requested. The information received shall
6 be destroyed within one year of receipt.

7 (a-5) Each applicant for a Firearm Owner's
8 Identification Card who is over the age of 18 shall furnish
9 to the Department of State Police either his or her driver's
10 license number or Illinois Identification Card number.

11 (a-10) Each applicant for a Firearm Owner's
12 Identification Card, who is employed as an armed security
13 officer at a nuclear energy, storage, weapons, or development
14 facility regulated by the Nuclear Regulatory Commission and
15 who is not an Illinois resident, shall furnish to the
16 Department of State Police his or her driver's license number
17 or state identification card number from his or her state of
18 residence. The Department of State Police may promulgate
19 rules to enforce the provisions of this subsection (a-10).

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

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

30 (Source: P.A. 91-514, eff. 1-1-00; 91-694, eff. 4-13-00;
31 92-442, eff. 8-17-01; 92-839, eff. 8-22-02; 92-854, eff.
32 12-5-02; revised 12-30-02.)

33 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

1 Sec. 8. The Department of State Police has authority to
2 deny an application for or to revoke and seize a Firearm
3 Owner's Identification Card previously issued under this Act
4 only if the Department finds that the applicant or the person
5 to whom such card was issued is or was at the time of
6 issuance:

7 (a) A person under 21 years of age who has been
8 convicted of a misdemeanor other than a traffic offense or
9 adjudged delinquent;

10 (b) A person under 21 years of age who does not have the
11 written consent of his parent or guardian to acquire and
12 possess firearms and firearm ammunition, or whose parent or
13 guardian has revoked such written consent, or where such
14 parent or guardian does not qualify to have a Firearm Owner's
15 Identification Card;

16 (c) A person convicted of a felony under the laws of
17 this or any other jurisdiction;

18 (d) A person addicted to narcotics;

19 (e) A person who has been a patient of a mental
20 institution within the past 5 years;

21 (f) A person whose mental condition is of such a nature
22 that it poses a clear and present danger to the applicant,
23 any other person or persons or the community;

24 For the purposes of this Section, "mental condition"
25 means a state of mind manifested by violent, suicidal,
26 threatening or assaultive behavior.

27 (g) A person who is mentally retarded;

28 (h) A person who intentionally makes a false statement
29 in the Firearm Owner's Identification Card application;

30 (i) An alien who is unlawfully present in the United
31 States under the laws of the United States;

32 (i-5) An alien who has been admitted to the United
33 States under a non-immigrant visa (as that term is defined in
34 Section 101(a)(26) of the Immigration and Nationality Act (8

1 U.S.C. 1101(a)(26))), except that this subsection (i-5) does
2 not apply to any alien who has been lawfully admitted to the
3 United States under a non-immigrant visa if that alien is:

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

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

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

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

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

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

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

23 (j) A person who is subject to an existing order of
24 protection prohibiting him or her from possessing a firearm;

25 (k) A person who has been convicted within the past 5
26 years of battery, assault, aggravated assault, violation of
27 an order of protection, or a substantially similar offense in
28 another jurisdiction, in which a firearm was used or
29 possessed;

30 (l) A person who has been convicted of domestic battery
31 or a substantially similar offense in another jurisdiction
32 committed on or after January 1, 1998;

33 (m) A person who has been convicted within the past 5
34 years of domestic battery or a substantially similar offense

1 in another jurisdiction committed before January 1, 1998; or

2 (n) A person who is prohibited from acquiring or
3 possessing firearms or firearm ammunition by any Illinois
4 State statute or by federal law;

5 (o) A minor subject to a petition filed under Section
6 5-520 of the Juvenile Court Act of 1987 alleging that the
7 minor is a delinquent minor for the commission of an offense
8 that if committed by an adult would be a felony; or

9 (p) An adult who had been adjudicated a delinquent minor
10 under the Juvenile Court Act of 1987 for the commission of an
11 offense that if committed by an adult would be a felony.

12 (Source: P.A. 91-694, eff. 4-13-00; 92-854, eff. 12-5-02.)

13 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

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

32 (b) At least 30 days before any hearing in the circuit
33 court, the petitioner shall serve the relevant State's

1 Attorney with a copy of the petition. The State's Attorney
2 may object to the petition and present evidence. At the
3 hearing the court shall determine whether substantial justice
4 has been done. Should the court determine that substantial
5 justice has not been done, the court shall issue an order
6 directing the Department of State Police to issue a Card.

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

17 (0.05) when in the circuit court, the State's
18 Attorney has been served with a written copy of the
19 petition at least 30 days before any such hearing in the
20 circuit court and at the hearing the State's Attorney was
21 afforded an opportunity to present evidence and object to
22 the petition;

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

29 (2) the circumstances regarding a criminal
30 conviction, where applicable, the applicant's criminal
31 history and his reputation are such that the applicant
32 will not be likely to act in a manner dangerous to public
33 safety; and

34 (3) granting relief would not be contrary to the

1 public interest.

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

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

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