



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5191

by Rep. Greg Harris

SYNOPSIS AS INTRODUCED:

430 ILCS 65/8

from Ch. 38, par. 83-8

Amends the Firearm Owners Identification Card Act. Provides that the Department of State Police may revoke a Firearm Owner's Identification Card of a parent or guardian of a person under 21 years of age who is unable to prevent his or her child under 21 years of age from gaining access to a firearm or ammunition, or both, when (1) the child upon 2 occasions has had possession of his or her parent or guardian's firearm or ammunition, or both, without the parent or guardian's permission and (2) the child met the criteria for severe or major mood disorder or severe conduct disorder (evidenced by behavior such as forced sex, physical cruelty, use of a weapon, stealing while confronting a victim, breaking and entering), or both, as defined in the DSM-IV-TR published by the American Psychiatric Association, or the child is an adjudicated delinquent minor for acts involving aggressive or violent behavior.

LRB095 15204 RLC 45977 b

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 Section 8 as follows:

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

7 (Text of Section after 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
17 written consent of his parent or guardian to acquire and
18 possess firearms and firearm ammunition, or whose parent or
19 guardian has revoked such written consent, or where such parent
20 or guardian does not qualify to have a Firearm Owner's
21 Identification Card;

22 (b-5) A parent or guardian of a person under 21 years of
23 age who is unable to prevent his or her child under 21 years of

1 age from gaining access to a firearm or ammunition, or both,
2 when (1) the child upon 2 occasions has had possession of his
3 or her parent or guardian's firearm or ammunition, or both,
4 without the parent or guardian's permission as evidenced
5 through documentation in any arrest record, Department of
6 Children and Family Services investigation, school record,
7 juvenile court record, or other public record, and (2) the
8 child met the criteria for severe or major mood disorder or
9 severe conduct disorder (evidenced by behavior such as forced
10 sex, physical cruelty, use of a weapon, stealing while
11 confronting a victim, breaking and entering), or both, as
12 defined in the DSM-IV-TR published by the American Psychiatric
13 Association, or the child is an adjudicated delinquent minor
14 for acts involving aggressive or violent behavior;

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

17 (d) A person addicted to narcotics;

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

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

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

1 (g) A person who is mentally retarded;

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

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

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

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

14 (2) an official representative of a foreign government
15 who is:

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

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

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

25 (4) a foreign law enforcement officer of a friendly
26 foreign government entering the United States on official

1 business; or

2 (5) one who has received a waiver from the Attorney
3 General of the United States pursuant to 18 U.S.C.
4 922 (y) (3);

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

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

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

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

17 (n) A person who is prohibited from acquiring or possessing
18 firearms or firearm ammunition by any Illinois State statute or
19 by federal law;

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

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

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