



Sen. Sally J. Turner

**Filed: 4/8/2021**

10200SB2577sam001

LRB102 17417 RLC 24848 a

1 AMENDMENT TO SENATE BILL 2577

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2577 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is  
5 amended by changing Section 8 as follows:

6 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

16 (b) This subsection (b) applies through the 180th day

1 following the effective date of this amendatory Act of the  
2 101st General Assembly. A person under 21 years of age who  
3 does not have the written consent of his parent or  
4 guardian to acquire and possess firearms and firearm  
5 ammunition, or whose parent or guardian has revoked such  
6 written consent, or where such parent or guardian does not  
7 qualify to have a Firearm Owner's Identification Card;

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

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

20 (d) A person addicted to narcotics;

21 (e) A person who has been a patient of a mental health  
22 facility within the past 5 years or a person who has been a  
23 patient in a mental health facility more than 5 years ago  
24 who has not received the certification required under  
25 subsection (u) of this Section. An active law enforcement  
26 officer employed by a unit of government who is denied,

1       revoked, or has his or her Firearm Owner's Identification  
2       Card seized under this subsection (e) may obtain relief as  
3       described in subsection (c-5) of Section 10 of this Act if  
4       the officer did not act in a manner threatening to the  
5       officer, another person, or the public as determined by  
6       the treating clinical psychologist or physician, and the  
7       officer seeks mental health treatment;

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

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

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

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

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

23                      (1) admitted to the United States for lawful  
24      hunting or sporting purposes;

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

1 (A) accredited to the United States Government  
2 or the Government's mission to an international  
3 organization having its headquarters in the United  
4 States; or

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

7 (3) an official of a foreign government or  
8 distinguished foreign visitor who has been so  
9 designated by the Department of State;

10 (4) a foreign law enforcement officer of a  
11 friendly foreign government entering the United States  
12 on official business; or

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

16 (j) (Blank);

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

22 (l) A person who has been convicted of domestic  
23 battery, aggravated domestic battery, or a substantially  
24 similar offense in another jurisdiction committed before,  
25 on or after January 1, 2012 (the effective date of Public  
26 Act 97-158). If the applicant or person who has been

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

14 (m) (Blank);

15 (n) A person who is prohibited from acquiring or  
16 possessing firearms or firearm ammunition by any Illinois  
17 State statute or by federal law;

18 (o) A minor subject to a petition filed under Section  
19 5-520 of the Juvenile Court Act of 1987 alleging that the  
20 minor is a delinquent minor for the commission of an  
21 offense that if committed by an adult would be a felony;

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

26 (q) A person who is not a resident of the State of

1 Illinois, except for an Illinois resident in the United  
2 States Military permanently assigned out of state, or as  
3 provided in subsection (a-10) of Section 4;

4 (r) A person who has been adjudicated as a person with  
5 a mental disability;

6 (s) A person who has been found to have a  
7 developmental disability;

8 (t) A person involuntarily admitted into a mental  
9 health facility; or

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

1 certification required under this subsection, except for  
2 willful or wanton misconduct. This subsection does not  
3 apply to a person whose firearm possession rights have  
4 been restored through administrative or judicial action  
5 under Section 10 or 11 of this Act.

6 Upon revocation of a person's Firearm Owner's  
7 Identification Card, the Department of State Police shall  
8 provide notice to the person and the person shall comply with  
9 Section 9.5 of this Act.

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

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law."