



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3355

Introduced 2/17/2023, by Rep. David Friess - Patrick Windhorst

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.

LRB103 25592 RLC 51941 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 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 finds that the
16 applicant ~~or the person to whom such card was issued~~ is or was
17 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). A person under 21 years of age who does not have

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

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

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

18 (d) A person addicted to narcotics;

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

1 Identification Card seized under this subsection (e) may
2 obtain relief as described in subsection (c-5) of Section
3 10 of this Act if the officer or employee did not act in a
4 manner threatening to the officer or employee, another
5 person, or the public as determined by the treating
6 clinical psychologist or physician, and the officer or
7 employee 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 or
14 endorsement affidavit;

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

17 (i-5) A noncitizen 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 noncitizen who has been
22 lawfully admitted to the United States under a
23 non-immigrant visa if that noncitizen 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 noncitizen 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; 102-813, eff. 5-13-22; 102-1030, eff.
12 5-27-22; 102-1116, eff. 1-10-23.)

13 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (430 ILCS 65/8.2)

1 Sec. 8.2. Firearm Owner's Identification Card denial,
2 suspension, or revocation. The Illinois State Police shall
3 deny an application or shall suspend ~~or revoke and seize~~ a
4 Firearm Owner's Identification Card previously issued under
5 this Act if the Department finds that the applicant ~~or person~~
6 ~~to whom such card was issued~~ is or was at the time of issuance
7 subject to a protective order issued under the laws of this or
8 any other jurisdiction. When the duration of the protective
9 order is expected to be less than 45 days ~~one year~~, the
10 Illinois State Police may suspend the Firearm Owner's
11 Identification Card under Section 8.3 of the Act and shall
12 reinstate it upon conclusion of the suspension if no other
13 grounds for denial ~~or revocation~~ are found under Section 8 of
14 the Act.

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

16 (430 ILCS 65/8.3)

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

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

12 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
13 102-813, eff. 5-13-22; revised 8-24-22.)

14 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

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

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

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

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

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

1 paid from funds which shall be appropriated to the Board
2 by the General Assembly for the ordinary and contingent
3 expenses of the Board.

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

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

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

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

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

1 Security, Federal Bureau of Investigation, or a State
2 or local law enforcement agency; and

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

7 (2) The terms of the members initially appointed after
8 January 1, 2022 (the effective date of Public Act 102-237)
9 shall be as follows: one of the initial members shall be
10 appointed for a term of one year, 3 shall be appointed for
11 terms of 2 years, and 3 shall be appointed for terms of 4
12 years. Thereafter, members shall hold office for 4 years,
13 with terms expiring on the second Monday in January
14 immediately following the expiration of their terms and
15 every 4 years thereafter. Members may be reappointed.
16 Vacancies in the office of member shall be filled in the
17 same manner as the original appointment, for the remainder
18 of the unexpired term. The Governor may remove a member
19 for incompetence, neglect of duty, malfeasance, or
20 inability to serve. Members shall receive compensation in
21 an amount equal to the compensation of members of the
22 Executive Ethics Commission and, beginning July 1, 2023,
23 shall be compensated from appropriations provided to the
24 Comptroller for this purpose. Members may be reimbursed,
25 from funds appropriated for such a purpose, for reasonable
26 expenses actually incurred in the performance of their

1 Board duties. The Illinois State Police shall designate an
2 employee to serve as Executive Director of the Board and
3 provide logistical and administrative assistance to the
4 Board.

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

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

21 (5) In considering an appeal, the Board shall review
22 the materials received concerning the denial ~~or revocation~~
23 by the Illinois State Police. By a vote of at least 4
24 members, the Board may request additional information from
25 the Illinois State Police or the applicant or the
26 testimony of the Illinois State Police or the applicant.

1 The Board may require that the applicant submit electronic
2 fingerprints to the Illinois State Police for an updated
3 background check if the Board determines it lacks
4 sufficient information to determine eligibility. The Board
5 may consider information submitted by the Illinois State
6 Police, a law enforcement agency, or the applicant. The
7 Board shall review each denial ~~or revocation~~ and determine
8 by a majority of members whether an applicant should be
9 granted relief under subsection (c).

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

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

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

24 (C) the Board notifies the applicant and the
25 Illinois State Police that the Board needs an
26 additional 30 days to issue a decision. The Board may

1 only issue 2 extensions under this subparagraph (C).
2 The Board's notification to the applicant and the
3 Illinois State Police shall include an explanation for
4 the extension.

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

10 (8) Meetings of the Board shall not be subject to the
11 Open Meetings Act and records of the Board shall not be
12 subject to the Freedom of Information Act.

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

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

1 Director shall render a decision within 60 business days of
2 receipt of all information supporting the challenge. The
3 Illinois State Police shall adopt rules for the review of a
4 record challenge.

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

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

26 (0.05) when in the circuit court, the State's Attorney

1 has been served with a written copy of the petition at
2 least 30 days before any such hearing in the circuit court
3 and at the hearing the State's Attorney was afforded an
4 opportunity to present evidence and object to the
5 petition;

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

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

16 (3) granting relief would not be contrary to the
17 public interest; and

18 (4) granting relief would not be contrary to federal
19 law.

20 (c-5) (1) An active law enforcement officer employed by a
21 unit of government or a Department of Corrections employee
22 authorized to possess firearms who is denied ~~a, revoked, or~~
23 ~~has his or her~~ Firearm Owner's Identification Card ~~seized~~
24 ~~under subsection (c) of Section 8 of this Act~~ may apply to the
25 Firearm Owner's Identification Card Review Board requesting
26 relief if the officer or employee did not act in a manner

1 threatening to the officer or employee, another person, or the
2 public as determined by the treating clinical psychologist or
3 physician, and as a result of his or her work is referred by
4 the employer for or voluntarily seeks mental health evaluation
5 or treatment by a licensed clinical psychologist,
6 psychiatrist, or qualified examiner, and:

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

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

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

23 (A) a notarized statement from the officer or employee
24 in the form prescribed by the Board detailing the
25 circumstances that led to the hospitalization;

26 (B) all documentation regarding the admission,

1 evaluation, treatment and discharge from the treating
2 licensed clinical psychologist or psychiatrist of the
3 officer;

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

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

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

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

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

1 Card Review Board requesting relief.

2 (2) The Board shall act on the request for relief within 60
3 business days of receipt of written certification, in the form
4 prescribed by the Board, from a physician or clinical
5 psychologist, or qualified examiner, that the aggrieved
6 party's developmental disability or intellectual disability
7 condition is determined by a physician, clinical psychologist,
8 or qualified to be mild. If a fact-finding conference is
9 scheduled to obtain additional information concerning the
10 circumstances of the denial ~~or revocation~~, the 60 business
11 days the Director has to act shall be tolled until the
12 completion of the fact-finding conference.

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

18 (A) granting relief would not be contrary to the
19 public interest; and

20 (B) granting relief would not be contrary to federal
21 law.

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

25 (5) The changes made to this Section by Public Act 99-29
26 apply to requests for relief pending on or before July 10, 2015

1 (the effective date of Public Act 99-29), except that the
2 60-day period for the Director to act on requests pending
3 before the effective date shall begin on July 10, 2015 (the
4 effective date of Public Act 99-29). All appeals as provided
5 in subsection (a-5) pending on January 1, 2023 shall be
6 considered by the Board.

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

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

21 (f) Any person who is subject to the disabilities of 18
22 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
23 of 1968 because of an adjudication or commitment that occurred
24 under the laws of this State or who was determined to be
25 subject to the provisions of subsections (e), (f), or (g) of
26 Section 8 of this Act may apply to the Illinois State Police

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

23 (g) Notwithstanding any other provision of this Act to the
24 contrary, on or after the effective date of this amendatory
25 Act of the 103rd General Assembly, the Illinois State Police
26 may not revoke a Firearm Owner's Identification Card. On or

1 after the effective date of this amendatory Act of the 103rd
2 General Assembly, a Firearm Owner's Identification Card may
3 only be revoked after a Firearm Owner's Identification Card
4 hearing has been held in the circuit court of the county of
5 residence of the person whose Firearm Owner's Identification
6 Card is sought to be revoked. If the State's Attorney of the
7 county of residence of the person whose Firearm Owner's
8 Identification Card is sought to be revoked has probable cause
9 to believe that the person who has been issued a Firearm
10 Owner's Identification Card is no longer eligible for the Card
11 under Section 8, the State's Attorney shall file a petition in
12 the circuit court of the county of residence of the person
13 whose Card is sought to be revoked. At the hearing, the person
14 may present evidence in his or her favor seeking retention of
15 his or her Firearm Owner's Identification Card and the
16 Illinois State Police and State's Attorney may present
17 evidence for revocation. The hearing shall be a civil
18 proceeding and subject to due process, the Code of Civil
19 Procedure, and the Illinois Rules of Evidence as adopted by
20 the Supreme Court. The hearing shall be held within 45 days
21 after the filing of the petition. If the circuit court
22 determines, by clear and convincing evidence, that the person
23 is ineligible for retention of his or her Firearm Owner's
24 Identification Card under Section 8, the court shall order the
25 Illinois State Police to immediately revoke the Card and the
26 circuit clerk shall seize the Card and transmit the Card to the

1 Illinois State Police.

2 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
3 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1115, eff.
4 1-9-23.)