



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### HB3423

Introduced 2/22/2021, by Rep. Will Guzzardi

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/2.5 new

430 ILCS 65/3.1

430 ILCS 65/8

from Ch. 38, par. 83-3.1

from Ch. 38, par. 83-8

Amends the Firearm Owners Identification Card Act. Provides that the Illinois State Police shall create and maintain a database that a person can voluntarily apply to in order to be barred from purchasing a firearm. Provides that the application shall be notarized and submitted to the Illinois State Police in a form and manner prescribed by the Illinois State Police. Provides that the form shall not require the applicant to provide the Illinois State Police with a reason for the application. Provides that a person shall remain on the database until he or she submits a notarized withdrawal application. Provides that the withdrawal application shall automatically be approved and become effective 7 days after receipt by the Illinois State Police. Provides that the Illinois State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under the Act only if the Illinois State Police finds that the applicant or the person to whom such card was issued is or was at the time of issuance a person who voluntarily registers on the Illinois State Police's voluntary do not sell to database. Provides that under no circumstances shall an application under this provision or any information contained in the application be used: (1) to deny an application for a Firearm Owner's Identification Card or a license to carry a concealed firearm; (2) to confiscate any firearms which the applicant may possess; (3) to require the applicant to relinquish any firearms which the applicant may possess; or (4) for any other purpose other than the administration of this provision.

LRB102 11836 RLC 17171 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 3.1 and 8 and by adding Section  
6 2.5 as follows:

7 (430 ILCS 65/2.5 new)

8 Sec. 2.5. Voluntary database; purchase of firearms. The  
9 Illinois State Police shall create and maintain a database  
10 that a person can voluntarily apply to in order to be barred  
11 from purchasing a firearm. The application shall be notarized  
12 and submitted to the Illinois State Police, in a form and  
13 manner prescribed by the Illinois State Police. However, the  
14 form shall not require the applicant to provide the Illinois  
15 State Police with a reason for the application. The Illinois  
16 State Police shall immediately update the database upon  
17 receipt of each application. A person shall remain on the  
18 database until he or she submits a notarized withdrawal  
19 application to the Illinois State Police in a form and manner  
20 prescribed by the Illinois State Police. The withdrawal  
21 application shall automatically be approved and become  
22 effective 7 days after receipt by the Illinois State Police.  
23 The Illinois State Police shall immediately update its

1 database once an application becomes effective and remove the  
2 person from the database. Under no circumstances shall an  
3 application under this Section or any information contained in  
4 the application be used:

5 (1) to deny an application for a Firearm Owner's  
6 Identification Card or a license to carry a concealed  
7 firearm;

8 (2) to confiscate any firearms which the applicant may  
9 possess;

10 (3) to require the applicant to relinquish any  
11 firearms which the applicant may possess; or

12 (4) for any other purpose other than the  
13 administration of this Section.

14 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

15 Sec. 3.1. Dial up system.

16 (a) The Department of State Police shall provide a dial up  
17 telephone system or utilize other existing technology which  
18 shall be used by any federally licensed firearm dealer, gun  
19 show promoter, or gun show vendor who is to transfer a firearm,  
20 stun gun, or taser under the provisions of this Act. The  
21 Department of State Police may utilize existing technology  
22 which allows the caller to be charged a fee not to exceed \$2.  
23 Fees collected by the Department of State Police shall be  
24 deposited in the State Police Services Fund and used to  
25 provide the service.

1           (b) Upon receiving a request from a federally licensed  
2 firearm dealer, gun show promoter, or gun show vendor, the  
3 Department of State Police shall immediately approve, or  
4 within the time period established by Section 24-3 of the  
5 Criminal Code of 2012 regarding the delivery of firearms, stun  
6 guns, and tasers notify the inquiring dealer, gun show  
7 promoter, or gun show vendor of any objection that would  
8 disqualify the transferee from acquiring or possessing a  
9 firearm, stun gun, or taser. In conducting the inquiry, the  
10 Department of State Police shall initiate and complete an  
11 automated search of its criminal history record information  
12 files and those of the Federal Bureau of Investigation,  
13 including the National Instant Criminal Background Check  
14 System, the Illinois State Police's voluntary do not sell to  
15 database, and of the files of the Department of Human Services  
16 relating to mental health and developmental disabilities to  
17 obtain any felony conviction or patient hospitalization  
18 information which would disqualify a person from obtaining or  
19 require revocation of a currently valid Firearm Owner's  
20 Identification Card.

21           (c) If receipt of a firearm would not violate Section 24-3  
22 of the Criminal Code of 2012, federal law, or this Act the  
23 Department of State Police shall:

24                 (1) assign a unique identification number to the  
25 transfer; and

26                 (2) provide the licensee, gun show promoter, or gun

1 show vendor with the number.

2 (d) Approvals issued by the Department of State Police for  
3 the purchase of a firearm are valid for 30 days from the date  
4 of issue.

5 (e) (1) The Department of State Police must act as the  
6 Illinois Point of Contact for the National Instant Criminal  
7 Background Check System.

8 (2) The Department of State Police and the Department of  
9 Human Services shall, in accordance with State and federal law  
10 regarding confidentiality, enter into a memorandum of  
11 understanding with the Federal Bureau of Investigation for the  
12 purpose of implementing the National Instant Criminal  
13 Background Check System in the State. The Department of State  
14 Police shall report the name, date of birth, and physical  
15 description of any person prohibited from possessing a firearm  
16 pursuant to the Firearm Owners Identification Card Act or 18  
17 U.S.C. 922(g) and (n) to the National Instant Criminal  
18 Background Check System Index, Denied Persons Files.

19 (3) The Department of State Police shall provide notice of  
20 the disqualification of a person under subsection (b) of this  
21 Section or the revocation of a person's Firearm Owner's  
22 Identification Card under Section 8 or Section 8.2 of this  
23 Act, and the reason for the disqualification or revocation, to  
24 all law enforcement agencies with jurisdiction to assist with  
25 the seizure of the person's Firearm Owner's Identification  
26 Card.

1 (f) The Department of State Police shall adopt rules not  
2 inconsistent with this Section to implement this system.

3 (Source: P.A. 98-63, eff. 7-9-13; 99-787, eff. 1-1-17.)

4 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

11 (a) A person under 21 years of age who has been  
12 convicted of a misdemeanor other than a traffic offense or  
13 adjudged delinquent;

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

22 (b-5) This subsection (b-5) applies on and after the  
23 181st day following the effective date of this amendatory  
24 Act of the 101st General Assembly. A person under 21 years  
25 of age who is not an active duty member of the United

1 States Armed Forces and does not have the written consent  
2 of his or her parent or guardian to acquire and possess  
3 firearms and firearm ammunition, or whose parent or  
4 guardian has revoked such written consent, or where such  
5 parent or guardian does not qualify to have a Firearm  
6 Owner's Identification Card;

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

9 (d) A person addicted to narcotics;

10 (e) A person who has been a patient of a mental health  
11 facility within the past 5 years or a person who has been a  
12 patient in a mental health facility more than 5 years ago  
13 who has not received the certification required under  
14 subsection (u) of this Section. An active law enforcement  
15 officer employed by a unit of government who is denied,  
16 revoked, or has his or her Firearm Owner's Identification  
17 Card seized under this subsection (e) may obtain relief as  
18 described in subsection (c-5) of Section 10 of this Act if  
19 the officer did not act in a manner threatening to the  
20 officer, another person, or the public as determined by  
21 the treating clinical psychologist or physician, and the  
22 officer seeks mental health treatment;

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

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

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

3 (h-5) A person who voluntarily registers on the  
4 Illinois State Police's voluntary do not sell to database;

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

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

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

16 (2) an official representative of a foreign  
17 government who is:

18 (A) accredited to the United States Government  
19 or the Government's mission to an international  
20 organization having its headquarters in the United  
21 States; or

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

24 (3) an official of a foreign government or  
25 distinguished foreign visitor who has been so  
26 designated by the Department of State;



1           (4) a foreign law enforcement officer of a  
2 friendly foreign government entering the United States  
3 on official business; or

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

7           (j) (Blank);

8           (k) A person who has been convicted within the past 5  
9 years of battery, assault, aggravated assault, violation  
10 of an order of protection, or a substantially similar  
11 offense in another jurisdiction, in which a firearm was  
12 used or possessed;

13           (l) A person who has been convicted of domestic  
14 battery, aggravated domestic battery, or a substantially  
15 similar offense in another jurisdiction committed before,  
16 on or after January 1, 2012 (the effective date of Public  
17 Act 97-158). If the applicant or person who has been  
18 previously issued a Firearm Owner's Identification Card  
19 under this Act knowingly and intelligently waives the  
20 right to have an offense described in this paragraph (l)  
21 tried by a jury, and by guilty plea or otherwise, results  
22 in a conviction for an offense in which a domestic  
23 relationship is not a required element of the offense but  
24 in which a determination of the applicability of 18 U.S.C.  
25 922(g) (9) is made under Section 112A-11.1 of the Code of  
26 Criminal Procedure of 1963, an entry by the court of a

1 judgment of conviction for that offense shall be grounds  
2 for denying an application for and for revoking and  
3 seizing a Firearm Owner's Identification Card previously  
4 issued to the person under this Act;

5 (m) (Blank);

6 (n) A person who is prohibited from acquiring or  
7 possessing firearms or firearm ammunition by any Illinois  
8 State statute or by federal law;

9 (o) A minor subject to a petition filed under Section  
10 5-520 of the Juvenile Court Act of 1987 alleging that the  
11 minor is a delinquent minor for the commission of an  
12 offense that if committed by an adult would be a felony;

13 (p) An adult who had been adjudicated a delinquent  
14 minor under the Juvenile Court Act of 1987 for the  
15 commission of an offense that if committed by an adult  
16 would be a felony;

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

20 (r) A person who has been adjudicated as a person with  
21 a mental disability;

22 (s) A person who has been found to have a  
23 developmental disability;

24 (t) A person involuntarily admitted into a mental  
25 health facility; or

26 (u) A person who has had his or her Firearm Owner's

1 Identification Card revoked or denied under subsection (e)  
2 of this Section or item (iv) of paragraph (2) of  
3 subsection (a) of Section 4 of this Act because he or she  
4 was a patient in a mental health facility as provided in  
5 subsection (e) of this Section, shall not be permitted to  
6 obtain a Firearm Owner's Identification Card, after the  
7 5-year period has lapsed, unless he or she has received a  
8 mental health evaluation by a physician, clinical  
9 psychologist, or qualified examiner as those terms are  
10 defined in the Mental Health and Developmental  
11 Disabilities Code, and has received a certification that  
12 he or she is not a clear and present danger to himself,  
13 herself, or others. The physician, clinical psychologist,  
14 or qualified examiner making the certification and his or  
15 her employer shall not be held criminally, civilly, or  
16 professionally liable for making or not making the  
17 certification required under this subsection, except for  
18 willful or wanton misconduct. This subsection does not  
19 apply to a person whose firearm possession rights have  
20 been restored through administrative or judicial action  
21 under Section 10 or 11 of this Act.

22 Upon revocation of a person's Firearm Owner's  
23 Identification Card, the Department of State Police shall  
24 provide notice to the person and the person shall comply with  
25 Section 9.5 of this Act.

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