

1 AN ACT concerning health.

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 3.1 as follows:

6 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

7 Sec. 3.1. Dial up system.

8 (a) The Department of State Police shall provide a dial up  
9 telephone system or utilize other existing technology which  
10 shall be used by any federally licensed firearm dealer, gun  
11 show promoter, or gun show vendor who is to transfer a firearm,  
12 stun gun, or taser under the provisions of this Act. The  
13 Department of State Police may utilize existing technology  
14 which allows the caller to be charged a fee not to exceed \$2.  
15 Fees collected by the Department of State Police shall be  
16 deposited in the State Police Services Fund and used to provide  
17 the service.

18 (b) Upon receiving a request from a federally licensed  
19 firearm dealer, gun show promoter, or gun show vendor, the  
20 Department of State Police shall immediately approve, or within  
21 the time period established by Section 24-3 of the Criminal  
22 Code of 1961 regarding the delivery of firearms, stun guns, and  
23 tasers notify the inquiring dealer, gun show promoter, or gun

1 show vendor of any objection that would disqualify the  
2 transferee from acquiring or possessing a firearm, stun gun, or  
3 taser. In conducting the inquiry, the Department of State  
4 Police shall initiate and complete an automated search of its  
5 criminal history record information files and those of the  
6 Federal Bureau of Investigation, including the National  
7 Instant Criminal Background Check System, and of the files of  
8 the Department of Human Services relating to mental health and  
9 developmental disabilities to obtain any felony conviction or  
10 patient hospitalization information which would disqualify a  
11 person from obtaining or require revocation of a currently  
12 valid Firearm Owner's Identification Card.

13 (c) If receipt of a firearm would not violate Section 24-3  
14 of the Criminal Code of 1961, federal law, or this Act the  
15 Department of State Police shall:

16 (1) assign a unique identification number to the  
17 transfer; and

18 (2) provide the licensee, gun show promoter, or gun  
19 show vendor with the number.

20 (d) Approvals issued by the Department of State Police for  
21 the purchase of a firearm are valid for 30 days from the date  
22 of issue.

23 (e) (1) The Department of State Police must act as the  
24 Illinois Point of Contact for the National Instant Criminal  
25 Background Check System.

26 (2) The Department of State Police and the Department of

1 Human Services shall, in accordance with State and federal law  
2 regarding confidentiality, enter into a memorandum of  
3 understanding with the Federal Bureau of Investigation for the  
4 purpose of implementing the National Instant Criminal  
5 Background Check System in the State. The Department of State  
6 Police shall report the name, date of birth, and physical  
7 description of any person prohibited from possessing a firearm  
8 pursuant to the Firearm Owners Identification Card Act or 18  
9 U.S.C. 922(g) and (n) to the National Instant Criminal  
10 Background Check System Index, Denied Persons Files.

11 (f) The Department of State Police shall promulgate rules  
12 not inconsistent with this Section to implement this system.

13 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised  
14 8-19-05.)

15 Section 10. The Mental Health and Developmental  
16 Disabilities Confidentiality Act is amended by changing  
17 Section 12 as follows:

18 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

19 Sec. 12. (a) If the United States Secret Service or the  
20 Department of State Police requests information from a mental  
21 health or developmental disability facility, as defined in  
22 Section 1-107 and 1-114 of the Mental Health and Developmental  
23 Disabilities Code, relating to a specific recipient and the  
24 facility director determines that disclosure of such

1 information may be necessary to protect the life of, or to  
2 prevent the infliction of great bodily harm to, a public  
3 official, or a person under the protection of the United States  
4 Secret Service, only the following information may be  
5 disclosed: the recipient's name, address, and age and the date  
6 of any admission to or discharge from a facility; and any  
7 information which would indicate whether or not the recipient  
8 has a history of violence or presents a danger of violence to  
9 the person under protection. Any information so disclosed shall  
10 be used for investigative purposes only and shall not be  
11 publicly disseminated. Any person participating in good faith  
12 in the disclosure of such information in accordance with this  
13 provision shall have immunity from any liability, civil,  
14 criminal or otherwise, if such information is disclosed relying  
15 upon the representation of an officer of the United States  
16 Secret Service or the Department of State Police that a person  
17 is under the protection of the United States Secret Service or  
18 is a public official.

19 For the purpose of this subsection (a), the term "public  
20 official" means the Governor, Lieutenant Governor, Attorney  
21 General, Secretary of State, State Comptroller, State  
22 Treasurer or member of the General Assembly. The term shall  
23 also include the spouse, child or children of a public  
24 official.

25 (b) The Department of Human Services (acting as successor  
26 to the Department of Mental Health and Developmental

1 Disabilities) and all public or private hospitals and mental  
2 health facilities are required, as hereafter described in this  
3 subsection, to furnish the Department of State Police only such  
4 information as may be required for the sole purpose of  
5 determining whether an individual who may be or may have been a  
6 patient is disqualified because of that status from receiving  
7 or retaining a Firearm Owner's Identification Card under  
8 subsection (e) or (f) of Section 8 of the Firearm Owners  
9 Identification Card Act or 18 U.S.C. 922(g) and (n). All public  
10 or private hospitals and mental health facilities shall, in the  
11 form and manner required by the Department, provide such  
12 information as shall be necessary for the Department to comply  
13 with the reporting requirements to the Department of State  
14 Police. Such information shall be furnished within 7 ~~30~~ days  
15 after admission to a public or private hospital or mental  
16 health facility or the provision of services to a patient  
17 described in clause (2) of this subsection (b). Any such  
18 information disclosed under this subsection shall remain  
19 privileged and confidential, and shall not be redisclosed,  
20 except as required by clause (e)(2) of Section 3.1 of the  
21 Firearm Owners Identification Card Act, nor utilized for any  
22 other purpose. The method of requiring the providing of such  
23 information shall guarantee that no information is released  
24 beyond what is necessary for this purpose. In addition, the  
25 information disclosed shall be provided by the Department  
26 within the time period established by Section 24-3 of the

1 Criminal Code of 1961 regarding the delivery of firearms. The  
2 method used shall be sufficient to provide the necessary  
3 information within the prescribed time period, which may  
4 include periodically providing lists to the Department of Human  
5 Services or any public or private hospital or mental health  
6 facility of Firearm Owner's Identification Card applicants on  
7 which the Department or hospital shall indicate the identities  
8 of those individuals who are to its knowledge disqualified from  
9 having a Firearm Owner's Identification Card for reasons  
10 described herein. The Department may provide for a centralized  
11 source of information for the State on this subject under its  
12 jurisdiction.

13 Any person, institution, or agency, under this Act,  
14 participating in good faith in the reporting or disclosure of  
15 records and communications otherwise in accordance with this  
16 provision or with rules, regulations or guidelines issued by  
17 the Department shall have immunity from any liability, civil,  
18 criminal or otherwise, that might result by reason of the  
19 action. For the purpose of any proceeding, civil or criminal,  
20 arising out of a report or disclosure in accordance with this  
21 provision, the good faith of any person, institution, or agency  
22 so reporting or disclosing shall be presumed. The full extent  
23 of the immunity provided in this subsection (b) shall apply to  
24 any person, institution or agency that fails to make a report  
25 or disclosure in the good faith belief that the report or  
26 disclosure would violate federal regulations governing the

1 confidentiality of alcohol and drug abuse patient records  
2 implementing 42 U.S.C. 290dd-3 and 290ee-3.

3 For purposes of this subsection (b) only, the following  
4 terms shall have the meaning prescribed:

5 (1) "Hospital" means only that type of institution  
6 which is providing full-time residential facilities and  
7 treatment. ~~for in patients and excludes institutions, such~~  
8 ~~as community clinics, which only provide treatment to~~  
9 ~~out patients.~~

10 (2) "Patient" shall include only: (i) a person who is  
11 an in-patient or resident of any public or private hospital  
12 or mental health facility or (ii) a person who is an  
13 out-patient or provided services by a public or private  
14 hospital or mental health facility whose mental condition  
15 is of such a nature that it is manifested by violent,  
16 suicidal, threatening, or assaultive behavior or reported  
17 behavior, for which there is a reasonable belief by a  
18 physician, clinical psychologist, or qualified examiner  
19 that the condition poses a clear and present or imminent  
20 danger to the patient, any other person or the community  
21 meaning the patient's condition poses a clear and present  
22 danger in accordance with subsection (f) of Section 8 of  
23 the Firearm Owners Identification Card Act. The terms  
24 physician, clinical psychologist, and qualified examiner  
25 are defined in Sections 1-120, 1-103, and 1-122 of the  
26 Mental Health and Developmental Disabilities Code. mean

1 ~~only a person who is an in-patient or resident of any~~  
2 ~~hospital, not an out-patient or client seen solely for~~  
3 ~~periodic consultation.~~

4 (3) "Mental health facility" is defined by Section  
5 1-114 of the Mental Health and Developmental Disabilities  
6 Code.

7 (c) Upon the request of a peace officer who takes a person  
8 into custody and transports such person to a mental health or  
9 developmental disability facility pursuant to Section 3-606 or  
10 4-404 of the Mental Health and Developmental Disabilities Code  
11 or who transports a person from such facility, a facility  
12 director shall furnish said peace officer the name, address,  
13 age and name of the nearest relative of the person transported  
14 to or from the mental health or developmental disability  
15 facility. In no case shall the facility director disclose to  
16 the peace officer any information relating to the diagnosis,  
17 treatment or evaluation of the person's mental or physical  
18 health.

19 For the purposes of this subsection (c), the terms "mental  
20 health or developmental disability facility", "peace officer"  
21 and "facility director" shall have the meanings ascribed to  
22 them in the Mental Health and Developmental Disabilities Code.

23 (d) Upon the request of a peace officer or prosecuting  
24 authority who is conducting a bona fide investigation of a  
25 criminal offense, or attempting to apprehend a fugitive from  
26 justice, a facility director may disclose whether a person is



1 present at the facility. Upon request of a peace officer or  
2 prosecuting authority who has a valid forcible felony warrant  
3 issued, a facility director shall disclose: (1) whether the  
4 person who is the subject of the warrant is present at the  
5 facility and (2) the date of that person's discharge or future  
6 discharge from the facility. The requesting peace officer or  
7 prosecuting authority must furnish a case number and the  
8 purpose of the investigation or an outstanding arrest warrant  
9 at the time of the request. Any person, institution, or agency  
10 participating in good faith in disclosing such information in  
11 accordance with this subsection (d) is immune from any  
12 liability, civil, criminal or otherwise, that might result by  
13 reason of the action.

14 (Source: P.A. 92-738, eff. 7-25-02.)