



Sen. Heather Steans

Filed: 5/30/2008

09500SB2726sam001

LRB095 06022 RLC 51764 a

1 AMENDMENT TO SENATE BILL 2726

2 AMENDMENT NO. _____. Amend Senate Bill 2726 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 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

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 (b-5) A parent or guardian of a child under 18 years of age
7 who resides with that parent or guardian, who because of a
8 failure to undertake reasonable precautions, such as those
9 specified in Section 24-9 of the Criminal Code of 1961, is
10 unable to prevent his or her child under 18 years of age from
11 gaining access to a firearm when:

12 (1) The child upon 2 or more occasions has had
13 possession of his or her parent or guardian's firearm
14 without the permission of the parent or guardian, as
15 evidenced through documentation in any arrest record,
16 juvenile court record, or other public court record; and

17 (2) The child either:

18 (i) meets the criteria for a severe or major mood
19 disorder, or meets the criteria for a severe conduct
20 disorder, either as evidenced by behavior such as
21 forced sex, physical cruelty, use of a weapon, stealing
22 while confronting a victim, breaking and entering, or
23 as defined in the DSM-IV-TR published by the American
24 Psychiatric Association; or

25 (ii) has been adjudicated a delinquent minor for
26 acts involving aggressive or violent behavior.

1 However, the authority provided to the Department of State
2 Police under this subsection (b-5) to deny an application for
3 or to revoke and seize a Firearm Owner's Identification Card
4 previously issued under this Act shall not be the basis to deny
5 an application for a Firearm Owner's Identification Card or to
6 revoke and seize a Firearm Owner's Identification Card
7 previously issued under this Act, if the child under 18 years
8 of age no longer resides with the parent or guardian described
9 in this subsection (b-5);

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

12 (d) A person addicted to narcotics;

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

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

19 For the purposes of this Section, "mental condition" means
20 a state of mind manifested by violent, suicidal, threatening or
21 assaultive behavior.

22 (g) A person who is mentally retarded;

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

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

1 (i-5) An alien who has been admitted to the United States
2 under a non-immigrant visa (as that term is defined in Section
3 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
4 1101(a)(26))), except that this subsection (i-5) does not apply
5 to any alien who has been lawfully admitted to the United
6 States under a non-immigrant visa if that alien is:

7 (1) admitted to the United States for lawful hunting or
8 sporting purposes;

9 (2) an official representative of a foreign government
10 who is:

11 (A) accredited to the United States Government or
12 the Government's mission to an international
13 organization having its headquarters in the United
14 States; or

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

17 (3) an official of a foreign government or
18 distinguished foreign visitor who has been so designated by
19 the Department of State;

20 (4) a foreign law enforcement officer of a friendly
21 foreign government entering the United States on official
22 business; or

23 (5) one who has received a waiver from the Attorney
24 General of the United States pursuant to 18 U.S.C.
25 922(y)(3);

26 (j) A person who is subject to an existing order of

1 protection prohibiting him or her from possessing a firearm;

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

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

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

12 (n) A person who is prohibited from acquiring or possessing
13 firearms or firearm ammunition by any Illinois State statute or
14 by federal law;

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

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

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