

1 AN ACT concerning 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, 5, 7, and 8 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 (3) Upon request by the Department of State Police,
19 sign a release on a form prescribed by the Department of
20 State Police waiving any right to confidentiality and
21 requesting the disclosure to the Department of State
22 Police of limited mental health institution admission
23 information from another state, the District of Columbia,
24 any other territory of the United States, or a foreign
25 nation concerning the applicant for the sole purpose of
26 determining whether the applicant is or was a patient in
27 a mental health institution and disqualified because of
28 that status from receiving a Firearm Owner's
29 Identification Card. No mental health care or treatment
30 records may be requested. The information received shall
31 be destroyed within one year of receipt; and-

32 (4) Be fingerprinted and photographed in a manner
33 and by a law enforcement agency that is authorized by
34 rules of the Department of State Police to take the

1 fingerprints and photographs; and

2 (5) Successfully complete a basic firearm safety
3 test in accordance with the rules adopted by the
4 Department of State Police.

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

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

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

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

28 (Source: P.A. 91-514, eff. 1-1-00; 91-694, eff. 4-13-00;
29 92-442, eff. 8-17-01; 92-839, eff. 8-22-02; 92-854, eff.
30 12-5-02; revised 12-30-02.)

31 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

32 Sec. 5. The Department of State Police shall either
33 approve or deny all applications within 30 days from the date

1 they are received, and every applicant found qualified
2 pursuant to Section 8 of this Act by the Department shall be
3 entitled to a Firearm Owner's Identification Card upon the
4 payment of a \$25 \$5 fee. \$7 \$3 of each fee derived from the
5 issuance of Firearm Owner's Identification Cards, or renewals
6 thereof, shall be deposited in the Wildlife and Fish Fund in
7 the State Treasury; \$3 \$1 of such fee shall be deposited in
8 the General Revenue Fund in the State Treasury and \$15 \$1 of
9 such fee shall be deposited in the Firearm Owner's
10 Notification Fund. Monies in the Firearm Owner's
11 Notification Fund shall be used exclusively to pay for the
12 cost of sending notices of expiration of Firearm Owner's
13 Identification Cards under Section 13.2 of this Act. Excess
14 monies in the Firearm Owner's Notification Fund shall be used
15 to ensure the prompt and efficient processing of applications
16 received under Section 4 of this Act.

17 (Source: P.A. 84-1426.)

18 (430 ILCS 65/7) (from Ch. 38, par. 83-7)

19 Sec. 7. Except as provided in Section 8 of this Act, a
20 Firearm Owner's Identification Card issued under the
21 provisions of this Act shall be valid for the person to whom
22 it is issued for a period of one year 5-years from the date
23 of issuance.

24 (Source: Laws 1967, p. 2600.)

25 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

26 Sec. 8. The Department of State Police has authority to
27 deny an application for or to revoke and seize a Firearm
28 Owner's Identification Card previously issued under this Act
29 only if the Department finds that the applicant or the person
30 to whom such card was issued is or was at the time of
31 issuance:

32 (a) A person under 21 years of age who has been

1 convicted of a misdemeanor other than a traffic offense or
2 adjudged delinquent;

3 (b) A person under 21 years of age who does not have the
4 written consent of his parent or guardian to acquire and
5 possess firearms and firearm ammunition, or whose parent or
6 guardian has revoked such written consent, or where such
7 parent or guardian does not qualify to have a Firearm Owner's
8 Identification Card;

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

11 (d) A person addicted to narcotics;

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

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

17 For the purposes of this Section, "mental condition"
18 means a state of mind manifested by violent, suicidal,
19 threatening or assaultive behavior.

20 (g) A person who is mentally retarded;

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

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

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

31 (1) admitted to the United States for lawful
32 hunting or sporting purposes;

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

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

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

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

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

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

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

18 (k) A person who has been convicted within the past 5
19 years of battery, assault, aggravated assault, violation of
20 an order of protection, or a substantially similar offense in
21 another jurisdiction, in which a firearm was used or
22 possessed;

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

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

29 (n) A person who is prohibited from acquiring or
30 possessing firearms or firearm ammunition by any Illinois
31 State statute or by federal law; or;

32 (o) A person who, in this or any other jurisdiction, is
33 on bond or awaiting a preliminary hearing, trial, or
34 sentencing for the commission of:

- 1 A. a felony; or
- 2 B. the offense of domestic battery in Illinois or a
- 3 substantially similar offense in another jurisdiction; or
- 4 C. a violation of Article 24 of the Criminal Code
- 5 of 1961 or of this Act in Illinois or substantially
- 6 similar laws of another jurisdiction pertaining to
- 7 firearms.

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