



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3318

Introduced 2/19/2021, by Rep. David A. Welter

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/4  
430 ILCS 65/8

from Ch. 38, par. 83-4  
from Ch. 38, par. 83-8

Amends the Firearm Owners Identification Card Act. Provides that if an applicant for a Firearm Owner's Identification Card: (1) is 18 years of age or older but under 21 years of age, (2) is not an active duty member of the United States Armed Forces, and (3) does not have a parent or legal guardian to give written consent to his or her application, he or she must provide 2 signed, dated, and notarized personal references regarding his or her suitability to possess firearms and a signed, dated, and notarized statement detailing the reasons he or she does not have a parent or legal guardian. Provides that, if applicable, the applicant must provide death certificates or any applicable court orders regarding his or her circumstances resulting in his or her lack of a parent or legal guardian.

LRB102 13809 RLC 19159 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 4 and 8 as follows:

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

7 Sec. 4. Application for Firearm Owner's Identification  
8 Cards.

9 (a) Each applicant for a Firearm Owner's Identification  
10 Card must:

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

16 (2) Submit evidence to the Department of State Police  
17 that:

18 (i) This subparagraph (i) applies through January  
19 8, 2020 ~~the 180th day following the effective date of~~  
20 ~~this amendatory Act of the 101st General Assembly.~~ He  
21 or she is 21 years of age or over, or if he or she is  
22 under 21 years of age that he or she has the written  
23 consent of his or her parent or legal guardian to

1 possess and acquire firearms and firearm ammunition  
2 and that he or she has never been convicted of a  
3 misdemeanor other than a traffic offense or adjudged  
4 delinquent, provided, however, that such parent or  
5 legal guardian is not an individual prohibited from  
6 having a Firearm Owner's Identification Card and files  
7 an affidavit with the Department as prescribed by the  
8 Department stating that he or she is not an individual  
9 prohibited from having a Card;

10 (i-5) This subparagraph (i-5) applies on and after  
11 January 9, 2020 ~~the 181st day following the effective~~  
12 ~~date of this amendatory Act of the 101st General~~  
13 ~~Assembly.~~ Except as otherwise provided in subparagraph  
14 (i-6), he ~~He~~ or she is 21 years of age or over, or if  
15 he or she is under 21 years of age that he or she has  
16 never been convicted of a misdemeanor other than a  
17 traffic offense or adjudged delinquent and is an  
18 active duty member of the United States Armed Forces  
19 or has the written consent of his or her parent or  
20 legal guardian to possess and acquire firearms and  
21 firearm ammunition, provided, however, that such  
22 parent or legal guardian is not an individual  
23 prohibited from having a Firearm Owner's  
24 Identification Card and files an affidavit with the  
25 Department as prescribed by the Department stating  
26 that he or she is not an individual prohibited from

1 having a Card or the active duty member of the United  
2 States Armed Forces under 21 years of age annually  
3 submits proof to the Department of State Police, in a  
4 manner prescribed by the Department;

5 (i-6) The applicant (A) is 18 years of age or older  
6 but under 21 years of age; (B) is not an active duty  
7 member of the United States Armed Forces; and (C) does  
8 not have a parent or legal guardian to give written  
9 consent to his or her application;

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

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

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

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

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

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

26 (viii) He or she has not been convicted within the

1 past 5 years of battery, assault, aggravated assault,  
2 violation of an order of protection, or a  
3 substantially similar offense in another jurisdiction,  
4 in which a firearm was used or possessed;

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

21 (x) (Blank);

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

1           been lawfully admitted to the United States under a  
2           non-immigrant visa if that alien is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 age seeking a religious exemption to the photograph  
2 requirement shall submit fingerprints on a form and manner  
3 prescribed by the Department with his or her application.

4 (a-25) Evidence submitted to meet the requirements of  
5 subdivision (a)(2)(i-6) of this Section shall include the  
6 following:

7 (1) 2 signed, dated, and notarized personal references  
8 regarding the applicant's suitability to possess firearms;

9 (2) a signed, dated, and notarized statement detailing  
10 the reasons the applicant does not have a parent or legal  
11 guardian; and

12 (3) the death certificates or any applicable court  
13 orders regarding circumstances of the applicant resulting  
14 in his or her lack of a parent or legal guardian.

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

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

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

1 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

11 (b) This subsection (b) applies through January 8,  
12 2020 ~~the 180th day following the effective date of this~~  
13 ~~amendatory Act of the 101st General Assembly~~. A person  
14 under 21 years of age who does not have the written consent  
15 of his parent or guardian to acquire and possess firearms  
16 and firearm ammunition, or whose parent or guardian has  
17 revoked such written consent, or where such parent or  
18 guardian does not qualify to have a Firearm Owner's  
19 Identification Card;

20 (b-5) This subsection (b-5) applies on and after  
21 January 9, 2020 ~~the 181st day following the effective date~~  
22 ~~of this amendatory Act of the 101st General Assembly~~.  
23 Except as otherwise provided in subsection (b-6), a ~~A~~  
24 person under 21 years of age who is not an active duty  
25 member of the United States Armed Forces and does not have  
26 the written consent of his or her parent or guardian to

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

5 (b-6) A person who: (A) is 18 years of age or older but  
6 under 21 years of age; (B) is not an active duty member of  
7 the United States Armed Forces; (C) does not have the  
8 written consent of his or her parent or guardian to  
9 acquire and possess firearms and firearm ammunition; (D)  
10 does not provide 2 signed, dated, and notarized personal  
11 references regarding his or her suitability to possess  
12 firearms; and (E) does not provide a signed, dated, and  
13 notarized statement detailing the reasons he or she does  
14 not have a parent or legal guardian, or if applicable,  
15 does not provide death certificates or any applicable  
16 court orders regarding his or her circumstances resulting  
17 in his or her lack of a parent or legal guardian;

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

20 (d) A person addicted to narcotics;

21 (e) A person who has been a patient of a mental health  
22 facility within the past 5 years or a person who has been a  
23 patient in a mental health facility more than 5 years ago  
24 who has not received the certification required under  
25 subsection (u) of this Section. An active law enforcement  
26 officer employed by a unit of government who is denied,

1           revoked, or has his or her Firearm Owner's Identification  
2           Card seized under this subsection (e) may obtain relief as  
3           described in subsection (c-5) of Section 10 of this Act if  
4           the officer did not act in a manner threatening to the  
5           officer, another person, or the public as determined by  
6           the treating clinical psychologist or physician, and the  
7           officer seeks mental health treatment;

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

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

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

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

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

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

25                  (2) an official representative of a foreign  
26                  government who is:

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

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

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

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

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

16 (j) (Blank);

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

22 (l) A person who has been convicted of domestic  
23 battery, aggravated domestic battery, or a substantially  
24 similar offense in another jurisdiction committed before,  
25 on or after January 1, 2012 (the effective date of Public  
26 Act 97-158). If the applicant or person who has been

1 previously issued a Firearm Owner's Identification Card  
2 under this Act knowingly and intelligently waives the  
3 right to have an offense described in this paragraph (l)  
4 tried by a jury, and by guilty plea or otherwise, results  
5 in a conviction for an offense in which a domestic  
6 relationship is not a required element of the offense but  
7 in which a determination of the applicability of 18 U.S.C.  
8 922(g)(9) is made under Section 112A-11.1 of the Code of  
9 Criminal Procedure of 1963, an entry by the court of a  
10 judgment of conviction for that offense shall be grounds  
11 for denying an application for and for revoking and  
12 seizing a Firearm Owner's Identification Card previously  
13 issued to the person under this Act;

14 (m) (Blank);

15 (n) A person who is prohibited from acquiring or  
16 possessing firearms or firearm ammunition by any Illinois  
17 State statute or by federal law;

18 (o) A minor subject to a petition filed under Section  
19 5-520 of the Juvenile Court Act of 1987 alleging that the  
20 minor is a delinquent minor for the commission of an  
21 offense that if committed by an adult would be a felony;

22 (p) An adult who had been adjudicated a delinquent  
23 minor under the Juvenile Court Act of 1987 for the  
24 commission of an offense that if committed by an adult  
25 would be a felony;

26 (q) A person who is not a resident of the State of

1 Illinois, except as provided in subsection (a-10) of  
2 Section 4;

3 (r) A person who has been adjudicated as a person with  
4 a mental disability;

5 (s) A person who has been found to have a  
6 developmental disability;

7 (t) A person involuntarily admitted into a mental  
8 health facility; or

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

1 willful or wanton misconduct. This subsection does not  
2 apply to a person whose firearm possession rights have  
3 been restored through administrative or judicial action  
4 under Section 10 or 11 of this Act.

5 Upon revocation of a person's Firearm Owner's  
6 Identification Card, the Department of State Police shall  
7 provide notice to the person and the person shall comply with  
8 Section 9.5 of this Act.

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