



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3198

Introduced 1/14/2022, by Sen. Terri Bryant

SYNOPSIS AS INTRODUCED:

| | |
|-----------------|--------------------------|
| 430 ILCS 65/8 | from Ch. 38, par. 83-8 |
| 430 ILCS 65/8.1 | from Ch. 38, par. 83-8.1 |
| 430 ILCS 65/8.2 | |
| 430 ILCS 65/8.3 | |
| 430 ILCS 65/10 | from Ch. 38, par. 83-10 |

Amends the Firearm Owners Identification Card Act. Provides that notwithstanding any other provision of the Act to the contrary, on or after the effective date of the amendatory Act, the Illinois State Police may not revoke a Firearm Owner's Identification Card. Provides that on or after the effective date of the amendatory Act, a Firearm Owner's Identification Card may only be revoked after a Firearm Owner's Identification Card hearing has been held in the circuit court of the county of residence of the person whose Firearm Owner's Identification Card is sought to be revoked. Provides that if the State's Attorney of the county of residence of the person whose Firearm Owner's Identification Card is sought to be revoked has probable cause to believe that the person who has been issued a Firearm Owner's Identification Card is no longer eligible for the Card under the Act, the State's Attorney shall file a petition in the circuit court of the county of residence of the person whose Card is sought to be revoked. Provides that at the hearing, the person may present evidence in his or her favor seeking retention of his or her Firearm Owner's Identification Card and the Illinois State Police and State's Attorney may present evidence for revocation. Provides that the hearing shall be a civil proceeding and subject to due process, the Code of Civil Procedure, and the Illinois Rules of Evidence as adopted by the Supreme Court. Provides that the hearing shall be held within 45 days after the filing of the petition. Provides that if the circuit court determines, by clear and convincing evidence, that the person is ineligible for retention of his or her Firearm Owner's Identification Card under the Act, the court shall order the Illinois State Police to immediately revoke the Card and the circuit clerk shall seize the Card and transmit the Card to the Illinois State Police. Establishes procedures for the Illinois State Police to suspend a Firearm Owner's Identification Card Act.

LRB102 23233 RLC 32397 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 8, 8.1, 8.2, 8.3, and 10 as
6 follows:

7 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

8 Sec. 8. Grounds for denial and revocation. The Illinois
9 State Police has authority to deny an application for ~~or to~~
10 ~~revoke and seize~~ a Firearm Owner's Identification Card
11 previously issued under this Act and the circuit court of the
12 county of the person's residence has the authority to revoke
13 and order the seizure of the person's Firearm Owner's
14 Identification Card under subsection (g) of Section 10 only if
15 the Illinois State Police or circuit court ~~Department~~ finds
16 that the applicant ~~or the person to whom such card was issued~~
17 is or was at the time of issuance:

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

21 (b) This subsection (b) applies through the 180th day
22 following July 12, 2019 (the effective date of Public Act
23 101-80) ~~this amendatory Act of the 101st General Assembly.~~

1 A person under 21 years of age who does not have the
2 written consent of his parent or guardian to acquire and
3 possess firearms and firearm ammunition, or whose parent
4 or guardian has revoked such written consent, or where
5 such parent or guardian does not qualify to have a Firearm
6 Owner's Identification Card;

7 (b-5) This subsection (b-5) applies on and after the
8 181st day following July 12, 2019 (the effective date of
9 Public Act 101-80) ~~this amendatory Act of the 101st~~
10 ~~General Assembly~~. A person under 21 years of age who is not
11 an active duty member of the United States Armed Forces
12 and does not have the written consent of his or her parent
13 or guardian to acquire and possess firearms and firearm
14 ammunition, or whose parent or guardian has revoked such
15 written consent, or where such parent or guardian does not
16 qualify to have a Firearm Owner's Identification Card;

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

19 (d) A person addicted to narcotics;

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

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

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

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

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

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

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

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

26 (2) an official representative of a foreign

1 government who is:

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

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

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

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

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

17 (j) (Blank);

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

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

1 Act 97-158). If the applicant or person who has been
2 previously issued a Firearm Owner's Identification Card
3 under this Act knowingly and intelligently waives the
4 right to have an offense described in this paragraph (l)
5 tried by a jury, and by guilty plea or otherwise, results
6 in a conviction for an offense in which a domestic
7 relationship is not a required element of the offense but
8 in which a determination of the applicability of 18 U.S.C.
9 922(g)(9) is made under Section 112A-11.1 of the Code of
10 Criminal Procedure of 1963, an entry by the court of a
11 judgment of conviction for that offense shall be grounds
12 for denying an application for and for revoking and
13 seizing a Firearm Owner's Identification Card previously
14 issued to the person under this Act;

15 (m) (Blank);

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

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

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

1 (q) A person who is not a resident of the State of
2 Illinois, except as provided in subsection (a-10) of
3 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 Illinois State Police shall provide
8 notice to the person and the person shall comply with Section
9 9.5 of this Act.

10 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
11 102-645, eff. 1-1-22; revised 10-14-21.)

12 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

13 Sec. 8.1. Notifications to the Illinois State Police and
14 State's Attorney.

15 (a) The Circuit Clerk shall, in the form and manner
16 required by the Supreme Court, notify the Illinois State
17 Police and the State's Attorney of the county of residence of
18 the person for which the disposition is applicable of all
19 final dispositions of cases for which the Illinois State
20 Police Department has received information reported to it
21 under Sections 2.1 and 2.2 of the Criminal Identification Act.

22 (b) Upon adjudication of any individual as a person with a
23 mental disability as defined in Section 1.1 of this Act or a
24 finding that a person has been involuntarily admitted, the
25 court shall direct the circuit court clerk to immediately

1 notify the Illinois State Police, Firearm Owner's
2 Identification (FOID) department and the State's Attorney of
3 the county of residence of the person adjudicated with the
4 mental disability or involuntarily admitted, and shall forward
5 a copy of the court order to the Illinois State Police
6 Department.

7 (b-1) Beginning July 1, 2016, and each July 1 and December
8 30 of every year thereafter, the circuit court clerk shall, in
9 the form and manner prescribed by the Illinois State Police,
10 notify the Illinois State Police, Firearm Owner's
11 Identification (FOID) department if the court has not directed
12 the circuit court clerk to notify the Illinois State Police,
13 Firearm Owner's Identification (FOID) department under
14 subsection (b) of this Section, within the preceding 6 months,
15 because no person has been adjudicated as a person with a
16 mental disability by the court as defined in Section 1.1 of
17 this Act or if no person has been involuntarily admitted. The
18 Supreme Court may adopt any orders or rules necessary to
19 identify the persons who shall be reported to the Illinois
20 State Police under subsection (b), or any other orders or
21 rules necessary to implement the requirements of this Act.

22 (c) The Department of Human Services shall, in the form
23 and manner prescribed by the Illinois State Police, report all
24 information collected under subsection (b) of Section 12 of
25 the Mental Health and Developmental Disabilities
26 Confidentiality Act for the purpose of determining whether a

1 person who may be or may have been a patient in a mental health
2 facility is disqualified under State or federal law from
3 receiving or retaining a Firearm Owner's Identification Card,
4 or purchasing a weapon.

5 (d) If a person is determined to pose a clear and present
6 danger to himself, herself, or to others:

7 (1) by a physician, clinical psychologist, or
8 qualified examiner, or is determined to have a
9 developmental disability by a physician, clinical
10 psychologist, or qualified examiner, whether employed by
11 the State or privately, then the physician, clinical
12 psychologist, or qualified examiner shall, within 24 hours
13 of making the determination, notify the Department of
14 Human Services that the person poses a clear and present
15 danger or has a developmental disability; or

16 (2) by a law enforcement official or school
17 administrator, then the law enforcement official or school
18 administrator shall, within 24 hours of making the
19 determination, notify the Illinois State Police and the
20 State's Attorney of the county of residence that the
21 person poses a clear and present danger.

22 The Department of Human Services shall immediately update
23 its records and information relating to mental health and
24 developmental disabilities, and if appropriate, shall notify
25 the Illinois State Police in a form and manner prescribed by
26 the Illinois State Police and the State's Attorney of the

1 county of residence of the person. The State's Attorney of the
2 county of residence of the person ~~Illinois State Police~~ shall
3 determine whether to seek a hearing before the circuit court
4 of residence of the person to revoke the person's Firearm
5 Owner's Identification Card under Section 8 of this Act. Any
6 information disclosed under this subsection shall remain
7 privileged and confidential, and shall not be redisclosed,
8 except as required under subsection (e) of Section 3.1 of this
9 Act, nor used for any other purpose. The method of providing
10 this information shall guarantee that the information is not
11 released beyond what is necessary for the purpose of this
12 Section and shall be provided by rule by the Department of
13 Human Services. The identity of the person reporting under
14 this Section shall not be disclosed to the subject of the
15 report. The physician, clinical psychologist, qualified
16 examiner, law enforcement official, or school administrator
17 making the determination and his or her employer shall not be
18 held criminally, civilly, or professionally liable for making
19 or not making the notification required under this subsection,
20 except for willful or wanton misconduct.

21 (e) The Supreme Court ~~Illinois State Police~~ shall adopt
22 rules to implement this Section.

23 (Source: P.A. 102-538, eff. 8-20-21.)

24 (430 ILCS 65/8.2)

25 Sec. 8.2. Firearm Owner's Identification Card denial,

1 suspension, or revocation. The Illinois State Police shall
2 deny an application or shall suspend ~~or revoke and seize~~ a
3 Firearm Owner's Identification Card previously issued under
4 this Act if the Department finds that the applicant ~~or person~~
5 ~~to whom such card was issued~~ is or was at the time of issuance
6 subject to a protective order issued under the laws of this or
7 any other jurisdiction. When the duration of the protective
8 order is expected to be less than 45 days ~~one year~~, the
9 Illinois State Police may suspend the Firearm Owner's
10 Identification Card under Section 8.3 of the Act and shall
11 reinstate it upon conclusion of the suspension if no other
12 grounds for denial ~~or revocation~~ are found under Section 8 of
13 the Act.

14 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21.)

15 (430 ILCS 65/8.3)

16 Sec. 8.3. Suspension of Firearm Owner's Identification
17 Card. The Illinois State Police may suspend the Firearm
18 Owner's Identification Card of a person whose Firearm Owner's
19 Identification Card is subject to revocation and seizure under
20 this Act for a period of not less than 30 days and not more
21 than 45 days. The Illinois State Police shall schedule a
22 revocation hearing with the clerk of the circuit court and the
23 State's Attorney of the county of the person's residence not
24 less than 30 days and not more than 45 days after the
25 suspension of the person's Firearm Owner's Identification

1 Card. If the hearing is not scheduled within that 45-day
2 period, the Illinois State Police shall reinstate the person's
3 Firearm Owner's Identification Card and may not seek
4 revocation of that person's Firearm Owner's Identification
5 Card. The hearing shall be conducted in the manner provided in
6 subsection (g) of Section 10. ~~the duration of the~~
7 ~~disqualification~~ if the disqualification is not a permanent
8 grounds for revocation of a Firearm Owner's Identification
9 Card under this Act. The Illinois State Police may adopt rules
10 necessary to implement this Section.

11 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
12 revised 10-15-21.)

13 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

14 Sec. 10. Appeals; hearing; relief from firearm
15 prohibitions.

16 (a) Whenever an application for a Firearm Owner's
17 Identification Card is denied ~~or whenever such a Card is~~
18 ~~revoked or seized as provided for in Section 8 of this Act,~~ the
19 aggrieved party may (1) file a record challenge with the
20 Director regarding the record upon which the decision to deny
21 ~~or revoke~~ the Firearm Owner's Identification Card was based
22 under subsection (a-5); or (2) appeal to the Director of the
23 Illinois State Police through December 31, 2022, or beginning
24 January 1, 2023, the Firearm Owner's Identification Card
25 Review Board for a hearing seeking relief from such denial ~~or~~

1 ~~revocation~~ unless the denial ~~or revocation~~ was based upon a
2 forcible felony, stalking, aggravated stalking, domestic
3 battery, any violation of the Illinois Controlled Substances
4 Act, the Methamphetamine Control and Community Protection Act,
5 or the Cannabis Control Act that is classified as a Class 2 or
6 greater felony, any felony violation of Article 24 of the
7 Criminal Code of 1961 or the Criminal Code of 2012, or any
8 adjudication as a delinquent minor for the commission of an
9 offense that if committed by an adult would be a felony, in
10 which case the aggrieved party may petition the circuit court
11 in writing in the county of his or her residence for a hearing
12 seeking relief from such denial ~~or revocation~~.

13 (a-5) There is created a Firearm Owner's Identification
14 Card Review Board to consider any appeal under subsection (a)
15 beginning January 1, 2023, other than an appeal directed to
16 the circuit court and except when the applicant is challenging
17 the record upon which the decision to deny ~~or revoke~~ was based
18 as provided in subsection (a-10).

19 (0.05) In furtherance of the policy of this Act that
20 the Board shall exercise its powers and duties in an
21 independent manner, subject to the provisions of this Act
22 but free from the direction, control, or influence of any
23 other agency or department of State government. All
24 expenses and liabilities incurred by the Board in the
25 performance of its responsibilities hereunder shall be
26 paid from funds which shall be appropriated to the Board

1 by the General Assembly for the ordinary and contingent
2 expenses of the Board.

3 (1) The Board shall consist of 7 members appointed by
4 the Governor, with the advice and consent of the Senate,
5 with 3 members residing within the First Judicial District
6 and one member residing within each of the 4 remaining
7 Judicial Districts. No more than 4 members shall be
8 members of the same political party. The Governor shall
9 designate one member as the chairperson. The Board shall
10 consist of:

11 (A) one member with at least 5 years of service as
12 a federal or State judge;

13 (B) one member with at least 5 years of experience
14 serving as an attorney with the United States
15 Department of Justice, or as a State's Attorney or
16 Assistant State's Attorney;

17 (C) one member with at least 5 years of experience
18 serving as a State or federal public defender or
19 assistant public defender;

20 (D) three members with at least 5 years of
21 experience as a federal, State, or local law
22 enforcement agent or as an employee with investigative
23 experience or duties related to criminal justice under
24 the United States Department of Justice, Drug
25 Enforcement Administration, Department of Homeland
26 Security, Federal Bureau of Investigation, or a State

1 or local law enforcement agency; and

2 (E) one member with at least 5 years of experience
3 as a licensed physician or clinical psychologist with
4 expertise in the diagnosis and treatment of mental
5 illness.

6 (2) The terms of the members initially appointed after
7 January 1, 2022 (the effective date of Public Act 102-237)
8 ~~this amendatory Act of the 102nd General Assembly~~ shall be
9 as follows: one of the initial members shall be appointed
10 for a term of one year, 3 shall be appointed for terms of 2
11 years, and 3 shall be appointed for terms of 4 years.
12 Thereafter, members shall hold office for 4 years, with
13 terms expiring on the second Monday in January immediately
14 following the expiration of their terms and every 4 years
15 thereafter. Members may be reappointed. Vacancies in the
16 office of member shall be filled in the same manner as the
17 original appointment, for the remainder of the unexpired
18 term. The Governor may remove a member for incompetence,
19 neglect of duty, malfeasance, or inability to serve.
20 Members shall receive compensation in an amount equal to
21 the compensation of members of the Executive Ethics
22 Commission and may be reimbursed, from funds appropriated
23 for such a purpose, for reasonable expenses actually
24 incurred in the performance of their Board duties. The
25 Illinois State Police shall designate an employee to serve
26 as Executive Director of the Board and provide logistical

1 and administrative assistance to the Board.

2 (3) The Board shall meet at least quarterly each year
3 and at the call of the chairperson as often as necessary to
4 consider appeals of decisions made with respect to
5 applications for a Firearm Owner's Identification Card
6 under this Act. If necessary to ensure the participation
7 of a member, the Board shall allow a member to participate
8 in a Board meeting by electronic communication. Any member
9 participating electronically shall be deemed present for
10 purposes of establishing a quorum and voting.

11 (4) The Board shall adopt rules for the review of
12 appeals and the conduct of hearings. The Board shall
13 maintain a record of its decisions and all materials
14 considered in making its decisions. All Board decisions
15 and voting records shall be kept confidential and all
16 materials considered by the Board shall be exempt from
17 inspection except upon order of a court.

18 (5) In considering an appeal, the Board shall review
19 the materials received concerning the denial ~~or revocation~~
20 by the Illinois State Police. By a vote of at least 4
21 members, the Board may request additional information from
22 the Illinois State Police or the applicant or the
23 testimony of the Illinois State Police or the applicant.
24 The Board may require that the applicant submit electronic
25 fingerprints to the Illinois State Police for an updated
26 background check if the Board determines it lacks

1 sufficient information to determine eligibility. The Board
2 may consider information submitted by the Illinois State
3 Police, a law enforcement agency, or the applicant. The
4 Board shall review each denial ~~or revocation~~ and determine
5 by a majority of members whether an applicant should be
6 granted relief under subsection (c).

7 (6) The Board shall by order issue summary decisions.
8 The Board shall issue a decision within 45 days of
9 receiving all completed appeal documents from the Illinois
10 State Police and the applicant. However, the Board need
11 not issue a decision within 45 days if:

12 (A) the Board requests information from the
13 applicant, including, but not limited to, electronic
14 fingerprints to be submitted to the Illinois State
15 Police, in accordance with paragraph (5) of this
16 subsection, in which case the Board shall make a
17 decision within 30 days of receipt of the required
18 information from the applicant;

19 (B) the applicant agrees, in writing, to allow the
20 Board additional time to consider an appeal; or

21 (C) the Board notifies the applicant and the
22 Illinois State Police that the Board needs an
23 additional 30 days to issue a decision. The Board may
24 only issue 2 extensions under this subparagraph (C).
25 The Board's notification to the applicant and the
26 Illinois State Police shall include an explanation for

1 the extension.

2 (7) If the Board determines that the applicant is
3 eligible for relief under subsection (c), the Board shall
4 notify the applicant and the Illinois State Police that
5 relief has been granted and the Illinois State Police
6 shall issue the Card.

7 (8) Meetings of the Board shall not be subject to the
8 Open Meetings Act and records of the Board shall not be
9 subject to the Freedom of Information Act.

10 (9) The Board shall report monthly to the Governor and
11 the General Assembly on the number of appeals received and
12 provide details of the circumstances in which the Board
13 has determined to deny Firearm Owner's Identification
14 Cards under this subsection (a-5). The report shall not
15 contain any identifying information about the applicants.

16 (a-10) Whenever an applicant or cardholder is not seeking
17 relief from a firearms prohibition under subsection (c) but
18 rather does not believe the applicant is appropriately denied
19 ~~or revoked~~ and is challenging the record upon which the
20 decision to deny ~~or revoke~~ the Firearm Owner's Identification
21 Card was based, or whenever the Illinois State Police fails to
22 act on an application within 30 days of its receipt, the
23 applicant shall file such challenge with the Director. The
24 Director shall render a decision within 60 business days of
25 receipt of all information supporting the challenge. The
26 Illinois State Police shall adopt rules for the review of a

1 record challenge.

2 (b) At least 30 days before any hearing in the circuit
3 court, the petitioner shall serve the relevant State's
4 Attorney with a copy of the petition. The State's Attorney may
5 object to the petition and present evidence. At the hearing,
6 the court shall determine whether substantial justice has been
7 done. Should the court determine that substantial justice has
8 not been done, the court shall issue an order directing the
9 Illinois State Police to issue a Card. However, the court
10 shall not issue the order if the petitioner is otherwise
11 prohibited from obtaining, possessing, or using a firearm
12 under federal law.

13 (c) Any person prohibited from possessing a firearm under
14 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
15 acquiring a Firearm Owner's Identification Card under Section
16 8 of this Act may apply to the Firearm Owner's Identification
17 Card Review Board ~~the Illinois~~ or petition the circuit court
18 in the county where the petitioner resides, whichever is
19 applicable in accordance with subsection (a) of this Section,
20 requesting relief from such prohibition and the Board or court
21 may grant such relief if it is established by the applicant to
22 the court's or the Board's satisfaction that:

23 (0.05) when in the circuit court, the State's Attorney
24 has been served with a written copy of the petition at
25 least 30 days before any such hearing in the circuit court
26 and at the hearing the State's Attorney was afforded an

1 opportunity to present evidence and object to the
2 petition;

3 (1) the applicant has not been convicted of a forcible
4 felony under the laws of this State or any other
5 jurisdiction within 20 years of the applicant's
6 application for a Firearm Owner's Identification Card, or
7 at least 20 years have passed since the end of any period
8 of imprisonment imposed in relation to that conviction;

9 (2) the circumstances regarding a criminal conviction,
10 where applicable, the applicant's criminal history and his
11 reputation are such that the applicant will not be likely
12 to act in a manner dangerous to public safety;

13 (3) granting relief would not be contrary to the
14 public interest; and

15 (4) granting relief would not be contrary to federal
16 law.

17 (c-5) (1) An active law enforcement officer employed by a
18 unit of government or a Department of Corrections employee
19 authorized to possess firearms who is denied a ~~, revoked, or~~
20 ~~has his or her~~ Firearm Owner's Identification Card ~~seized~~
21 ~~under subsection (c) of Section 8 of this Act~~ may apply to the
22 Firearm Owner's Identification Card Review Board ~~the Illinois~~
23 requesting relief if the officer or employee did not act in a
24 manner threatening to the officer or employee, another person,
25 or the public as determined by the treating clinical
26 psychologist or physician, and as a result of his or her work

1 is referred by the employer for or voluntarily seeks mental
2 health evaluation or treatment by a licensed clinical
3 psychologist, psychiatrist, or qualified examiner, and:

4 (A) the officer or employee has not received treatment
5 involuntarily at a mental health facility, regardless of
6 the length of admission; or has not been voluntarily
7 admitted to a mental health facility for more than 30 days
8 and not for more than one incident within the past 5 years;
9 and

10 (B) the officer or employee has not left the mental
11 institution against medical advice.

12 (2) The Firearm Owner's Identification Card Review Board
13 ~~the Illinois~~ shall grant expedited relief to active law
14 enforcement officers and employees described in paragraph (1)
15 of this subsection (c-5) upon a determination by the Board
16 that the officer's or employee's possession of a firearm does
17 not present a threat to themselves, others, or public safety.
18 The Board shall act on the request for relief within 30
19 business days of receipt of:

20 (A) a notarized statement from the officer or employee
21 in the form prescribed by the Board detailing the
22 circumstances that led to the hospitalization;

23 (B) all documentation regarding the admission,
24 evaluation, treatment and discharge from the treating
25 licensed clinical psychologist or psychiatrist of the
26 officer;

1 (C) a psychological fitness for duty evaluation of the
2 person completed after the time of discharge; and

3 (D) written confirmation in the form prescribed by the
4 Board from the treating licensed clinical psychologist or
5 psychiatrist that the provisions set forth in paragraph
6 (1) of this subsection (c-5) have been met, the person
7 successfully completed treatment, and their professional
8 opinion regarding the person's ability to possess
9 firearms.

10 (3) Officers and employees eligible for the expedited
11 relief in paragraph (2) of this subsection (c-5) have the
12 burden of proof on eligibility and must provide all
13 information required. The Board may not consider granting
14 expedited relief until the proof and information is received.

15 (4) "Clinical psychologist", "psychiatrist", and
16 "qualified examiner" shall have the same meaning as provided
17 in Chapter I of the Mental Health and Developmental
18 Disabilities Code.

19 (c-10) (1) An applicant, who is denied a ~~, revoked, or has~~
20 ~~his or her~~ Firearm Owner's Identification Card ~~seized under~~
21 ~~subsection (c) of Section 8 of this Act~~ based upon a
22 determination of a developmental disability or an intellectual
23 disability may apply to the Firearm Owner's Identification
24 Card Review Board ~~the Illinois~~ requesting relief.

25 (2) The Board shall act on the request for relief within 60
26 business days of receipt of written certification, in the form

1 prescribed by the Board, from a physician or clinical
2 psychologist, or qualified examiner, that the aggrieved
3 party's developmental disability or intellectual disability
4 condition is determined by a physician, clinical psychologist,
5 or qualified to be mild. If a fact-finding conference is
6 scheduled to obtain additional information concerning the
7 circumstances of the denial ~~or revocation~~, the 60 business
8 days the Director has to act shall be tolled until the
9 completion of the fact-finding conference.

10 (3) The Board may grant relief if the aggrieved party's
11 developmental disability or intellectual disability is mild as
12 determined by a physician, clinical psychologist, or qualified
13 examiner and it is established by the applicant to the Board's
14 satisfaction that:

15 (A) granting relief would not be contrary to the
16 public interest; and

17 (B) granting relief would not be contrary to federal
18 law.

19 (4) The Board may not grant relief if the condition is
20 determined by a physician, clinical psychologist, or qualified
21 examiner to be moderate, severe, or profound.

22 (5) The changes made to this Section by Public Act 99-29
23 apply to requests for relief pending on or before July 10, 2015
24 (the effective date of Public Act 99-29), except that the
25 60-day period for the Director to act on requests pending
26 before the effective date shall begin on July 10, 2015 (the

1 effective date of Public Act 99-29). All appeals as provided
2 in subsection (a-5) pending on January 1, 2023 shall be
3 considered by the Board.

4 (d) When a minor is adjudicated delinquent for an offense
5 which if committed by an adult would be a felony, the court
6 shall notify the Illinois State Police.

7 (e) The court shall review the denial of an application or
8 the revocation of a Firearm Owner's Identification Card of a
9 person who has been adjudicated delinquent for an offense that
10 if committed by an adult would be a felony if an application
11 for relief has been filed at least 10 years after the
12 adjudication of delinquency and the court determines that the
13 applicant should be granted relief from disability to obtain a
14 Firearm Owner's Identification Card. If the court grants
15 relief, the court shall notify the Illinois State Police that
16 the disability has been removed and that the applicant is
17 eligible to obtain a Firearm Owner's Identification Card.

18 (f) Any person who is subject to the disabilities of 18
19 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
20 of 1968 because of an adjudication or commitment that occurred
21 under the laws of this State or who was determined to be
22 subject to the provisions of subsections (e), (f), or (g) of
23 Section 8 of this Act may apply to the Illinois State Police
24 requesting relief from that prohibition. The Board shall grant
25 the relief if it is established by a preponderance of the
26 evidence that the person will not be likely to act in a manner

1 dangerous to public safety and that granting relief would not
2 be contrary to the public interest. In making this
3 determination, the Board shall receive evidence concerning (i)
4 the circumstances regarding the firearms disabilities from
5 which relief is sought; (ii) the petitioner's mental health
6 and criminal history records, if any; (iii) the petitioner's
7 reputation, developed at a minimum through character witness
8 statements, testimony, or other character evidence; and (iv)
9 changes in the petitioner's condition or circumstances since
10 the disqualifying events relevant to the relief sought. If
11 relief is granted under this subsection or by order of a court
12 under this Section, the Director shall as soon as practicable
13 but in no case later than 15 business days, update, correct,
14 modify, or remove the person's record in any database that the
15 Illinois State Police makes available to the National Instant
16 Criminal Background Check System and notify the United States
17 Attorney General that the basis for the record being made
18 available no longer applies. The Illinois State Police shall
19 adopt rules for the administration of this Section.

20 (g) Notwithstanding any other provision of this Act to the
21 contrary, on or after the effective date of this amendatory
22 Act of the 102nd General Assembly, the Illinois State Police
23 may not revoke a Firearm Owner's Identification Card. On or
24 after the effective date of this amendatory Act of the 102nd
25 General Assembly, a Firearm Owner's Identification Card may
26 only be revoked after a Firearm Owner's Identification Card

1 hearing has been held in the circuit court of the county of
2 residence of the person whose Firearm Owner's Identification
3 Card is sought to be revoked. If the State's Attorney of the
4 county of residence of the person whose Firearm Owner's
5 Identification Card is sought to be revoked has probable cause
6 to believe that the person who has been issued a Firearm
7 Owner's Identification Card is no longer eligible for the Card
8 under Section 8, the State's Attorney shall file a petition in
9 the circuit court of the county of residence of the person
10 whose Card is sought to be revoked. At the hearing, the person
11 may present evidence in his or her favor seeking retention of
12 his or her Firearm Owner's Identification Card and the
13 Illinois State Police and State's Attorney may present
14 evidence for revocation. The hearing shall be a civil
15 proceeding and subject to due process, the Code of Civil
16 Procedure, and the Illinois Rules of Evidence as adopted by
17 the Supreme Court. The hearing shall be held within 45 days
18 after the filing of the petition. If the circuit court
19 determines, by clear and convincing evidence, that the person
20 is ineligible for retention of his or her Firearm Owner's
21 Identification Card under Section 8, the court shall order the
22 Illinois State Police to immediately revoke the Card and the
23 circuit clerk shall seize the Card and transmit the Card to the
24 Illinois State Police.

25 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
26 102-645, eff. 1-1-22; revised 10-15-21.)