

SB0031



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB0031

Introduced 1/30/2009, by Sen. Heather Steans

SYNOPSIS AS INTRODUCED:

430 ILCS 65/8

from Ch. 38, par. 83-8

Amends the Firearm Owners Identification Card Act. Provides that the Department of State Police may revoke a Firearm Owner's Identification Card of a parent or guardian of a person under 21 years of age who is unable to prevent his or her child under 21 years of age from gaining access to a firearm or ammunition, or both, when (1) the child upon 2 occasions has had possession of his or her parent or guardian's firearm or ammunition, or both, without the parent or guardian's permission and (2) the child met the criteria for severe or major mood disorder or severe conduct disorder (evidenced by behavior such as forced sex, physical cruelty, use of a weapon, stealing while confronting a victim, breaking and entering), or both, as defined in the DSM-IV-TR published by the American Psychiatric Association, or the child is an adjudicated delinquent minor for acts involving aggressive or violent behavior. Imposes conditions on any rulemaking authority.

LRB096 03480 RLC 13504 b

A BILL FOR

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

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

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

21 (b-5) A parent or guardian of a person under 21 years of
22 age who is unable to prevent his or her child under 21 years of
23 age from gaining access to a firearm or ammunition, or both,

1 when (1) the child upon 2 occasions has had possession of his
2 or her parent or guardian's firearm or ammunition, or both,
3 without the parent or guardian's permission as evidenced
4 through documentation in any arrest record, Department of
5 Children and Family Services investigation, school record,
6 juvenile court record, or other public record, and (2) the
7 child met the criteria for severe or major mood disorder or
8 severe conduct disorder (evidenced by behavior such as forced
9 sex, physical cruelty, use of a weapon, stealing while
10 confronting a victim, breaking and entering), or both, as
11 defined in the DSM-IV-TR published by the American Psychiatric
12 Association, or the child is an adjudicated delinquent minor
13 for acts involving aggressive or violent behavior;

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

16 (d) A person addicted to narcotics;

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

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

23 For the purposes of this Section, "mental condition" means
24 a state of mind manifested by violent, suicidal, threatening or
25 assaultive behavior.

26 (g) A person who is mentally retarded;

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

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

5 (i-5) An alien who has been admitted to the United States
6 under a non-immigrant visa (as that term is defined in Section
7 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
8 1101(a)(26))), except that this subsection (i-5) does not apply
9 to any alien who has been lawfully admitted to the United
10 States under a non-immigrant visa if that alien is:

11 (1) admitted to the United States for lawful hunting or
12 sporting purposes;

13 (2) an official representative of a foreign government
14 who is:

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

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

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

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

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

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

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

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

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

16 (n) A person who is prohibited from acquiring or possessing
17 firearms or firearm ammunition by any Illinois State statute or
18 by federal law;

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

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

26 (q) Rulemaking authority to implement this amendatory Act

1 of the 96th General Assembly, if any, is conditioned on the
2 rules being adopted in accordance with all provisions of the
3 Illinois Administrative Procedure Act and all rules and
4 procedures of the Joint Committee on Administrative Rules; any
5 purported rule not so adopted, for whatever reason, is
6 unauthorized.

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