



Sen. Scott M. Bennett

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10200HB5196sam002

LRB102 24844 RJT 38225 a

1 AMENDMENT TO HOUSE BILL 5196

2 AMENDMENT NO. _____. Amend House Bill 5196 on page 26,
3 line 23, after the period, by inserting "This definition does
4 not supersede the "developmental disability" definition in
5 Section 1.1 of the Firearm Owners Identification Card Act
6 which is required to be applied under that Act for the purpose
7 of mandatory reporting."; and

8 on page 27, line 23, after the period, by inserting "This
9 definition does not supersede the "intellectual disability"
10 definition in Section 1.1 of the Firearm Owners Identification
11 Card Act which is required to be applied under that Act for the
12 purpose of mandatory reporting"; and

13 on page 39, immediately below line 9, by inserting the
14 following:

15 "Section 65. The Firearm Owners Identification Card Act is

1 amended by changing Section 1.1 as follows:

2 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

3 Sec. 1.1. For purposes of this Act:

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

5 (1) convicted of an offense involving the use or
6 possession of cannabis, a controlled substance, or
7 methamphetamine within the past year; or

8 (2) determined by the Illinois State Police to be
9 addicted to narcotics based upon federal law or federal
10 guidelines.

11 "Addicted to narcotics" does not include possession or use
12 of a prescribed controlled substance under the direction and
13 authority of a physician or other person authorized to
14 prescribe the controlled substance when the controlled
15 substance is used in the prescribed manner.

16 "Adjudicated as a person with a mental disability" means
17 the person is the subject of a determination by a court, board,
18 commission or other lawful authority that the person, as a
19 result of marked subnormal intelligence, or mental illness,
20 mental impairment, incompetency, condition, or disease:

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

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

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

3 (3.5) is guilty but mentally ill, as provided in
4 Section 5-2-6 of the Unified Code of Corrections;

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

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

9 (6) is a sexually violent person under subsection (f)
10 of Section 5 of the Sexually Violent Persons Commitment
11 Act;

12 (7) is a sexually dangerous person under the Sexually
13 Dangerous Persons Act;

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

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

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

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

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

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

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

4 (1) communicates a serious threat of physical violence
5 against a reasonably identifiable victim or poses a clear
6 and imminent risk of serious physical injury to himself,
7 herself, or another person as determined by a physician,
8 clinical psychologist, or qualified examiner; or

9 (2) demonstrates threatening physical or verbal
10 behavior, such as violent, suicidal, or assaultive
11 threats, actions, or other behavior, as determined by a
12 physician, clinical psychologist, qualified examiner,
13 school administrator, or law enforcement official.

14 "Clinical psychologist" has the meaning provided in
15 Section 1-103 of the Mental Health and Developmental
16 Disabilities Code.

17 "Controlled substance" means a controlled substance or
18 controlled substance analog as defined in the Illinois
19 Controlled Substances Act.

20 "Counterfeit" means to copy or imitate, without legal
21 authority, with intent to deceive.

22 "Developmental disability" means a severe, chronic
23 disability of an individual that:

24 (1) is attributable to a mental or physical impairment
25 or combination of mental and physical impairments;

26 (2) is manifested before the individual attains age

1 22;

2 (3) is likely to continue indefinitely;

3 (4) results in substantial functional limitations in 3
4 or more of the following areas of major life activity:

5 (A) Self-care.

6 (B) Receptive and expressive language.

7 (C) Learning.

8 (D) Mobility.

9 (E) Self-direction.

10 (F) Capacity for independent living.

11 (G) Economic self-sufficiency; and

12 (5) reflects the individual's need for a combination
13 and sequence of special, interdisciplinary, or generic
14 services, individualized supports, or other forms of
15 assistance that are of lifelong or extended duration and
16 are individually planned and coordinated.

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

20 "Firearm" means any device, by whatever name known, which
21 is designed to expel a projectile or projectiles by the action
22 of an explosion, expansion of gas or escape of gas; excluding,
23 however:

24 (1) any pneumatic gun, spring gun, paint ball gun, or
25 B-B gun which expels a single globular projectile not
26 exceeding .18 inch in diameter or which has a maximum

1 muzzle velocity of less than 700 feet per second;

2 (1.1) any pneumatic gun, spring gun, paint ball gun,
3 or B-B gun which expels breakable paint balls containing
4 washable marking colors;

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

8 (3) any device used exclusively for the firing of stud
9 cartridges, explosive rivets or similar industrial
10 ammunition; and

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

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

19 (1) any ammunition exclusively designed for use with a
20 device used exclusively for signaling ~~signalling~~ or safety
21 and required or recommended by the United States Coast
22 Guard or the Interstate Commerce Commission; and

23 (2) any ammunition designed exclusively for use with a
24 stud or rivet driver or other similar industrial
25 ammunition.

26 "Gun show" means an event or function:

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

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

8 "Gun show" includes the entire premises provided for an
9 event or function, including parking areas for the event or
10 function, that is sponsored to facilitate the purchase, sale,
11 transfer, or exchange of firearms as described in this
12 Section. Nothing in this definition shall be construed to
13 exclude a gun show held in conjunction with competitive
14 shooting events at the World Shooting Complex sanctioned by a
15 national governing body in which the sale or transfer of
16 firearms is authorized under subparagraph (5) of paragraph (g)
17 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

18 Unless otherwise expressly stated, "gun show" does not
19 include training or safety classes, competitive shooting
20 events, such as rifle, shotgun, or handgun matches, trap,
21 skeet, or sporting clays shoots, dinners, banquets, raffles,
22 or any other event where the sale or transfer of firearms is
23 not the primary course of business.

24 "Gun show promoter" means a person who organizes or
25 operates a gun show.

26 "Gun show vendor" means a person who exhibits, sells,

1 offers for sale, transfers, or exchanges any firearms at a gun
2 show, regardless of whether the person arranges with a gun
3 show promoter for a fixed location from which to exhibit,
4 sell, offer for sale, transfer, or exchange any firearm.

5 "Intellectual disability" means significantly subaverage
6 general intellectual functioning, existing concurrently with
7 deficits in adaptive behavior and manifested during the
8 developmental period, which is defined as before the age of
9 22, that adversely affects a child's educational performance.

10 "Involuntarily admitted" has the meaning as prescribed in
11 Sections 1-119 and 1-119.1 of the Mental Health and
12 Developmental Disabilities Code.

13 "Mental health facility" means any licensed private
14 hospital or hospital affiliate, institution, or facility, or
15 part thereof, and any facility, or part thereof, operated by
16 the State or a political subdivision thereof which provides
17 ~~provide~~ treatment of persons with mental illness and includes
18 all hospitals, institutions, clinics, evaluation facilities,
19 mental health centers, colleges, universities, long-term care
20 facilities, and nursing homes, or parts thereof, which provide
21 treatment of persons with mental illness whether or not the
22 primary purpose is to provide treatment of persons with mental
23 illness.

24 "National governing body" means a group of persons who
25 adopt rules and formulate policy on behalf of a national
26 firearm sporting organization.

1 "Patient" means:

2 (1) a person who is admitted as an inpatient or
3 resident of a public or private mental health facility for
4 mental health treatment under Chapter III of the Mental
5 Health and Developmental Disabilities Code as an informal
6 admission, a voluntary admission, a minor admission, an
7 emergency admission, or an involuntary admission, unless
8 the treatment was solely for an alcohol abuse disorder; or

9 (2) a person who voluntarily or involuntarily receives
10 mental health treatment as an out-patient or is otherwise
11 provided services by a public or private mental health
12 facility, and who poses a clear and present danger to
13 himself, herself, or to others.

14 ~~"Person with a developmental disability" means a person~~
15 ~~with a disability which is attributable to any other condition~~
16 ~~which results in impairment similar to that caused by an~~
17 ~~intellectual disability and which requires services similar to~~
18 ~~those required by persons with intellectual disabilities. The~~
19 ~~disability must originate before the age of 18 years, be~~
20 ~~expected to continue indefinitely, and constitute a~~
21 ~~substantial disability. This disability results, in the~~
22 ~~professional opinion of a physician, clinical psychologist, or~~
23 ~~qualified examiner, in significant functional limitations in 3~~
24 ~~or more of the following areas of major life activity:~~

25 ~~(i) self care;~~

26 ~~(ii) receptive and expressive language;~~

1 ~~(iii) learning;~~

2 ~~(iv) mobility; or~~

3 ~~(v) self-direction.~~

4 ~~"Person with an intellectual disability" means a person~~
5 ~~with a significantly subaverage general intellectual~~
6 ~~functioning which exists concurrently with impairment in~~
7 ~~adaptive behavior and which originates before the age of 18~~
8 ~~years.~~

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

11 "Protective order" means any orders of protection issued
12 under the Illinois Domestic Violence Act of 1986, stalking no
13 contact orders issued under the Stalking No Contact Order Act,
14 civil no contact orders issued under the Civil No Contact
15 Order Act, and firearms restraining orders issued under the
16 Firearms Restraining Order Act.

17 "Qualified examiner" has the meaning provided in Section
18 1-122 of the Mental Health and Developmental Disabilities
19 Code.

20 "Sanctioned competitive shooting event" means a shooting
21 contest officially recognized by a national or state shooting
22 sport association, and includes any sight-in or practice
23 conducted in conjunction with the event.

24 "School administrator" means the person required to report
25 under the School Administrator Reporting of Mental Health
26 Clear and Present Danger Determinations Law.

1 "Stun gun or taser" has the meaning ascribed to it in
2 Section 24-1 of the Criminal Code of 2012.
3 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
4 revised 10-6-21.)".