



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB0504

Introduced 2/23/2021, by Sen. Donald P. DeWitte

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/9.5  
725 ILCS 5/113-4

from Ch. 38, par. 113-4

Amends the Firearm Owners Identification Card Act. Provides that a person who receives a revocation notice under the Act and refuses to surrender his or her Firearm Owner's Identification Card to the local law enforcement agency where the person resides and complete a Firearm Disposition Record within 48 hours commits a Class 2 felony when he or she has been admonished by the court under the Code of Criminal Procedure regarding his or her inability to own or possess firearms or firearm ammunition. Amends the Code of Criminal Procedure of 1963. Provides that if the defendant pleads guilty to any felony offense, domestic battery, aggravated domestic battery, or any other offense which would prohibit the defendant from acquiring or possessing firearms or firearm ammunition, the plea shall not be accepted until the defendant signs a written acknowledgment indicating whether the defendant is currently in possession of any firearms, that the defendant understands he or she cannot own or possess a firearm or firearm ammunition under State and federal law, and that any firearms in his or her possession must be confiscated by the local law enforcement agency where the defendant resides in accordance with the Firearm Owners Identification Card Act. Makes other changes. Effective immediately.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning firearms.

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 Section 9.5 as follows:

6 (430 ILCS 65/9.5)

7 Sec. 9.5. Revocation of Firearm Owner's Identification  
8 Card.

9 (a) A person who receives a revocation notice under  
10 Section 9 of this Act shall, within 48 hours of receiving  
11 notice of the revocation:

12 (1) surrender his or her Firearm Owner's  
13 Identification Card to the local law enforcement agency  
14 where the person resides. The local law enforcement agency  
15 shall provide the person a receipt and transmit the  
16 Firearm Owner's Identification Card to the Department of  
17 State Police; and

18 (2) complete a Firearm Disposition Record on a form  
19 prescribed by the Department of State Police and place his  
20 or her firearms in the location or with the person  
21 reported in the Firearm Disposition Record. The form shall  
22 require the person to disclose:

23 (A) the make, model, and serial number of each

1 firearm owned by or under the custody and control of  
2 the revoked person;

3 (B) the location where each firearm will be  
4 maintained during the prohibited term; and

5 (C) if any firearm will be transferred to the  
6 custody of another person, the name, address and  
7 Firearm Owner's Identification Card number of the  
8 transferee.

9 (b) The local law enforcement agency shall provide a copy  
10 of the Firearm Disposition Record to the person whose Firearm  
11 Owner's Identification Card has been revoked and to the  
12 Department of State Police.

13 (c) If the person whose Firearm Owner's Identification  
14 Card has been revoked fails to comply with the requirements of  
15 this Section, the sheriff or law enforcement agency where the  
16 person resides may petition the circuit court to issue a  
17 warrant to search for and seize the Firearm Owner's  
18 Identification Card and firearms in the possession or under  
19 the custody or control of the person whose Firearm Owner's  
20 Identification Card has been revoked.

21 (c-5) If the Illinois State Police has not received the  
22 Firearm Disposition Record within 5 business days after  
23 sending notice under Section 9, the Illinois State Police must  
24 send a second notice to the sheriff and law enforcement agency  
25 where the person resides, in addition to the individual's  
26 residence. The second notice shall include the requirements

1 under this Section. Upon receiving the second notice, the  
2 sheriff or law enforcement agency shall report to the Illinois  
3 State Police the status and efforts pursued regarding  
4 compliance under this Section, in a form prescribed by the  
5 Illinois State Police. Provided the sheriff or law enforcement  
6 agency does not provide information detailing the submission  
7 of a Firearm Disposition Record within 5 days of the second  
8 notice, the Illinois State Police may request that the circuit  
9 court issue an arrest warrant for the individual who has  
10 failed to submit a Firearm Disposition Record.

11 (d) A violation of subsection (a) of this Section is a  
12 Class A misdemeanor. A violation of subsection (a) of this  
13 Section is a Class 2 felony when the defendant has been  
14 admonished by the court under Section 113-4 of the Code of  
15 Criminal Procedure regarding his or her inability to own or  
16 possess firearms or firearm ammunition.

17 (e) The observation of a Firearm Owner's Identification  
18 Card in the possession of a person whose Firearm Owner's  
19 Identification Card has been revoked constitutes a sufficient  
20 basis for the arrest of that person for violation of this  
21 Section.

22 (f) Within 30 days after the effective date of this  
23 amendatory Act of the 98th General Assembly, the Department of  
24 State Police shall provide written notice of the requirements  
25 of this Section to persons whose Firearm Owner's  
26 Identification Cards have been revoked, suspended, or expired

1 and who have failed to surrender their cards to the  
2 Department. Within 30 days after the effective date of this  
3 amendatory Act of the 102nd General Assembly, and by January  
4 31 of each year thereafter, the Illinois State Police shall  
5 provide written notice of the requirements of this Section to  
6 every sheriff and law enforcement agency within this State.

7 (g) A person whose Firearm Owner's Identification Card has  
8 been revoked and who received notice under subsection (f)  
9 shall comply with the requirements of this Section within 48  
10 hours of receiving notice.

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

12 Section 10. The Code of Criminal Procedure of 1963 is  
13 amended by changing Section 113-4 as follows:

14 (725 ILCS 5/113-4) (from Ch. 38, par. 113-4)

15 Sec. 113-4. Plea.

16 (a) When called upon to plead at arraignment the defendant  
17 shall be furnished with a copy of the charge and shall plead  
18 guilty, guilty but mentally ill, or not guilty.

19 (b) If the defendant stands mute a plea of not guilty shall  
20 be entered for him and the trial shall proceed on such plea.

21 (c) If the defendant pleads guilty such plea shall not be  
22 accepted until the court shall have fully explained to the  
23 defendant the following:

24 (1) the maximum and minimum penalty provided by law

1 for the offense which may be imposed by the court;

2 (2) as a consequence of a conviction or a plea of  
3 guilty, the sentence for any future conviction may be  
4 increased or there may be a higher possibility of the  
5 imposition of consecutive sentences;

6 (3) as a consequence of a conviction or a plea of  
7 guilty, there may be registration requirements that  
8 restrict where the defendant may work, live, or be  
9 present; and

10 (4) as a consequence of a conviction or a plea of  
11 guilty, there may be an impact upon the defendant's  
12 ability to, among others:

13 (A) retain or obtain housing in the public or  
14 private market;

15 (B) retain or obtain employment; and

16 (C) retain or obtain a firearm, an occupational  
17 license, or a driver's license.

18 After such explanation if the defendant understandingly  
19 persists in his plea it shall be accepted by the court and  
20 recorded.

21 (c-5) If the defendant pleads guilty to any felony  
22 offense, domestic battery, aggravated domestic battery, or any  
23 other offense which would prohibit the defendant from  
24 acquiring or possessing firearms or firearm ammunition, the  
25 plea shall not be accepted until the defendant signs a written  
26 acknowledgment indicating whether the defendant is currently

1 in possession of any firearms, that the defendant understands  
2 he or she cannot own or possess a firearm or firearm ammunition  
3 under State and federal law, and that any firearms in his or  
4 her possession must be confiscated by the local law  
5 enforcement agency where the defendant resides in accordance  
6 with Section 9.5 of the Firearm Owners Identification Card  
7 Act.

8 (d) If the defendant pleads guilty but mentally ill, the  
9 court shall not accept such a plea until the defendant has  
10 undergone examination by a clinical psychologist or  
11 psychiatrist and the judge has examined the psychiatric or  
12 psychological report or reports, held a hearing on the issue  
13 of the defendant's mental condition and is satisfied that  
14 there is a factual basis that the defendant was mentally ill at  
15 the time of the offense to which the plea is entered.

16 (e) If a defendant pleads not guilty, the court shall  
17 advise him at that time or at any later court date on which he  
18 is present that if he escapes from custody or is released on  
19 bond and fails to appear in court when required by the court  
20 that his failure to appear would constitute a waiver of his  
21 right to confront the witnesses against him and trial could  
22 proceed in his absence.

23 (Source: P.A. 99-871, eff. 1-1-17.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.