



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1606

Introduced 2/22/2007, by Rep. Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

430 ILCS 65/2	from Ch. 38, par. 83-2
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. Provides that a person 18 years of age or older may apply for a Firearm Owner's Identification Card without the consent of a parent or legal guardian (currently persons between 18 and 21 years of age must have the consent of a parent or legal guardian to obtain a Firearm Owner's Identification Card). Provides that a Firearm Owner's Identification Card issued to a veteran of the Armed Services or Reserve Forces of the United States or of the Illinois National Guard who has been called into service of the United States and whose service is outside the State of Illinois shall expire 6 months after the discharge of the veteran from service if his or her Firearm Owner's Identification Card expired during his or her service in the Armed Services or Reserve Forces of the United States or in the Illinois National Guard.

LRB095 08447 RLC 28624 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning 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 2, 4, 7, and 8 as follows:

6 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

7 Sec. 2. Firearm Owner's Identification Card required;
8 exceptions.

9 (a) (1) No person may acquire or possess any firearm, stun
10 gun, or taser within this State without having in his or
11 her possession a Firearm Owner's Identification Card
12 previously issued in his or her name by the Department of
13 State Police under the provisions of this Act.

14 (2) No person may acquire or possess firearm ammunition
15 within this State without having in his or her possession a
16 Firearm Owner's Identification Card previously issued in
17 his or her name by the Department of State Police under the
18 provisions of this Act.

19 (b) The provisions of this Section regarding the possession
20 of firearms, firearm ammunition, stun guns, and tasers do not
21 apply to:

22 (1) United States Marshals, while engaged in the
23 operation of their official duties;

1 (2) Members of the Armed Forces of the United States or
2 the National Guard, while engaged in the operation of their
3 official duties;

4 (3) Federal officials required to carry firearms,
5 while engaged in the operation of their official duties;

6 (4) Members of bona fide veterans organizations which
7 receive firearms directly from the armed forces of the
8 United States, while using the firearms for ceremonial
9 purposes with blank ammunition;

10 (5) Nonresident hunters during hunting season, with
11 valid nonresident hunting licenses and while in an area
12 where hunting is permitted; however, at all other times and
13 in all other places these persons must have their firearms
14 unloaded and enclosed in a case;

15 (6) Those hunters exempt from obtaining a hunting
16 license who are required to submit their Firearm Owner's
17 Identification Card when hunting on Department of Natural
18 Resources owned or managed sites;

19 (7) Nonresidents while on a firing or shooting range
20 recognized by the Department of State Police; however,
21 these persons must at all other times and in all other
22 places have their firearms unloaded and enclosed in a case;

23 (8) Nonresidents while at a firearm showing or display
24 recognized by the Department of State Police; however, at
25 all other times and in all other places these persons must
26 have their firearms unloaded and enclosed in a case;

1 (9) Nonresidents whose firearms are unloaded and
2 enclosed in a case;

3 (10) Nonresidents who are currently licensed or
4 registered to possess a firearm in their resident state;

5 (11) Unemancipated minors while in the custody and
6 immediate control of their parent or legal guardian or
7 other person in loco parentis to the minor if the parent or
8 legal guardian or other person in loco parentis to the
9 minor has a currently valid Firearm Owner's Identification
10 Card;

11 (12) Color guards of bona fide veterans organizations
12 or members of bona fide American Legion bands while using
13 firearms for ceremonial purposes with blank ammunition;

14 (13) Nonresident hunters whose state of residence does
15 not require them to be licensed or registered to possess a
16 firearm and only during hunting season, with valid hunting
17 licenses, while accompanied by, and using a firearm owned
18 by, a person who possesses a valid Firearm Owner's
19 Identification Card and while in an area within a
20 commercial club licensed under the Wildlife Code where
21 hunting is permitted and controlled, but in no instance
22 upon sites owned or managed by the Department of Natural
23 Resources;

24 (14) Resident hunters who are properly authorized to
25 hunt and, while accompanied by a person who possesses a
26 valid Firearm Owner's Identification Card, hunt in an area

1 within a commercial club licensed under the Wildlife Code
2 where hunting is permitted and controlled; and

3 (15) A person who is otherwise eligible to obtain a
4 Firearm Owner's Identification Card under this Act and is
5 under the direct supervision of a holder of a Firearm
6 Owner's Identification Card who is 18 ~~21~~ years of age or
7 older while the person is on a firing or shooting range or
8 is a participant in a firearms safety and training course
9 recognized by a law enforcement agency or a national,
10 statewide shooting sports organization.

11 (c) The provisions of this Section regarding the
12 acquisition and possession of firearms, firearm ammunition,
13 stun guns, and tasers do not apply to law enforcement officials
14 of this or any other jurisdiction, while engaged in the
15 operation of their official duties.

16 (Source: P.A. 94-6, eff. 1-1-06.)

17 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

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

20 (1) Make application on blank forms prepared and
21 furnished at convenient locations throughout the State by
22 the Department of State Police, or by electronic means, if
23 and when made available by the Department of State Police;
24 and

25 (2) Submit evidence to the Department of State Police

1 that:

2 (i) He or she:

3 (I) is 21 years of age or over,

4 (II) is at least 18 years of age but ~~or if he~~
5 ~~or she is~~ under 21 years of age and has never been
6 convicted of a misdemeanor other than a traffic
7 offense or adjudged delinquent, or

8 (III) is under 18 years of age, ~~that he or she~~
9 has the written consent of his or her parent or
10 legal guardian to possess and acquire firearms and
11 firearm ammunition, and ~~that he or she~~ has never
12 been convicted of a misdemeanor other than a
13 traffic offense or adjudged delinquent, provided,
14 however, that such parent or legal guardian is not
15 an individual prohibited from having a Firearm
16 Owner's Identification Card and files an affidavit
17 with the Department as prescribed by the
18 Department stating that he or she is not an
19 individual prohibited from having a Card;

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

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

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

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

26 (vi) He or she is not an alien who is unlawfully

1 present in the United States under the laws of the
2 United States;

3 (vii) He or she is not subject to an existing order
4 of protection prohibiting him or her from possessing a
5 firearm;

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

11 (ix) He or she has not been convicted of domestic
12 battery or a substantially similar offense in another
13 jurisdiction committed on or after the effective date
14 of this amendatory Act of 1997;

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

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

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

3 (2) an official representative of a foreign
4 government who is:

5 (A) accredited to the United States
6 Government or the Government's mission to an
7 international organization having its
8 headquarters in the United States; or

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

11 (3) an official of a foreign government or
12 distinguished foreign visitor who has been so
13 designated by the Department of State;

14 (4) a foreign law enforcement officer of a
15 friendly foreign government entering the United
16 States on official business; or

17 (5) one who has received a waiver from the
18 Attorney General of the United States pursuant to
19 18 U.S.C. 922 (y) (3);

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

25 (xiii) He or she is not an adult who had been
26 adjudicated a delinquent minor under the Juvenile

1 Court Act of 1987 for the commission of an offense that
2 if committed by an adult would be a felony; and

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

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

21 (a-10) Each applicant for a Firearm Owner's Identification
22 Card, who is employed as an armed security officer at a nuclear
23 energy, storage, weapons, or development facility regulated by
24 the Nuclear Regulatory Commission and who is not an Illinois
25 resident, shall furnish to the Department of State Police his
26 or her driver's license number or state identification card

1 number from his or her state of residence. The Department of
2 State Police may promulgate rules to enforce the provisions of
3 this subsection (a-10).

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

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

14 (Source: P.A. 92-442, eff. 8-17-01; 92-839, eff. 8-22-02;
15 92-854, eff. 12-5-02; 93-367, eff. 1-1-04.)

16 (430 ILCS 65/7) (from Ch. 38, par. 83-7)

17 Sec. 7.

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

23 (b) A Firearm Owner's Identification Card issued to a
24 veteran of the Armed Services or Reserve Forces of the United
25 States or of the Illinois National Guard who has been called

1 into service of the United States and whose service is outside
2 the State of Illinois shall expire 6 months after the discharge
3 of the veteran from service if his or her Firearm Owner's
4 Identification Card expired during his or her service in the
5 Armed Services or Reserve Forces of the United States or in the
6 Illinois National Guard.

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

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

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

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

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

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

25 (d) A person addicted to narcotics;

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

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

6 For the purposes of this Section, "mental condition" means
7 a state of mind manifested by violent, suicidal, threatening or
8 assaultive behavior.

9 (g) A person who is mentally retarded;

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

12 (i) An alien who is unlawfully present in the United States
13 under the laws of the United States;

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

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

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

24 (A) accredited to the United States Government or
25 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 which
3 that alien is accredited;

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

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

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

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

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

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

22 (m) A person who has been convicted within the past 5 years
23 of domestic battery or a substantially similar offense in
24 another jurisdiction committed before January 1, 1998;

25 (n) A person who is prohibited from acquiring or possessing
26 firearms or firearm ammunition by any Illinois State statute or

1 by federal law;

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

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

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