



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1145

Introduced 1/12/2023, by Rep. Charles Meier

SYNOPSIS AS INTRODUCED:

5 ILCS 100/5-45.35 new
430 ILCS 66/40
430 ILCS 66/60

Amends the Firearm Concealed Carry Act. Provides that notwithstanding whether the laws of the state or territory where the non-resident resides related to firearm ownership, possession, and carrying are substantially similar to the requirements to obtain a license under the Act, the Illinois State Police shall, no later than 120 days after the effective date of the amendatory Act, allow for a non-resident license application if the applicant is an active duty member of the Armed Forces of the United States who is stationed in the State and lives in the State. Provides that a non-resident active duty member of the Armed Forces of the United States who is stationed in the State and lives in the State shall apply to the Illinois State Police and must meet all of the qualifications under the Act and shall submit: (1) the application and documentation required and the applicable fee; (2) a photocopy of a valid military identification card or Official Proof of Service Letter; and (3) a photocopy of permanent change-of-station orders to an assignment in the State. Provides for emergency rulemaking to implement the amendatory Act. Establishes fees. Makes conforming changes to the Illinois Administrative Procedure Act. Effective immediately.

LRB103 04825 RLC 49835 b

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 Illinois Administrative Procedure Act is
5 amended by adding Section 5-45.35 as follows:

6 (5 ILCS 100/5-45.35 new)

7 Sec. 5-45.35. Emergency rulemaking; non-resident active
8 duty members of the Armed Forces of the United States
9 concealed carry license applications. To provide for the
10 expeditious and timely implementation of the provisions of
11 this amendatory Act of the 103rd General Assembly, emergency
12 rules implementing the changes made by this amendatory Act of
13 the 103rd General Assembly to Section 40 of the Firearm
14 Concealed Carry Act may be adopted in accordance with Section
15 5-45. The adoption of emergency rules authorized by Section
16 5-45 and this Section is deemed to be necessary for the public
17 interest, safety, and welfare.

18 This Section is repealed one year after the effective date
19 of this amendatory Act of the 103rd General Assembly.

20 Section 10. The Firearm Concealed Carry Act is amended by
21 changing Sections 40 and 60 as follows:

1 (430 ILCS 66/40)

2 Sec. 40. Non-resident license applications.

3 (a) For the purposes of this Section, "non-resident" means
4 a person who has not resided within this State for more than 30
5 days and resides in another state or territory.

6 (b) The Illinois State Police shall by rule allow for
7 non-resident license applications from any state or territory
8 of the United States with laws related to firearm ownership,
9 possession, and carrying, that are substantially similar to
10 the requirements to obtain a license under this Act.

11 (c) A resident of a state or territory approved by the
12 Illinois State Police under subsection (b) of this Section may
13 apply for a non-resident license. The applicant shall apply to
14 the Illinois State Police and must meet all of the
15 qualifications established in Section 25 of this Act, except
16 for the Illinois residency requirement in item (xiv) of
17 paragraph (2) of subsection (a) of Section 4 of the Firearm
18 Owners Identification Card Act. The applicant shall submit:

19 (1) the application and documentation required under
20 Section 30 of this Act and the applicable fee;

21 (2) a notarized document stating that the applicant:

22 (A) is eligible under federal law and the laws of
23 his or her state or territory of residence to own or
24 possess a firearm;

25 (B) if applicable, has a license or permit to
26 carry a firearm or concealed firearm issued by his or

1 her state or territory of residence and attach a copy
2 of the license or permit to the application;

3 (C) understands Illinois laws pertaining to the
4 possession and transport of firearms; and

5 (D) acknowledges that the applicant is subject to
6 the jurisdiction of the Illinois State Police and
7 Illinois courts for any violation of this Act;

8 (3) a photocopy of any certificates or other evidence
9 of compliance with the training requirements under Section
10 75 of this Act; and

11 (4) a head and shoulder color photograph in a size
12 specified by the Illinois State Police taken within the 30
13 days preceding the date of the application.

14 (d) In lieu of an Illinois driver's license or Illinois
15 identification card, a non-resident applicant shall provide
16 similar documentation from his or her state or territory of
17 residence. In lieu of a valid Firearm Owner's Identification
18 Card, the applicant shall submit documentation and information
19 required by the Illinois State Police to obtain a Firearm
20 Owner's Identification Card, including an affidavit that the
21 non-resident meets the mental health standards to obtain a
22 firearm under Illinois law, and the Illinois State Police
23 shall ensure that the applicant would meet the eligibility
24 criteria to obtain a Firearm Owner's Identification card if he
25 or she was a resident of this State.

26 (e) Nothing in this Act shall prohibit a non-resident from

1 transporting a concealed firearm within his or her vehicle in
2 Illinois, if the concealed firearm remains within his or her
3 vehicle and the non-resident:

4 (1) is not prohibited from owning or possessing a
5 firearm under federal law;

6 (2) is eligible to carry a firearm in public under the
7 laws of his or her state or territory of residence, as
8 evidenced by the possession of a concealed carry license
9 or permit issued by his or her state of residence, if
10 applicable; and

11 (3) is not in possession of a license under this Act.

12 If the non-resident leaves his or her vehicle unattended,
13 he or she shall store the firearm within a locked vehicle or
14 locked container within the vehicle in accordance with
15 subsection (b) of Section 65 of this Act.

16 (f) Notwithstanding whether the laws of the state or
17 territory where the non-resident resides related to firearm
18 ownership, possession, and carrying are substantially similar
19 to the requirements to obtain a license under this Act, the
20 Illinois State Police shall, no later than 120 days after the
21 effective date of this amendatory Act of the 103rd General
22 Assembly, allow for a non-resident license application if the
23 applicant is an active duty member of the Armed Forces of the
24 United States who is stationed in this State and lives in this
25 State. A non-resident active duty member of the Armed Forces
26 of the United States who is stationed in this State and lives

1 in this State shall apply to the Illinois State Police and must
2 meet all of the qualifications established in Section 25 and
3 shall submit:

4 (1) the application and documentation required under
5 subsection (b) of Section 30 and the applicable fee;

6 (2) a photocopy of a valid military identification
7 card or Official Proof of Service Letter; and

8 (3) a photocopy of permanent change-of-station orders
9 to an assignment in this State.

10 In lieu of an Illinois driver's license or Illinois
11 identification card, a non-resident applicant under this
12 subsection (f) shall provide similar documentation from his or
13 her state or territory of residence. A non-resident licensee
14 approved under this subsection (f) shall notify the Illinois
15 State Police 30 days following a permanent change of station
16 move to an assignment outside of this State and shall
17 surrender his or her license to the Illinois State Police. A
18 license issued under this subsection (f) shall expire on the
19 earlier date of: (i) 5 years from the date of issuance; or (ii)
20 the date the licensee's assignment in this State terminates.
21 The Illinois State Police may adopt rules necessary to
22 implement this amendatory Act of the 103rd General Assembly
23 through the use of emergency rulemaking in accordance with
24 Section 5-45 of the Illinois Administrative Procedure Act for
25 a period not to exceed 180 days after the effective date of
26 this amendatory Act of the 103rd General Assembly.

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

2 (430 ILCS 66/60)

3 Sec. 60. Fees.

4 (a) All fees collected under this Act shall be deposited
5 as provided in this Section. Application, renewal, and
6 replacement fees shall be non-refundable.

7 (b) An applicant for a new license or a renewal shall
8 submit \$150 with the application, of which \$120 shall be
9 apportioned to the State Police Firearm Services Fund, \$20
10 shall be apportioned to the Mental Health Reporting Fund, and
11 \$10 shall be apportioned to the State Crime Laboratory Fund.

12 (c) A non-resident applicant for a new license or renewal
13 shall submit \$300 with the application, of which \$250 shall be
14 apportioned to the State Police Firearm Services Fund, \$40
15 shall be apportioned to the Mental Health Reporting Fund, and
16 \$10 shall be apportioned to the State Crime Laboratory Fund.

17 (d) A licensee requesting a new license in accordance with
18 Section 55 shall submit \$75, of which \$60 shall be apportioned
19 to the State Police Firearm Services Fund, \$5 shall be
20 apportioned to the Mental Health Reporting Fund, and \$10 shall
21 be apportioned to the State Crime Laboratory Fund.

22 (e) An applicant for a new license or a renewal who is a
23 non-resident active duty member of the Armed Forces of the
24 United States stationed in this State shall submit \$150 with
25 the application, of which \$120 shall be apportioned to the

1 State Police Firearm Services Fund, \$20 shall be apportioned
2 to the Mental Health Reporting Fund, and \$10 shall be
3 apportioned to the State Crime Laboratory Fund.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.