

# HB4413



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

**HB4413**

Introduced 2/3/2020, by Rep. Sonya M. Harper

### SYNOPSIS AS INTRODUCED:

430 ILCS 65/1.1

from Ch. 38, par. 83-1.1

Amends the Firearm Owners Identification Card Act. Provides that for purposes of the Act, "addicted to narcotics" does not include possession or use of cannabis that is lawful under the Compassionate Use of Medical Cannabis Program Act regardless of federal law or federal guidelines.

LRB101 17195 RLC 66597 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 1.1 as follows:

6 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

7 Sec. 1.1. For purposes of this Act:

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

9 (1) convicted of an offense involving the use or  
10 possession of cannabis, a controlled substance, or  
11 methamphetamine within the past year; or

12 (2) determined by the Department of State Police to be  
13 addicted to narcotics based upon federal law or federal  
14 guidelines.

15 "Addicted to narcotics" does not include possession or use  
16 of: (i) a prescribed controlled substance under the direction  
17 and authority of a physician or other person authorized to  
18 prescribe the controlled substance when the controlled  
19 substance is used in the prescribed manner; or (ii) cannabis  
20 that is lawful under the Compassionate Use of Medical Cannabis  
21 Program Act regardless of federal law or federal guidelines.

22 "Adjudicated as a person with a mental disability" means  
23 the person is the subject of a determination by a court, board,

1 commission or other lawful authority that the person, as a  
2 result of marked subnormal intelligence, or mental illness,  
3 mental impairment, incompetency, condition, or disease:

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

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

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

11 (3.5) is guilty but mentally ill, as provided in  
12 Section 5-2-6 of the Unified Code of Corrections;

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

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

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

20 (7) is a sexually dangerous person under the Sexually  
21 Dangerous Persons Act;

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

24 (9) is not guilty by reason of insanity under the  
25 Juvenile Court Act of 1987;

26 (10) is subject to involuntary admission as an

1 inpatient as defined in Section 1-119 of the Mental Health  
2 and Developmental Disabilities Code;

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

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

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

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

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

17 (2) demonstrates threatening physical or verbal  
18 behavior, such as violent, suicidal, or assaultive  
19 threats, actions, or other behavior, as determined by a  
20 physician, clinical psychologist, qualified examiner,  
21 school administrator, or law enforcement official.

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

25 "Controlled substance" means a controlled substance or  
26 controlled substance analog as defined in the Illinois

1 Controlled Substances Act.

2 "Counterfeit" means to copy or imitate, without legal  
3 authority, with intent to deceive.

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

7 "Firearm" means any device, by whatever name known, which  
8 is designed to expel a projectile or projectiles by the action  
9 of an explosion, expansion of gas or escape of gas; excluding,  
10 however:

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

15 (1.1) any pneumatic gun, spring gun, paint ball gun, or  
16 B-B gun which expels breakable paint balls containing  
17 washable marking colors;

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

21 (3) any device used exclusively for the firing of stud  
22 cartridges, explosive rivets or similar industrial  
23 ammunition; and

24 (4) an antique firearm (other than a machine-gun)  
25 which, although designed as a weapon, the Department of  
26 State Police finds by reason of the date of its

1 manufacture, value, design, and other characteristics is  
2 primarily a collector's item and is not likely to be used  
3 as a weapon.

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

7 (1) any ammunition exclusively designed for use with a  
8 device used exclusively for signalling or safety and  
9 required or recommended by the United States Coast Guard or  
10 the Interstate Commerce Commission; and

11 (2) any ammunition designed exclusively for use with a  
12 stud or rivet driver or other similar industrial  
13 ammunition.

14 "Gun show" means an event or function:

15 (1) at which the sale and transfer of firearms is the  
16 regular and normal course of business and where 50 or more  
17 firearms are displayed, offered, or exhibited for sale,  
18 transfer, or exchange; or

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

22 "Gun show" includes the entire premises provided for an  
23 event or function, including parking areas for the event or  
24 function, that is sponsored to facilitate the purchase, sale,  
25 transfer, or exchange of firearms as described in this Section.  
26 Nothing in this definition shall be construed to exclude a gun

1 show held in conjunction with competitive shooting events at  
2 the World Shooting Complex sanctioned by a national governing  
3 body in which the sale or transfer of firearms is authorized  
4 under subparagraph (5) of paragraph (g) of subsection (A) of  
5 Section 24-3 of the Criminal Code of 2012.

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

12 "Gun show promoter" means a person who organizes or  
13 operates a gun show.

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

19 "Involuntarily admitted" has the meaning as prescribed in  
20 Sections 1-119 and 1-119.1 of the Mental Health and  
21 Developmental Disabilities Code.

22 "Mental health facility" means any licensed private  
23 hospital or hospital affiliate, institution, or facility, or  
24 part thereof, and any facility, or part thereof, operated by  
25 the State or a political subdivision thereof which provide  
26 treatment of persons with mental illness and includes all

1 hospitals, institutions, clinics, evaluation facilities,  
2 mental health centers, colleges, universities, long-term care  
3 facilities, and nursing homes, or parts thereof, which provide  
4 treatment of persons with mental illness whether or not the  
5 primary purpose is to provide treatment of persons with mental  
6 illness.

7 "National governing body" means a group of persons who  
8 adopt rules and formulate policy on behalf of a national  
9 firearm sporting organization.

10 "Patient" means:

11 (1) a person who is admitted as an inpatient or  
12 resident of a public or private mental health facility for  
13 mental health treatment under Chapter III of the Mental  
14 Health and Developmental Disabilities Code as an informal  
15 admission, a voluntary admission, a minor admission, an  
16 emergency admission, or an involuntary admission, unless  
17 the treatment was solely for an alcohol abuse disorder; or

18 (2) a person who voluntarily or involuntarily receives  
19 mental health treatment as an out-patient or is otherwise  
20 provided services by a public or private mental health  
21 facility, and who poses a clear and present danger to  
22 himself, herself, or to others.

23 "Person with a developmental disability" means a person  
24 with a disability which is attributable to any other condition  
25 which results in impairment similar to that caused by an  
26 intellectual disability and which requires services similar to



1 those required by persons with intellectual disabilities. The  
2 disability must originate before the age of 18 years, be  
3 expected to continue indefinitely, and constitute a  
4 substantial disability. This disability results, in the  
5 professional opinion of a physician, clinical psychologist, or  
6 qualified examiner, in significant functional limitations in 3  
7 or more of the following areas of major life activity:

- 8 (i) self-care;  
9 (ii) receptive and expressive language;  
10 (iii) learning;  
11 (iv) mobility; or  
12 (v) self-direction.

13 "Person with an intellectual disability" means a person  
14 with a significantly subaverage general intellectual  
15 functioning which exists concurrently with impairment in  
16 adaptive behavior and which originates before the age of 18  
17 years.

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

20 "Qualified examiner" has the meaning provided in Section  
21 1-122 of the Mental Health and Developmental Disabilities Code.

22 "Sanctioned competitive shooting event" means a shooting  
23 contest officially recognized by a national or state shooting  
24 sport association, and includes any sight-in or practice  
25 conducted in conjunction with the event.

26 "School administrator" means the person required to report

1 under the School Administrator Reporting of Mental Health Clear  
2 and Present Danger Determinations Law.

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

5 (Source: P.A. 99-29, eff. 7-10-15; 99-143, eff. 7-27-15;  
6 99-642, eff. 7-28-16; 100-906, eff. 1-1-19.)