

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 1.1, 4, 5, 7, 8, and 8.1 as
6 follows:

7 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

8 Sec. 1.1. For purposes of this Act:

9 "Has been adjudicated as a mental defective" means the
10 person is the subject of a determination by a court, board,
11 commission or other lawful authority that a person, as a result
12 of marked subnormal intelligence, or mental illness, mental
13 impairment, incompetency, condition, or disease:

14 (1) is a danger to himself, herself, or to others;

15 (2) lacks the mental capacity to manage his or her own
16 affairs;

17 (3) is not guilty in a criminal case by reason of
18 insanity, mental disease or defect;

19 (4) is incompetent to stand trial in a criminal case;

20 (5) is not guilty by reason of lack of mental
21 responsibility pursuant to Articles 50a and 72b of the
22 Uniform Code of Military Justice, 10 U.S.C. 850a, 876b.

23 "Counterfeit" means to copy or imitate, without legal

1 authority, with intent to deceive.

2 "Federally licensed firearm dealer" means a person who is
3 licensed as a federal firearms dealer under Section 923 of the
4 federal Gun Control Act of 1968 (18 U.S.C. 923).

5 "Firearm" means any device, by whatever name known, which
6 is designed to expel a projectile or projectiles by the action
7 of an explosion, expansion of gas or escape of gas; excluding,
8 however:

9 (1) any pneumatic gun, spring gun, paint ball gun or
10 B-B gun which either expels a single globular projectile
11 not exceeding .18 inch in diameter and which has a maximum
12 muzzle velocity of less than 700 feet per second or
13 breakable paint balls containing washable marking colors;

14 (2) any device used exclusively for signalling or
15 safety and required or recommended by the United States
16 Coast Guard or the Interstate Commerce Commission;

17 (3) any device used exclusively for the firing of stud
18 cartridges, explosive rivets or similar industrial
19 ammunition; and

20 (4) an antique firearm (other than a machine-gun)
21 which, although designed as a weapon, the Department of
22 State Police finds by reason of the date of its
23 manufacture, value, design, and other characteristics is
24 primarily a collector's item and is not likely to be used
25 as a weapon.

26 "Firearm ammunition" means any self-contained cartridge or

1 shotgun shell, by whatever name known, which is designed to be
2 used or adaptable to use in a firearm; excluding, however:

3 (1) any ammunition exclusively designed for use with a
4 device used exclusively for signalling or safety and
5 required or recommended by the United States Coast Guard or
6 the Interstate Commerce Commission; and

7 (2) any ammunition designed exclusively for use with a
8 stud or rivet driver or other similar industrial
9 ammunition.

10 "Gun show" means an event or function:

11 (1) at which the sale and transfer of firearms is the
12 regular and normal course of business and where 50 or more
13 firearms are displayed, offered, or exhibited for sale,
14 transfer, or exchange; or

15 (2) at which not less than 10 gun show vendors display,
16 offer, or exhibit for sale, sell, transfer, or exchange
17 firearms.

18 "Gun show" includes the entire premises provided for an
19 event or function, including parking areas for the event or
20 function, that is sponsored to facilitate the purchase, sale,
21 transfer, or exchange of firearms as described in this Section.

22 "Gun show" does not include training or safety classes,
23 competitive shooting events, such as rifle, shotgun, or handgun
24 matches, trap, skeet, or sporting clays shoots, dinners,
25 banquets, raffles, or any other event where the sale or
26 transfer of firearms is not the primary course of business.

1 "Gun show promoter" means a person who organizes or
2 operates a gun show.

3 "Gun show vendor" means a person who exhibits, sells,
4 offers for sale, transfers, or exchanges any firearms at a gun
5 show, regardless of whether the person arranges with a gun show
6 promoter for a fixed location from which to exhibit, sell,
7 offer for sale, transfer, or exchange any firearm.

8 "Sanctioned competitive shooting event" means a shooting
9 contest officially recognized by a national or state shooting
10 sport association, and includes any sight-in or practice
11 conducted in conjunction with the event.

12 "Stun gun or taser" has the meaning ascribed to it in
13 Section 24-1 of the Criminal Code of 1961.

14 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised
15 8-19-05.)

16 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

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

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

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

1 (i) He or she is 21 years of age or over, or if he
2 or she is under 21 years of age that he or she has the
3 written consent of his or her parent or legal guardian
4 to possess and acquire firearms and firearm ammunition
5 and that he or she has never been convicted of a
6 misdemeanor other than a traffic offense or adjudged
7 delinquent, provided, however, that such parent or
8 legal guardian is not an individual prohibited from
9 having a Firearm Owner's Identification Card and files
10 an affidavit with the Department as prescribed by the
11 Department stating that he or she is not an individual
12 prohibited from having a Card;

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

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

16 (iv) He or she has not been a patient in a mental
17 institution within the past 5 years and he or she has
18 not been adjudicated as a mental defective;

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

20 (vi) He or she is not an alien who is unlawfully
21 present in the United States under the laws of the
22 United States;

23 (vii) He or she is not subject to an existing order
24 of protection prohibiting him or her from possessing a
25 firearm;

26 (viii) He or she has not been convicted within the

1 past 5 years of battery, assault, aggravated assault,
2 violation of an order of protection, or a substantially
3 similar offense in another jurisdiction, in which a
4 firearm was used or possessed;

5 (ix) He or she has not been convicted of domestic
6 battery or a substantially similar offense in another
7 jurisdiction committed on or after the effective date
8 of this amendatory Act of 1997;

9 (x) He or she has not been convicted within the
10 past 5 years of domestic battery or a substantially
11 similar offense in another jurisdiction committed
12 before the effective date of this amendatory Act of
13 1997;

14 (xi) He or she is not an alien who has been
15 admitted to the United States under a non-immigrant
16 visa (as that term is defined in Section 101(a)(26) of
17 the Immigration and Nationality Act (8 U.S.C.
18 1101(a)(26))), or that he or she is an alien who has
19 been lawfully admitted to the United States under a
20 non-immigrant visa if that alien is:

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

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

25 (A) accredited to the United States
26 Government or the Government's mission to an

1 international organization having its
2 headquarters in the United States; or

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

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

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

11 (5) one who has received a waiver from the
12 Attorney General of the United States pursuant to
13 18 U.S.C. 922 (y) (3);

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

19 (xiii) He or she is not an adult who had been
20 adjudicated a delinquent minor under the Juvenile
21 Court Act of 1987 for the commission of an offense that
22 if committed by an adult would be a felony; and

23 (3) Upon request by the Department of State Police,
24 sign a release on a form prescribed by the Department of
25 State Police waiving any right to confidentiality and
26 requesting the disclosure to the Department of State Police

1 of limited mental health institution admission information
2 from another state, the District of Columbia, any other
3 territory of the United States, or a foreign nation
4 concerning the applicant for the sole purpose of
5 determining whether the applicant is or was a patient in a
6 mental health institution and disqualified because of that
7 status from receiving a Firearm Owner's Identification
8 Card. No mental health care or treatment records may be
9 requested. The information received shall be destroyed
10 within one year of receipt.

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

15 (a-10) Each applicant for a Firearm Owner's Identification
16 Card, who is employed as an armed security officer at a nuclear
17 energy, storage, weapons, or development facility regulated by
18 the Nuclear Regulatory Commission and who is not an Illinois
19 resident, shall furnish to the Department of State Police his
20 or her driver's license number or state identification card
21 number from his or her state of residence. The Department of
22 State Police may promulgate rules to enforce the provisions of
23 this subsection (a-10).

24 (b) Each application form shall include the following
25 statement printed in bold type: "Warning: Entering false
26 information on an application for a Firearm Owner's

1 Identification Card is punishable as a Class 2 felony in
2 accordance with subsection (d-5) of Section 14 of the Firearm
3 Owners Identification Card Act."

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

8 (Source: P.A. 92-442, eff. 8-17-01; 92-839, eff. 8-22-02;
9 92-854, eff. 12-5-02; 93-367, eff. 1-1-04.)

10 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

11 Sec. 5. The Department of State Police shall either approve
12 or deny all applications within 30 days from the date they are
13 received, and every applicant found qualified pursuant to
14 Section 8 of this Act by the Department shall be entitled to a
15 Firearm Owner's Identification Card upon the payment of a \$10
16 ~~\$5~~ fee. \$6 ~~\$3~~ of each fee derived from the issuance of Firearm
17 Owner's Identification Cards, or renewals thereof, shall be
18 deposited in the Wildlife and Fish Fund in the State Treasury;
19 \$1 of such fee shall be deposited in the State Police Services
20 Fund and \$3 ~~\$1~~ of such fee shall be deposited in the Firearm
21 Owner's Notification Fund. Monies in the Firearm Owner's
22 Notification Fund shall be used exclusively to pay for the cost
23 of sending notices of expiration of Firearm Owner's
24 Identification Cards under Section 13.2 of this Act. Excess
25 monies in the Firearm Owner's Notification Fund shall be used

1 to ensure the prompt and efficient processing of applications
2 received under Section 4 of this Act.

3 (Source: P.A. 94-353, eff. 7-29-05.)

4 (430 ILCS 65/7) (from Ch. 38, par. 83-7)

5 Sec. 7. Except as provided in Section 8 of this Act, a
6 Firearm Owner's Identification Card issued under the
7 provisions of this Act shall be valid for the person to whom it
8 is issued for a period of 10 ~~5~~ years from the date of issuance.

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

10 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

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

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

3 (d) A person addicted to narcotics;

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

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

10 For the purposes of this Section, "mental condition" means
11 a state of mind manifested by violent, suicidal, threatening or
12 assaultive behavior.

13 (g) A person who is mentally retarded;

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

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

18 (i-5) An alien who has been admitted to the United States
19 under a non-immigrant visa (as that term is defined in Section
20 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
21 1101(a)(26))), except that this subsection (i-5) does not apply
22 to any alien who has been lawfully admitted to the United
23 States under a non-immigrant visa if that alien is:

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

26 (2) an official representative of a foreign government

1 who is:

2 (A) accredited to the United States Government or
3 the Government's mission to an international
4 organization having its headquarters in the United
5 States; or

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

8 (3) an official of a foreign government or
9 distinguished foreign visitor who has been so designated by
10 the Department of State;

11 (4) a foreign law enforcement officer of a friendly
12 foreign government entering the United States on official
13 business; or

14 (5) one who has received a waiver from the Attorney
15 General of the United States pursuant to 18 U.S.C.
16 922 (y) (3);

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

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

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

26 (m) A person who has been convicted within the past 5 years

1 of domestic battery or a substantially similar offense in
2 another jurisdiction committed before January 1, 1998;

3 (n) A person who is prohibited from acquiring or possessing
4 firearms or firearm ammunition by any Illinois State statute or
5 by federal law;

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

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

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

14 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

15 Sec. 8.1. Circuit Clerk to notify Department of State
16 Police.

17 (a) The Circuit Clerk shall, in the form and manner
18 required by the Supreme Court, notify the Department of State
19 Police of all final dispositions of cases for which the
20 Department has received information reported to it under
21 Section 2.1 of the Criminal Identification Act.

22 (b) Upon adjudication of any individual as a mental
23 defective, as defined in Section 1.1, the court shall direct
24 the circuit court clerk to immediately notify the Department of
25 State Police, Firearm Owner's Identification (FOID)

1 department, and shall forward a copy of the court order to the

2 Department.

3 (Source: P.A. 87-905.)