

SB2813



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2813

Introduced 2/15/2008, by Sen. Gary Forby

SYNOPSIS AS INTRODUCED:

430 ILCS 65/4
430 ILCS 65/8

from Ch. 38, par. 83-4
from Ch. 38, par. 83-8

Amends the Firearm Owners Identification Card Act. Changes, from 21 years of age or over to 18 years of age or over, the age at which a person may apply for and be issued a Firearm Owner's Identification Card without the consent of a parent or legal guardian. Effective immediately.

LRB095 19484 RLC 45780 b

A BILL FOR

1 AN ACT in relation to 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 4 and 8 as follows:

6 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

7 (Text of Section before amendment by P.A. 95-581)

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

10

11 (1) Make application on blank forms prepared and
12 furnished at convenient locations throughout the State by
13 the Department of State Police, or by electronic means, if
14 and when made available by the Department of State Police;
15 and

16 (2) Submit evidence to the Department of State Police
17 that:

18 (i) He or she is 18 ~~21~~ years of age or over, or if
19 he or she is under 18 ~~21~~ years of age that he or she has
20 the written consent of his or her parent or legal
21 guardian to possess and acquire firearms and firearm
22 ammunition and that, if he or she is under 21 years of
23 age, he or she has never been convicted of a

1 misdemeanor other than a traffic offense or adjudged
2 delinquent, provided, however, that such parent or
3 legal guardian of an applicant under 18 years of age is
4 not an individual prohibited from having a Firearm
5 Owner's Identification Card and files an affidavit
6 with the Department as prescribed by the Department
7 stating that he or she is not an individual prohibited
8 from having a Card;

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

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

12 (iv) He or she has not been a patient in a mental
13 institution within the past 5 years;

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

15 (vi) He or she is not an alien who is unlawfully
16 present in the United States under the laws of the
17 United States;

18 (vii) He or she is not subject to an existing order
19 of protection prohibiting him or her from possessing a
20 firearm;

21 (viii) He or she has not been convicted within the
22 past 5 years of battery, assault, aggravated assault,
23 violation of an order of protection, or a substantially
24 similar offense in another jurisdiction, in which a
25 firearm was used or possessed;

26 (ix) He or she has not been convicted of domestic

1 battery or a substantially similar offense in another
2 jurisdiction committed on or after the effective date
3 of this amendatory Act of 1997;

4 (x) He or she has not been convicted within the
5 past 5 years of domestic battery or a substantially
6 similar offense in another jurisdiction committed
7 before the effective date of this amendatory Act of
8 1997;

9 (xi) He or she is not an alien who has been
10 admitted to the United States under a non-immigrant
11 visa (as that term is defined in Section 101(a)(26) of
12 the Immigration and Nationality Act (8 U.S.C.
13 1101(a)(26))), or that he or she is an alien who has
14 been lawfully admitted to the United States under a
15 non-immigrant visa if that alien is:

16 (1) admitted to the United States for lawful
17 hunting or sporting purposes;

18 (2) an official representative of a foreign
19 government who is:

20 (A) accredited to the United States
21 Government or the Government's mission to an
22 international organization having its
23 headquarters in the United States; or

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

26 (3) an official of a foreign government or

1 distinguished foreign visitor who has been so
2 designated by the Department of State;

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

6 (5) one who has received a waiver from the
7 Attorney General of the United States pursuant to
8 18 U.S.C. 922(y) (3);

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

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

18 (3) Upon request by the Department of State Police,
19 sign a release on a form prescribed by the Department of
20 State Police waiving any right to confidentiality and
21 requesting the disclosure to the Department of State Police
22 of limited mental health institution admission information
23 from another state, the District of Columbia, any other
24 territory of the United States, or a foreign nation
25 concerning the applicant for the sole purpose of
26 determining whether the applicant is or was a patient in a

1 mental health institution and disqualified because of that
2 status from receiving a Firearm Owner's Identification
3 Card. No mental health care or treatment records may be
4 requested. The information received shall be destroyed
5 within one year of receipt.

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

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

19 (b) Each application form shall include the following
20 statement printed in bold type: "Warning: Entering false
21 information on an application for a Firearm Owner's
22 Identification Card is punishable as a Class 2 felony in
23 accordance with subsection (d-5) of Section 14 of the Firearm
24 Owners Identification Card Act."

25 (c) Upon such written consent, pursuant to Section 4,
26 paragraph (a)(2)(i), the parent or legal guardian giving the

1 consent shall be liable for any damages resulting from the
2 applicant's use of firearms or firearm ammunition.

3 (Source: P.A. 92-442, eff. 8-17-01; 92-839, eff. 8-22-02;
4 92-854, eff. 12-5-02; 93-367, eff. 1-1-04.)

5 (Text of Section after amendment by P.A. 95-581)

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

8

9 (1) Make application on blank forms prepared and
10 furnished at convenient locations throughout the State by
11 the Department of State Police, or by electronic means, if
12 and when made available by the Department of State Police;
13 and

14 (2) Submit evidence to the Department of State Police
15 that:

16 (i) He or she is 18 ~~21~~ years of age or over, or if
17 he or she is under 18 ~~21~~ years of age that he or she has
18 the written consent of his or her parent or legal
19 guardian to possess and acquire firearms and firearm
20 ammunition and that, if he or she is under 21 years of
21 age, he or she has never been convicted of a
22 misdemeanor other than a traffic offense or adjudged
23 delinquent, provided, however, that such parent or
24 legal guardian of an applicant under 18 years of age is
25 not an individual prohibited from having a Firearm

1 Owner's Identification Card and files an affidavit
2 with the Department as prescribed by the Department
3 stating that he or she is not an individual prohibited
4 from having a Card;

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

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

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

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

12 (vi) He or she is not an alien who is unlawfully
13 present in the United States under the laws of the
14 United States;

15 (vii) He or she is not subject to an existing order
16 of protection prohibiting him or her from possessing a
17 firearm;

18 (viii) He or she has not been convicted within the
19 past 5 years of battery, assault, aggravated assault,
20 violation of an order of protection, or a substantially
21 similar offense in another jurisdiction, in which a
22 firearm was used or possessed;

23 (ix) He or she has not been convicted of domestic
24 battery or a substantially similar offense in another
25 jurisdiction committed on or after the effective date
26 of this amendatory Act of 1997;

1 (x) He or she has not been convicted within the
2 past 5 years of domestic battery or a substantially
3 similar offense in another jurisdiction committed
4 before the effective date of this amendatory Act of
5 1997;

6 (xi) He or she is not an alien who has been
7 admitted to the United States under a non-immigrant
8 visa (as that term is defined in Section 101(a)(26) of
9 the Immigration and Nationality Act (8 U.S.C.
10 1101(a)(26))), or that he or she is an alien who has
11 been lawfully admitted to the United States under a
12 non-immigrant visa if that alien is:

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

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

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

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

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

26 (4) a foreign law enforcement officer of a

1 friendly foreign government entering the United
2 States on official business; or

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

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

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

15 (3) Upon request by the Department of State Police,
16 sign a release on a form prescribed by the Department of
17 State Police waiving any right to confidentiality and
18 requesting the disclosure to the Department of State Police
19 of limited mental health institution admission information
20 from another state, the District of Columbia, any other
21 territory of the United States, or a foreign nation
22 concerning the applicant for the sole purpose of
23 determining whether the applicant is or was a patient in a
24 mental health institution and disqualified because of that
25 status from receiving a Firearm Owner's Identification
26 Card. No mental health care or treatment records may be

1 requested. The information received shall be destroyed
2 within one year of receipt.

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

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

16 (b) Each application form shall include the following
17 statement printed in bold type: "Warning: Entering false
18 information on an application for a Firearm Owner's
19 Identification Card is punishable as a Class 2 felony in
20 accordance with subsection (d-5) of Section 14 of the Firearm
21 Owners Identification Card Act.".

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

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

1 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

2 (Text of Section before amendment by P.A. 95-581)

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

8 (a) A person under 21 years of age who has been convicted
9 of a misdemeanor other than a traffic offense or adjudged
10 delinquent;

11 (b) A person under 18 ~~21~~ years of age who does not have the
12 written consent of his parent or guardian to acquire and
13 possess firearms and firearm ammunition, or whose parent or
14 guardian has revoked such written consent, or where such parent
15 or guardian does not qualify to have a Firearm Owner's
16 Identification Card;

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

19 (d) A person addicted to narcotics;

20 (e) A person who has been a patient of a mental institution
21 within the past 5 years;

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

25 For the purposes of this Section, "mental condition" means

1 a state of mind manifested by violent, suicidal, threatening or
2 assaultive behavior.

3 (g) A person who is mentally retarded;

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

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

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

14 (1) admitted to the United States for lawful hunting or
15 sporting purposes;

16 (2) an official representative of a foreign government
17 who is:

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

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

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

1 (4) a foreign law enforcement officer of a friendly
2 foreign government entering the United States on official
3 business; or

4 (5) one who has received a waiver from the Attorney
5 General of the United States pursuant to 18 U.S.C.
6 922(y)(3);

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

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

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

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

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

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

26 (p) An adult who had been adjudicated a delinquent minor

1 under the Juvenile Court Act of 1987 for the commission of an
2 offense that if committed by an adult would be a felony.

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

4 (Text of Section after amendment by P.A. 95-581)

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6 deny an application for or to revoke and seize a Firearm
7 Owner's Identification Card previously issued under this Act
8 only if the Department finds that the applicant or the person
9 to whom such card was issued is or was at the time of issuance:

10 (a) A person under 21 years of age who has been convicted
11 of a misdemeanor other than a traffic offense or adjudged
12 delinquent;

13 (b) A person under 18 ~~21~~ years of age who does not have the
14 written consent of his parent or guardian to acquire and
15 possess firearms and firearm ammunition, or whose parent or
16 guardian has revoked such written consent, or where such parent
17 or guardian does not qualify to have a Firearm Owner's
18 Identification Card;

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

21 (d) A person addicted to narcotics;

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

25 (f) A person whose mental condition is of such a nature

1 that it poses a clear and present danger to the applicant, any
2 other person or persons or the community;

3 For the purposes of this Section, "mental condition" means
4 a state of mind manifested by violent, suicidal, threatening or
5 assaultive behavior.

6 (g) A person who is mentally retarded;

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

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

11 (i-5) An alien who has been admitted to the United States
12 under a non-immigrant visa (as that term is defined in Section
13 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
14 1101(a)(26))), except that this subsection (i-5) does not apply
15 to any alien who has been lawfully admitted to the United
16 States under a non-immigrant visa if that alien is:

17 (1) admitted to the United States for lawful hunting or
18 sporting purposes;

19 (2) an official representative of a foreign government
20 who is:

21 (A) accredited to the United States Government or
22 the Government's mission to an international
23 organization having its headquarters in the United
24 States; or

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

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

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

7 (5) one who has received a waiver from the Attorney
8 General of the United States pursuant to 18 U.S.C.
9 922 (y) (3);

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

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

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

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

22 (n) A person who is prohibited from acquiring or possessing
23 firearms or firearm ammunition by any Illinois State statute or
24 by federal law;

25 (o) A minor subject to a petition filed under Section 5-520
26 of the Juvenile Court Act of 1987 alleging that the minor is a

1 delinquent minor for the commission of an offense that if
2 committed by an adult would be a felony; or

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

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

7 Section 95. No acceleration or delay. Where this Act makes
8 changes in a statute that is represented in this Act by text
9 that is not yet or no longer in effect (for example, a Section
10 represented by multiple versions), the use of that text does
11 not accelerate or delay the taking effect of (i) the changes
12 made by this Act or (ii) provisions derived from any other
13 Public Act.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.