

**100TH GENERAL ASSEMBLY****State of Illinois****2017 and 2018****SB0890**

Introduced 2/7/2017, by Sen. Julie A. Morrison - Jacqueline Y. Collins

SYNOPSIS AS INTRODUCED:

430 ILCS 65/9.5

Amends the Firearm Owners Identification Card Act. Provides that if the Department of State Police has not received the Firearm Disposition Record within 5 business days after sending notice of revocation and seizure of an FOID card, the Department must send a second notice to the sheriff and law enforcement agency where the person resides, in addition to the individuals' residence. Provides that the second notice shall include the compliance requirements under the Act. Provides that upon receiving the second notice, the sheriff or law enforcement agency shall report to the Department the status and efforts pursued regarding compliance under the Act. Provides that if the sheriff or law enforcement agency does not provide information detailing the submission of a Firearm Disposition Record within 5 days of the second notice, the Department of State Police may request that the circuit court issue an arrest warrant for the individual who has failed to submit a Firearm Disposition Record. Provides that if the person whose FOID card has been revoked fails to comply with the requirements of the Act, the sheriff or law enforcement agency where the person resides shall (rather than may) petition the court for a warrant to search for and seize the person's FOID card and firearms. Provides that within 30 days after the effective date of the bill, and by January 31 of each year thereafter, the Department of State Police shall provide written notice of the requirements of this provision to every sheriff and law enforcement agency within the State. Effective immediately.

LRB100 09587 SLF 19755 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 10. The Firearm Owners Identification Card Act is
5 amended by changing Section 9.5 as follows:

6 (430 ILCS 65/9.5)

7 Sec. 9.5. Revocation of Firearm Owner's Identification
8 Card.

9 (a) A person who receives a revocation notice under Section
10 9 of this Act shall, within 48 hours of receiving notice of the
11 revocation:

12 (1) surrender his or her Firearm Owner's
13 Identification Card to the local law enforcement agency
14 where the person resides. The local law enforcement agency
15 shall provide the person a receipt and transmit the Firearm
16 Owner's Identification Card to the Department of State
17 Police; and

18 (2) complete a Firearm Disposition Record on a form
19 prescribed by the Department of State Police and place his
20 or her firearms in the location or with the person reported
21 in the Firearm Disposition Record. The form shall require
22 the person to disclose:

23 (A) the make, model, and serial number of each

1 firearm owned by or under the custody and control of
2 the revoked person;

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

5 (C) if any firearm will be transferred to the
6 custody of another person, the name, address and
7 Firearm Owner's Identification Card number of the
8 transferee.

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

13 (c) If the person whose Firearm Owner's Identification Card
14 has been revoked fails to comply with the requirements of this
15 Section, the sheriff or law enforcement agency where the person
16 resides shall ~~may~~ petition the circuit court to issue a warrant
17 to search for and seize the Firearm Owner's Identification Card
18 and firearms in the possession or under the custody or control
19 of the person whose Firearm Owner's Identification Card has
20 been revoked.

21 (c-5) If the Department of State Police has not received
22 the Firearm Disposition Record within 5 business days after
23 sending notice under Section 9 of this Act, the Department must
24 send a second notice to the sheriff and law enforcement agency
25 where the person resides, in addition to the individual's
26 residence. The second notice shall include the requirements

1 under this Section. Upon receiving the second notice, the
2 sheriff or law enforcement agency shall report to the
3 Department of State Police the status and efforts pursued
4 regarding compliance under this Section, in a form prescribed
5 by the Department. Provided the sheriff or law enforcement
6 agency does not provide information detailing the submission of
7 a Firearm Disposition Record within 5 days of the second
8 notice, the Department of State Police may request that the
9 circuit court issue an arrest warrant for the individual who
10 has failed to submit a Firearm Disposition Record.

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

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

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

1 written notice 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.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.