



Rep. Aaron M. Ortiz

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10200HB5004ham001

LRB102 23330 RJF 37140 a

1 AMENDMENT TO HOUSE BILL 5004

2 AMENDMENT NO. _____. Amend House Bill 5004 as follows:

3 on page 1, immediately below line 3, by inserting the
4 following:

5 "Section 1. Legislative intent. It is the intent of the
6 General Assembly in enacting this amendatory Act of the 102nd
7 General Assembly to make only nonsubstantive changes that
8 remove the dehumanizing term "alien" from all Illinois
9 statutory provisions. No change made by this amendatory Act of
10 the 102nd General Assembly shall be interpreted so as to make
11 any substantive change to existing law, including, but not
12 limited to, eligibility for federal programs or benefits that
13 are available to a person who meets the definition of "alien"
14 under State or federal law."; and

15 on page 2, line 9, by replacing "noncitizen" with "person";

1 and

2 by deleting line 16 on page 6 through line 11 on page 8; and

3 on page 9, by replacing lines 1 and 2 with "skills. No
4 participating employee may be a person without employment
5 authorization under federal law ~~an unauthorized~~"; and

6 on page 9, line 3, by deleting "permanent residence)"; and

7 on page 13, line 14, by deleting "noncitizen"; and

8 on page 41, line 17, by replacing "noncitizen" with
9 "individual who is a national or citizen of a country other
10 than the United States"; and

11 on page 41, line 18, by replacing "individual" with
12 "~~individual~~"; and

13 on page 44, line 17, by replacing "illegal noncitizens" with
14 "undocumented immigrants ~~illegal~~"; and

15 on page 46, line 23, by replacing "noncitizen" with "person";
16 and

17 on page 47, line 15, by replacing "resident noncitizens" with

1 "residents ~~resident~~"; and

2 on page 51, line 5, by deleting "noncitizen"; and

3 on page 52, line 21, by deleting "noncitizen"; and

4 on page 53, line 20, by deleting "noncitizen"; and

5 on page 55, line 14, by deleting "noncitizen"; and

6 on page 61, line 7, by deleting "noncitizen"; and

7 on page 64, line 11, by deleting "noncitizen"; and

8 on page 65, line 22, by deleting "noncitizen"; and

9 on page 68, line 9, by deleting "noncitizen"; and

10 on page 71, line 21, by replacing "a noncitizen" with "an
11 individual"; and

12 on page 72, line 18, by replacing "a noncitizen" with "an
13 individual"; and

14 on page 78, by replacing lines 13 and 14 with the following:

15 " (5) a citizen or person lawfully present in the

1 United States ~~person who has the status as a legal~~
2 ~~alien.~~"; and

3 on page 81, line 13, by replacing "noncitizen" with
4 "immigration"; and

5 on page 85, line 10, by deleting "noncitizen"; and

6 on page 87, by replacing lines 21 and 22 with the following:

7 "Section 90. The Firearm Owners Identification Card Act is
8 amended by changing Sections 1.1, 4, and 8 as follows:

9 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

10 Sec. 1.1. For purposes of this Act:

11 "Addicted to narcotics" means a person who has been:

12 (1) convicted of an offense involving the use or
13 possession of cannabis, a controlled substance, or
14 methamphetamine within the past year; or

15 (2) determined by the Illinois State Police to be
16 addicted to narcotics based upon federal law or federal
17 guidelines.

18 "Addicted to narcotics" does not include possession or use
19 of a prescribed controlled substance under the direction and
20 authority of a physician or other person authorized to
21 prescribe the controlled substance when the controlled

1 substance is used in the prescribed manner.

2 "Adjudicated as a person with a mental disability" means
3 the person is the subject of a determination by a court, board,
4 commission or other lawful authority that the person, as a
5 result of marked subnormal intelligence, or mental illness,
6 mental impairment, incompetency, condition, or disease:

7 (1) presents a clear and present danger to himself,
8 herself, or to others;

9 (2) lacks the mental capacity to manage his or her own
10 affairs or is adjudicated a person with a disability as
11 defined in Section 11a-2 of the Probate Act of 1975;

12 (3) is not guilty in a criminal case by reason of
13 insanity, mental disease or defect;

14 (3.5) is guilty but mentally ill, as provided in
15 Section 5-2-6 of the Unified Code of Corrections;

16 (4) is incompetent to stand trial in a criminal case;

17 (5) is not guilty by reason of lack of mental
18 responsibility under Articles 50a and 72b of the Uniform
19 Code of Military Justice, 10 U.S.C. 850a, 876b;

20 (6) is a sexually violent person under subsection (f)
21 of Section 5 of the Sexually Violent Persons Commitment
22 Act;

23 (7) is a sexually dangerous person under the Sexually
24 Dangerous Persons Act;

25 (8) is unfit to stand trial under the Juvenile Court
26 Act of 1987;

1 (9) is not guilty by reason of insanity under the
2 Juvenile Court Act of 1987;

3 (10) is subject to involuntary admission as an
4 inpatient as defined in Section 1-119 of the Mental Health
5 and Developmental Disabilities Code;

6 (11) is subject to involuntary admission as an
7 outpatient as defined in Section 1-119.1 of the Mental
8 Health and Developmental Disabilities Code;

9 (12) is subject to judicial admission as set forth in
10 Section 4-500 of the Mental Health and Developmental
11 Disabilities Code; or

12 (13) is subject to the provisions of the Interstate
13 Agreements on Sexually Dangerous Persons Act.

14 "Clear and present danger" means a person who:

15 (1) communicates a serious threat of physical violence
16 against a reasonably identifiable victim or poses a clear
17 and imminent risk of serious physical injury to himself,
18 herself, or another person as determined by a physician,
19 clinical psychologist, or qualified examiner; or

20 (2) demonstrates threatening physical or verbal
21 behavior, such as violent, suicidal, or assaultive
22 threats, actions, or other behavior, as determined by a
23 physician, clinical psychologist, qualified examiner,
24 school administrator, or law enforcement official.

25 "Clinical psychologist" has the meaning provided in
26 Section 1-103 of the Mental Health and Developmental

1 Disabilities Code.

2 "Controlled substance" means a controlled substance or
3 controlled substance analog as defined in the Illinois
4 Controlled Substances Act.

5 "Counterfeit" means to copy or imitate, without legal
6 authority, with intent to deceive.

7 "Federally licensed firearm dealer" means a person who is
8 licensed as a federal firearms dealer under Section 923 of the
9 federal Gun Control Act of 1968 (18 U.S.C. 923).

10 "Firearm" means any device, by whatever name known, which
11 is designed to expel a projectile or projectiles by the action
12 of an explosion, expansion of gas or escape of gas; excluding,
13 however:

14 (1) any pneumatic gun, spring gun, paint ball gun, or
15 B-B gun which expels a single globular projectile not
16 exceeding .18 inch in diameter or which has a maximum
17 muzzle velocity of less than 700 feet per second;

18 (1.1) any pneumatic gun, spring gun, paint ball gun,
19 or B-B gun which expels breakable paint balls containing
20 washable marking colors;

21 (2) any device used exclusively for signaling or
22 safety and required or recommended by the United States
23 Coast Guard or the Interstate Commerce Commission;

24 (3) any device used exclusively for the firing of stud
25 cartridges, explosive rivets or similar industrial
26 ammunition; and

1 (4) an antique firearm (other than a machine-gun)
2 which, although designed as a weapon, the Illinois State
3 Police finds by reason of the date of its manufacture,
4 value, design, and other characteristics is primarily a
5 collector's item and is not likely to be used as a weapon.

6 "Firearm ammunition" means any self-contained cartridge or
7 shotgun shell, by whatever name known, which is designed to be
8 used or adaptable to use in a firearm; excluding, however:

9 (1) any ammunition exclusively designed for use with a
10 device used exclusively for signaling ~~signalling~~ or safety
11 and required or recommended by the United States Coast
12 Guard or the Interstate Commerce Commission; and

13 (2) any ammunition designed exclusively for use with a
14 stud or rivet driver or other similar industrial
15 ammunition.

16 "Gun show" means an event or function:

17 (1) at which the sale and transfer of firearms is the
18 regular and normal course of business and where 50 or more
19 firearms are displayed, offered, or exhibited for sale,
20 transfer, or exchange; or

21 (2) at which not less than 10 gun show vendors
22 display, offer, or exhibit for sale, sell, transfer, or
23 exchange firearms.

24 "Gun show" includes the entire premises provided for an
25 event or function, including parking areas for the event or
26 function, that is sponsored to facilitate the purchase, sale,

1 transfer, or exchange of firearms as described in this
2 Section. Nothing in this definition shall be construed to
3 exclude a gun show held in conjunction with competitive
4 shooting events at the World Shooting Complex sanctioned by a
5 national governing body in which the sale or transfer of
6 firearms is authorized under subparagraph (5) of paragraph (g)
7 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

8 Unless otherwise expressly stated, "gun show" does not
9 include training or safety classes, competitive shooting
10 events, such as rifle, shotgun, or handgun matches, trap,
11 skeet, or sporting clays shoots, dinners, banquets, raffles,
12 or any other event where the sale or transfer of firearms is
13 not the primary course of business.

14 "Gun show promoter" means a person who organizes or
15 operates a gun show.

16 "Gun show vendor" means a person who exhibits, sells,
17 offers for sale, transfers, or exchanges any firearms at a gun
18 show, regardless of whether the person arranges with a gun
19 show promoter for a fixed location from which to exhibit,
20 sell, offer for sale, transfer, or exchange any firearm.

21 "Involuntarily admitted" has the meaning as prescribed in
22 Sections 1-119 and 1-119.1 of the Mental Health and
23 Developmental Disabilities Code.

24 "Mental health facility" means any licensed private
25 hospital or hospital affiliate, institution, or facility, or
26 part thereof, and any facility, or part thereof, operated by

1 the State or a political subdivision thereof which provides
2 ~~provide~~ treatment of persons with mental illness and includes
3 all hospitals, institutions, clinics, evaluation facilities,
4 mental health centers, colleges, universities, long-term care
5 facilities, and nursing homes, or parts thereof, which provide
6 treatment of persons with mental illness whether or not the
7 primary purpose is to provide treatment of persons with mental
8 illness.

9 "National governing body" means a group of persons who
10 adopt rules and formulate policy on behalf of a national
11 firearm sporting organization.

12 "Noncitizen" means a person who is not a citizen of the
13 United States, but is a person who is a foreign-born person who
14 lives in the United States, has not been naturalized, and is
15 still a citizen of a foreign country.

16 "Patient" means:

17 (1) a person who is admitted as an inpatient or
18 resident of a public or private mental health facility for
19 mental health treatment under Chapter III of the Mental
20 Health and Developmental Disabilities Code as an informal
21 admission, a voluntary admission, a minor admission, an
22 emergency admission, or an involuntary admission, unless
23 the treatment was solely for an alcohol abuse disorder; or

24 (2) a person who voluntarily or involuntarily receives
25 mental health treatment as an out-patient or is otherwise
26 provided services by a public or private mental health

1 facility~~r~~ and who poses a clear and present danger to
2 himself, herself, or ~~to~~ others.

3 "Person with a developmental disability" means a person
4 with a disability which is attributable to any other condition
5 which results in impairment similar to that caused by an
6 intellectual disability and which requires services similar to
7 those required by persons with intellectual disabilities. The
8 disability must originate before the age of 18 years, be
9 expected to continue indefinitely, and constitute a
10 substantial disability. This disability results, in the
11 professional opinion of a physician, clinical psychologist, or
12 qualified examiner, in significant functional limitations in 3
13 or more of the following areas of major life activity:

- 14 (i) self-care;
15 (ii) receptive and expressive language;
16 (iii) learning;
17 (iv) mobility; or
18 (v) self-direction.

19 "Person with an intellectual disability" means a person
20 with a significantly subaverage general intellectual
21 functioning which exists concurrently with impairment in
22 adaptive behavior and which originates before the age of 18
23 years.

24 "Physician" has the meaning as defined in Section 1-120 of
25 the Mental Health and Developmental Disabilities Code.

26 "Protective order" means any orders of protection issued

1 under the Illinois Domestic Violence Act of 1986, stalking no
2 contact orders issued under the Stalking No Contact Order Act,
3 civil no contact orders issued under the Civil No Contact
4 Order Act, and firearms restraining orders issued under the
5 Firearms Restraining Order Act.

6 "Qualified examiner" has the meaning provided in Section
7 1-122 of the Mental Health and Developmental Disabilities
8 Code.

9 "Sanctioned competitive shooting event" means a shooting
10 contest officially recognized by a national or state shooting
11 sport association, and includes any sight-in or practice
12 conducted in conjunction with the event.

13 "School administrator" means the person required to report
14 under the School Administrator Reporting of Mental Health
15 Clear and Present Danger Determinations Law.

16 "Stun gun or taser" has the meaning ascribed to it in
17 Section 24-1 of the Criminal Code of 2012.

18 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
19 revised 10-6-21.); and

20 on page 90, by replacing lines 2 through 4 with the following:

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

1 on page 91, lines 4 and 9, by replacing "noncitizen" each time
2 it appears with "person"; and

3 on page 91, line 21, by replacing "noncitizen" with "person";
4 and

5 on page 98, lines 1, 3, 7, and 19, by replacing "noncitizen"
6 each time it appears with "person"; and

7 on page 104, line 15, by replacing "noncitizen" with "person";
8 and

9 on page 107, by replacing line 13 with "document, such as a
10 permanent resident card ~~an alien registration recipient card~~";
11 and

12 on page 144, line 26, by replacing "~~alien~~" with "alien"; and

13 on page 145, line 1, by deleting "as a noncitizen"; and

14 on page 157, by replacing line 15 with "U.S. citizen who is
15 lawfully present ~~not an unauthorized alien~~"; and

16 on page 158, lines 5 and 15, by deleting "noncitizen" each time
17 it appears; and

- 1 on page 158, line 9, by deleting "Noncitizen"; and
- 2 on page 159, lines 6 and 24, by deleting "noncitizen" each time
3 it appears; and
- 4 on page 206, line 8, by replacing "Non-resident noncitizens"
5 with "Noncitizens ~~Non-resident~~".