



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3104

by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

430 ILCS 65/4
430 ILCS 66/30
430 ILCS 66/50

from Ch. 38, par. 83-4

Amends the Firearm Owners Identification Card Act. Provides that 180 days after the effective date of the amendatory Act, an applicant for the issuance or renewal of a Firearm Owner's Identification Card shall include a full set of his or her fingerprints in electronic format to the Department of State Police for the purpose of identity verification, unless the applicant has previously provided a full set of his or her fingerprints to the Department under the Act or the Firearm Concealed Carry Act. Provides that the fingerprints must be transmitted through a live scan fingerprint vendor licensed by the Department of Financial and Professional Regulation or a criminal justice agency authorized by the Department to submit fingerprints. Provides that the fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department and Federal Bureau of Investigation criminal history records databases, including all available state and local criminal history record information files, including records of juvenile adjudications. Provides that the Department shall charge applicants a fee for conducting the criminal history record check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the State and national criminal history record check. Amends the Firearm Concealed Carry Act. Provides that an applicant for renewal need not resubmit a full set of fingerprints if the applicant has previously done so under the Act or the Firearm Owners Identification Card Act.

LRB101 06946 SLF 51979 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 4 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 the
18 written consent of his or her parent or legal guardian
19 to possess and acquire firearms and firearm ammunition
20 and that he or she has never been convicted of a
21 misdemeanor other than a traffic offense or adjudged
22 delinquent, provided, however, that such parent or
23 legal guardian is not an individual prohibited from

1 having a Firearm Owner's Identification Card and files
2 an affidavit with the Department as prescribed by the
3 Department stating that he or she is not an individual
4 prohibited from having a Card;

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

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

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

13 (v) He or she is not a person with an intellectual
14 disability;

15 (vi) He or she is not an alien who is unlawfully
16 present in the United States under the laws of the
17 United States;

18 (vii) He or she is not subject to an existing order
19 of protection prohibiting him or her from possessing a
20 firearm;

21 (viii) He or she has not been convicted within the
22 past 5 years of battery, assault, aggravated assault,
23 violation of an order of protection, or a substantially
24 similar offense in another jurisdiction, in which a
25 firearm was used or possessed;

26 (ix) He or she has not been convicted of domestic

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

16 (x) (Blank);

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

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

26 (2) an official representative of a foreign

1 government who is:

2 (A) accredited to the United States
3 Government or the Government's mission to an
4 international organization having its
5 headquarters in the United States; or

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

8 (3) an official of a foreign government or
9 distinguished foreign visitor who has been so
10 designated by the Department of State;

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

14 (5) one who has received a waiver from the
15 Attorney General of the United States pursuant to
16 18 U.S.C. 922 (y) (3);

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

22 (xiii) He or she is not an adult who had been
23 adjudicated a delinquent minor under the Juvenile
24 Court Act of 1987 for the commission of an offense that
25 if committed by an adult would be a felony;

26 (xiv) He or she is a resident of the State of

1 Illinois;

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

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

6 (xvii) He or she is not a person with a
7 developmental disability; and

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

22 (a-5) Each applicant for a Firearm Owner's Identification
23 Card who is over the age of 18 shall furnish to the Department
24 of State Police either his or her Illinois driver's license
25 number or Illinois Identification Card number, except as
26 provided in subsection (a-10).

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

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

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

25 (a-25) Beginning 180 days after the effective date of this
26 amendatory Act of the 101st General Assembly, each applicant

1 for the issuance or renewal of a Firearm Owner's Identification
2 Card shall include a full set of his or her fingerprints in
3 electronic format to the Department of State Police for the
4 purpose of identity verification, unless the applicant has
5 previously provided a full set of his or her fingerprints to
6 the Department under this Act or the Firearm Concealed Carry
7 Act.

8 (1) The fingerprints must be transmitted through a
9 live scan fingerprint vendor licensed by the
10 Department of Financial and Professional Regulation or
11 a criminal justice agency authorized by the Department
12 to submit fingerprints under this Act or the Firearm
13 Concealed Carry Act. These fingerprints shall be
14 checked against the fingerprint records now and
15 hereafter filed in the Department and Federal Bureau of
16 Investigation criminal history records databases,
17 including all available state and local criminal
18 history record information files, including records of
19 juvenile adjudications.

20 (2) The Department shall charge applicants a fee
21 for conducting the criminal history record check,
22 which shall be deposited in the State Police Services
23 Fund and shall not exceed the actual cost of the State
24 and national criminal history record check.

25 (b) Each application form shall include the following
26 statement printed in bold type: "Warning: Entering false

1 information on an application for a Firearm Owner's
2 Identification Card is punishable as a Class 2 felony in
3 accordance with subsection (d-5) of Section 14 of the Firearm
4 Owners Identification Card Act."

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

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

10 Section 10. The Firearm Concealed Carry Act is amended by
11 changing Sections 30 and 50 as follows:

12 (430 ILCS 66/30)

13 Sec. 30. Contents of license application.

14 (a) The license application shall be in writing, under
15 penalty of perjury, on a standard form adopted by the
16 Department and shall be accompanied by the documentation
17 required in this Section and the applicable fee. Each
18 application form shall include the following statement printed
19 in bold type: "Warning: Entering false information on this form
20 is punishable as perjury under Section 32-2 of the Criminal
21 Code of 2012."

22 (b) The application shall contain the following:

23 (1) the applicant's name, current address, date and
24 year of birth, place of birth, height, weight, hair color,

1 eye color, maiden name or any other name the applicant has
2 used or identified with, and any address where the
3 applicant resided for more than 30 days within the 10 years
4 preceding the date of the license application;

5 (2) the applicant's valid driver's license number or
6 valid state identification card number;

7 (3) a waiver of the applicant's privacy and
8 confidentiality rights and privileges under all federal
9 and state laws, including those limiting access to juvenile
10 court, criminal justice, psychological, or psychiatric
11 records or records relating to any institutionalization of
12 the applicant, and an affirmative request that a person
13 having custody of any of these records provide it or
14 information concerning it to the Department. The waiver
15 only applies to records sought in connection with
16 determining whether the applicant qualifies for a license
17 to carry a concealed firearm under this Act, or whether the
18 applicant remains in compliance with the Firearm Owners
19 Identification Card Act;

20 (4) an affirmation that the applicant possesses a
21 currently valid Firearm Owner's Identification Card and
22 card number if possessed or notice the applicant is
23 applying for a Firearm Owner's Identification Card in
24 conjunction with the license application;

25 (5) an affirmation that the applicant has not been
26 convicted or found guilty of:

1 (A) a felony;

2 (B) a misdemeanor involving the use or threat of
3 physical force or violence to any person within the 5
4 years preceding the date of the application; or

5 (C) 2 or more violations related to driving while
6 under the influence of alcohol, other drug or drugs,
7 intoxicating compound or compounds, or any combination
8 thereof, within the 5 years preceding the date of the
9 license application; and

10 (6) whether the applicant has failed a drug test for a
11 drug for which the applicant did not have a prescription,
12 within the previous year, and if so, the provider of the
13 test, the specific substance involved, and the date of the
14 test;

15 (7) written consent for the Department to review and
16 use the applicant's Illinois digital driver's license or
17 Illinois identification card photograph and signature;

18 (8) a full set of fingerprints submitted to the
19 Department in electronic format for the purpose of
20 verification of identity in a form and manner prescribed by
21 the Department, unless the applicant has previously
22 provided a full set of his or her fingerprints to the
23 Department under the Firearm Owners Identification Card
24 Act; , provided the Department may accept an application
25 submitted without a set of fingerprints in which case the
26 Department shall be granted 30 days in addition to the 90

1 ~~days provided under subsection (c) of Section 10 of this~~
2 ~~Act to issue or deny a license;~~

3 (9) a head and shoulder color photograph in a size
4 specified by the Department taken within the 30 days
5 preceding the date of the license application; and

6 (10) a photocopy of any certificates or other evidence
7 of compliance with the training requirements under this
8 Act.

9 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)

10 (430 ILCS 66/50)

11 Sec. 50. License renewal. Applications for renewal of a
12 license shall be made to the Department. A license shall be
13 renewed for a period of 5 years upon receipt of a completed
14 renewal application, completion of 3 hours of training required
15 under Section 75 of this Act, payment of the applicable renewal
16 fee, and completion of an investigation under Section 35 of
17 this Act. The renewal application shall contain the information
18 required in Section 30 of this Act, except that the applicant
19 need not resubmit a full set of fingerprints if the applicant
20 has previously provided a full set of his or her fingerprints
21 to the Department under this Act or the Firearm Owners
22 Identification Card Act.

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