



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3679

Introduced 2/22/2021, 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.

LRB102 11911 KMF 17247 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
11 Section, and every applicant found qualified under Section 8
12 of this Act by the Department shall be entitled to a Firearm
13 Owner's 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

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

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

13 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

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

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

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

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

1 prohibited from obtaining, possessing, or using a firearm
2 under federal law.

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

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

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

25 (2) the circumstances regarding a criminal conviction,
26 where applicable, the applicant's criminal history and his

1 reputation are such that the applicant will not be likely
2 to act in a manner dangerous to public safety;

3 (3) granting relief would not be contrary to the
4 public interest; and

5 (4) granting relief would not be contrary to federal
6 law.

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

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

24 (B) the officer has not left the mental institution
25 against medical advice.

26 (2) The Director of State Police shall grant expedited

1 relief to active law enforcement officers described in
2 paragraph (1) of this subsection (c-5) upon a determination by
3 the Director that the officer's possession of a firearm does
4 not present a threat to themselves, others, or public safety.
5 The Director shall act on the request for relief within 30
6 business days of receipt of:

7 (A) a notarized statement from the officer in the form
8 prescribed by the Director detailing the circumstances
9 that led to the hospitalization;

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

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

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

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

1 relief until the proof and information is received.

2 (4) "Clinical psychologist", "psychiatrist", and
3 "qualified examiner" shall have the same meaning as provided
4 in Chapter I of the Mental Health and Developmental
5 Disabilities Code.

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

12 (2) The Director shall act on the request for relief
13 within 60 business days of receipt of written certification,
14 in the form prescribed by the Director, from a physician or
15 clinical psychologist, or qualified examiner, that the
16 aggrieved party's developmental disability or intellectual
17 disability condition is determined by a physician, clinical
18 psychologist, or qualified to be mild. If a fact-finding
19 conference is scheduled to obtain additional information
20 concerning the circumstances of the denial or revocation, the
21 60 business days the Director has to act shall be tolled until
22 the completion of the fact-finding conference.

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

1 Director's satisfaction that:

2 (A) granting relief would not be contrary to the
3 public interest; and

4 (B) granting relief would not be contrary to federal
5 law.

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

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

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

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

1 that the disability has been removed and that the applicant is
2 eligible to obtain a Firearm Owner's Identification Card.

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

1 Instant Criminal Background Check System and notify the United
2 States Attorney General that the basis for the record being
3 made available no longer applies. The Department of State
4 Police shall adopt rules for the administration of this
5 Section.

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

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

10 (430 ILCS 66/50)

11 Sec. 50. License renewal.

12 (a) This subsection (a) applies through the 180th day
13 following the effective date of this amendatory Act of the
14 101st General Assembly. Applications for renewal of a license
15 shall be made to the Department. A license shall be renewed for
16 a period of 5 years upon receipt of a completed renewal
17 application, completion of 3 hours of training required under
18 Section 75 of this Act, payment of the applicable renewal fee,
19 and completion of an investigation under Section 35 of this
20 Act. The renewal application shall contain the information
21 required in Section 30 of this Act, except that the applicant
22 need not resubmit a full set of fingerprints.

23 (b) This subsection (b) applies on and after the 181st day
24 following the effective date of this amendatory Act of the

1 101st General Assembly. Applications for renewal of a license
2 shall be made to the Department. A license shall be renewed for
3 a period of 5 years from the date of expiration on the
4 applicant's current license upon the receipt of a completed
5 renewal application, completion of 3 hours of training
6 required under Section 75 of this Act, payment of the
7 applicable renewal fee, and completion of an investigation
8 under Section 35 of this Act. The renewal application shall
9 contain the information required in Section 30 of this Act,
10 except that the applicant need not resubmit a full set of
11 fingerprints. Renewal applications shall be approved or denied
12 within 90 calendar days.

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

14 (430 ILCS 66/87)

15 Sec. 87. Administrative and judicial review.

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

1 act on an appeal of a failure of the Illinois State Police to
2 act on an application for a concealed carry license or a
3 denial, revocation, or suspension of the concealed carry
4 license within 90 calendar days after receipt of the appeal.
5 If the Director fails to act within that 90-day period, the
6 application for the concealed carry license shall be granted
7 or the revoked or suspended concealed carry license shall be
8 reinstated.

9 (b) All final administrative decisions of the Department
10 or the Concealed Carry Licensing Review Board under this Act
11 shall be subject to judicial review under the provisions of
12 the Administrative Review Law. The term "administrative
13 decision" is defined as in Section 3-101 of the Code of Civil
14 Procedure.

15 (Source: P.A. 98-63, eff. 7-9-13.)