



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### HB2858

Introduced 2/19/2021, by Rep. Daniel Swanson

#### SYNOPSIS AS INTRODUCED:

|                |                        |
|----------------|------------------------|
| 430 ILCS 65/2  | from Ch. 38, par. 83-2 |
| 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. Lowers the age at which a person may apply for a Firearm Owner's Identification Card from 21 to 18 and provides that a person who is under that 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 at least 18 (currently, 21) years of age or is an active duty member of the United States Armed Forces.

LRB102 04005 RLC 14021 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 2, 4, and 8 as follows:

6 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

7 Sec. 2. Firearm Owner's Identification Card required;  
8 exceptions.

9 (a) (1) No person may acquire or possess any firearm, stun  
10 gun, or taser within this State without having in his or her  
11 possession a Firearm Owner's Identification Card previously  
12 issued in his or her name by the Department of State Police  
13 under the provisions of this Act.

14 (2) No person may acquire or possess firearm ammunition  
15 within this State without having in his or her possession a  
16 Firearm Owner's Identification Card previously issued in his  
17 or her name by the Department of State Police under the  
18 provisions of this Act.

19 (b) The provisions of this Section regarding the  
20 possession of firearms, firearm ammunition, stun guns, and  
21 tasers do not apply to:

22 (1) United States Marshals, while engaged in the  
23 operation of their official duties;

1           (2) Members of the Armed Forces of the United States  
2           or the National Guard, while engaged in the operation of  
3           their official duties;

4           (3) Federal officials required to carry firearms,  
5           while engaged in the operation of their official duties;

6           (4) Members of bona fide veterans organizations which  
7           receive firearms directly from the armed forces of the  
8           United States, while using the firearms for ceremonial  
9           purposes with blank ammunition;

10          (5) Nonresident hunters during hunting season, with  
11          valid nonresident hunting licenses and while in an area  
12          where hunting is permitted; however, at all other times  
13          and in all other places these persons must have their  
14          firearms unloaded and enclosed in a case;

15          (6) Those hunters exempt from obtaining a hunting  
16          license who are required to submit their Firearm Owner's  
17          Identification Card when hunting on Department of Natural  
18          Resources owned or managed sites;

19          (7) Nonresidents while on a firing or shooting range  
20          recognized by the Department of State Police; however,  
21          these persons must at all other times and in all other  
22          places have their firearms unloaded and enclosed in a  
23          case;

24          (8) Nonresidents while at a firearm showing or display  
25          recognized by the Department of State Police; however, at  
26          all other times and in all other places these persons must

1 have their firearms unloaded and enclosed in a case;

2 (9) Nonresidents whose firearms are unloaded and  
3 enclosed in a case;

4 (10) Nonresidents who are currently licensed or  
5 registered to possess a firearm in their resident state;

6 (11) Unemancipated minors while in the custody and  
7 immediate control of their parent or legal guardian or  
8 other person in loco parentis to the minor if the parent or  
9 legal guardian or other person in loco parentis to the  
10 minor has a currently valid Firearm Owner's Identification  
11 Card;

12 (12) Color guards of bona fide veterans organizations  
13 or members of bona fide American Legion bands while using  
14 firearms for ceremonial purposes with blank ammunition;

15 (13) Nonresident hunters whose state of residence does  
16 not require them to be licensed or registered to possess a  
17 firearm and only during hunting season, with valid hunting  
18 licenses, while accompanied by, and using a firearm owned  
19 by, a person who possesses a valid Firearm Owner's  
20 Identification Card and while in an area within a  
21 commercial club licensed under the Wildlife Code where  
22 hunting is permitted and controlled, but in no instance  
23 upon sites owned or managed by the Department of Natural  
24 Resources;

25 (14) Resident hunters who are properly authorized to  
26 hunt and, while accompanied by a person who possesses a

1 valid Firearm Owner's Identification Card, hunt in an area  
2 within a commercial club licensed under the Wildlife Code  
3 where hunting is permitted and controlled;

4 (15) A person who is otherwise eligible to obtain a  
5 Firearm Owner's Identification Card under this Act and is  
6 under the direct supervision of a holder of a Firearm  
7 Owner's Identification Card who is 18 ~~21~~ years of age or  
8 older while the person is on a firing or shooting range or  
9 is a participant in a firearms safety and training course  
10 recognized by a law enforcement agency or a national,  
11 statewide shooting sports organization; and

12 (16) Competitive shooting athletes whose competition  
13 firearms are sanctioned by the International Olympic  
14 Committee, the International Paralympic Committee, the  
15 International Shooting Sport Federation, or USA Shooting  
16 in connection with such athletes' training for and  
17 participation in shooting competitions at the 2016 Olympic  
18 and Paralympic Games and sanctioned test events leading up  
19 to the 2016 Olympic and Paralympic Games.

20 (c) The provisions of this Section regarding the  
21 acquisition and possession of firearms, firearm ammunition,  
22 stun guns, and tasers do not apply to law enforcement  
23 officials of this or any other jurisdiction, while engaged in  
24 the operation of their official duties.

25 (c-5) The provisions of paragraphs (1) and (2) of  
26 subsection (a) of this Section regarding the possession of

1 firearms and firearm ammunition do not apply to the holder of a  
2 valid concealed carry license issued under the Firearm  
3 Concealed Carry Act who is in physical possession of the  
4 concealed carry license.

5 (d) Any person who becomes a resident of this State, who is  
6 not otherwise prohibited from obtaining, possessing, or using  
7 a firearm or firearm ammunition, shall not be required to have  
8 a Firearm Owner's Identification Card to possess firearms or  
9 firearms ammunition until 60 calendar days after he or she  
10 obtains an Illinois driver's license or Illinois  
11 Identification Card.

12 (Source: P.A. 99-29, eff. 7-10-15.)

13 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

14 Sec. 4. Application for Firearm Owner's Identification  
15 Cards.

16 (a) Each applicant for a Firearm Owner's Identification  
17 Card must:

18 (1) Make application on blank forms prepared and  
19 furnished at convenient locations throughout the State by  
20 the Department of State Police, or by electronic means, if  
21 and when made available by the Department of State Police;  
22 and

23 (2) Submit evidence to the Department of State Police  
24 that:

25 (i) This subparagraph (i) applies through the

1 180th day following the effective date of this  
2 amendatory Act of the 101st General Assembly. He or  
3 she is 18 ~~21~~ years of age or over, or if he or she is  
4 under 18 ~~21~~ years of age that he or she has never been  
5 convicted of a misdemeanor other than a traffic  
6 offense or adjudged delinquent and is an active duty  
7 member of the United States Armed Forces or has the  
8 written consent of his or her parent or legal guardian  
9 to possess and acquire firearms and firearm ammunition  
10 ~~and that he or she has never been convicted of a~~  
11 ~~misdemeanor other than a traffic offense or adjudged~~  
12 ~~delinquent~~, provided, however, that such parent or  
13 legal guardian is not an individual prohibited from  
14 having a Firearm Owner's Identification Card and files  
15 an affidavit with the Department as prescribed by the  
16 Department stating that he or she is not an individual  
17 prohibited from having a Card;

18 (i-5) This subparagraph (i-5) applies on and after  
19 the 181st day following the effective date of this  
20 amendatory Act of the 101st General Assembly. He or  
21 she is 18 ~~21~~ years of age or over, or if he or she is  
22 under 18 ~~21~~ years of age that he or she has never been  
23 convicted of a misdemeanor other than a traffic  
24 offense or adjudged delinquent and is an active duty  
25 member of the United States Armed Forces or has the  
26 written consent of his or her parent or legal guardian

1 to possess and acquire firearms and firearm  
2 ammunition, provided, however, that such parent or  
3 legal guardian is not an individual prohibited from  
4 having a Firearm Owner's Identification Card and files  
5 an affidavit with the Department as prescribed by the  
6 Department stating that he or she is not an individual  
7 prohibited from having a Card or the active duty  
8 member of the United States Armed Forces under 18 ~~21~~  
9 years of age annually submits proof to the Department  
10 of State Police, in a manner prescribed by the  
11 Department;

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

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

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

20 (v) He or she is not a person with an intellectual  
21 disability;

22 (vi) He or she is not an alien who is unlawfully  
23 present in the United States under the laws of the  
24 United States;

25 (vii) He or she is not subject to an existing order  
26 of protection prohibiting him or her from possessing a



1 firearm;

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

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

23 (x) (Blank);

24 (xi) He or she is not an alien who has been  
25 admitted to the United States under a non-immigrant  
26 visa (as that term is defined in Section 101(a) (26) of

1 the Immigration and Nationality Act (8 U.S.C.  
2 1101(a)(26))), or that he or she is an alien who has  
3 been lawfully admitted to the United States under a  
4 non-immigrant visa if that alien is:

5 (1) admitted to the United States for lawful  
6 hunting or sporting purposes;

7 (2) an official representative of a foreign  
8 government who is:

9 (A) accredited to the United States  
10 Government or the Government's mission to an  
11 international organization having its  
12 headquarters in the United States; or

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

15 (3) an official of a foreign government or  
16 distinguished foreign visitor who has been so  
17 designated by the Department of State;

18 (4) a foreign law enforcement officer of a  
19 friendly foreign government entering the United  
20 States on official business; or

21 (5) one who has received a waiver from the  
22 Attorney General of the United States pursuant to  
23 18 U.S.C. 922(y)(3);

24 (xii) He or she is not a minor subject to a  
25 petition filed under Section 5-520 of the Juvenile  
26 Court Act of 1987 alleging that the minor is a

1 delinquent minor for the commission of an offense that  
2 if committed by an adult would be a felony;

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

7 (xiv) He or she is a resident of the State of  
8 Illinois;

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

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

13 (xvii) He or she is not a person with a  
14 developmental disability; and

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

1 requested. The information received shall be destroyed  
2 within one year of receipt.

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

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

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

22 (a-20) Each applicant for a Firearm Owner's Identification  
23 Card shall furnish to the Department of State Police his or her  
24 photograph. An applicant who is 18 ~~21~~ years of age or older  
25 seeking a religious exemption to the photograph requirement  
26 must furnish with the application an approved copy of United

1 States Department of the Treasury Internal Revenue Service  
2 Form 4029. In lieu of a photograph, an applicant regardless of  
3 age seeking a religious exemption to the photograph  
4 requirement shall submit fingerprints on a form and manner  
5 prescribed by the Department with his or her application.

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

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

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

17 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

24 (a) A person under 18 ~~21~~ years of age who has been  
25 convicted of a misdemeanor other than a traffic offense or

1 adjudged delinquent;

2 (b) This subsection (b) applies through the 180th day  
3 following the effective date of this amendatory Act of the  
4 101st General Assembly. A person under 18 ~~21~~ years of age  
5 who is not an active duty member of the of the United  
6 States Armed Forces and does not have the written consent  
7 of his parent or guardian to acquire and possess firearms  
8 and firearm ammunition, or whose parent or guardian has  
9 revoked such written consent, or where such parent or  
10 guardian does not qualify to have a Firearm Owner's  
11 Identification Card;

12 (b-5) This subsection (b-5) applies on and after the  
13 181st day following the effective date of this amendatory  
14 Act of the 101st General Assembly. A person under 18 ~~21~~  
15 years of age who is not an active duty member of the United  
16 States Armed Forces and does not have the written consent  
17 of his or her parent or guardian to acquire and possess  
18 firearms and firearm ammunition, or whose parent or  
19 guardian has revoked such written consent, or where such  
20 parent or guardian does not qualify to have a Firearm  
21 Owner's Identification Card;

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

24 (d) A person addicted to narcotics;

25 (e) A person who has been a patient of a mental health  
26 facility within the past 5 years or a person who has been a

1 patient in a mental health facility more than 5 years ago  
2 who has not received the certification required under  
3 subsection (u) of this Section. An active law enforcement  
4 officer employed by a unit of government who is denied,  
5 revoked, or has his or her Firearm Owner's Identification  
6 Card seized under this subsection (e) may obtain relief as  
7 described in subsection (c-5) of Section 10 of this Act if  
8 the officer did not act in a manner threatening to the  
9 officer, another person, or the public as determined by  
10 the treating clinical psychologist or physician, and the  
11 officer seeks mental health treatment;

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

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

16 (h) A person who intentionally makes a false statement  
17 in the Firearm Owner's Identification Card application;

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

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

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

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

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

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

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

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

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

20 (j) (Blank);

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

26 (l) A person who has been convicted of domestic



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

18 (m) (Blank);

19 (n) A person who is prohibited from acquiring or  
20 possessing firearms or firearm ammunition by any Illinois  
21 State statute or by federal law;

22 (o) A minor subject to a petition filed under Section  
23 5-520 of the Juvenile Court Act of 1987 alleging that the  
24 minor is a delinquent minor for the commission of an  
25 offense that if committed by an adult would be a felony;

26 (p) An adult who had been adjudicated a delinquent

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

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

7 (r) A person who has been adjudicated as a person with  
8 a mental disability;

9 (s) A person who has been found to have a  
10 developmental disability;

11 (t) A person involuntarily admitted into a mental  
12 health facility; or

13 (u) A person who has had his or her Firearm Owner's  
14 Identification Card revoked or denied under subsection (e)  
15 of this Section or item (iv) of paragraph (2) of  
16 subsection (a) of Section 4 of this Act because he or she  
17 was a patient in a mental health facility as provided in  
18 subsection (e) of this Section, shall not be permitted to  
19 obtain a Firearm Owner's Identification Card, after the  
20 5-year period has lapsed, unless he or she has received a  
21 mental health evaluation by a physician, clinical  
22 psychologist, or qualified examiner as those terms are  
23 defined in the Mental Health and Developmental  
24 Disabilities Code, and has received a certification that  
25 he or she is not a clear and present danger to himself,  
26 herself, or others. The physician, clinical psychologist,

1 or qualified examiner making the certification and his or  
2 her employer shall not be held criminally, civilly, or  
3 professionally liable for making or not making the  
4 certification required under this subsection, except for  
5 willful or wanton misconduct. This subsection does not  
6 apply to a person whose firearm possession rights have  
7 been restored through administrative or judicial action  
8 under Section 10 or 11 of this Act.

9 Upon revocation of a person's Firearm Owner's  
10 Identification Card, the Department of State Police shall  
11 provide notice to the person and the person shall comply with  
12 Section 9.5 of this Act.

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

14 Section 10. The Firearm Concealed Carry Act is amended by  
15 changing Section 25 as follows:

16 (430 ILCS 66/25)

17 Sec. 25. Qualifications for a license.

18 The Department shall issue a license to an applicant  
19 completing an application in accordance with Section 30 of  
20 this Act if the person:

21 (1) is at least 18 ~~21~~ years of age or is an active duty  
22 member of the United States Armed Forces;

23 (2) has a currently valid Firearm Owner's  
24 Identification Card and at the time of application meets

1 the requirements for the issuance of a Firearm Owner's  
2 Identification Card and is not prohibited under the  
3 Firearm Owners Identification Card Act or federal law from  
4 possessing or receiving a firearm;

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

7 (A) a misdemeanor involving the use or threat of  
8 physical force or violence to any person within the 5  
9 years preceding the date of the license application;  
10 or

11 (B) 2 or more violations related to driving while  
12 under the influence of alcohol, other drug or drugs,  
13 intoxicating compound or compounds, or any combination  
14 thereof, within the 5 years preceding the date of the  
15 license application;

16 (4) is not the subject of a pending arrest warrant,  
17 prosecution, or proceeding for an offense or action that  
18 could lead to disqualification to own or possess a  
19 firearm;

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

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

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