



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB0182**

Introduced 1/12/2005, by Rep. Richard P. Myers

**SYNOPSIS AS INTRODUCED:**

430 ILCS 65/4	from Ch. 38, par. 83-4
430 ILCS 65/7	from Ch. 38, par. 83-7
430 ILCS 65/8	from Ch. 38, par. 83-8

Amends the Firearm Owners Identification Card Act. Changes, from 21 years of age or over to 18 years of age or over, the age at which a person may apply for and be issued a Firearm Owner's Identification Card without the consent of a parent or legal guardian. Provides that a Firearm Owner's Identification Card issued to a person who is on active duty for the Armed Forces of the United States that expires while that person is on active duty for the Armed Forces of the United States is valid for 6 months from the time the person is released from active duty. Effective immediately.

LRB094 05540 RLC 35589 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT in relation to firearms.

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, 7, and 8 as follows:

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

7 Sec. 4. (a) Each applicant for a Firearm Owner's  
8 Identification Card must:

9 (1) Make application on blank forms prepared and  
10 furnished at convenient locations throughout the State by  
11 the Department of State Police, or by electronic means, if  
12 and when made available by the Department of State Police;  
13 and

14 (2) Submit evidence to the Department of State Police  
15 that:

16 (i) He or she is 18 ~~21~~ years of age or over, or if  
17 he or she is under 18 ~~21~~ years of age that he or she has  
18 the written consent of his or her parent or legal  
19 guardian to possess and acquire firearms and firearm  
20 ammunition and that, if he or she is under 21 years of  
21 age, he or she has never been convicted of a  
22 misdemeanor other than a traffic offense or adjudged  
23 delinquent, provided, however, that such parent or  
24 legal guardian of an applicant under 18 years of age is  
25 not an individual prohibited from having a Firearm  
26 Owner's Identification Card and files an affidavit  
27 with the Department as prescribed by the Department  
28 stating that he or she is not an individual prohibited  
29 from having a Card;

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

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

1 (iv) He or she has not been a patient in a mental  
2 institution within the past 5 years;

3 (v) He or she is not mentally retarded;

4 (vi) He or she is not an alien who is unlawfully  
5 present in the United States under the laws of the  
6 United States;

7 (vii) He or she is not subject to an existing order  
8 of protection prohibiting him or her from possessing a  
9 firearm;

10 (viii) He or she has not been convicted within the  
11 past 5 years of battery, assault, aggravated assault,  
12 violation of an order of protection, or a substantially  
13 similar offense in another jurisdiction, in which a  
14 firearm was used or possessed;

15 (ix) He or she has not been convicted of domestic  
16 battery or a substantially similar offense in another  
17 jurisdiction committed on or after the effective date  
18 of this amendatory Act of 1997;

19 (x) He or she has not been convicted within the  
20 past 5 years of domestic battery or a substantially  
21 similar offense in another jurisdiction committed  
22 before the effective date of this amendatory Act of  
23 1997;

24 (xi) He or she is not an alien who has been  
25 admitted to the United States under a non-immigrant  
26 visa (as that term is defined in Section 101(a)(26) of  
27 the Immigration and Nationality Act (8 U.S.C.  
28 1101(a)(26))), or that he or she is an alien who has  
29 been lawfully admitted to the United States under a  
30 non-immigrant visa if that alien is:

31 (1) admitted to the United States for lawful  
32 hunting or sporting purposes;

33 (2) an official representative of a foreign  
34 government who is:

35 (A) accredited to the United States  
36 Government or the Government's mission to an

1 international organization having its  
2 headquarters in the United States; or

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

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

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

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

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

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

23 (3) Upon request by the Department of State Police,  
24 sign a release on a form prescribed by the Department of  
25 State Police waiving any right to confidentiality and  
26 requesting the disclosure to the Department of State Police  
27 of limited mental health institution admission information  
28 from another state, the District of Columbia, any other  
29 territory of the United States, or a foreign nation  
30 concerning the applicant for the sole purpose of  
31 determining whether the applicant is or was a patient in a  
32 mental health institution and disqualified because of that  
33 status from receiving a Firearm Owner's Identification  
34 Card. No mental health care or treatment records may be  
35 requested. The information received shall be destroyed  
36 within one year of receipt.

1 (a-5) Each applicant for a Firearm Owner's Identification  
2 Card who is over the age of 18 shall furnish to the Department  
3 of State Police either his or her driver's license number or  
4 Illinois Identification Card number.

5 (a-10) Each applicant for a Firearm Owner's Identification  
6 Card, who is employed as an armed security officer at a nuclear  
7 energy, storage, weapons, or development facility regulated by  
8 the Nuclear Regulatory Commission and who is not an Illinois  
9 resident, shall furnish to the Department of State Police his  
10 or her driver's license number or state identification card  
11 number from his or her state of residence. The Department of  
12 State Police may promulgate rules to enforce the provisions of  
13 this subsection (a-10).

14 (b) Each application form shall include the following  
15 statement printed in bold type: "Warning: Entering false  
16 information on an application for a Firearm Owner's  
17 Identification Card is punishable as a Class 2 felony in  
18 accordance with subsection (d-5) of Section 14 of the Firearm  
19 Owners Identification Card Act."

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

24 (Source: P.A. 92-442, eff. 8-17-01; 92-839, eff. 8-22-02;  
25 92-854, eff. 12-5-02; 93-367, eff. 1-1-04.)

26 (430 ILCS 65/7) (from Ch. 38, par. 83-7)

27 Sec. 7. Expiration of a Firearm Owner's Identification  
28 Card.

29 (a) Except as provided in subsection (b) of this Section  
30 and Section 8 of this Act, a Firearm Owner's Identification  
31 Card issued under the provisions of this Act shall be valid for  
32 the person to whom it is issued for a period of 5 years from the  
33 date of issuance.

34 (b) A Firearm Owner's Identification Card issued under the  
35 provisions of this Act to a person who is on active duty for

1 the Armed Forces of the United States that expires while that  
2 person is on active duty for the Armed Forces of the United  
3 States is valid for 6 months from the time the person is  
4 released from active duty.

5 (Source: Laws 1967, p. 2600.)

6 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

7 Sec. 8. The Department of State Police has authority to  
8 deny an application for or to revoke and seize a Firearm  
9 Owner's Identification Card previously issued under this Act  
10 only if the Department finds that the applicant or the person  
11 to whom such card was issued is or was at the time of issuance:

12 (a) A person under 21 years of age who has been convicted  
13 of a misdemeanor other than a traffic offense or adjudged  
14 delinquent;

15 (b) A person under 18 ~~21~~ years of age who does not have the  
16 written consent of his parent or guardian to acquire and  
17 possess firearms and firearm ammunition, or whose parent or  
18 guardian has revoked such written consent, or where such parent  
19 or guardian does not qualify to have a Firearm Owner's  
20 Identification Card;

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

23 (d) A person addicted to narcotics;

24 (e) A person who has been a patient of a mental institution  
25 within the past 5 years;

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

29 For the purposes of this Section, "mental condition" means  
30 a state of mind manifested by violent, suicidal, threatening or  
31 assaultive behavior.

32 (g) A person who is mentally retarded;

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

35 (i) An alien who is unlawfully present in the United States

1 under the laws of the United States;

2 (i-5) An alien who has been admitted to the United States  
3 under a non-immigrant visa (as that term is defined in Section  
4 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.  
5 1101(a)(26))), except that this subsection (i-5) does not apply  
6 to any alien who has been lawfully admitted to the United  
7 States under a non-immigrant visa if that alien is:

8 (1) admitted to the United States for lawful hunting or  
9 sporting purposes;

10 (2) an official representative of a foreign government  
11 who is:

12 (A) accredited to the United States Government or  
13 the Government's mission to an international  
14 organization having its headquarters in the United  
15 States; or

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

18 (3) an official of a foreign government or  
19 distinguished foreign visitor who has been so designated by  
20 the Department of State;

21 (4) a foreign law enforcement officer of a friendly  
22 foreign government entering the United States on official  
23 business; or

24 (5) one who has received a waiver from the Attorney  
25 General of the United States pursuant to 18 U.S.C.  
26 922(y)(3);

27 (j) A person who is subject to an existing order of  
28 protection prohibiting him or her from possessing a firearm;

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

33 (l) A person who has been convicted of domestic battery or  
34 a substantially similar offense in another jurisdiction  
35 committed on or after January 1, 1998;

36 (m) A person who has been convicted within the past 5 years

1 of domestic battery or a substantially similar offense in  
2 another jurisdiction committed before January 1, 1998;

3 (n) A person who is prohibited from acquiring or possessing  
4 firearms or firearm ammunition by any Illinois State statute or  
5 by federal law;

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

10 (p) An adult who had been adjudicated a delinquent minor  
11 under the Juvenile Court Act of 1987 for the commission of an  
12 offense that if committed by an adult would be a felony.

13 (Source: P.A. 92-854, eff. 12-5-02; 93-367, eff. 1-1-04.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.