



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2267

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

SYNOPSIS AS INTRODUCED:

430 ILCS 65/5
430 ILCS 66/70

from Ch. 38, par. 83-5

Amends the Firearm Owners Identification Card Act. Provides that if the Illinois State Police fails to renew a Firearm Owner's Identification Card within 60 business days, provided the applicant submitted his or her renewal application prior to the expiration of his or her Firearm Owner's Identification Card, the renewal application for the Firearm Owner's Identification Card shall be granted unless subject to revocation or suspension. Provides that failure of the Illinois State Police to approve or deny an application or renew an application within the timeframes under these provisions shall constitute a civil violation, and in addition to any other penalty provided by law, may incur a civil penalty in an amount not to exceed \$500 for each violation and, in the case of a continuing violation, every day such violation continues shall be deemed a separate violation. Provides that penalties shall be collected by the State Treasurer, who shall deposit the money into the General Revenue Fund. Amends the Firearm Concealed Carry Act. Provides that if the Firearm Owner's Identification Card of a licensee under the Act expires during the term of the license issued under the Act, the license and the Firearm Owner's Identification Card remain valid, and the Illinois State Police shall automatically renew the licensee's Firearm Owner's Identification Card as provided in the Firearm Owners Identification Card Act.

LRB102 17309 RLC 22795 b

FISCAL NOTE ACT
MAY APPLY

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

18 (c) Civil penalty for violation of act. Failure of the
19 Illinois State Police to approve or deny an application or
20 renew an application within the timeframes under subsections
21 (a) or (b) shall constitute a civil violation, and in addition
22 to any other penalty provided by law, may incur a civil penalty
23 in an amount not to exceed \$500 for each violation and, in the
24 case of a continuing violation, every day such violation
25 continues shall be deemed a separate violation. Penalties
26 shall be collected by the State Treasurer, who shall deposit

1 the money into the General Revenue Fund.

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

3 Section 10. The Firearm Concealed Carry Act is amended by
4 changing Section 70 as follows:

5 (430 ILCS 66/70)

6 Sec. 70. Violations.

7 (a) A license issued or renewed under this Act shall be
8 revoked if, at any time, the licensee is found to be ineligible
9 for a license under this Act or the licensee no longer meets
10 the eligibility requirements of the Firearm Owners
11 Identification Card Act.

12 (b) A license shall be suspended if an order of
13 protection, including an emergency order of protection,
14 plenary order of protection, or interim order of protection
15 under Article 112A of the Code of Criminal Procedure of 1963 or
16 under the Illinois Domestic Violence Act of 1986, or if a
17 firearms restraining order, including an emergency firearms
18 restraining order, under the Firearms Restraining Order Act,
19 is issued against a licensee for the duration of the order, or
20 if the Department is made aware of a similar order issued
21 against the licensee in any other jurisdiction. If an order of
22 protection is issued against a licensee, the licensee shall
23 surrender the license, as applicable, to the court at the time
24 the order is entered or to the law enforcement agency or entity

1 serving process at the time the licensee is served the order.
2 The court, law enforcement agency, or entity responsible for
3 serving the order of protection shall notify the Department
4 within 7 days and transmit the license to the Department.

5 (c) A license is invalid upon expiration of the license,
6 unless the licensee has submitted an application to renew the
7 license, and the applicant is otherwise eligible to possess a
8 license under this Act.

9 (d) A licensee shall not carry a concealed firearm while
10 under the influence of alcohol, other drug or drugs,
11 intoxicating compound or combination of compounds, or any
12 combination thereof, under the standards set forth in
13 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

14 A licensee in violation of this subsection (d) shall be
15 guilty of a Class A misdemeanor for a first or second violation
16 and a Class 4 felony for a third violation. The Department may
17 suspend a license for up to 6 months for a second violation and
18 shall permanently revoke a license for a third violation.

19 (e) Except as otherwise provided, a licensee in violation
20 of this Act shall be guilty of a Class B misdemeanor. A second
21 or subsequent violation is a Class A misdemeanor. The
22 Department may suspend a license for up to 6 months for a
23 second violation and shall permanently revoke a license for 3
24 or more violations of Section 65 of this Act. Any person
25 convicted of a violation under this Section shall pay a \$150
26 fee to be deposited into the Mental Health Reporting Fund,

1 plus any applicable court costs or fees.

2 (f) A licensee convicted or found guilty of a violation of
3 this Act who has a valid license and is otherwise eligible to
4 carry a concealed firearm shall only be subject to the
5 penalties under this Section and shall not be subject to the
6 penalties under Section 21-6, paragraph (4), (8), or (10) of
7 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)
8 of paragraph (3) of subsection (a) of Section 24-1.6 of the
9 Criminal Code of 2012. Except as otherwise provided in this
10 subsection, nothing in this subsection prohibits the licensee
11 from being subjected to penalties for violations other than
12 those specified in this Act.

13 (g) A licensee whose license is revoked, suspended, or
14 denied shall, within 48 hours of receiving notice of the
15 revocation, suspension, or denial, surrender his or her
16 concealed carry license to the local law enforcement agency
17 where the person resides. The local law enforcement agency
18 shall provide the licensee a receipt and transmit the
19 concealed carry license to the Department of State Police. If
20 the licensee whose concealed carry license has been revoked,
21 suspended, or denied fails to comply with the requirements of
22 this subsection, the law enforcement agency where the person
23 resides may petition the circuit court to issue a warrant to
24 search for and seize the concealed carry license in the
25 possession and under the custody or control of the licensee
26 whose concealed carry license has been revoked, suspended, or

1 denied. The observation of a concealed carry license in the
2 possession of a person whose license has been revoked,
3 suspended, or denied constitutes a sufficient basis for the
4 arrest of that person for violation of this subsection. A
5 violation of this subsection is a Class A misdemeanor.

6 (h) Except as otherwise provided in subsection (h-5), a ~~A~~
7 license issued or renewed under this Act shall be revoked if,
8 at any time, the licensee is found ineligible for a Firearm
9 Owner's Identification Card, or the licensee no longer
10 possesses a valid Firearm Owner's Identification Card. A
11 licensee whose license is revoked under this subsection (h)
12 shall surrender his or her concealed carry license as provided
13 for in subsection (g) of this Section.

14 This subsection shall not apply to a person who has filed
15 an application with the State Police for renewal of a Firearm
16 Owner's Identification Card and who is not otherwise
17 ineligible to obtain a Firearm Owner's Identification Card.

18 (h-5) If the Firearm Owner's Identification Card of a
19 licensee under this Act expires during the term of the license
20 issued under this Act, the license and the Firearm Owner's
21 Identification Card remain valid, and the Illinois State
22 Police shall automatically renew the licensee's Firearm
23 Owner's Identification Card as provided in subsection (c) of
24 Section 5 of the Firearm Owners Identification Card Act.

25 (i) A certified firearms instructor who knowingly provides
26 or offers to provide a false certification that an applicant

1 has completed firearms training as required under this Act is
2 guilty of a Class A misdemeanor. A person guilty of a violation
3 of this subsection (i) is not eligible for court supervision.
4 The Department shall permanently revoke the firearms
5 instructor certification of a person convicted under this
6 subsection (i).

7 (Source: P.A. 100-607, eff. 1-1-19.)