

SB1328



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1328

Introduced 2/6/2023, by Sen. Dale Fowler

SYNOPSIS AS INTRODUCED:

430 ILCS 65/4
430 ILCS 65/8

from Ch. 38, par. 83-4
from Ch. 38, par. 83-8

Amends the Firearm Owners Identification Card Act. Lowers the minimum age in which a person who is not an active duty member of the United States Armed Forces may apply for a Firearm Owner's Identification Card without parental or legal guardian consent from 21 years of age to 18 years of age. Provides that an applicant who is 18 (rather than 21) years of age or older seeking a religious exemption to the photograph requirement must furnish with the application an approved copy of United States Department of the Treasury Internal Revenue Service Form 4029.

LRB103 25220 RLC 51563 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 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-4) If he or she is under 21 years of age, he or
7 she has never been convicted of a misdemeanor other
8 than a traffic offense or adjudged delinquent;

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

1 State Police, in a manner prescribed by the Illinois
2 State Police;

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

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

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

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

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

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

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

24 (ix) He or she has not been convicted of domestic
25 battery, aggravated domestic battery, or a
26 substantially similar offense in another jurisdiction

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

14 (x) (Blank);

15 (xi) He or she is not a noncitizen who has been
16 admitted to the United States under a non-immigrant
17 visa (as that term is defined in Section 101(a) (26) of
18 the Immigration and Nationality Act (8 U.S.C.
19 1101(a) (26))), or that he or she is a noncitizen who
20 has been lawfully admitted to the United States under
21 a 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

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

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

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

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

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

26 (xv) He or she has not been adjudicated as a person

1 with a mental disability;

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

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

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

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

25 (a-10) Each applicant for a Firearm Owner's Identification
26 Card, who is employed as a law enforcement officer, an armed

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

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

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

24 (a-25) Beginning January 1, 2023, each applicant for the
25 issuance of a Firearm Owner's Identification Card may include
26 a full set of his or her fingerprints in electronic format to

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

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

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

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

23 (b) Each application form shall include the following
24 statement printed in bold type: "Warning: Entering false
25 information on an application for a Firearm Owner's
26 Identification Card is punishable as a Class 2 felony in

1 accordance with subsection (d-5) of Section 14 of the Firearm
2 Owners Identification Card Act.".

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

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

10 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

20 (b) (Blank); ~~This subsection (b) applies through the~~
21 ~~180th day following July 12, 2019 (the effective date of~~
22 ~~Public Act 101-80). A person under 21 years of age who does~~
23 ~~not have the written consent of his parent or guardian to~~
24 ~~acquire and possess firearms and firearm ammunition, or~~
25 ~~whose parent or guardian has revoked such written consent,~~

1 ~~or where such parent or guardian does not qualify to have a~~
2 ~~Firearm Owner's Identification Card;~~

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

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

15 (d) A person addicted to narcotics;

16 (e) A person who has been a patient of a mental health
17 facility within the past 5 years or a person who has been a
18 patient in a mental health facility more than 5 years ago
19 who has not received the certification required under
20 subsection (u) of this Section. An active law enforcement
21 officer employed by a unit of government or a Department
22 of Corrections employee authorized to possess firearms who
23 is denied, revoked, or has his or her Firearm Owner's
24 Identification Card seized under this subsection (e) may
25 obtain relief as described in subsection (c-5) of Section
26 10 of this Act if the officer or employee did not act in a

1 manner threatening to the officer or employee, another
2 person, or the public as determined by the treating
3 clinical psychologist or physician, and the officer or
4 employee seeks mental health treatment;

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

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

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

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

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

20 (1) admitted to the United States for lawful
21 hunting or sporting purposes;

22 (2) an official representative of a foreign
23 government who is:

24 (A) accredited to the United States Government
25 or the Government's mission to an international
26 organization having its headquarters in the United

1 States; or

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

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

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

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

13 (j) (Blank);

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

19 (l) A person who has been convicted of domestic
20 battery, aggravated domestic battery, or a substantially
21 similar offense in another jurisdiction committed before,
22 on or after January 1, 2012 (the effective date of Public
23 Act 97-158). If the applicant or person who has been
24 previously issued a Firearm Owner's Identification Card
25 under this Act knowingly and intelligently waives the
26 right to have an offense described in this paragraph (l)

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

11 (m) (Blank);

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

15 (o) A minor subject to a petition filed under Section
16 5-520 of the Juvenile Court Act of 1987 alleging that the
17 minor is a delinquent minor for the commission of an
18 offense that if committed by an adult would be a felony;

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

23 (q) A person who is not a resident of the State of
24 Illinois, except as provided in subsection (a-10) of
25 Section 4;

26 (r) A person who has been adjudicated as a person with

1 a mental disability;

2 (s) A person who has been found to have a
3 developmental disability;

4 (t) A person involuntarily admitted into a mental
5 health facility; or

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

1 under Section 10 or 11 of this Act.

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

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