



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5492

by Rep. Gregory Harris

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Police Training Act. Provides the annual training of police chiefs must include at least one course on the Firearm Owners Identification Card Act, the Firearm Concealed Carry Act, and firearms investigations. Amends the Firearm Owners Identification Card Act. In the definition of "clear and present danger" that the person demonstrates threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior, adds that it includes any act that is intended to cause or create a risk and does cause or create a risk of death or great bodily harm to one or more persons. 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. Permits the Department of State Police to notify the FBI if a person on the Terrorist Watchlist submits an application for a Firearm Owner's Identification Card. Makes other changes.

LRB100 20809 SLF 36299 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Illinois Police Training Act is amended by  
5 changing Section 10.7 as follows:

6 (50 ILCS 705/10.7)

7 Sec. 10.7. Mandatory training; police chief and deputy  
8 police chief. Each police chief and deputy police chief shall  
9 obtain at least 20 hours of training each year. The training  
10 must be approved by the Illinois Law Enforcement Training and  
11 Standards Board and must be related to law enforcement,  
12 management or executive development, or ethics, and must  
13 include at least one course on the Firearm Owners  
14 Identification Card Act, the Firearm Concealed Carry Act, and  
15 firearms investigations. This requirement may be satisfied by  
16 attending any training portion of a conference held by an  
17 association that represents chiefs of police that has been  
18 approved by the Illinois Law Enforcement Training and Standards  
19 Board. Any police chief and any deputy police chief, upon  
20 presentation of a certificate of completion from the person or  
21 entity conducting the training, shall be reimbursed by the  
22 municipality in accordance with the municipal policy  
23 regulating the terms of reimbursement, for his or her

1 reasonable expenses in obtaining the training required under  
2 this Section. No police chief or deputy police chief may attend  
3 any recognized training offering without the prior approval of  
4 his or her municipal mayor, manager, or immediate supervisor.

5 This Section does not apply to the City of Chicago or the  
6 Sheriff's Police Department in Cook County.

7 (Source: P.A. 94-354, eff. 1-1-06.)

8 Section 10. The Firearm Owners Identification Card Act is  
9 amended by changing Sections 1.1, 3.1, 3.3, 8, and 9.5 as  
10 follows:

11 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

12 Sec. 1.1. For purposes of this Act:

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

14 (1) convicted of an offense involving the use or  
15 possession of cannabis, a controlled substance, or  
16 methamphetamine within the past year; or

17 (2) determined by the Department of State Police to be  
18 addicted to narcotics based upon federal law or federal  
19 guidelines.

20 "Addicted to narcotics" does not include possession or use  
21 of a prescribed controlled substance under the direction and  
22 authority of a physician or other person authorized to  
23 prescribe the controlled substance when the controlled  
24 substance is used in the prescribed manner.

1 "Adjudicated as a person with a mental disability" means  
2 the person is the subject of a determination by a court, board,  
3 commission or other lawful authority that the person, as a  
4 result of marked subnormal intelligence, or mental illness,  
5 mental impairment, incompetency, condition, or disease:

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

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

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

13 (3.5) is guilty but mentally ill, as provided in  
14 Section 5-2-6 of the Unified Code of Corrections;

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

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

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

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

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

26 (9) is not guilty by reason of insanity under the

1 Juvenile Court Act of 1987;

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

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

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

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

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

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

19 (2) demonstrates threatening physical or verbal  
20 behavior, such as violent, suicidal, or assaultive  
21 threats, actions, or other behavior, as determined by a  
22 physician, clinical psychologist, qualified examiner,  
23 school administrator, or law enforcement official,  
24 including any act that is intended to cause or create a  
25 risk and does cause or create a risk of death or great  
26 bodily harm to one or more persons.

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

4 "Controlled substance" means a controlled substance or  
5 controlled substance analog as defined in the Illinois  
6 Controlled Substances Act.

7 "Counterfeit" means to copy or imitate, without legal  
8 authority, with intent to deceive.

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

12 "Firearm" means any device, by whatever name known, which  
13 is designed to expel a projectile or projectiles by the action  
14 of an explosion, expansion of gas or escape of gas; excluding,  
15 however:

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

20 (1.1) any pneumatic gun, spring gun, paint ball gun, or  
21 B-B gun which expels breakable paint balls containing  
22 washable marking colors;

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

26 (3) any device used exclusively for the firing of stud

1 cartridges, explosive rivets or similar industrial  
2 ammunition; and

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

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

12 (1) any ammunition exclusively designed for use with a  
13 device used exclusively for signalling or safety and  
14 required or recommended by the United States Coast Guard or  
15 the Interstate Commerce Commission; and

16 (2) any ammunition designed exclusively for use with a  
17 stud or rivet driver or other similar industrial  
18 ammunition.

19 "Gun show" means an event or function:

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

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

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

11 Unless otherwise expressly stated, "gun show" does not  
12 include training or safety classes, competitive shooting  
13 events, such as rifle, shotgun, or handgun matches, trap,  
14 skeet, or sporting clays shoots, dinners, banquets, raffles, or  
15 any other event where the sale or transfer of firearms is not  
16 the primary course of business.

17 "Gun show promoter" means a person who organizes or  
18 operates a gun show.

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

24 "Involuntarily admitted" has the meaning as prescribed in  
25 Sections 1-119 and 1-119.1 of the Mental Health and  
26 Developmental Disabilities Code.



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

12 "National governing body" means a group of persons who  
13 adopt rules and formulate policy on behalf of a national  
14 firearm sporting organization.

15 "Patient" means:

16 (1) a person who:

17 (a) is admitted as an in-patient or resident of a  
18 public or private mental health facility for mental  
19 health treatment under Chapter III of the Mental Health  
20 and Developmental Disabilities Code as an informal  
21 admission under Article III, a voluntary admission  
22 under Article IV, a minor admission under Article V, an  
23 emergency admission under Article VI, or an  
24 involuntary admission under Article VII; or

25 (b) is otherwise provided mental health treatment  
26 as an in-patient or resident by a ~~voluntarily receives~~

1       ~~mental health treatment as an in-patient or resident of~~  
2       ~~any~~ public or private mental health facility, unless  
3       the treatment was solely for an alcohol abuse disorder  
4       and no other secondary substance abuse disorder or  
5       mental illness; or

6       (2) a person who voluntarily or involuntarily receives  
7       mental health treatment as an out-patient or is otherwise  
8       provided services by a public or private mental health  
9       facility, and who poses a clear and present danger to  
10      himself, herself, or to others.

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

- 22           (i) self-care;
- 23           (ii) receptive and expressive language;
- 24           (iii) learning;
- 25           (iv) mobility; or
- 26           (v) self-direction.

1 "Person with an intellectual disability" means a person  
2 with a significantly subaverage general intellectual  
3 functioning which exists concurrently with impairment in  
4 adaptive behavior and which originates before the age of 18  
5 years.

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

8 "Qualified examiner" has the meaning provided in Section  
9 1-122 of the Mental Health and Developmental Disabilities Code.

10 "Sanctioned competitive shooting event" means a shooting  
11 contest officially recognized by a national or state shooting  
12 sport association, and includes any sight-in or practice  
13 conducted in conjunction with the event.

14 "School administrator" means the person required to report  
15 under the School Administrator Reporting of Mental Health Clear  
16 and Present Danger Determinations Law.

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

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

21 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

22 Sec. 3.1. Firearm transfer inquiry program ~~Dial-up system.~~

23 (a) The Department of State Police shall provide a firearm  
24 transfer inquiry program consisting of a dial up telephone  
25 system or utilize other existing technology which shall be used

1 by any federally licensed firearm dealer, gun show promoter, or  
2 gun show vendor who is to transfer a firearm, stun gun, or  
3 taser under the provisions of this Act. The Department of State  
4 Police may utilize existing technology which allows the caller  
5 to be charged a fee not to exceed \$2. Fees collected by the  
6 Department of State Police shall be deposited in the State  
7 Police Services Fund and used to provide the service.

8 (b) Upon receiving a request from a federally licensed  
9 firearm dealer, gun show promoter, or gun show vendor, the  
10 Department of State Police shall immediately approve, or within  
11 the time period established by Section 24-3 of the Criminal  
12 Code of 2012 regarding the delivery of firearms, stun guns, and  
13 tasers notify the inquiring dealer, gun show promoter, or gun  
14 show vendor of any objection that would disqualify the  
15 transferee from acquiring or possessing a firearm, stun gun, or  
16 taser. In conducting the inquiry, the Department of State  
17 Police shall initiate and complete an automated search of its  
18 criminal history record information files and those of the  
19 Federal Bureau of Investigation, including the National  
20 Instant Criminal Background Check System, and of the files of  
21 the Department of Human Services relating to mental health and  
22 developmental disabilities to obtain any felony conviction or  
23 patient hospitalization information which would disqualify a  
24 person from obtaining or require revocation of a currently  
25 valid Firearm Owner's Identification Card.

26 (c) If receipt of a firearm would not violate Section 24-3

1 of the Criminal Code of 2012, federal law, or this Act the  
2 Department of State Police shall:

3 (1) assign a unique identification number to the  
4 transfer; and

5 (2) provide the licensee, gun show promoter, or gun  
6 show vendor with the number.

7 (d) Approvals issued by the Department of State Police for  
8 the purchase of a firearm are valid for 30 days from the date  
9 of issue.

10 (e) (1) The Department of State Police must act as the  
11 Illinois Point of Contact for the National Instant Criminal  
12 Background Check System.

13 (2) The Department of State Police and the Department of  
14 Human Services shall, in accordance with State and federal law  
15 regarding confidentiality, enter into a memorandum of  
16 understanding with the Federal Bureau of Investigation for the  
17 purpose of implementing the National Instant Criminal  
18 Background Check System in the State. The Department of State  
19 Police shall report the name, date of birth, and physical  
20 description of any person prohibited from possessing a firearm  
21 pursuant to the Firearm Owners Identification Card Act or 18  
22 U.S.C. 922(g) and (n) to the National Instant Criminal  
23 Background Check System Index, Denied Persons Files.

24 (3) The Department of State Police shall, within 3 business  
25 days, provide notice of the disqualification of a person under  
26 subsection (b) of this Section or the revocation of a person's

1 Firearm Owner's Identification Card under Section 8 or Section  
2 8.2 of this Act, and the reason for the disqualification or  
3 revocation, to all law enforcement agencies with jurisdiction  
4 to assist with the seizure of the person's Firearm Owner's  
5 Identification Card.

6 (f) The Department of State Police shall adopt rules not  
7 inconsistent with this Section to implement this system.

8 (Source: P.A. 98-63, eff. 7-9-13; 99-787, eff. 1-1-17.)

9 (430 ILCS 65/3.3)

10 Sec. 3.3. Report to the local law enforcement agency;  
11 notification to the Federal Bureau of Investigation.

12 (a) The Department of State Police must report the name and  
13 address of a person to the local law enforcement agency where  
14 the person resides if the person attempting to purchase a  
15 firearm is disqualified from purchasing a firearm because of  
16 information obtained under subsection (a-10) of Section 3 or  
17 Section 3.1 that would disqualify the person from obtaining a  
18 Firearm Owner's Identification Card under any of subsections  
19 (c) through (n) of Section 8 of this Act.

20 (b) The Department of State Police may notify the Federal  
21 Bureau of Investigation when a person named on the consolidated  
22 Terrorist Watchlist maintained by the Terrorist Screening  
23 Center administrated by the Federal Bureau of Investigation is  
24 making application for a Firearm Owner's Identification Card.

25 (Source: P.A. 98-508, eff. 8-19-13.)

1 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

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

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

19 (d) A person addicted to narcotics;

20 (e) A person who has been a patient of a mental health  
21 facility within the past 5 years or a person who has been a  
22 patient in a mental health facility more than 5 years ago  
23 who has not received the certification required under  
24 subsection (u) of this Section. An active law enforcement  
25 officer employed by a unit of government who is denied,

1       revoked, or has his or her Firearm Owner's Identification  
2       Card seized under this subsection (e) may obtain relief as  
3       described in subsection (c-5) of Section 10 of this Act if  
4       the officer did not act in a manner threatening to the  
5       officer, another person, or the public as determined by the  
6       treating clinical psychologist or physician, and the  
7       officer seeks mental health treatment;

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

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

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

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

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

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

25                      (2) an official representative of a foreign  
26                      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  
9 designated by the Department of State;

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

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

22 (l) A person who has been convicted of domestic  
23 battery, aggravated domestic battery, or a substantially  
24 similar offense in another jurisdiction committed before,  
25 on or after January 1, 2012 (the effective date of Public  
26 Act 97-158). If the applicant or person who has been

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

14           (m) (Blank);

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

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

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

26           (q) A person who is not a resident of the State of

1 Illinois, except as provided in subsection (a-10) of  
2 Section 4;

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

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

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

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

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

5 (v) A person who is charged with making a terrorist  
6 threat as set forth in Section 29D-20 or soliciting or  
7 providing material support for terrorism as set forth in  
8 Section 29D-29.9 of the Criminal Code of 2012 or a similar  
9 offense of another state or under federal law.

10 Upon revocation of a person's Firearm Owner's  
11 Identification Card, the Department of State Police shall  
12 provide notice to the person and the person shall comply with  
13 Section 9.5 of this Act.

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

16 (430 ILCS 65/9.5)

17 Sec. 9.5. Revocation of Firearm Owner's Identification  
18 Card.

19 (a) A person who receives a revocation notice under Section  
20 9 of this Act shall, within 48 hours of receiving notice of the  
21 revocation:

22 (1) surrender his or her Firearm Owner's  
23 Identification Card to the local law enforcement agency  
24 where the person resides. The local law enforcement agency  
25 shall provide the person a receipt and transmit the Firearm

1 Owner's Identification Card to the Department of State  
2 Police; and

3 (2) complete a Firearm Disposition Record on a form  
4 prescribed by the Department of State Police and place his  
5 or her firearms in the location or with the person reported  
6 in the Firearm Disposition Record. The form shall require  
7 the person to disclose:

8 (A) the make, model, and serial number of each  
9 firearm owned by or under the custody and control of  
10 the revoked person;

11 (B) the location where each firearm will be  
12 maintained during the prohibited term; and

13 (C) if any firearm will be transferred to the  
14 custody of another person, the name, address and  
15 Firearm Owner's Identification Card number of the  
16 transferee.

17 (b) The local law enforcement agency shall provide a copy  
18 of the Firearm Disposition Record to the person whose Firearm  
19 Owner's Identification Card has been revoked and to the  
20 Department of State Police.

21 (c) If the person whose Firearm Owner's Identification Card  
22 has been revoked fails to comply with the requirements of this  
23 Section, the sheriff or law enforcement agency where the person  
24 resides may petition the circuit court to issue a warrant to  
25 search for and seize the Firearm Owner's Identification Card  
26 and firearms in the possession or under the custody or control

1 of the person whose Firearm Owner's Identification Card has  
2 been revoked.

3 (c-5) If the Department of State Police has not received  
4 the Firearm Owner's Identification Card or Firearms  
5 Disposition Record from the person, the Department shall send  
6 notice of noncompliance to the sheriff and law enforcement  
7 agency where the person resides and upon request the Department  
8 shall make this information of noncompliance available to the  
9 sheriff and law enforcement agency where the person resides.

10 (d) A violation of subsection (a) of this Section is a  
11 Class A misdemeanor.

12 (e) The observation of a Firearm Owner's Identification  
13 Card in the possession of a person whose Firearm Owner's  
14 Identification Card has been revoked constitutes a sufficient  
15 basis for the arrest of that person for violation of this  
16 Section.

17 (f) Within 30 days after the effective date of this  
18 amendatory Act of the 98th General Assembly, the Department of  
19 State Police shall provide written notice of the requirements  
20 of this Section to persons whose Firearm Owner's Identification  
21 Cards have been revoked, suspended, or expired and who have  
22 failed to surrender their cards to the Department. Within 30  
23 days after the effective date of this amendatory Act of the  
24 100th General Assembly, and by January 31 of each year  
25 thereafter, the Department of State Police shall provide  
26 written notice, in the form and manner prescribed by the

1 Department, of the requirements of this Section to every  
2 sheriff and law enforcement agency within this State.

3 (g) A person whose Firearm Owner's Identification Card has  
4 been revoked and who received notice under subsection (f) shall  
5 comply with the requirements of this Section within 48 hours of  
6 receiving notice.

7 (Source: P.A. 98-63, eff. 7-9-13.)

1 INDEX

2 Statutes amended in order of appearance

3 50 ILCS 705/10.7

4 430 ILCS 65/1.1 from Ch. 38, par. 83-1.1

5 430 ILCS 65/3.1 from Ch. 38, par. 83-3.1

6 430 ILCS 65/3.3

7 430 ILCS 65/8 from Ch. 38, par. 83-8

8 430 ILCS 65/9.5