



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB4707

Introduced 2/18/2020, by Rep. Joe Sosnowski

#### SYNOPSIS AS INTRODUCED:

|                |                         |
|----------------|-------------------------|
| 430 ILCS 65/5  | from Ch. 38, par. 83-5  |
| 430 ILCS 65/10 | from Ch. 38, par. 83-10 |
| 430 ILCS 66/50 |                         |
| 430 ILCS 66/87 |                         |

Amends the Firearm Owners Identification Card Act. Provides that a renewal application for a Firearm Owner's Identification Card shall be approved or denied by the Illinois State Police within 90 calendar days (instead of 60 business days). Provides that the Director of the Illinois State Police must act on an appeal of a failure of the Illinois State Police to act on an application for a Firearm Owner's Identification Card or a denial, revocation, or seizure of the Card within 90 calendar days after receipt of the appeal. Provides that if the Director fails to act within that 90-day period, the application for the Firearm Owner's Identification Card shall be granted or the revoked Card shall be reinstated or a seized Card returned to the person whose Card has been seized. Amends the Firearm Concealed Carry Act. Provides that a renewal application for a concealed carry license shall be approved or denied by the Illinois State Police within 90 calendar days. Provides that the Director of the Illinois State Police must act on an appeal of a failure of the Illinois State Police to act on an application for a concealed carry license or a denial, revocation, or suspension of the concealed carry license within 90 calendar days after receipt of the appeal. If the Director fails to act within that 90-day period, the application for the concealed carry license shall be granted or the revoked or suspended concealed carry license shall be reinstated.

LRB101 17977 RLC 67415 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 Sections 5 and 10 as follows:

6 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

7 Sec. 5. Application and renewal.

8 (a) The Department of State Police shall either approve or  
9 deny all applications within 30 days from the date they are  
10 received, except as provided in subsection (b) of this Section,  
11 and every applicant found qualified under Section 8 of this Act  
12 by the Department shall be entitled to a Firearm Owner's  
13 Identification Card upon the payment of a \$10 fee. Any  
14 applicant who is an active duty member of the Armed Forces of  
15 the United States, a member of the Illinois National Guard, or  
16 a member of the Reserve Forces of the United States is exempt  
17 from the application fee. \$6 of each fee derived from the  
18 issuance of Firearm Owner's Identification Cards, or renewals  
19 thereof, shall be deposited in the Wildlife and Fish Fund in  
20 the State Treasury; \$1 of the fee shall be deposited in the  
21 State Police Services Fund and \$3 of the fee shall be deposited  
22 in the State Police Firearm Services Fund.

23 (b) Renewal applications shall be approved or denied within

1 90 calendar ~~60 business~~ days, provided the applicant submitted  
2 his or her renewal application prior to the expiration of his  
3 or her Firearm Owner's Identification Card. If a renewal  
4 application has been submitted prior to the expiration date of  
5 the applicant's Firearm Owner's Identification Card, the  
6 Firearm Owner's Identification Card shall remain valid while  
7 the Department processes the application, unless the person is  
8 subject to or becomes subject to revocation under this Act. The  
9 cost for a renewal application shall be \$10 which shall be  
10 deposited into the State Police Firearm Services Fund.

11 (Source: P.A. 100-906, eff. 1-1-19.)

12 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

13 Sec. 10. Appeal to director; hearing; relief from firearm  
14 prohibitions.

15 (a) Whenever an application for a Firearm Owner's  
16 Identification Card is denied, whenever the Department fails to  
17 act on an application within 30 days of its receipt, or  
18 whenever such a Card is revoked or seized as provided for in  
19 Section 8 of this Act, the aggrieved party may appeal to the  
20 Director of State Police for a hearing upon such denial,  
21 revocation or seizure, unless the denial, revocation, or  
22 seizure was based upon a forcible felony, stalking, aggravated  
23 stalking, domestic battery, any violation of the Illinois  
24 Controlled Substances Act, the Methamphetamine Control and  
25 Community Protection Act, or the Cannabis Control Act that is

1 classified as a Class 2 or greater felony, any felony violation  
2 of Article 24 of the Criminal Code of 1961 or the Criminal Code  
3 of 2012, or any adjudication as a delinquent minor for the  
4 commission of an offense that if committed by an adult would be  
5 a felony, in which case the aggrieved party may petition the  
6 circuit court in writing in the county of his or her residence  
7 for a hearing upon such denial, revocation, or seizure. The  
8 Director must act on an appeal of a failure of the Illinois  
9 State Police to act on an application for a Firearm Owner's  
10 Identification Card or a denial, revocation, or seizure of the  
11 Card within 90 calendar days after receipt of the appeal. If  
12 the Director fails to act within that 90-day period, the  
13 application for the Firearm Owner's Identification Card shall  
14 be granted or the revoked Card shall be reinstated or a seized  
15 Card returned to the person whose Card has been seized.

16 (b) At least 30 days before any hearing in the circuit  
17 court, the petitioner shall serve the relevant State's Attorney  
18 with a copy of the petition. The State's Attorney may object to  
19 the petition and present evidence. At the hearing the court  
20 shall determine whether substantial justice has been done.  
21 Should the court determine that substantial justice has not  
22 been done, the court shall issue an order directing the  
23 Department of State Police to issue a Card. However, the court  
24 shall not issue the order if the petitioner is otherwise  
25 prohibited from obtaining, possessing, or using a firearm under  
26 federal law.

1 (c) Any person prohibited from possessing a firearm under  
2 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or  
3 acquiring a Firearm Owner's Identification Card under Section 8  
4 of this Act may apply to the Director of State Police or  
5 petition the circuit court in the county where the petitioner  
6 resides, whichever is applicable in accordance with subsection  
7 (a) of this Section, requesting relief from such prohibition  
8 and the Director or court may grant such relief if it is  
9 established by the applicant to the court's or Director's  
10 satisfaction that:

11 (0.05) when in the circuit court, the State's Attorney  
12 has been served with a written copy of the petition at  
13 least 30 days before any such hearing in the circuit court  
14 and at the hearing the State's Attorney was afforded an  
15 opportunity to present evidence and object to the petition;

16 (1) the applicant has not been convicted of a forcible  
17 felony under the laws of this State or any other  
18 jurisdiction within 20 years of the applicant's  
19 application for a Firearm Owner's Identification Card, or  
20 at least 20 years have passed since the end of any period  
21 of imprisonment imposed in relation to that conviction;

22 (2) the circumstances regarding a criminal conviction,  
23 where applicable, the applicant's criminal history and his  
24 reputation are such that the applicant will not be likely  
25 to act in a manner dangerous to public safety;

26 (3) granting relief would not be contrary to the public

1 interest; and

2 (4) granting relief would not be contrary to federal  
3 law.

4 (c-5) (1) An active law enforcement officer employed by a  
5 unit of government, who is denied, revoked, or has his or her  
6 Firearm Owner's Identification Card seized under subsection  
7 (e) of Section 8 of this Act may apply to the Director of State  
8 Police requesting relief if the officer did not act in a manner  
9 threatening to the officer, another person, or the public as  
10 determined by the treating clinical psychologist or physician,  
11 and as a result of his or her work is referred by the employer  
12 for or voluntarily seeks mental health evaluation or treatment  
13 by a licensed clinical psychologist, psychiatrist, or  
14 qualified examiner, and:

15 (A) the officer has not received treatment  
16 involuntarily at a mental health facility, regardless of  
17 the length of admission; or has not been voluntarily  
18 admitted to a mental health facility for more than 30 days  
19 and not for more than one incident within the past 5 years;  
20 and

21 (B) the officer has not left the mental institution  
22 against medical advice.

23 (2) The Director of State Police shall grant expedited  
24 relief to active law enforcement officers described in  
25 paragraph (1) of this subsection (c-5) upon a determination by  
26 the Director that the officer's possession of a firearm does

1 not present a threat to themselves, others, or public safety.  
2 The Director shall act on the request for relief within 30  
3 business days of receipt of:

4 (A) a notarized statement from the officer in the form  
5 prescribed by the Director detailing the circumstances  
6 that led to the hospitalization;

7 (B) all documentation regarding the admission,  
8 evaluation, treatment and discharge from the treating  
9 licensed clinical psychologist or psychiatrist of the  
10 officer;

11 (C) a psychological fitness for duty evaluation of the  
12 person completed after the time of discharge; and

13 (D) written confirmation in the form prescribed by the  
14 Director from the treating licensed clinical psychologist  
15 or psychiatrist that the provisions set forth in paragraph  
16 (1) of this subsection (c-5) have been met, the person  
17 successfully completed treatment, and their professional  
18 opinion regarding the person's ability to possess  
19 firearms.

20 (3) Officers eligible for the expedited relief in paragraph  
21 (2) of this subsection (c-5) have the burden of proof on  
22 eligibility and must provide all information required. The  
23 Director may not consider granting expedited relief until the  
24 proof and information is received.

25 (4) "Clinical psychologist", "psychiatrist", and  
26 "qualified examiner" shall have the same meaning as provided in

1 Chapter I of the Mental Health and Developmental Disabilities  
2 Code.

3 (c-10) (1) An applicant, who is denied, revoked, or has his  
4 or her Firearm Owner's Identification Card seized under  
5 subsection (e) of Section 8 of this Act based upon a  
6 determination of a developmental disability or an intellectual  
7 disability may apply to the Director of State Police requesting  
8 relief.

9 (2) The Director shall act on the request for relief within  
10 60 business days of receipt of written certification, in the  
11 form prescribed by the Director, from a physician or clinical  
12 psychologist, or qualified examiner, that the aggrieved  
13 party's developmental disability or intellectual disability  
14 condition is determined by a physician, clinical psychologist,  
15 or qualified to be mild. If a fact-finding conference is  
16 scheduled to obtain additional information concerning the  
17 circumstances of the denial or revocation, the 60 business days  
18 the Director has to act shall be tolled until the completion of  
19 the fact-finding conference.

20 (3) The Director may grant relief if the aggrieved party's  
21 developmental disability or intellectual disability is mild as  
22 determined by a physician, clinical psychologist, or qualified  
23 examiner and it is established by the applicant to the  
24 Director's satisfaction that:

25 (A) granting relief would not be contrary to the public  
26 interest; and



1 (B) granting relief would not be contrary to federal  
2 law.

3 (4) The Director may not grant relief if the condition is  
4 determined by a physician, clinical psychologist, or qualified  
5 examiner to be moderate, severe, or profound.

6 (5) The changes made to this Section by this amendatory Act  
7 of the 99th General Assembly apply to requests for relief  
8 pending on or before the effective date of this amendatory Act,  
9 except that the 60-day period for the Director to act on  
10 requests pending before the effective date shall begin on the  
11 effective date of this amendatory Act.

12 (d) When a minor is adjudicated delinquent for an offense  
13 which if committed by an adult would be a felony, the court  
14 shall notify the Department of State Police.

15 (e) The court shall review the denial of an application or  
16 the revocation of a Firearm Owner's Identification Card of a  
17 person who has been adjudicated delinquent for an offense that  
18 if committed by an adult would be a felony if an application  
19 for relief has been filed at least 10 years after the  
20 adjudication of delinquency and the court determines that the  
21 applicant should be granted relief from disability to obtain a  
22 Firearm Owner's Identification Card. If the court grants  
23 relief, the court shall notify the Department of State Police  
24 that the disability has been removed and that the applicant is  
25 eligible to obtain a Firearm Owner's Identification Card.

26 (f) Any person who is subject to the disabilities of 18

1 U.S.C. 922(d) (4) and 922(g) (4) of the federal Gun Control Act  
2 of 1968 because of an adjudication or commitment that occurred  
3 under the laws of this State or who was determined to be  
4 subject to the provisions of subsections (e), (f), or (g) of  
5 Section 8 of this Act may apply to the Department of State  
6 Police requesting relief from that prohibition. The Director  
7 shall grant the relief if it is established by a preponderance  
8 of the evidence that the person will not be likely to act in a  
9 manner dangerous to public safety and that granting relief  
10 would not be contrary to the public interest. In making this  
11 determination, the Director shall receive evidence concerning  
12 (i) the circumstances regarding the firearms disabilities from  
13 which relief is sought; (ii) the petitioner's mental health and  
14 criminal history records, if any; (iii) the petitioner's  
15 reputation, developed at a minimum through character witness  
16 statements, testimony, or other character evidence; and (iv)  
17 changes in the petitioner's condition or circumstances since  
18 the disqualifying events relevant to the relief sought. If  
19 relief is granted under this subsection or by order of a court  
20 under this Section, the Director shall as soon as practicable  
21 but in no case later than 15 business days, update, correct,  
22 modify, or remove the person's record in any database that the  
23 Department of State Police makes available to the National  
24 Instant Criminal Background Check System and notify the United  
25 States Attorney General that the basis for the record being  
26 made available no longer applies. The Department of State

1 Police shall adopt rules for the administration of this  
2 Section.

3 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-78,  
4 eff. 7-20-15.)

5 Section 10. The Firearm Concealed Carry Act is amended by  
6 changing Sections 50 and 87 as follows:

7 (430 ILCS 66/50)

8 Sec. 50. License renewal.

9 (a) This subsection (a) applies through the 180th day  
10 following the effective date of this amendatory Act of the  
11 101st General Assembly. Applications for renewal of a license  
12 shall be made to the Department. A license shall be renewed for  
13 a period of 5 years upon receipt of a completed renewal  
14 application, completion of 3 hours of training required under  
15 Section 75 of this Act, payment of the applicable renewal fee,  
16 and completion of an investigation under Section 35 of this  
17 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.

20 (b) This subsection (b) applies on and after the 181st day  
21 following the effective date of this amendatory Act of the  
22 101st General Assembly. Applications for renewal of a license  
23 shall be made to the Department. A license shall be renewed for  
24 a period of 5 years from the date of expiration on the

1 applicant's current license upon the receipt of a completed  
2 renewal application, completion of 3 hours of training required  
3 under Section 75 of this Act, payment of the applicable renewal  
4 fee, and completion of an investigation under Section 35 of  
5 this Act. The renewal application shall contain the information  
6 required in Section 30 of this Act, except that the applicant  
7 need not resubmit a full set of fingerprints. Renewal  
8 applications shall be approved or denied within 90 calendar  
9 days.

10 (Source: P.A. 101-80, eff. 7-12-19.)

11 (430 ILCS 66/87)

12 Sec. 87. Administrative and judicial review.

13 (a) Whenever an application for a concealed carry license  
14 is denied, whenever the Department fails to act on an  
15 application within 90 days of its receipt, or whenever a  
16 license is revoked or suspended as provided in this Act, the  
17 aggrieved party may appeal to the Director for a hearing upon  
18 the denial, revocation, suspension, or failure to act on the  
19 application, unless the denial was made by the Concealed Carry  
20 Licensing Review Board, in which case the aggrieved party may  
21 petition the circuit court in writing in the county of his or  
22 her residence for a hearing upon the denial. The Director must  
23 act on an appeal of a failure of the Illinois State Police to  
24 act on an application for a concealed carry license or a  
25 denial, revocation, or suspension of the concealed carry

1 license within 90 calendar days after receipt of the appeal. If  
2 the Director fails to act within that 90-day period, the  
3 application for the concealed carry license shall be granted or  
4 the revoked or suspended concealed carry license shall be  
5 reinstated.

6 (b) All final administrative decisions of the Department or  
7 the Concealed Carry Licensing Review Board under this Act shall  
8 be subject to judicial review under the provisions of the  
9 Administrative Review Law. The term "administrative decision"  
10 is defined as in Section 3-101 of the Code of Civil Procedure.  
11 (Source: P.A. 98-63, eff. 7-9-13.)