

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       (g) Notwithstanding any other rulemaking authority that  
2 may exist, neither the Governor nor any agency or agency head  
3 under the jurisdiction of the Governor has any authority to  
4 make or promulgate rules to implement or enforce the provisions  
5 of this amendatory Act of the 95th General Assembly. If,  
6 however, the Governor believes that rules are necessary to  
7 implement or enforce the provisions of this amendatory Act of  
8 the 95th General Assembly, the Governor may suggest rules to  
9 the General Assembly by filing them with the Clerk of the House  
10 and the Secretary of the Senate and by requesting that the  
11 General Assembly authorize such rulemaking by law, enact those  
12 suggested rules into law, or take any other appropriate action  
13 in the General Assembly's discretion. Nothing contained in this  
14 amendatory Act of the 95th General Assembly shall be  
15 interpreted to grant rulemaking authority under any other  
16 Illinois statute where such authority is not otherwise  
17 explicitly given. For the purposes of this Section, "rules" is  
18 given the meaning contained in Section 1-70 of the Illinois  
19 Administrative Procedure Act, and "agency" and "agency head"  
20 are given the meanings contained in Sections 1-20 and 1-25 of  
21 the Illinois Administrative Procedure Act to the extent that  
22 such definitions apply to agencies or agency heads under the  
23 jurisdiction of the Governor.

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