

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
5 is amended by changing Section 8 as follows:

6 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

7 Sec. 8. The Department of State Police may ~~has~~-~~authority~~
8 ~~to~~ deny an application for or may ~~to~~ revoke and seize a
9 Firearm Owner's Identification Card previously issued under
10 this Act only if the Department finds that the applicant or
11 the person to whom such card was issued is or was at the time
12 of issuance:

13 (a) A person under 21 years of age who has been
14 convicted of a misdemeanor other than a traffic offense or
15 adjudged delinquent;

16 (b) A person under 21 years of age who does not have the
17 written consent of his parent or guardian to acquire and
18 possess firearms and firearm ammunition, or whose parent or
19 guardian has revoked such written consent, or where such
20 parent or guardian does not qualify to have a Firearm Owner's
21 Identification Card;

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

24 (d) A person addicted to narcotics;

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

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

30 For the purposes of this Section, "mental condition"
31 means a state of mind manifested by violent, suicidal,

1 threatening or assaultive behavior.

2 (g) A person who is mentally retarded;

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

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

7 (i-5) An alien who has been admitted to the United
8 States under a non-immigrant visa (as that term is defined in
9 Section 101(a)(26) of the Immigration and Nationality Act (8
10 U.S.C. 1101(a)(26))), except that this subsection (i-5) does
11 not apply to any alien who has been lawfully admitted to the
12 United States under a non-immigrant visa if that alien is:

13 (1) admitted to the United States for lawful
14 hunting or sporting purposes;

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

17 (A) accredited to the United States Government
18 or the Government's mission to an international
19 organization having its headquarters in the United
20 States; or

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

23 (3) an official of a foreign government or
24 distinguished foreign visitor who has been so designated
25 by the Department of State;

26 (4) a foreign law enforcement officer of a friendly
27 foreign government entering the United States on official
28 business; or

29 (5) one who has received a waiver from the Attorney
30 General of the United States pursuant to 18 U.S.C.
31 922(y)(3);

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

34 (k) A person who has been convicted within the past 5

1 years of battery, assault, aggravated assault, violation of
2 an order of protection, or a substantially similar offense in
3 another jurisdiction, in which a firearm was used or
4 possessed;

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

8 (m) A person who has been convicted within the past 5
9 years of domestic battery or a substantially similar offense
10 in another jurisdiction committed before January 1, 1998; or

11 (n) A person who is prohibited from acquiring or
12 possessing firearms or firearm ammunition by any Illinois
13 State statute or by federal law.

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