

HB0888



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0888

by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

430 ILCS 65/3.1
430 ILCS 65/4

from Ch. 38, par. 83-3.1
from Ch. 38, par. 83-4

Amends the Firearm Owners Identification Card Act. Provides that the Department of State Police shall conduct a search of the purchasers' social media accounts available to the public to determine if there is any information that would disqualify the person from obtaining or require revocation of a currently valid Firearm Owner's Identification Card. Provides that each applicant for a Firearm Owner's Identification Card shall furnish to the Department of State Police a list of every social media account.

LRB101 05910 SLF 50931 b

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 Firearm Owners Identification Card Act is
5 amended by changing Sections 3.1 and 4 as follows:

6 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

7 Sec. 3.1. Dial up system.

8 (a) The Department of State Police shall provide a dial up
9 telephone system or utilize other existing technology which
10 shall be used by any federally licensed firearm dealer, gun
11 show promoter, or gun show vendor who is to transfer a firearm,
12 stun gun, or taser under the provisions of this Act. The
13 Department of State Police may utilize existing technology
14 which allows the caller to be charged a fee not to exceed \$2.
15 Fees collected by the Department of State Police shall be
16 deposited in the State Police Services Fund and used to provide
17 the service.

18 (b) Upon receiving a request from a federally licensed
19 firearm dealer, gun show promoter, or gun show vendor, the
20 Department of State Police shall immediately approve, or within
21 the time period established by Section 24-3 of the Criminal
22 Code of 2012 regarding the delivery of firearms, stun guns, and
23 tasers notify the inquiring dealer, gun show promoter, or gun

1 show vendor of any objection that would disqualify the
2 transferee from acquiring or possessing a firearm, stun gun, or
3 taser. In conducting the inquiry, the Department of State
4 Police shall initiate and complete an automated search of its
5 criminal history record information files and those of the
6 Federal Bureau of Investigation, including the National
7 Instant Criminal Background Check System, and of the files of
8 the Department of Human Services relating to mental health and
9 developmental disabilities to obtain any felony conviction or
10 patient hospitalization information which would disqualify a
11 person from obtaining or require revocation of a currently
12 valid Firearm Owner's Identification Card. The Department of
13 State Police shall conduct a search of the purchasers' social
14 media accounts available to the public to determine if there is
15 any information that would disqualify the person from obtaining
16 or require revocation of a currently valid Firearm Owner's
17 Identification Card.

18 (c) If receipt of a firearm would not violate Section 24-3
19 of the Criminal Code of 2012, federal law, or this Act the
20 Department of State Police shall:

21 (1) assign a unique identification number to the
22 transfer; and

23 (2) provide the licensee, gun show promoter, or gun
24 show vendor with the number.

25 (d) Approvals issued by the Department of State Police for
26 the purchase of a firearm are valid for 30 days from the date

1 of issue.

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

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

16 (3) The Department of State Police shall provide notice of
17 the disqualification of a person under subsection (b) of this
18 Section or the revocation of a person's Firearm Owner's
19 Identification Card under Section 8 or Section 8.2 of this Act,
20 and the reason for the disqualification or revocation, to all
21 law enforcement agencies with jurisdiction to assist with the
22 seizure of the person's Firearm Owner's Identification Card.

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

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

1 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

2 Sec. 4. Application for Firearm Owner's Identification
3 Card.

4 (a) Each applicant for a Firearm Owner's Identification
5 Card must:

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

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

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

25 (ii) He or she has not been convicted of a felony
26 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 5 years or, if he or
4 she has been a patient in a mental health facility more
5 than 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 (a-25) Each applicant for a Firearm Owner's Identification
20 Card shall furnish to the Department of State Police a list of
21 every social media account.

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

1 Owners Identification Card Act.".

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

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