



Rep. Robert S. Molaro

**Filed: 5/28/2008**

09500HB2760ham001

LRB095 00964 RLC 51071 a

1 AMENDMENT TO HOUSE BILL 2760

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2760 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 8 as follows:

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

7 (Text of Section before amendment by P.A. 95-581)

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

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

16 (b) A person under 21 years of age who does not have the

1 written consent of his parent or guardian to acquire and  
2 possess firearms and firearm ammunition, or whose parent or  
3 guardian has revoked such written consent, or where such parent  
4 or guardian does not qualify to have a Firearm Owner's  
5 Identification Card;

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

8 (d) A person addicted to narcotics;

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

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

14 For the purposes of this Section, "mental condition" means  
15 a state of mind manifested by violent, suicidal, threatening or  
16 assaultive behavior.

17 (g) A person who is mentally retarded;

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

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

22 (i-5) An alien who has been admitted to the United States  
23 under a non-immigrant visa (as that term is defined in Section  
24 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.  
25 1101(a)(26))), except that this subsection (i-5) does not apply  
26 to any alien who has been lawfully admitted to the United

1 States under a non-immigrant visa if that alien is:

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

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

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

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

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

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

18 (5) one who has received a waiver from the Attorney  
19 General of the United States pursuant to 18 U.S.C.  
20 922(y)(3);

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

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

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

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

7 (n) A person who is prohibited from acquiring or possessing  
8 firearms or firearm ammunition by any Illinois State statute or  
9 by federal law;

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

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

17 The Department of State Police may revoke and seize a  
18 Firearm Owner's Identification Card previously issued under  
19 this Act of a person who fails to report the loss or theft of a  
20 handgun a second time to the Department within 72 hours after  
21 obtaining knowledge of the second loss or theft.

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

23 (Text of Section after amendment by P.A. 95-581)

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25 deny an application for or to revoke and seize a Firearm

1 Owner's Identification Card previously issued under this Act  
2 only if the Department finds that the applicant or the person  
3 to whom such card was issued is or was at the time of issuance:

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5 of a misdemeanor other than a traffic offense or adjudged  
6 delinquent;

7 (b) A person under 21 years of age who does not have the  
8 written consent of his parent or guardian to acquire and  
9 possess firearms and firearm ammunition, or whose parent or  
10 guardian has revoked such written consent, or where such parent  
11 or 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 this  
14 or any other jurisdiction;

15 (d) A person addicted to narcotics;

16 (e) A person who has been a patient of a mental institution  
17 within the past 5 years or has been adjudicated as a mental  
18 defective;

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

22 For the purposes of this Section, "mental condition" means  
23 a state of mind manifested by violent, suicidal, threatening or  
24 assaultive behavior.

25 (g) A person who is mentally retarded;

26 (h) A person who intentionally makes a false statement in

1 the Firearm Owner's Identification Card application;

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3 under the laws of the United States;

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

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

12 (2) an official representative of a foreign government  
13 who is:

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

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

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

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

26 (5) one who has received a waiver from the Attorney

1 General of the United States pursuant to 18 U.S.C.  
2 922 (y) (3);

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

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

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

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

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16 firearms or firearm ammunition by any Illinois State statute or  
17 by federal law;

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19 of the Juvenile Court Act of 1987 alleging that the minor is a  
20 delinquent minor for the commission of an offense that if  
21 committed by an adult would be a felony; or

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23 under the Juvenile Court Act of 1987 for the commission of an  
24 offense that if committed by an adult would be a felony.

25 The Department of State Police may revoke and seize a  
26 Firearm Owner's Identification Card previously issued under

1 this Act of a person who fails to report the loss or theft of a  
2 handgun a second time to the Department within 72 hours after  
3 obtaining knowledge of the second loss or theft.

4 (Source: P.A. 95-581, eff. 6-1-08.)

5 Section 10. The Criminal Code of 1961 is amended by adding  
6 Section 24-4.1 as follows:

7 (720 ILCS 5/24-4.1 new)

8 Sec. 24-4.1. Report of lost or stolen handguns.

9 (a) If a person who possesses a valid Firearm Owner's  
10 Identification Card and who possesses or acquires a handgun  
11 thereafter loses or misplaces the handgun, or if the handgun is  
12 stolen from the person, the person must report the loss or  
13 theft to the Department of State Police within 72 hours after  
14 obtaining knowledge of the loss or theft.

15 (b) Sentence. A person who violates this Section is guilty  
16 of a petty offense for a first violation. A second or  
17 subsequent violation of this Section is a Class A misdemeanor.

18 Section 95. No acceleration or delay. Where this Act makes  
19 changes in a statute that is represented in this Act by text  
20 that is not yet or no longer in effect (for example, a Section  
21 represented by multiple versions), the use of that text does  
22 not accelerate or delay the taking effect of (i) the changes  
23 made by this Act or (ii) provisions derived from any other



1 Public Act.

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.".