

HB3006



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3006

by Rep. C.D. Davidsmeyer

SYNOPSIS AS INTRODUCED:

430 ILCS 65/4	from Ch. 38, par. 83-4
430 ILCS 65/8	from Ch. 38, par. 83-8
430 ILCS 66/25	

Amends the Firearm Owners Identification Card Act. Provides that a person who is under 21 years of age may apply for a Firearm Owner's Identification Card without parental consent required if he or she is an active duty member of the United States Armed Forces. Amends the Firearm Concealed Carry Act. Provides that the Department of State Police shall issue a concealed carry license to an applicant who is an active duty member of the United States Armed Forces.

LRB101 04998 SLF 50007 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 Section 4 and 8 as follows:

6 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

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

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

14 (2) Submit evidence to the Department of State Police
15 that:

16 (i) He or she is 21 years of age or over, or if he
17 or she is under 21 years of age that he or she has
18 never been convicted of a misdemeanor other than a
19 traffic offense or adjudged delinquent and is an active
20 duty member of the United States Armed Forces or has
21 the written consent of his or her parent or legal
22 guardian to possess and acquire firearms and firearm
23 ammunition ~~and that he or she has never been convicted~~

1 ~~of a misdemeanor other than a traffic offense or~~
2 ~~adjudged delinquent~~, provided, however, that such
3 parent or legal guardian is not an individual
4 prohibited from having a Firearm Owner's
5 Identification Card and files an affidavit with the
6 Department as prescribed by the Department stating
7 that he or she is not an individual prohibited from
8 having a Card;

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

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

12 (iv) He or she has not been a patient in a mental
13 health facility within the past 5 years or, if he or
14 she has been a patient in a mental health facility more
15 than 5 years ago submit the certification required
16 under subsection (u) of Section 8 of this Act;

17 (v) He or she is not a person with an intellectual
18 disability;

19 (vi) He or she is not an alien who is unlawfully
20 present in the United States under the laws of the
21 United States;

22 (vii) He or she is not subject to an existing order
23 of protection prohibiting him or her from possessing a
24 firearm;

25 (viii) He or she has not been convicted within the
26 past 5 years of battery, assault, aggravated assault,

1 violation of an order of protection, or a substantially
2 similar offense in another jurisdiction, in which a
3 firearm was used or possessed;

4 (ix) He or she has not been convicted of domestic
5 battery, aggravated domestic battery, or a
6 substantially similar offense in another jurisdiction
7 committed before, on or after January 1, 2012 (the
8 effective date of Public Act 97-158). If the applicant
9 knowingly and intelligently waives the right to have an
10 offense described in this clause (ix) tried by a jury,
11 and by guilty plea or otherwise, results in a
12 conviction for an offense in which a domestic
13 relationship is not a required element of the offense
14 but in which a determination of the applicability of 18
15 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the
16 Code of Criminal Procedure of 1963, an entry by the
17 court of a judgment of conviction for that offense
18 shall be grounds for denying the issuance of a Firearm
19 Owner's Identification Card under this Section;

20 (x) (Blank);

21 (xi) He or she is not an alien who has been
22 admitted to the United States under a non-immigrant
23 visa (as that term is defined in Section 101(a)(26) of
24 the Immigration and Nationality Act (8 U.S.C.
25 1101(a)(26))), or that he or she is an alien who has
26 been lawfully admitted to the United States under a

1 non-immigrant visa if that alien is:

2 (1) admitted to the United States for lawful
3 hunting or sporting purposes;

4 (2) an official representative of a foreign
5 government who is:

6 (A) accredited to the United States
7 Government or the Government's mission to an
8 international organization having its
9 headquarters in the United States; or

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

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

15 (4) a foreign law enforcement officer of a
16 friendly foreign government entering the United
17 States on official business; or

18 (5) one who has received a waiver from the
19 Attorney General of the United States pursuant to
20 18 U.S.C. 922(y)(3);

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

26 (xiii) He or she is not an adult who had been

1 adjudicated a delinquent minor under the Juvenile
2 Court Act of 1987 for the commission of an offense that
3 if committed by an adult would be a felony;

4 (xiv) He or she is a resident of the State of
5 Illinois;

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

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

10 (xvii) He or she is not a person with a
11 developmental disability; and

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

26 (a-5) Each applicant for a Firearm Owner's Identification

1 Card who is over the age of 18 shall furnish to the Department
2 of State Police either his or her Illinois driver's license
3 number or Illinois Identification Card number, except as
4 provided in subsection (a-10).

5 (a-10) Each applicant for a Firearm Owner's Identification
6 Card, who is employed as a law enforcement officer, an armed
7 security officer in Illinois, or by the United States Military
8 permanently assigned in Illinois and who is not an Illinois
9 resident, shall furnish to the Department of State Police his
10 or her driver's license number or state identification card
11 number from his or her state of residence. The Department of
12 State Police may adopt rules to enforce the provisions of this
13 subsection (a-10).

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

19 (a-20) Each applicant for a Firearm Owner's Identification
20 Card shall furnish to the Department of State Police his or her
21 photograph. An applicant who is 21 years of age or older
22 seeking a religious exemption to the photograph requirement
23 must furnish with the application an approved copy of United
24 States Department of the Treasury Internal Revenue Service Form
25 4029. In lieu of a photograph, an applicant regardless of age
26 seeking a religious exemption to the photograph requirement

1 shall submit fingerprints on a form and manner prescribed by
2 the Department with his or her application.

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

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

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

14 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

24 (b) A person under 21 years of age who is not an active
25 duty member of the of the United States Armed Forces and

1 does not have the written consent of his parent or guardian
2 to acquire and possess firearms and firearm ammunition, or
3 whose parent or guardian has revoked such written consent,
4 or where such parent or guardian does not qualify to have a
5 Firearm Owner's Identification Card;

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

8 (d) A person addicted to narcotics;

9 (e) A person who has been a patient of a mental health
10 facility within the past 5 years or a person who has been a
11 patient in a mental health facility more than 5 years ago
12 who has not received the certification required under
13 subsection (u) of this Section. An active law enforcement
14 officer employed by a unit of government who is denied,
15 revoked, or has his or her Firearm Owner's Identification
16 Card seized under this subsection (e) may obtain relief as
17 described in subsection (c-5) of Section 10 of this Act if
18 the officer did not act in a manner threatening to the
19 officer, another person, or the public as determined by the
20 treating clinical psychologist or physician, and the
21 officer seeks mental health treatment;

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

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

26 (h) A person who intentionally makes a false statement

1 in the Firearm Owner's Identification Card application;

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

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

11 (1) admitted to the United States for lawful
12 hunting or sporting purposes;

13 (2) an official representative of a foreign
14 government who is:

15 (A) accredited to the United States Government
16 or the Government's mission to an international
17 organization having its headquarters in the United
18 States; or

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

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

24 (4) a foreign law enforcement officer of a friendly
25 foreign government entering the United States on
26 official business; or

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

4 (j) (Blank);

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

10 (l) A person who has been convicted of domestic
11 battery, aggravated domestic battery, or a substantially
12 similar offense in another jurisdiction committed before,
13 on or after January 1, 2012 (the effective date of Public
14 Act 97-158). If the applicant or person who has been
15 previously issued a Firearm Owner's Identification Card
16 under this Act knowingly and intelligently waives the right
17 to have an offense described in this paragraph (l) tried by
18 a jury, and by guilty plea or otherwise, results in a
19 conviction for an offense in which a domestic relationship
20 is not a required element of the offense but in which a
21 determination of the applicability of 18 U.S.C. 922 (g) (9)
22 is made under Section 112A-11.1 of the Code of Criminal
23 Procedure of 1963, an entry by the court of a judgment of
24 conviction for that offense shall be grounds for denying an
25 application for and for revoking and seizing a Firearm
26 Owner's Identification Card previously issued to the

1 person under this Act;

2 (m) (Blank);

3 (n) A person who is prohibited from acquiring or
4 possessing firearms or firearm ammunition by any Illinois
5 State statute or by federal law;

6 (o) A minor subject to a petition filed under Section
7 5-520 of the Juvenile Court Act of 1987 alleging that the
8 minor is a delinquent minor for the commission of an
9 offense that if committed by an adult would be a felony;

10 (p) An adult who had been adjudicated a delinquent
11 minor under the Juvenile Court Act of 1987 for the
12 commission of an offense that if committed by an adult
13 would be a felony;

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

17 (r) A person who has been adjudicated as a person with
18 a mental disability;

19 (s) A person who has been found to have a developmental
20 disability;

21 (t) A person involuntarily admitted into a mental
22 health facility; or

23 (u) A person who has had his or her Firearm Owner's
24 Identification Card revoked or denied under subsection (e)
25 of this Section or item (iv) of paragraph (2) of subsection
26 (a) of Section 4 of this Act because he or she was a

1 patient in a mental health facility as provided in
2 subsection (e) of this Section, shall not be permitted to
3 obtain a Firearm Owner's Identification Card, after the
4 5-year period has lapsed, unless he or she has received a
5 mental health evaluation by a physician, clinical
6 psychologist, or qualified examiner as those terms are
7 defined in the Mental Health and Developmental
8 Disabilities Code, and has received a certification that he
9 or she is not a clear and present danger to himself,
10 herself, or others. The physician, clinical psychologist,
11 or qualified examiner making the certification and his or
12 her employer shall not be held criminally, civilly, or
13 professionally liable for making or not making the
14 certification required under this subsection, except for
15 willful or wanton misconduct. This subsection does not
16 apply to a person whose firearm possession rights have been
17 restored through administrative or judicial action under
18 Section 10 or 11 of this Act.

19 Upon revocation of a person's Firearm Owner's
20 Identification Card, the Department of State Police shall
21 provide notice to the person and the person shall comply with
22 Section 9.5 of this Act.

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

25 Section 10. The Firearm Concealed Carry Act is amended by

1 changing Section 25 as follows:

2 (430 ILCS 66/25)

3 Sec. 25. Qualifications for a license.

4 The Department shall issue a license to an applicant
5 completing an application in accordance with Section 30 of this
6 Act if the person:

7 (1) is at least 21 years of age or is an active duty
8 member of the United States Armed Forces;

9 (2) has a currently valid Firearm Owner's
10 Identification Card and at the time of application meets
11 the requirements for the issuance of a Firearm Owner's
12 Identification Card and is not prohibited under the Firearm
13 Owners Identification Card Act or federal law from
14 possessing or receiving a firearm;

15 (3) has not been convicted or found guilty in this
16 State or in any other state of:

17 (A) a misdemeanor involving the use or threat of
18 physical force or violence to any person within the 5
19 years preceding the date of the license application; or

20 (B) 2 or more violations related to driving while
21 under the influence of alcohol, other drug or drugs,
22 intoxicating compound or compounds, or any combination
23 thereof, within the 5 years preceding the date of the
24 license application;

25 (4) is not the subject of a pending arrest warrant,

1 prosecution, or proceeding for an offense or action that
2 could lead to disqualification to own or possess a firearm;

3 (5) has not been in residential or court-ordered
4 treatment for alcoholism, alcohol detoxification, or drug
5 treatment within the 5 years immediately preceding the date
6 of the license application; and

7 (6) has completed firearms training and any education
8 component required under Section 75 of this Act.

9 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)