



## 103RD GENERAL ASSEMBLY

### State of Illinois

### 2023 and 2024

#### HB4020

Introduced 3/23/2023, by Rep. John M. Cabello

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/4	from Ch. 38, par. 83-4
430 ILCS 65/8	from Ch. 38, par. 83-8
430 ILCS 66/25	

Amends the Firearm Owners Identification Card Act. Makes 18 (rather than 21) years of age as the minimum age in which a person, who is not an active duty member of the United States Armed Forces or the Illinois National Guard, may apply for a Firearm Owner's Identification Card without parental or legal guardian consent. Amends the Firearm Concealed Carry Act. Makes 18 (rather than 21) years of age as the minimum age for applying for and being issued a concealed carry license.

LRB103 31472 RLC 59277 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 4 and 8 as follows:

6 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

7 Sec. 4. Application for Firearm Owner's Identification  
8 Cards.

9 (a) Each applicant for a Firearm Owner's Identification  
10 Card must:

11 (1) Submit an application as made available by the  
12 Illinois State Police; and

13 (2) Submit evidence to the Illinois State Police that:

14 (i) ~~(Blank); This subparagraph (i) applies through~~  
15 ~~the 180th day following July 12, 2019 (the effective~~  
16 ~~date of Public Act 101-80). He or she is 21 years of~~  
17 ~~age or over, or if he or she is under 21 years of age~~  
18 ~~that he or she has the written consent of his or her~~  
19 ~~parent or legal guardian to possess and acquire~~  
20 ~~firearms and firearm ammunition and that he or she has~~  
21 ~~never been convicted of a misdemeanor other than a~~  
22 ~~traffic offense or adjudged delinquent, provided,~~  
23 ~~however, that such parent or legal guardian is not an~~

1 ~~individual prohibited from having a Firearm Owner's~~  
2 ~~Identification Card and files an affidavit with the~~  
3 ~~Department as prescribed by the Department stating~~  
4 ~~that he or she is not an individual prohibited from~~  
5 ~~having a Card;~~

6 (i-5) ~~This subparagraph (i-5) applies on and after~~  
7 ~~the 181st day following July 12, 2019 (the effective~~  
8 ~~date of Public Act 101-80).~~ He or she is 18 ~~21~~ years of  
9 age or over, or if he or she is under 18 ~~21~~ years of  
10 age that he or she ~~has never been convicted of a~~  
11 ~~misdemeanor other than a traffic offense or adjudged~~  
12 ~~delinquent and~~ is an active duty member of the United  
13 States Armed Forces or the Illinois National Guard or  
14 has the written consent of his or her parent or legal  
15 guardian to possess and acquire firearms and firearm  
16 ammunition, provided, however, that, if the applicant  
17 is under 18 years of age, the ~~such~~ parent or legal  
18 guardian is not an individual prohibited from having a  
19 Firearm Owner's Identification Card and files an  
20 affidavit with the Illinois State Police as prescribed  
21 by the Illinois State Police stating that he or she is  
22 not an individual prohibited from having a Card or the  
23 active duty member of the United States Armed Forces  
24 or the Illinois National Guard under 18 ~~21~~ years of age  
25 annually submits proof to the Illinois State Police,  
26 in a manner prescribed by the Illinois State Police;

1           (i-6) If he or she is under 21 years of age, that  
2           he or she has never been convicted of a misdemeanor  
3           other than a traffic offense or adjudged delinquent;

4           (ii) He or she has not been convicted of a felony  
5           under the laws of this or any other jurisdiction;

6           (iii) He or she is not addicted to narcotics;

7           (iv) He or she has not been a patient in a mental  
8           health facility within the past 5 years or, if he or  
9           she has been a patient in a mental health facility more  
10          than 5 years ago submit the certification required  
11          under subsection (u) of Section 8 of this Act;

12          (v) He or she is not a person with an intellectual  
13          disability;

14          (vi) He or she is not a noncitizen who is  
15          unlawfully present in the United States under the laws  
16          of the United States;

17          (vii) He or she is not subject to an existing order  
18          of protection prohibiting him or her from possessing a  
19          firearm;

20          (viii) He or she has not been convicted within the  
21          past 5 years of battery, assault, aggravated assault,  
22          violation of an order of protection, or a  
23          substantially similar offense in another jurisdiction,  
24          in which a firearm was used or possessed;

25          (ix) He or she has not been convicted of domestic  
26          battery, aggravated domestic battery, or a

1 substantially similar offense in another jurisdiction  
2 committed before, on or after January 1, 2012 (the  
3 effective date of Public Act 97-158). If the applicant  
4 knowingly and intelligently waives the right to have  
5 an offense described in this clause (ix) tried by a  
6 jury, and by guilty plea or otherwise, results in a  
7 conviction for an offense in which a domestic  
8 relationship is not a required element of the offense  
9 but in which a determination of the applicability of  
10 18 U.S.C. 922(g) (9) is made under Section 112A-11.1 of  
11 the Code of Criminal Procedure of 1963, an entry by the  
12 court of a judgment of conviction for that offense  
13 shall be grounds for denying the issuance of a Firearm  
14 Owner's Identification Card under this Section;

15 (x) (Blank);

16 (xi) He or she is not a noncitizen who has been  
17 admitted to the United States under a non-immigrant  
18 visa (as that term is defined in Section 101(a) (26) of  
19 the Immigration and Nationality Act (8 U.S.C.  
20 1101(a) (26))), or that he or she is a noncitizen who  
21 has been lawfully admitted to the United States under  
22 a non-immigrant visa if that noncitizen 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  
2 Government or the Government's mission to an  
3 international organization having its  
4 headquarters in the United States; or

5 (B) en route to or from another country to  
6 which that noncitizen 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  
12 States on official business; or

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

16 (xii) He or she is not a minor subject to a  
17 petition filed under Section 5-520 of the Juvenile  
18 Court Act of 1987 alleging that the minor is a  
19 delinquent minor for the commission of an offense that  
20 if committed by an adult would be a felony;

21 (xiii) He or she is not an adult who had been  
22 adjudicated a delinquent minor under the Juvenile  
23 Court Act of 1987 for the commission of an offense that  
24 if committed by an adult would be a felony;

25 (xiv) He or she is a resident of the State of  
26 Illinois;

1           (xv) He or she has not been adjudicated as a person  
2           with a mental disability;

3           (xvi) He or she has not been involuntarily  
4           admitted into a mental health facility; and

5           (xvii) He or she is not a person with a  
6           developmental disability; and

7           (3) Upon request by the Illinois State Police, sign a  
8           release on a form prescribed by the Illinois State Police  
9           waiving any right to confidentiality and requesting the  
10          disclosure to the Illinois State Police of limited mental  
11          health institution admission information from another  
12          state, the District of Columbia, any other territory of  
13          the United States, or a foreign nation concerning the  
14          applicant for the sole purpose of determining whether the  
15          applicant is or was a patient in a mental health  
16          institution and disqualified because of that status from  
17          receiving a Firearm Owner's Identification Card. No mental  
18          health care or treatment records may be requested. The  
19          information received shall be destroyed within one year of  
20          receipt.

21          (a-5) Each applicant for a Firearm Owner's Identification  
22          Card who is over the age of 18 shall furnish to the Illinois  
23          State Police either his or her Illinois driver's license  
24          number or Illinois Identification Card number, except as  
25          provided in subsection (a-10).

26          (a-10) Each applicant for a Firearm Owner's Identification

1 Card, who is employed as a law enforcement officer, an armed  
2 security officer in Illinois, or by the United States Military  
3 permanently assigned in Illinois and who is not an Illinois  
4 resident, shall furnish to the Illinois State Police his or  
5 her driver's license number or state identification card  
6 number from his or her state of residence. The Illinois State  
7 Police may adopt rules to enforce the provisions of this  
8 subsection (a-10).

9 (a-15) If an applicant applying for a Firearm Owner's  
10 Identification Card moves from the residence address named in  
11 the application, he or she shall immediately notify in a form  
12 and manner prescribed by the Illinois State Police of that  
13 change of address.

14 (a-20) Each applicant for a Firearm Owner's Identification  
15 Card shall furnish to the Illinois State Police his or her  
16 photograph. An applicant who is 18 ~~21~~ years of age or older  
17 seeking a religious exemption to the photograph requirement  
18 must furnish with the application an approved copy of United  
19 States Department of the Treasury Internal Revenue Service  
20 Form 4029. In lieu of a photograph, an applicant regardless of  
21 age seeking a religious exemption to the photograph  
22 requirement shall submit fingerprints on a form and manner  
23 prescribed by the Illinois State Police with his or her  
24 application.

25 (a-25) Beginning January 1, 2023, each applicant for the  
26 issuance of a Firearm Owner's Identification Card may include



1 a full set of his or her fingerprints in electronic format to  
2 the Illinois State Police, unless the applicant has previously  
3 provided a full set of his or her fingerprints to the Illinois  
4 State Police under this Act or the Firearm Concealed Carry  
5 Act.

6 The fingerprints must be transmitted through a live scan  
7 fingerprint vendor licensed by the Department of Financial and  
8 Professional Regulation. The fingerprints shall be checked  
9 against the fingerprint records now and hereafter filed in the  
10 Illinois State Police and Federal Bureau of Investigation  
11 criminal history records databases, including all available  
12 State and local criminal history record information files.

13 The Illinois State Police shall charge applicants a  
14 one-time fee for conducting the criminal history record check,  
15 which shall be deposited into the State Police Services Fund  
16 and shall not exceed the actual cost of the State and national  
17 criminal history record check.

18 (a-26) The Illinois State Police shall research, explore,  
19 and report to the General Assembly by January 1, 2022 on the  
20 feasibility of permitting voluntarily submitted fingerprints  
21 obtained for purposes other than Firearm Owner's  
22 Identification Card enforcement that are contained in the  
23 Illinois State Police database for purposes of this Act.

24 (b) Each application form shall include the following  
25 statement printed in bold type: "Warning: Entering false  
26 information on an application for a Firearm Owner's

1 Identification Card is punishable as a Class 2 felony in  
2 accordance with subsection (d-5) of Section 14 of the Firearm  
3 Owners Identification Card Act.".

4 (c) Upon such written consent, pursuant to Section 4,  
5 paragraph (a)(2)(i), the parent or legal guardian giving the  
6 consent shall be liable for any damages resulting from the  
7 applicant's use of firearms or firearm ammunition.

8 (Source: P.A. 101-80, eff. 7-12-19; 102-237, eff. 1-1-22;  
9 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1030, eff.  
10 5-27-22; 102-1116, eff. 1-10-23.)

11 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

12 Sec. 8. Grounds for denial and revocation. The Illinois  
13 State Police has authority to deny an application for or to  
14 revoke and seize a Firearm Owner's Identification Card  
15 previously issued under this Act only if the Illinois State  
16 Police finds that the applicant or the person to whom such card  
17 was issued 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) (Blank); ~~This subsection (b) applies through the~~  
22 ~~180th day following July 12, 2019 (the effective date of~~  
23 ~~Public Act 101-80). A person under 21 years of age who does~~  
24 ~~not have the written consent of his parent or guardian to~~  
25 ~~acquire and possess firearms and firearm ammunition, or~~

1 ~~whose parent or guardian has revoked such written consent,~~  
2 ~~or where such parent or guardian does not qualify to have a~~  
3 ~~Firearm Owner's Identification Card;~~

4 (b-5) ~~This subsection (b-5) applies on and after the~~  
5 ~~181st day following July 12, 2019 (the effective date of~~  
6 ~~Public Act 101-80).~~ A person under 18 ~~21~~ years of age who  
7 is not an active duty member of the United States Armed  
8 Forces or the Illinois National Guard and does not have  
9 the written consent of his or her parent or guardian to  
10 acquire and possess firearms and firearm ammunition, or  
11 whose parent or guardian has revoked such written consent,  
12 or where such parent or guardian does not qualify to have a  
13 Firearm Owner's Identification Card;

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

16 (d) A person addicted to narcotics;

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

1           10 of this Act if the officer or employee did not act in a  
2           manner threatening to the officer or employee, another  
3           person, or the public as determined by the treating  
4           clinical psychologist or physician, and the officer or  
5           employee seeks mental health treatment;

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

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

10          (h) A person who intentionally makes a false statement  
11          in the Firearm Owner's Identification Card application or  
12          endorsement affidavit;

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

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

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

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

26                         (A) accredited to the United States Government

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

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

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

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

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

15 (j) (Blank);

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

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

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

13 (m) (Blank);

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

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

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

25 (q) A person who is not a resident of the State of  
26 Illinois, except as provided in subsection (a-10) of

1 Section 4;

2 (r) A person who has been adjudicated as a person with  
3 a mental disability;

4 (s) A person who has been found to have a  
5 developmental disability;

6 (t) A person involuntarily admitted into a mental  
7 health facility; or

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

1 apply to a person whose firearm possession rights have  
2 been restored through administrative or judicial action  
3 under Section 10 or 11 of this Act.

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

8 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;  
9 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.  
10 5-27-22; 102-1116, eff. 1-10-23.)

11 Section 10. The Firearm Concealed Carry Act is amended by  
12 changing Section 25 as follows:

13 (430 ILCS 66/25)

14 Sec. 25. Qualifications for a license.

15 The Illinois State Police shall issue a license to an  
16 applicant completing an application in accordance with Section  
17 30 of this Act if the person:

18 (1) is at least 18 ~~21~~ years of age;

19 (2) has a currently valid Firearm Owner's  
20 Identification Card and at the time of application meets  
21 the requirements for the issuance of a Firearm Owner's  
22 Identification Card and is not prohibited under the  
23 Firearm Owners Identification Card Act or federal law from  
24 possessing or receiving a firearm;



1           (3) has not been convicted or found guilty in this  
2 State or in any other state of:

3           (A) a misdemeanor involving the use or threat of  
4 physical force or violence to any person within the 5  
5 years preceding the date of the license application;  
6 or

7           (B) 2 or more violations related to driving while  
8 under the influence of alcohol, other drug or drugs,  
9 intoxicating compound or compounds, or any combination  
10 thereof, within the 5 years preceding the date of the  
11 license application;

12           (4) is not the subject of a pending arrest warrant,  
13 prosecution, or proceeding for an offense or action that  
14 could lead to disqualification to own or possess a  
15 firearm;

16           (5) has not been in residential or court-ordered  
17 treatment for alcoholism, alcohol detoxification, or drug  
18 treatment within the 5 years immediately preceding the  
19 date of the license application; and

20           (6) has completed firearms training and any education  
21 component required under Section 75 of this Act.

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