



Rep. Deb Conroy

Filed: 2/26/2018

10000HB1664ham001

LRB100 03198 SLF 36702 a

1 AMENDMENT TO HOUSE BILL 1664

2 AMENDMENT NO. _____. Amend House Bill 1664 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 (Text of Section before amendment by P.A. 100-512 and
8 100-517)

9 Sec. 7.5. Statutory exemptions. To the extent provided for
10 by the statutes referenced below, the following shall be exempt
11 from inspection and copying:

12 (a) All information determined to be confidential
13 under Section 4002 of the Technology Advancement and
14 Development Act.

15 (b) Library circulation and order records identifying
16 library users with specific materials under the Library

1 Records Confidentiality Act.

2 (c) Applications, related documents, and medical
3 records received by the Experimental Organ Transplantation
4 Procedures Board and any and all documents or other records
5 prepared by the Experimental Organ Transplantation
6 Procedures Board or its staff relating to applications it
7 has received.

8 (d) Information and records held by the Department of
9 Public Health and its authorized representatives relating
10 to known or suspected cases of sexually transmissible
11 disease or any information the disclosure of which is
12 restricted under the Illinois Sexually Transmissible
13 Disease Control Act.

14 (e) Information the disclosure of which is exempted
15 under Section 30 of the Radon Industry Licensing Act.

16 (f) Firm performance evaluations under Section 55 of
17 the Architectural, Engineering, and Land Surveying
18 Qualifications Based Selection Act.

19 (g) Information the disclosure of which is restricted
20 and exempted under Section 50 of the Illinois Prepaid
21 Tuition Act.

22 (h) Information the disclosure of which is exempted
23 under the State Officials and Employees Ethics Act, and
24 records of any lawfully created State or local inspector
25 general's office that would be exempt if created or
26 obtained by an Executive Inspector General's office under

1 that Act.

2 (i) Information contained in a local emergency energy
3 plan submitted to a municipality in accordance with a local
4 emergency energy plan ordinance that is adopted under
5 Section 11-21.5-5 of the Illinois Municipal Code.

6 (j) Information and data concerning the distribution
7 of surcharge moneys collected and remitted by carriers
8 under the Emergency Telephone System Act.

9 (k) Law enforcement officer identification information
10 or driver identification information compiled by a law
11 enforcement agency or the Department of Transportation
12 under Section 11-212 of the Illinois Vehicle Code.

13 (l) Records and information provided to a residential
14 health care facility resident sexual assault and death
15 review team or the Executive Council under the Abuse
16 Prevention Review Team Act.

17 (m) Information provided to the predatory lending
18 database created pursuant to Article 3 of the Residential
19 Real Property Disclosure Act, except to the extent
20 authorized under that Article.

21 (n) Defense budgets and petitions for certification of
22 compensation and expenses for court appointed trial
23 counsel as provided under Sections 10 and 15 of the Capital
24 Crimes Litigation Act. This subsection (n) shall apply
25 until the conclusion of the trial of the case, even if the
26 prosecution chooses not to pursue the death penalty prior

1 to trial or sentencing.

2 (o) Information that is prohibited from being
3 disclosed under Section 4 of the Illinois Health and
4 Hazardous Substances Registry Act.

5 (p) Security portions of system safety program plans,
6 investigation reports, surveys, schedules, lists, data, or
7 information compiled, collected, or prepared by or for the
8 Regional Transportation Authority under Section 2.11 of
9 the Regional Transportation Authority Act or the St. Clair
10 County Transit District under the Bi-State Transit Safety
11 Act.

12 (q) Information prohibited from being disclosed by the
13 Personnel Records Review Act.

14 (r) Information prohibited from being disclosed by the
15 Illinois School Student Records Act.

16 (s) Information the disclosure of which is restricted
17 under Section 5-108 of the Public Utilities Act.

18 (t) All identified or deidentified health information
19 in the form of health data or medical records contained in,
20 stored in, submitted to, transferred by, or released from
21 the Illinois Health Information Exchange, and identified
22 or deidentified health information in the form of health
23 data and medical records of the Illinois Health Information
24 Exchange in the possession of the Illinois Health
25 Information Exchange Authority due to its administration
26 of the Illinois Health Information Exchange. The terms

1 "identified" and "deidentified" shall be given the same
2 meaning as in the Health Insurance Portability and
3 Accountability Act of 1996, Public Law 104-191, or any
4 subsequent amendments thereto, and any regulations
5 promulgated thereunder.

6 (u) Records and information provided to an independent
7 team of experts under Brian's Law.

8 (v) Names and information of people who have applied
9 for or received Firearm Owner's Identification Cards under
10 the Firearm Owners Identification Card Act or applied for
11 or received a concealed carry license under the Firearm
12 Concealed Carry Act, unless otherwise authorized by the
13 Firearm Concealed Carry Act; and databases under the
14 Firearm Concealed Carry Act, records of the Concealed Carry
15 Licensing Review Board under the Firearm Concealed Carry
16 Act, and law enforcement agency objections under the
17 Firearm Concealed Carry Act.

18 (w) Personally identifiable information which is
19 exempted from disclosure under subsection (g) of Section
20 19.1 of the Toll Highway Act.

21 (x) Information which is exempted from disclosure
22 under Section 5-1014.3 of the Counties Code or Section
23 8-11-21 of the Illinois Municipal Code.

24 (y) Confidential information under the Adult
25 Protective Services Act and its predecessor enabling
26 statute, the Elder Abuse and Neglect Act, including

1 information about the identity and administrative finding
2 against any caregiver of a verified and substantiated
3 decision of abuse, neglect, or financial exploitation of an
4 eligible adult maintained in the Registry established
5 under Section 7.5 of the Adult Protective Services Act.

6 (z) Records and information provided to a fatality
7 review team or the Illinois Fatality Review Team Advisory
8 Council under Section 15 of the Adult Protective Services
9 Act.

10 (aa) Information which is exempted from disclosure
11 under Section 2.37 of the Wildlife Code.

12 (bb) Information which is or was prohibited from
13 disclosure by the Juvenile Court Act of 1987.

14 (cc) Recordings made under the Law Enforcement
15 Officer-Worn Body Camera Act, except to the extent
16 authorized under that Act.

17 (dd) Information that is prohibited from being
18 disclosed under Section 45 of the Condominium and Common
19 Interest Community Ombudsperson Act.

20 (ee) Information that is exempted from disclosure
21 under Section 30.1 of the Pharmacy Practice Act.

22 (ff) Information that is exempted from disclosure
23 under the Revised Uniform Unclaimed Property Act.

24 (gg) ~~(ff)~~ Information that is prohibited from being
25 disclosed under Section 7-603.5 of the Illinois Vehicle
26 Code.

1 (hh) ~~(ff)~~ Records that are exempt from disclosure under
2 Section 1A-16.7 of the Election Code.

3 (ii) ~~(ff)~~ Information which is exempted from
4 disclosure under Section 2505-800 of the Department of
5 Revenue Law of the Civil Administrative Code of Illinois.

6 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
7 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
8 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
9 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
10 8-28-17; 100-465, eff. 8-31-17; revised 11-2-17.)

11 (Text of Section after amendment by P.A. 100-517 but before
12 amendment by P.A. 100-512)

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14 by the statutes referenced below, the following shall be exempt
15 from inspection and copying:

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18 Development Act.

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20 library users with specific materials under the Library
21 Records Confidentiality Act.

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15 and exempted under Section 50 of the Illinois Prepaid
16 Tuition Act.

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19 records of any lawfully created State or local inspector
20 general's office that would be exempt if created or
21 obtained by an Executive Inspector General's office under
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24 plan submitted to a municipality in accordance with a local
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2 of surcharge moneys collected and remitted by carriers
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13 database created pursuant to Article 3 of the Residential
14 Real Property Disclosure Act, except to the extent
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22 (hh) ~~(ff)~~ Records that are exempt from disclosure under
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24 (ii) ~~(ff)~~ Information which is exempted from
25 disclosure under Section 2505-800 of the Department of
26 Revenue Law of the Civil Administrative Code of Illinois.

1 (jj) ~~(ff)~~ Information and reports that are required to
2 be submitted to the Department of Labor by registering day
3 and temporary labor service agencies but are exempt from
4 disclosure under subsection (a-1) of Section 45 of the Day
5 and Temporary Labor Services Act.

6 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
7 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
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26 Revenue Law of the Civil Administrative Code of Illinois.

1 (jj) ~~(ff)~~ Information and reports that are required to
2 be submitted to the Department of Labor by registering day
3 and temporary labor service agencies but are exempt from
4 disclosure under subsection (a-1) of Section 45 of the Day
5 and Temporary Labor Services Act.

6 (kk) ~~(ff)~~ Information prohibited from disclosure under
7 the Seizure and Forfeiture Reporting Act.

8 (ll) Records that are exempt from disclosure under
9 Section 2605-477 of the Department of State Police Law of
10 the Civil Administrative Code of Illinois.

11 (Source: P.A. 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352,
12 eff. 1-1-16; 99-642, eff. 7-28-16; 99-776, eff. 8-12-16;
13 99-863, eff. 8-19-16; 100-20, eff. 7-1-17; 100-22, eff. 1-1-18;
14 100-201, eff. 8-18-17; 100-373, eff. 1-1-18; 100-464, eff.
15 8-28-17; 100-465, eff. 8-31-17; 100-512, eff. 7-1-18; 100-517,
16 eff. 6-1-18; revised 11-2-17.)

17 Section 10. The Department of State Police Law of the Civil
18 Administrative Code of Illinois is amended by adding Section
19 2605-477 as follows:

20 (20 ILCS 2605/2605-477 new)

21 Sec. 2605-477. Dangerous Persons Hotline.

22 (a) The Department of State Police shall provide a
23 Dangerous Persons Hotline to consist of a website and a
24 toll-free number to enable a person to notify the Department if

1 the person has a reason to believe another person is: (1) a
2 clear and present danger to himself or herself or another
3 person; and (2) in possession of, or has access to, a firearm.

4 (b) The hotline shall permit a person with the option to
5 report anonymously. The Department shall keep records of the
6 accounts taken by the hotline which shall not be subject to
7 disclosure under Section 7.5 of the Freedom of Information Act.
8 The Department shall, by rule, establish procedures for the
9 Dangerous Persons Hotline.

10 Section 15. The School Code is amended by adding Sections
11 10-20.67 and 10-30 as follows:

12 (105 ILCS 5/10-20.67 new)

13 Sec. 10-20.67. Dangerous Persons Hotline.

14 (a) The Department of State Police shall, in cooperation
15 with each school board, distribute appropriate materials in
16 school buildings listing the toll-free telephone number and
17 website established in conjunction with the Dangerous Persons
18 Hotline established under Section 2605-477 of the Department of
19 State Police Law of the Civil Administrative Code of Illinois,
20 including methods of making a report, which shall be displayed
21 in a clearly visible location in each school building.

22 (b) Each school board shall send a letter to parents
23 informing them of the Dangerous Persons Hotline established
24 under Section 2605-477 of the Department of State Police Law of

1 the Civil Administrative Code of Illinois and place this
2 information on the school board's website.

3 (105 ILCS 5/10-30 new)

4 Sec. 10-30. Dangerous Persons Hotline.

5 (a) The Department of State Police shall, in cooperation
6 with the board, distribute appropriate materials in school
7 buildings listing the toll-free telephone number and website
8 established in conjunction with the Dangerous Persons Hotline
9 established under Section 2605-477 of the Department of State
10 Police Law of the Civil Administrative Code of Illinois,
11 including methods of making a report, which shall be displayed
12 in a clearly visible location in each school building.

13 (b) The board shall send a letter to parents informing them
14 of the Dangerous Persons Hotline established under Section
15 2605-477 of the Department of State Police Law of the Civil
16 Administrative Code of Illinois and place this information on
17 the board's website.

18 Section 20. The Firearm Owners Identification Card Act is
19 amended by changing Sections 1.1, 4, 8, and 10 as follows:

20 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

21 Sec. 1.1. For purposes of this Act:

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

23 (1) convicted of an offense involving the use or

1 possession of cannabis, a controlled substance, or
2 methamphetamine within the past year; or

3 (2) determined by the Department of State Police to be
4 addicted to narcotics based upon federal law or federal
5 guidelines.

6 "Addicted to narcotics" does not include possession or use
7 of a prescribed controlled substance under the direction and
8 authority of a physician or other person authorized to
9 prescribe the controlled substance when the controlled
10 substance is used in the prescribed manner.

11 "Adjudicated as a person with a mental disability" means
12 the person is the subject of a determination by a court, board,
13 commission or other lawful authority that the person, as a
14 result of marked subnormal intelligence, or mental illness,
15 mental impairment, incompetency, condition, or disease:

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

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

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

23 (3.5) is guilty but mentally ill, as provided in
24 Section 5-2-6 of the Unified Code of Corrections;

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

26 (5) is not guilty by reason of lack of mental

1 responsibility under Articles 50a and 72b of the Uniform
2 Code of Military Justice, 10 U.S.C. 850a, 876b;

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

6 (7) is a sexually dangerous person under the Sexually
7 Dangerous Persons Act;

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

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

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

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

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

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

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

24 (1) communicates a serious threat of physical violence
25 against a reasonably identifiable victim or poses a clear
26 and imminent risk of serious physical injury to himself,

1 herself, or another person as determined by a physician,
2 clinical psychologist, or qualified examiner; or

3 (2) demonstrates threatening physical or verbal
4 behavior, such as violent, suicidal, or assaultive
5 threats, actions, or other behavior, as determined by a
6 physician, clinical psychologist, qualified examiner,
7 school administrator, or law enforcement official.

8 "Clinical psychologist" has the meaning provided in
9 Section 1-103 of the Mental Health and Developmental
10 Disabilities Code.

11 "Controlled substance" means a controlled substance or
12 controlled substance analog as defined in the Illinois
13 Controlled Substances Act.

14 "Counterfeit" means to copy or imitate, without legal
15 authority, with intent to deceive.

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

19 "Firearm" means any device, by whatever name known, which
20 is designed to expel a projectile or projectiles by the action
21 of an explosion, expansion of gas or escape of gas; excluding,
22 however:

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

1 (1.1) any pneumatic gun, spring gun, paint ball gun, or
2 B-B gun which expels breakable paint balls containing
3 washable marking colors;

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

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

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

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

19 (1) any ammunition exclusively designed for use with a
20 device used exclusively for signalling or safety and
21 required or recommended by the United States Coast Guard or
22 the Interstate Commerce Commission; and

23 (2) any ammunition designed exclusively for use with a
24 stud or rivet driver or other similar industrial
25 ammunition.

26 "Gun show" means an event or function:

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

5 (2) at which not less than 10 gun show vendors display,
6 offer, or exhibit for sale, sell, transfer, or exchange
7 firearms.

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

18 Unless otherwise expressly stated, "gun show" does not
19 include training or safety classes, competitive shooting
20 events, such as rifle, shotgun, or handgun matches, trap,
21 skeet, or sporting clays shoots, dinners, banquets, raffles, or
22 any other event where the sale or transfer of firearms is not
23 the primary course of business.

24 "Gun show promoter" means a person who organizes or
25 operates a gun show.

26 "Gun show vendor" means a person who exhibits, sells,

1 offers for sale, transfers, or exchanges any firearms at a gun
2 show, regardless of whether the person arranges with a gun show
3 promoter for a fixed location from which to exhibit, sell,
4 offer for sale, transfer, or exchange any firearm.

5 "Involuntarily admitted" has the meaning as prescribed in
6 Sections 1-119 and 1-119.1 of the Mental Health and
7 Developmental Disabilities Code.

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

19 "National governing body" means a group of persons who
20 adopt rules and formulate policy on behalf of a national
21 firearm sporting organization.

22 "Patient" means:

23 (1) a person who:

24 (a) is admitted as an in-patient or resident of a
25 public or private mental health facility for mental
26 health treatment under Chapter III of the Mental Health

1 and Developmental Disabilities Code as an informal
2 admission under Article III, a voluntary admission
3 under Article IV, a minor admission under Article V, an
4 emergency admission under Article VI, or an
5 involuntary admission under Article VII; or

6 (b) is otherwise provided mental health treatment
7 as an in-patient or resident by a ~~voluntarily receives~~
8 ~~mental health treatment as an in patient or resident of~~
9 ~~any~~ public or private mental health facility, unless
10 the treatment was solely for an alcohol abuse disorder
11 and no other secondary substance abuse disorder or
12 mental illness; or

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

18 "Person with a developmental disability" means a person
19 with a disability which is attributable to any other condition
20 which results in impairment similar to that caused by an
21 intellectual disability and which requires services similar to
22 those required by persons with intellectual disabilities. The
23 disability must originate before the age of 18 years, be
24 expected to continue indefinitely, and constitute a
25 substantial disability. This disability results, in the
26 professional opinion of a physician, clinical psychologist, or

1 qualified examiner, in significant functional limitations in 3
2 or more of the following areas of major life activity:

- 3 (i) self-care;
4 (ii) receptive and expressive language;
5 (iii) learning;
6 (iv) mobility; or
7 (v) self-direction.

8 "Person with an intellectual disability" means a person
9 with a significantly subaverage general intellectual
10 functioning which exists concurrently with impairment in
11 adaptive behavior and which originates before the age of 18
12 years.

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

15 "Qualified examiner" has the meaning provided in Section
16 1-122 of the Mental Health and Developmental Disabilities Code.

17 "Sanctioned competitive shooting event" means a shooting
18 contest officially recognized by a national or state shooting
19 sport association, and includes any sight-in or practice
20 conducted in conjunction with the event.

21 "School administrator" means the person required to report
22 under the School Administrator Reporting of Mental Health Clear
23 and Present Danger Determinations Law.

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

26 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,

1 eff. 7-27-15; 99-642, eff. 7-28-16.)

2 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

3 Sec. 4. (a) Each applicant for a Firearm Owner's
4 Identification Card must:

5 (1) Make application on blank forms prepared and
6 furnished at convenient locations throughout the State by
7 the Department of State Police, or by electronic means, if
8 and when made available by the Department of State Police;
9 and

10 (2) Submit evidence to the Department of State Police
11 that:

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

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

1 (iii) He or she is not addicted to narcotics;

2 (iv) He or she has not been a patient in a mental
3 health facility within the past 10 ~~5~~ years or, if he or
4 she has been a patient in a mental health facility more
5 than 10 ~~5~~ years ago submit the certification required
6 under subsection (u) of Section 8 of this Act;

7 (v) He or she is not a person with an intellectual
8 disability;

9 (vi) He or she is not an alien who is unlawfully
10 present in the United States under the laws of the
11 United States;

12 (vii) He or she is not subject to an existing order
13 of protection prohibiting him or her from possessing a
14 firearm;

15 (viii) He or she has not been convicted within the
16 past 5 years of battery, assault, aggravated assault,
17 violation of an order of protection, or a substantially
18 similar offense in another jurisdiction, in which a
19 firearm was used or possessed;

20 (ix) He or she has not been convicted of domestic
21 battery, aggravated domestic battery, or a
22 substantially similar offense in another jurisdiction
23 committed before, on or after January 1, 2012 (the
24 effective date of Public Act 97-158). If the applicant
25 knowingly and intelligently waives the right to have an
26 offense described in this clause (ix) tried by a jury,

1 and by guilty plea or otherwise, results in a
2 conviction for an offense in which a domestic
3 relationship is not a required element of the offense
4 but in which a determination of the applicability of 18
5 U.S.C. 922(g) (9) is made under Section 112A-11.1 of the
6 Code of Criminal Procedure of 1963, an entry by the
7 court of a judgment of conviction for that offense
8 shall be grounds for denying the issuance of a Firearm
9 Owner's Identification Card under this Section;

10 (x) (Blank);

11 (xi) He or she is not an alien who has been
12 admitted to the United States under a non-immigrant
13 visa (as that term is defined in Section 101(a) (26) of
14 the Immigration and Nationality Act (8 U.S.C.
15 1101(a) (26))), or that he or she is an alien who has
16 been lawfully admitted to the United States under a
17 non-immigrant visa if that alien is:

18 (1) admitted to the United States for lawful
19 hunting or sporting purposes;

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

22 (A) accredited to the United States
23 Government or the Government's mission to an
24 international organization having its
25 headquarters in the United States; or

26 (B) en route to or from another country to

1 which that alien is accredited;

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

5 (4) a foreign law enforcement officer of a
6 friendly foreign government entering the United
7 States on official business; or

8 (5) one who has received a waiver from the
9 Attorney General of the United States pursuant to
10 18 U.S.C. 922(y)(3);

11 (xii) He or she is not a minor subject to a
12 petition filed under Section 5-520 of the Juvenile
13 Court Act of 1987 alleging that the minor is a
14 delinquent minor for the commission of an offense that
15 if committed by an adult would be a felony;

16 (xiii) He or she is not an adult who had been
17 adjudicated a delinquent minor under the Juvenile
18 Court Act of 1987 for the commission of an offense that
19 if committed by an adult would be a felony;

20 (xiv) He or she is a resident of the State of
21 Illinois;

22 (xv) He or she has not been adjudicated as a person
23 with a mental disability;

24 (xvi) He or she has not been involuntarily admitted
25 into a mental health facility; and

26 (xvii) He or she is not a person with a

1 developmental disability; and

2 (3) Upon request by the Department of State Police,
3 sign a release on a form prescribed by the Department of
4 State Police waiving any right to confidentiality and
5 requesting the disclosure to the Department of State Police
6 of limited mental health institution admission information
7 from another state, the District of Columbia, any other
8 territory of the United States, or a foreign nation
9 concerning the applicant for the sole purpose of
10 determining whether the applicant is or was a patient in a
11 mental health institution and disqualified because of that
12 status from receiving a Firearm Owner's Identification
13 Card. No mental health care or treatment records may be
14 requested. The information received shall be destroyed
15 within one year of receipt.

16 (a-5) Each applicant for a Firearm Owner's Identification
17 Card who is over the age of 18 shall furnish to the Department
18 of State Police either his or her Illinois driver's license
19 number or Illinois Identification Card number, except as
20 provided in subsection (a-10).

21 (a-10) Each applicant for a Firearm Owner's Identification
22 Card, who is employed as a law enforcement officer, an armed
23 security officer in Illinois, or by the United States Military
24 permanently assigned in Illinois and who is not an Illinois
25 resident, shall furnish to the Department of State Police his
26 or her driver's license number or state identification card

1 number from his or her state of residence. The Department of
2 State Police may adopt rules to enforce the provisions of this
3 subsection (a-10).

4 (a-15) If an applicant applying for a Firearm Owner's
5 Identification Card moves from the residence address named in
6 the application, he or she shall immediately notify in a form
7 and manner prescribed by the Department of State Police of that
8 change of address.

9 (a-20) Each applicant for a Firearm Owner's Identification
10 Card shall furnish to the Department of State Police his or her
11 photograph. An applicant who is 21 years of age or older
12 seeking a religious exemption to the photograph requirement
13 must furnish with the application an approved copy of United
14 States Department of the Treasury Internal Revenue Service Form
15 4029. In lieu of a photograph, an applicant regardless of age
16 seeking a religious exemption to the photograph requirement
17 shall submit fingerprints on a form and manner prescribed by
18 the Department with his or her application.

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

25 (c) Upon such written consent, pursuant to Section 4,
26 paragraph (a)(2)(i), the parent or legal guardian giving the

1 consent shall be liable for any damages resulting from the
2 applicant's use of firearms or firearm ammunition.

3 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

4 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

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

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

22 (d) A person addicted to narcotics;

23 (e) A person who has been a patient of a mental health
24 facility within the past 10 ~~5~~ years or a person who has
25 been a patient in a mental health facility more than 10 ~~5~~

1 years ago who has not received the certification required
2 under subsection (u) of this Section. An active law
3 enforcement officer employed by a unit of government who is
4 denied, revoked, or has his or her Firearm Owner's
5 Identification Card seized under this subsection (e) may
6 obtain relief as described in subsection (c-5) of Section
7 10 of this Act if the officer did not act in a manner
8 threatening to the officer, another person, or the public
9 as determined by the treating clinical psychologist or
10 physician, and the officer seeks mental health treatment;

11 (f) A person whose mental condition is of such a nature
12 that it poses a clear and present danger to the applicant,
13 any other person or persons, or the community. The
14 Department may order an applicant or a current Firearm
15 Owner's Identification Card holder to undergo a mental
16 health screening to determine if the person's mental
17 condition poses a clear and present danger to himself or
18 herself, any other person or persons, or the community if:
19 (1) the Department has credible information establishing
20 probable cause to believe the person presents a clear and
21 present danger to himself or herself, any other person or
22 persons, or the community; or (2) if the person was a
23 patient at a mental health facility more than 10 years ago.
24 The Department may delay the issuance of a Firearm Owner's
25 Identification Card or suspend a current holder's card for
26 a period not to exceed 90 days until a mental condition

1 determination is made. If the applicant or Firearm Owner's
2 Identification Card holder does not submit to the mental
3 health screening, the application shall be denied or the
4 Firearm Owner's Identification Card shall be revoked;
5 however, the applicant or Firearm Owner's Identification
6 Card holder may request an extension of time to comply for
7 good cause determined by the Department. The Department may
8 designate mental health providers eligible to provide
9 mental health screenings under this subsection (f) whose
10 cost shall be paid by the applicant or current Firearm
11 Owner's Identification Card holder;

12 (g) A person who has an intellectual disability;

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

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

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

24 (1) admitted to the United States for lawful
25 hunting or sporting purposes;

26 (2) an official representative of a foreign

1 government who is:

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

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

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

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

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

17 (j) (Blank);

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

23 (l) A person who has been convicted of domestic
24 battery, aggravated domestic battery, or a substantially
25 similar offense in another jurisdiction committed before,
26 on or after January 1, 2012 (the effective date of Public

1 Act 97-158). If the applicant or person who has been
2 previously issued a Firearm Owner's Identification Card
3 under this Act knowingly and intelligently waives the right
4 to have an offense described in this paragraph (1) tried by
5 a jury, and by guilty plea or otherwise, results in a
6 conviction for an offense in which a domestic relationship
7 is not a required element of the offense but in which a
8 determination of the applicability of 18 U.S.C. 922(g)(9)
9 is made under Section 112A-11.1 of the Code of Criminal
10 Procedure of 1963, an entry by the court of a judgment of
11 conviction for that offense shall be grounds for denying an
12 application for and for revoking and seizing a Firearm
13 Owner's Identification Card previously issued to the
14 person under this Act;

15 (m) (Blank);

16 (n) A person who is prohibited from acquiring or
17 possessing firearms or firearm ammunition by any Illinois
18 State statute or by federal law;

19 (o) A minor subject to a petition filed under Section
20 5-520 of the Juvenile Court Act of 1987 alleging that the
21 minor is a delinquent minor for the commission of an
22 offense that if committed by an adult would be a felony;

23 (p) An adult who had been adjudicated a delinquent
24 minor under the Juvenile Court Act of 1987 for the
25 commission of an offense that if committed by an adult
26 would be a felony;

1 (q) A person who is not a resident of the State of
2 Illinois, except as provided in subsection (a-10) of
3 Section 4;

4 (r) A person who has been adjudicated as a person with
5 a mental disability;

6 (s) A person who has been found to have a developmental
7 disability;

8 (t) A person involuntarily admitted into a mental
9 health facility; or

10 (u) A person who has had his or her Firearm Owner's
11 Identification Card revoked or denied under subsection (e)
12 of this Section or item (iv) of paragraph (2) of subsection
13 (a) of Section 4 of this Act because he or she was a
14 patient in a mental health facility as provided in
15 subsection (e) of this Section, shall not be permitted to
16 obtain a Firearm Owner's Identification Card, after the
17 10-year ~~5-year~~ period has lapsed, unless he or she has
18 received a mental health evaluation by a physician,
19 clinical psychologist, or qualified examiner as those
20 terms are defined in the Mental Health and Developmental
21 Disabilities Code, and has received a certification that he
22 or she is not a clear and present danger to himself,
23 herself, or others. The physician, clinical psychologist,
24 or qualified examiner making the certification and his or
25 her employer shall not be held criminally, civilly, or
26 professionally liable for making or not making the

1 certification required under this subsection, except for
2 willful or wanton misconduct. This subsection does not
3 apply to a person whose firearm possession rights have been
4 restored through administrative or judicial action under
5 Section 10 or 11 of this Act.

6 Upon revocation of a person's Firearm Owner's
7 Identification Card, the Department of State Police shall
8 provide notice to the person and the person shall comply with
9 Section 9.5 of this Act.

10 (Source: P.A. 98-63, eff. 7-9-13; 98-508, eff. 8-19-13; 98-756,
11 eff. 7-16-14; 99-143, eff. 7-27-15.)

12 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

13 Sec. 10. Appeal to director; hearing; relief from firearm
14 prohibitions.

15 (a) Whenever an application for a Firearm Owner's
16 Identification Card is denied, whenever the Department fails to
17 act on an application within 30 days of its receipt, or
18 whenever such a Card is revoked or seized as provided for in
19 Section 8 of this Act, the aggrieved party may appeal to the
20 Director of State Police for a hearing upon such denial,
21 revocation or seizure, unless the denial, revocation, or
22 seizure was based upon a forcible felony, stalking, aggravated
23 stalking, domestic battery, any violation of the Illinois
24 Controlled Substances Act, the Methamphetamine Control and
25 Community Protection Act, or the Cannabis Control Act that is

1 classified as a Class 2 or greater felony, any felony violation
2 of Article 24 of the Criminal Code of 1961 or the Criminal Code
3 of 2012, or any adjudication as a delinquent minor for the
4 commission of an offense that if committed by an adult would be
5 a felony, in which case the aggrieved party may petition the
6 circuit court in writing in the county of his or her residence
7 for a hearing upon such denial, revocation, or seizure.

8 (b) At least 30 days before any hearing in the circuit
9 court, the petitioner shall serve the relevant State's Attorney
10 with a copy of the petition. The State's Attorney may object to
11 the petition and present evidence. At the hearing the court
12 shall determine whether substantial justice has been done.
13 Should the court determine that substantial justice has not
14 been done, the court shall issue an order directing the
15 Department of State Police to issue a Card. However, the court
16 shall not issue the order if the petitioner is otherwise
17 prohibited from obtaining, possessing, or using a firearm under
18 federal law.

19 (c) Any person prohibited from possessing a firearm under
20 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
21 acquiring a Firearm Owner's Identification Card under Section 8
22 of this Act may apply to the Director of State Police or
23 petition the circuit court in the county where the petitioner
24 resides, whichever is applicable in accordance with subsection
25 (a) of this Section, requesting relief from such prohibition
26 and the Director or court may grant such relief if it is

1 established by the applicant to the court's or Director's
2 satisfaction that:

3 (0.05) when in the circuit court, the State's Attorney
4 has been served with a written copy of the petition at
5 least 30 days before any such hearing in the circuit court
6 and at the hearing the State's Attorney was afforded an
7 opportunity to present evidence and object to the petition;

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

14 (2) the circumstances regarding a criminal conviction,
15 where applicable, the applicant's criminal history and his
16 reputation are such that the applicant will not be likely
17 to act in a manner dangerous to public safety;

18 (3) granting relief would not be contrary to the public
19 interest; and

20 (4) granting relief would not be contrary to federal
21 law.

22 (c-5) (1) An active law enforcement officer employed by a
23 unit of government, who is denied, revoked, or has his or her
24 Firearm Owner's Identification Card seized under subsection
25 (e) of Section 8 of this Act may apply to the Director of State
26 Police requesting relief if the officer did not act in a manner

1 threatening to the officer, another person, or the public as
2 determined by the treating clinical psychologist or physician,
3 and as a result of his or her work is referred by the employer
4 for or voluntarily seeks mental health evaluation or treatment
5 by a licensed clinical psychologist, psychiatrist, or
6 qualified examiner, and:

7 (A) the officer has not received treatment
8 involuntarily at a mental health facility, regardless of
9 the length of admission; or has not been voluntarily
10 admitted to a mental health facility for more than 30 days
11 and not for more than one incident within the past 10 ~~5~~
12 years; and

13 (B) the officer has not left the mental institution
14 against medical advice.

15 (2) The Director of State Police shall grant expedited
16 relief to active law enforcement officers described in
17 paragraph (1) of this subsection (c-5) upon a determination by
18 the Director that the officer's possession of a firearm does
19 not present a threat to themselves, others, or public safety.
20 The Director shall act on the request for relief within 30
21 business days of receipt of:

22 (A) a notarized statement from the officer in the form
23 prescribed by the Director detailing the circumstances
24 that led to the hospitalization;

25 (B) all documentation regarding the admission,
26 evaluation, treatment and discharge from the treating

1 licensed clinical psychologist or psychiatrist of the
2 officer;

3 (C) a psychological fitness for duty evaluation of the
4 person completed after the time of discharge; and

5 (D) written confirmation in the form prescribed by the
6 Director from the treating licensed clinical psychologist
7 or psychiatrist that the provisions set forth in paragraph
8 (1) of this subsection (c-5) have been met, the person
9 successfully completed treatment, and their professional
10 opinion regarding the person's ability to possess
11 firearms.

12 (3) Officers eligible for the expedited relief in paragraph
13 (2) of this subsection (c-5) have the burden of proof on
14 eligibility and must provide all information required. The
15 Director may not consider granting expedited relief until the
16 proof and information is received.

17 (4) "Clinical psychologist", "psychiatrist", and
18 "qualified examiner" shall have the same meaning as provided in
19 Chapter I of the Mental Health and Developmental Disabilities
20 Code.

21 (c-10) (1) An applicant, who is denied, revoked, or has his
22 or her Firearm Owner's Identification Card seized under
23 subsection (e) of Section 8 of this Act based upon a
24 determination of a developmental disability or an intellectual
25 disability may apply to the Director of State Police requesting
26 relief.

1 (2) The Director shall act on the request for relief within
2 60 business days of receipt of written certification, in the
3 form prescribed by the Director, from a physician or clinical
4 psychologist, or qualified examiner, that the aggrieved
5 party's developmental disability or intellectual disability
6 condition is determined by a physician, clinical psychologist,
7 or qualified to be mild. If a fact-finding conference is
8 scheduled to obtain additional information concerning the
9 circumstances of the denial or revocation, the 60 business days
10 the Director has to act shall be tolled until the completion of
11 the fact-finding conference.

12 (3) The Director may grant relief if the aggrieved party's
13 developmental disability or intellectual disability is mild as
14 determined by a physician, clinical psychologist, or qualified
15 examiner and it is established by the applicant to the
16 Director's satisfaction that:

17 (A) granting relief would not be contrary to the public
18 interest; and

19 (B) granting relief would not be contrary to federal
20 law.

21 (4) The Director may not grant relief if the condition is
22 determined by a physician, clinical psychologist, or qualified
23 examiner to be moderate, severe, or profound.

24 (5) The changes made to this Section by this amendatory Act
25 of the 99th General Assembly apply to requests for relief
26 pending on or before the effective date of this amendatory Act,

1 except that the 60-day period for the Director to act on
2 requests pending before the effective date shall begin on the
3 effective date of this amendatory Act.

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

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

18 (f) Any person who is subject to the disabilities of 18
19 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
20 of 1968 because of an adjudication or commitment that occurred
21 under the laws of this State or who was determined to be
22 subject to the provisions of subsections (e), (f), or (g) of
23 Section 8 of this Act may apply to the Department of State
24 Police requesting relief from that prohibition. The Director
25 shall grant the relief if it is established by a preponderance
26 of the evidence that the person will not be likely to act in a

1 manner dangerous to public safety and that granting relief
2 would not be contrary to the public interest. In making this
3 determination, the Director shall receive evidence concerning
4 (i) the circumstances regarding the firearms disabilities from
5 which relief is sought; (ii) the petitioner's mental health and
6 criminal history records, if any; (iii) the petitioner's
7 reputation, developed at a minimum through character witness
8 statements, testimony, or other character evidence; and (iv)
9 changes in the petitioner's condition or circumstances since
10 the disqualifying events relevant to the relief sought. If
11 relief is granted under this subsection or by order of a court
12 under this Section, the Director shall as soon as practicable
13 but in no case later than 15 business days, update, correct,
14 modify, or remove the person's record in any database that the
15 Department of State Police makes available to the National
16 Instant Criminal Background Check System and notify the United
17 States Attorney General that the basis for the record being
18 made available no longer applies. The Department of State
19 Police shall adopt rules for the administration of this
20 Section.

21 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-78,
22 eff. 7-20-15.)

23 Section 95. No acceleration or delay. Where this Act makes
24 changes in a statute that is represented in this Act by text
25 that is not yet or no longer in effect (for example, a Section

1 represented by multiple versions), the use of that text does
2 not accelerate or delay the taking effect of (i) the changes
3 made by this Act or (ii) provisions derived from any other
4 Public Act.

5 Section 99. Effective date. This Act takes effect July 1,
6 2018.".