



Filed: 3/9/2005

09400HB0183ham001

LRB094 03906 RLC 41904 a

1 AMENDMENT TO HOUSE BILL 183

2 AMENDMENT NO. _____. Amend House Bill 183 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Section 10 as follows:

6 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

7 Sec. 10. (a) Whenever an application for a Firearm Owner's
8 Identification Card is denied, whenever the Department fails to
9 act on an application within 30 days of its receipt, or
10 whenever such a Card is revoked or seized as provided for in
11 Section 8 of this Act, the aggrieved party may appeal to the
12 Director of the Department of State Police for a hearing upon
13 such denial, revocation or seizure, unless the denial,
14 revocation, or seizure was based upon a forcible felony,
15 stalking, aggravated stalking, domestic battery, any violation
16 of either the Illinois Controlled Substances Act or the
17 Cannabis Control Act that is classified as a Class 2 or greater
18 felony, any felony violation of Article 24 of the Criminal Code
19 of 1961, or any adjudication as a delinquent minor for the
20 commission of an offense that if committed by an adult would be
21 a felony, in which case the aggrieved party may petition the
22 circuit court in writing in the county of his or her residence
23 for a hearing upon such denial, revocation, or seizure.

24 (b) At least 30 days before any hearing in the circuit

1 court, the petitioner shall serve the ~~relevant~~ State's Attorney
2 of the county where the petition is brought and the State's
3 Attorney of the county where the conviction occurred with a
4 copy of the petition. The State's Attorney of the county where
5 the petition is brought may object to the petition and present
6 evidence. At the hearing the court shall determine whether
7 substantial justice has been done. Should the court determine
8 that substantial justice has not been done, the court shall
9 issue an order directing the Department of State Police to
10 issue a Card.

11 (c) Any person prohibited from possessing a firearm under
12 Sections 24-1.1 or 24-3.1 of the Criminal Code of 1961 or
13 acquiring a Firearm Owner's Identification Card under Section 8
14 of this Act may apply to the Director of the Department of
15 State Police or petition the circuit court in the county where
16 the petitioner resides, whichever is applicable in accordance
17 with subsection (a) of this Section, requesting relief from
18 such prohibition and the Director or court may grant such
19 relief if it is established by the applicant to the court's or
20 Director's satisfaction that:

21 (0.05) when in the circuit court, the State's Attorney
22 of the county where the petition was brought has been
23 served with a written copy of the petition at least 30 days
24 before any such hearing in the circuit court and at the
25 hearing the State's Attorney of the county where the
26 petition was brought was afforded an opportunity to present
27 evidence and object to the petition;

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

34 (2) the circumstances regarding a criminal conviction,

1 where applicable, the applicant's criminal history and his
2 reputation are such that the applicant will not be likely
3 to act in a manner dangerous to public safety; and

4 (3) granting relief would not be contrary to the public
5 interest.

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

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

20 (Source: P.A. 92-442, eff. 8-17-01; 93-367, eff. 1-1-04.)".