

SB3421



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3421

Introduced 2/10/2010, by Sen. Dan Kotowski

SYNOPSIS AS INTRODUCED:

430 ILCS 65/10

from Ch. 38, par. 83-10

Amends the Firearm Owners Identification Card Act. Provides that any person who is prohibited from possessing a firearm under certain specified provisions of the federal Gun Control Act of 1968 may apply to the Department of State Police requesting relief from such prohibition and the Director of State Police shall grant such relief if it is established to the Director's satisfaction that the person will not be likely to act in a manner dangerous to public safety and granting relief would not be contrary to the public interest. Effective immediately.

LRB096 17145 RLC 35155 b

FISCAL NOTE ACT
MAY APPLY

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 10 as follows:

6 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

7 Sec. 10. (a) Whenever an application for a Firearm Owner's
8 Identification Card is denied, whenever the Department fails to
9 act on an application within 30 days of its receipt, or
10 whenever such a Card is revoked or seized as provided for in
11 Section 8 of this Act, the aggrieved party may appeal to the
12 Director of the Department of State Police for a hearing upon
13 such denial, revocation or seizure, unless the denial,
14 revocation, or seizure was based upon a forcible felony,
15 stalking, aggravated stalking, domestic battery, any violation
16 of the Illinois Controlled Substances Act, the Methamphetamine
17 Control and Community Protection Act, or the Cannabis Control
18 Act that is classified as a Class 2 or greater felony, any
19 felony violation of Article 24 of the Criminal Code of 1961, or
20 any adjudication as a delinquent minor for the commission of an
21 offense that if committed by an adult would be a felony, in
22 which case the aggrieved party may petition the circuit court
23 in writing in the county of his or her residence for a hearing

1 upon such denial, revocation, or seizure.

2 (b) At least 30 days before any hearing in the circuit
3 court, the petitioner shall serve the relevant State's Attorney
4 with a copy of the petition. The State's Attorney may object to
5 the petition and present evidence. At the hearing the court
6 shall determine whether substantial justice has been done.
7 Should the court determine that substantial justice has not
8 been done, the court shall issue an order directing the
9 Department of State Police to issue a Card.

10 (c) Any person prohibited from possessing a firearm under
11 Sections 24-1.1 or 24-3.1 of the Criminal Code of 1961 or
12 acquiring a Firearm Owner's Identification Card under Section 8
13 of this Act may apply to the Director of the Department of
14 State Police or petition the circuit court in the county where
15 the petitioner resides, whichever is applicable in accordance
16 with subsection (a) of this Section, requesting relief from
17 such prohibition and the Director or court may grant such
18 relief if it is established by the applicant to the court's or
19 Director's satisfaction that:

20 (0.05) when in the circuit court, the State's Attorney
21 has been served with a written copy of the petition at
22 least 30 days before any such hearing in the circuit court
23 and at the hearing the State's Attorney was afforded an
24 opportunity to present evidence and object to the petition;

25 (1) the applicant has not been convicted of a forcible
26 felony under the laws of this State or any other

1 jurisdiction within 20 years of the applicant's
2 application for a Firearm Owner's Identification Card, or
3 at least 20 years have passed since the end of any period
4 of imprisonment imposed in relation to that conviction;

5 (2) the circumstances regarding a criminal conviction,
6 where applicable, the applicant's criminal history and his
7 reputation are such that the applicant will not be likely
8 to act in a manner dangerous to public safety; and

9 (3) granting relief would not be contrary to the public
10 interest.

11 (d) When a minor is adjudicated delinquent for an offense
12 which if committed by an adult would be a felony, the court
13 shall notify the Department of State Police.

14 (e) The court shall review the denial of an application or
15 the revocation of a Firearm Owner's Identification Card of a
16 person who has been adjudicated delinquent for an offense that
17 if committed by an adult would be a felony if an application
18 for relief has been filed at least 10 years after the
19 adjudication of delinquency and the court determines that the
20 applicant should be granted relief from disability to obtain a
21 Firearm Owner's Identification Card. If the court grants
22 relief, the court shall notify the Department of State Police
23 that the disability has been removed and that the applicant is
24 eligible to obtain a Firearm Owner's Identification Card.

25 (f) Any person who is prohibited from possessing a firearm
26 under 18 U.S.C. 922 (d) (4) and 922 (g) (4) of the federal Gun

1 Control Act of 1968 may apply to the Department of State Police
2 requesting relief from such prohibition and the Director shall
3 grant such relief if it is established to the Director's
4 satisfaction that the person will not be likely to act in a
5 manner dangerous to public safety and granting relief would not
6 be contrary to the public interest.

7 (Source: P.A. 93-367, eff. 1-1-04; 94-556, eff. 9-11-05.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.