

# SB1938



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB1938

Introduced 2/26/2021, by Sen. Dale Fowler

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/4  
430 ILCS 65/8

from Ch. 38, par. 83-4  
from Ch. 38, par. 83-8

Amends the Firearm Owners Identification Card Act. Lowers the minimum age in which a person who is not an active duty member of the United States Armed Forces may apply for a Firearm Owner's Identification Card without parental or legal guardian consent from 21 years of age to 18 years of age. Provides that an applicant who is 18 (rather than 21) years of age or older seeking a religious exemption to the photograph requirement must furnish with the application an approved copy of United States Department of the Treasury Internal Revenue Service Form 4029.

LRB102 15457 RLC 20820 b

A BILL FOR

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 4 and 8 as follows:

6 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

7 Sec. 4. Application for Firearm Owner's Identification  
8 Cards.

9 (a) Each applicant for a Firearm Owner's Identification  
10 Card must:

11 (1) Make application on blank forms prepared and  
12 furnished at convenient locations throughout the State by  
13 the Department of State Police, or by electronic means, if  
14 and when made available by the Department of State Police;  
15 and

16 (2) Submit evidence to the Department of State Police  
17 that:

18 (i) (Blank); ~~This subparagraph (i) applies through~~  
19 ~~the 180th day following the effective date of this~~  
20 ~~amendatory Act of the 101st General Assembly. He or~~  
21 ~~she is 21 years of age or over, or if he or she is~~  
22 ~~under 21 years of age that he or she has the written~~  
23 ~~consent of his or her parent or legal guardian to~~

1 ~~possess and acquire firearms and firearm ammunition~~  
2 ~~and that he or she has never been convicted of a~~  
3 ~~misdemeanor other than a traffic offense or adjudged~~  
4 ~~delinquent, provided, however, that such parent or~~  
5 ~~legal guardian is not an individual prohibited from~~  
6 ~~having a Firearm Owner's Identification Card and files~~  
7 ~~an affidavit with the Department as prescribed by the~~  
8 ~~Department stating that he or she is not an individual~~  
9 ~~prohibited from having a Card;~~

10 (i-4) If he or she is under 21 years of age he or  
11 she has never been convicted of a misdemeanor other  
12 than a traffic offense or adjudged delinquent;

13 ~~(i-5) This subparagraph (i-5) applies on and after~~  
14 ~~the 181st day following the effective date of this~~  
15 ~~amendatory Act of the 101st General Assembly. He or~~  
16 ~~she is 18 ~~21~~ years of age or over, or if he or she is~~  
17 ~~under 18 ~~21~~ years of age that he or she ~~has never been~~~~  
18 ~~convicted of a misdemeanor other than a traffic~~  
19 ~~offense or adjudged delinquent and is an active duty~~  
20 ~~member of the United States Armed Forces or has the~~  
21 ~~written consent of his or her parent or legal guardian~~  
22 ~~to possess and acquire firearms and firearm~~  
23 ~~ammunition, provided, however, that such parent or~~  
24 ~~legal guardian is not an individual prohibited from~~  
25 ~~having a Firearm Owner's Identification Card and files~~  
26 ~~an affidavit with the Department as prescribed by the~~

1 Department stating that he or she is not an individual  
2 prohibited from having a Card or the active duty  
3 member of the United States Armed Forces under 18 ~~21~~  
4 years of age annually submits proof to the Department  
5 of State Police, in a manner prescribed by the  
6 Department;

7 (ii) He or she has not been convicted of a felony  
8 under the laws of this or any other jurisdiction;

9 (iii) He or she is not addicted to narcotics;

10 (iv) He or she has not been a patient in a mental  
11 health facility within the past 5 years or, if he or  
12 she has been a patient in a mental health facility more  
13 than 5 years ago submit the certification required  
14 under subsection (u) of Section 8 of this Act;

15 (v) He or she is not a person with an intellectual  
16 disability;

17 (vi) He or she is not an alien who is unlawfully  
18 present in the United States under the laws of the  
19 United States;

20 (vii) He or she is not subject to an existing order  
21 of protection prohibiting him or her from possessing a  
22 firearm;

23 (viii) He or she has not been convicted within the  
24 past 5 years of battery, assault, aggravated assault,  
25 violation of an order of protection, or a  
26 substantially similar offense in another jurisdiction,

1 in which a firearm was used or possessed;

2 (ix) He or she has not been convicted of domestic  
3 battery, aggravated domestic battery, or a  
4 substantially similar offense in another jurisdiction  
5 committed before, on or after January 1, 2012 (the  
6 effective date of Public Act 97-158). If the applicant  
7 knowingly and intelligently waives the right to have  
8 an offense described in this clause (ix) tried by a  
9 jury, and by guilty plea or otherwise, results in a  
10 conviction for an offense in which a domestic  
11 relationship is not a required element of the offense  
12 but in which a determination of the applicability of  
13 18 U.S.C. 922(g)(9) is made under Section 112A-11.1 of  
14 the Code of Criminal Procedure of 1963, an entry by the  
15 court of a judgment of conviction for that offense  
16 shall be grounds for denying the issuance of a Firearm  
17 Owner's Identification Card under this Section;

18 (x) (Blank);

19 (xi) He or she is not an alien who has been  
20 admitted to the United States under a non-immigrant  
21 visa (as that term is defined in Section 101(a)(26) of  
22 the Immigration and Nationality Act (8 U.S.C.  
23 1101(a)(26))), or that he or she is an alien who has  
24 been lawfully admitted to the United States under a  
25 non-immigrant visa if that alien is:

26 (1) admitted to the United States for lawful

1 hunting or sporting purposes;

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

4 (A) accredited to the United States  
5 Government or the Government's mission to an  
6 international organization having its  
7 headquarters in the United States; or

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

10 (3) an official of a foreign government or  
11 distinguished foreign visitor who has been so  
12 designated by the Department of State;

13 (4) a foreign law enforcement officer of a  
14 friendly foreign government entering the United  
15 States on official business; or

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

19 (xii) He or she is not a minor subject to a  
20 petition filed under Section 5-520 of the Juvenile  
21 Court Act of 1987 alleging that the minor is a  
22 delinquent minor for the commission of an offense that  
23 if committed by an adult would be a felony;

24 (xiii) He or she is not an adult who had been  
25 adjudicated a delinquent minor under the Juvenile  
26 Court Act of 1987 for the commission of an offense that

1 if committed by an adult would be a felony;

2 (xiv) He or she is a resident of the State of  
3 Illinois;

4 (xv) He or she has not been adjudicated as a person  
5 with a mental disability;

6 (xvi) He or she has not been involuntarily  
7 admitted into a mental health facility; and

8 (xvii) He or she is not a person with a  
9 developmental disability; and

10 (3) Upon request by the Department of State Police,  
11 sign a release on a form prescribed by the Department of  
12 State Police waiving any right to confidentiality and  
13 requesting the disclosure to the Department of State  
14 Police of limited mental health institution admission  
15 information from another state, the District of Columbia,  
16 any other territory of the United States, or a foreign  
17 nation concerning the applicant for the sole purpose of  
18 determining whether the applicant is or was a patient in a  
19 mental health institution and disqualified because of that  
20 status from receiving a Firearm Owner's Identification  
21 Card. No mental health care or treatment records may be  
22 requested. The information received shall be destroyed  
23 within one year of receipt.

24 (a-5) Each applicant for a Firearm Owner's Identification  
25 Card who is over the age of 18 shall furnish to the Department  
26 of State Police either his or her Illinois driver's license

1 number or Illinois Identification Card number, except as  
2 provided in subsection (a-10).

3 (a-10) Each applicant for a Firearm Owner's Identification  
4 Card, who is employed as a law enforcement officer, an armed  
5 security officer in Illinois, or by the United States Military  
6 permanently assigned in Illinois and who is not an Illinois  
7 resident, shall furnish to the Department of State Police his  
8 or her driver's license number or state identification card  
9 number from his or her state of residence. The Department of  
10 State Police may adopt rules to enforce the provisions of this  
11 subsection (a-10).

12 (a-15) If an applicant applying for a Firearm Owner's  
13 Identification Card moves from the residence address named in  
14 the application, he or she shall immediately notify in a form  
15 and manner prescribed by the Department of State Police of  
16 that change of address.

17 (a-20) Each applicant for a Firearm Owner's Identification  
18 Card shall furnish to the Department of State Police his or her  
19 photograph. An applicant who is 18 ~~21~~ years of age or older  
20 seeking a religious exemption to the photograph requirement  
21 must furnish with the application an approved copy of United  
22 States Department of the Treasury Internal Revenue Service  
23 Form 4029. In lieu of a photograph, an applicant regardless of  
24 age seeking a religious exemption to the photograph  
25 requirement shall submit fingerprints on a form and manner  
26 prescribed by the Department with his or her application.



1 (b) Each application form shall include the following  
2 statement printed in bold type: "Warning: Entering false  
3 information on an application for a Firearm Owner's  
4 Identification Card is punishable as a Class 2 felony in  
5 accordance with subsection (d-5) of Section 14 of the Firearm  
6 Owners Identification Card Act."

7 (c) Upon such written consent, pursuant to Section 4,  
8 paragraph (a)(2)(i), the parent or legal guardian giving the  
9 consent shall be liable for any damages resulting from the  
10 applicant's use of firearms or firearm ammunition.

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

12 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

22 (b) (Blank); ~~This subsection (b) applies through the~~  
23 ~~180th day following the effective date of this amendatory~~  
24 ~~Act of the 101st General Assembly. A person under 21 years~~  
25 ~~of age who does not have the written consent of his parent~~

1 ~~or guardian to acquire and possess firearms and firearm~~  
2 ~~ammunition, or whose parent or guardian has revoked such~~  
3 ~~written consent, or where such parent or guardian does not~~  
4 ~~qualify to have a Firearm Owner's Identification Card;~~

5 (b-5) ~~This subsection (b-5) applies on and after the~~  
6 ~~181st day following the effective date of this amendatory~~  
7 ~~Act of the 101st General Assembly.~~ A person under 18 ~~21~~  
8 years of age who is not an active duty member of the United  
9 States Armed Forces and does not have the written consent  
10 of his or her parent or guardian to acquire and possess  
11 firearms and firearm ammunition, or whose parent or  
12 guardian has revoked such written consent, or where such  
13 parent or guardian does not qualify to have a Firearm  
14 Owner's Identification Card;

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

17 (d) A person addicted to narcotics;

18 (e) A person who has been a patient of a mental health  
19 facility within the past 5 years or a person who has been a  
20 patient in a mental health facility more than 5 years ago  
21 who has not received the certification required under  
22 subsection (u) of this Section. An active law enforcement  
23 officer employed by a unit of government who is denied,  
24 revoked, or has his or her Firearm Owner's Identification  
25 Card seized under this subsection (e) may obtain relief as  
26 described in subsection (c-5) of Section 10 of this Act if

1 the officer did not act in a manner threatening to the  
2 officer, another person, or the public as determined by  
3 the treating clinical psychologist or physician, and the  
4 officer seeks mental health treatment;

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

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

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

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

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

20 (1) admitted to the United States for lawful  
21 hunting or sporting purposes;

22 (2) an official representative of a foreign  
23 government who is:

24 (A) accredited to the United States Government  
25 or the Government's mission to an international  
26 organization having its headquarters in the United

1 States; or

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

4 (3) an official of a foreign government or  
5 distinguished foreign visitor who has been so  
6 designated by the Department of State;

7 (4) a foreign law enforcement officer of a  
8 friendly foreign government entering the United States  
9 on official business; or

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

13 (j) (Blank);

14 (k) A person who has been convicted within the past 5  
15 years of battery, assault, aggravated assault, violation  
16 of an order of protection, or a substantially similar  
17 offense in another jurisdiction, in which a firearm was  
18 used or possessed;

19 (l) A person who has been convicted of domestic  
20 battery, aggravated domestic battery, or a substantially  
21 similar offense in another jurisdiction committed before,  
22 on or after January 1, 2012 (the effective date of Public  
23 Act 97-158). If the applicant or person who has been  
24 previously issued a Firearm Owner's Identification Card  
25 under this Act knowingly and intelligently waives the  
26 right to have an offense described in this paragraph (l)

1       tried by a jury, and by guilty plea or otherwise, results  
2       in a conviction for an offense in which a domestic  
3       relationship is not a required element of the offense but  
4       in which a determination of the applicability of 18 U.S.C.  
5       922(g)(9) is made under Section 112A-11.1 of the Code of  
6       Criminal Procedure of 1963, an entry by the court of a  
7       judgment of conviction for that offense shall be grounds  
8       for denying an application for and for revoking and  
9       seizing a Firearm Owner's Identification Card previously  
10      issued to the person under this Act;

11           (m) (Blank);

12           (n) A person who is prohibited from acquiring or  
13      possessing firearms or firearm ammunition by any Illinois  
14      State statute or by federal law;

15           (o) A minor subject to a petition filed under Section  
16      5-520 of the Juvenile Court Act of 1987 alleging that the  
17      minor is a delinquent minor for the commission of an  
18      offense that if committed by an adult would be a felony;

19           (p) An adult who had been adjudicated a delinquent  
20      minor under the Juvenile Court Act of 1987 for the  
21      commission of an offense that if committed by an adult  
22      would be a felony;

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

26           (r) A person who has been adjudicated as a person with

1 a mental disability;

2 (s) A person who has been found to have a  
3 developmental disability;

4 (t) A person involuntarily admitted into a mental  
5 health facility; or

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

1 under Section 10 or 11 of this Act.

2 Upon revocation of a person's Firearm Owner's  
3 Identification Card, the Department of State Police shall  
4 provide notice to the person and the person shall comply with  
5 Section 9.5 of this Act.

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