



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4218

by Rep. Barbara Wheeler

SYNOPSIS AS INTRODUCED:

430 ILCS 65/1.1

from Ch. 38, par. 83-1.1

Amends the Firearm Owners Identification Card Act. Defines "patient" for purposes of the Act as a person who: is admitted as an in-patient or resident of a public or private mental health facility for mental health treatment under the Mental Health and Developmental Disabilities Code as an informal admission, a voluntary admission, a minor admission, an emergency admission, or an involuntary admission; or is otherwise provided mental health treatment as an in-patient or resident by a public or private mental health facility, unless the treatment was solely for an alcohol abuse disorder and no other secondary substance abuse disorder or mental illness; or a person who voluntarily or involuntarily receives mental health treatment as an out-patient or is otherwise provided services by a public or private mental health facility, and who poses a clear and present danger to himself, herself, or to others.

LRB100 16482 SLF 31613 b

1 AN ACT concerning safety.

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 Section 1.1 as follows:

6 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

7 Sec. 1.1. For purposes of this Act:

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

9 (1) convicted of an offense involving the use or
10 possession of cannabis, a controlled substance, or
11 methamphetamine within the past year; or

12 (2) determined by the Department of State Police to be
13 addicted to narcotics based upon federal law or federal
14 guidelines.

15 "Addicted to narcotics" does not include possession or use
16 of a prescribed controlled substance under the direction and
17 authority of a physician or other person authorized to
18 prescribe the controlled substance when the controlled
19 substance is used in the prescribed manner.

20 "Adjudicated as a person with a mental disability" means
21 the person is the subject of a determination by a court, board,
22 commission or other lawful authority that the person, as a
23 result of marked subnormal intelligence, or mental illness,

1 mental impairment, incompetency, condition, or disease:

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

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

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

9 (3.5) is guilty but mentally ill, as provided in
10 Section 5-2-6 of the Unified Code of Corrections;

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

12 (5) is not guilty by reason of lack of mental
13 responsibility under Articles 50a and 72b of the Uniform
14 Code of Military Justice, 10 U.S.C. 850a, 876b;

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

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

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

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

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

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

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

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

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

10 (1) communicates a serious threat of physical violence
11 against a reasonably identifiable victim or poses a clear
12 and imminent risk of serious physical injury to himself,
13 herself, or another person as determined by a physician,
14 clinical psychologist, or qualified examiner; or

15 (2) demonstrates threatening physical or verbal
16 behavior, such as violent, suicidal, or assaultive
17 threats, actions, or other behavior, as determined by a
18 physician, clinical psychologist, qualified examiner,
19 school administrator, or law enforcement official.

20 "Clinical psychologist" has the meaning provided in
21 Section 1-103 of the Mental Health and Developmental
22 Disabilities Code.

23 "Controlled substance" means a controlled substance or
24 controlled substance analog as defined in the Illinois
25 Controlled Substances Act.

26 "Counterfeit" means to copy or imitate, without legal

1 authority, with intent to deceive.

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

5 "Firearm" means any device, by whatever name known, which
6 is designed to expel a projectile or projectiles by the action
7 of an explosion, expansion of gas or escape of gas; excluding,
8 however:

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

13 (1.1) any pneumatic gun, spring gun, paint ball gun, or
14 B-B gun which expels breakable paint balls containing
15 washable marking colors;

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

19 (3) any device used exclusively for the firing of stud
20 cartridges, explosive rivets or similar industrial
21 ammunition; and

22 (4) an antique firearm (other than a machine-gun)
23 which, although designed as a weapon, the Department of
24 State Police finds by reason of the date of its
25 manufacture, value, design, and other characteristics is
26 primarily a collector's item and is not likely to be used

1 as a weapon.

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

5 (1) any ammunition exclusively designed for use with a
6 device used exclusively for signalling or safety and
7 required or recommended by the United States Coast Guard or
8 the Interstate Commerce Commission; and

9 (2) any ammunition designed exclusively for use with a
10 stud or rivet driver or other similar industrial
11 ammunition.

12 "Gun show" means an event or function:

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

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

20 "Gun show" includes the entire premises provided for an
21 event or function, including parking areas for the event or
22 function, that is sponsored to facilitate the purchase, sale,
23 transfer, or exchange of firearms as described in this Section.
24 Nothing in this definition shall be construed to exclude a gun
25 show held in conjunction with competitive shooting events at
26 the World Shooting Complex sanctioned by a national governing

1 body in which the sale or transfer of firearms is authorized
2 under subparagraph (5) of paragraph (g) of subsection (A) of
3 Section 24-3 of the Criminal Code of 2012.

4 Unless otherwise expressly stated, "gun show" does not
5 include training or safety classes, competitive shooting
6 events, such as rifle, shotgun, or handgun matches, trap,
7 skeet, or sporting clays shoots, dinners, banquets, raffles, or
8 any other event where the sale or transfer of firearms is not
9 the primary course of business.

10 "Gun show promoter" means a person who organizes or
11 operates a gun show.

12 "Gun show vendor" means a person who exhibits, sells,
13 offers for sale, transfers, or exchanges any firearms at a gun
14 show, regardless of whether the person arranges with a gun show
15 promoter for a fixed location from which to exhibit, sell,
16 offer for sale, transfer, or exchange any firearm.

17 "Involuntarily admitted" has the meaning as prescribed in
18 Sections 1-119 and 1-119.1 of the Mental Health and
19 Developmental Disabilities Code.

20 "Mental health facility" means any licensed private
21 hospital or hospital affiliate, institution, or facility, or
22 part thereof, and any facility, or part thereof, operated by
23 the State or a political subdivision thereof which provide
24 treatment of persons with mental illness and includes all
25 hospitals, institutions, clinics, evaluation facilities,
26 mental health centers, colleges, universities, long-term care

1 facilities, and nursing homes, or parts thereof, which provide
2 treatment of persons with mental illness whether or not the
3 primary purpose is to provide treatment of persons with mental
4 illness.

5 "National governing body" means a group of persons who
6 adopt rules and formulate policy on behalf of a national
7 firearm sporting organization.

8 "Patient" means:

9 (1) a person who:

10 (a) is admitted as an in-patient or resident of a
11 public or private mental health facility for mental
12 health treatment under Chapter III of the Mental Health
13 and Developmental Disabilities Code as an informal
14 admission under Article III, a voluntary admission
15 under Article IV, a minor admission under Article V, an
16 emergency admission under Article VI, or an
17 involuntary admission under Article VII; or

18 (b) is otherwise provided mental health treatment
19 as an in-patient or resident by a ~~voluntarily receives~~
20 ~~mental health treatment as an in-patient or resident of~~
21 ~~any~~ public or private mental health facility, unless
22 the treatment was solely for an alcohol abuse disorder
23 and no other secondary substance abuse disorder or
24 mental illness; or

25 (2) a person who voluntarily or involuntarily receives
26 mental health treatment as an out-patient or is otherwise

1 provided services by a public or private mental health
2 facility, and who poses a clear and present danger to
3 himself, herself, or to others.

4 "Person with a developmental disability" means a person
5 with a disability which is attributable to any other condition
6 which results in impairment similar to that caused by an
7 intellectual disability and which requires services similar to
8 those required by persons with intellectual disabilities. The
9 disability must originate before the age of 18 years, be
10 expected to continue indefinitely, and constitute a
11 substantial disability. This disability results, in the
12 professional opinion of a physician, clinical psychologist, or
13 qualified examiner, in significant functional limitations in 3
14 or more of the following areas of major life activity:

- 15 (i) self-care;
16 (ii) receptive and expressive language;
17 (iii) learning;
18 (iv) mobility; or
19 (v) self-direction.

20 "Person with an intellectual disability" means a person
21 with a significantly subaverage general intellectual
22 functioning which exists concurrently with impairment in
23 adaptive behavior and which originates before the age of 18
24 years.

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

1 "Qualified examiner" has the meaning provided in Section
2 1-122 of the Mental Health and Developmental Disabilities Code.

3 "Sanctioned competitive shooting event" means a shooting
4 contest officially recognized by a national or state shooting
5 sport association, and includes any sight-in or practice
6 conducted in conjunction with the event.

7 "School administrator" means the person required to report
8 under the School Administrator Reporting of Mental Health Clear
9 and Present Danger Determinations Law.

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

12 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
13 eff. 7-27-15; 99-642, eff. 7-28-16.)