



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1461

by Rep. William Cunningham

SYNOPSIS AS INTRODUCED:

430 ILCS 65/8

from Ch. 38, par. 83-8

430 ILCS 65/8.3 new

Amends the Firearm Owners Identification Card Act. Provides that the Department of State Police may deny an application for or revoke and seize a Firearm Owner's Identification Card previously issued under the Act to a student or former student of a secondary school or institution of higher learning who has been identified by the administration of that school or institution as a person who has acted in a mentally erratic or violent nature while enrolled, thereby creating a possible threat to the safety of the student body, faculty, or staff of the school or institution. Provides that the administration of a secondary school or institution of higher learning may report to the Department of State Police the name and address of a student or former student who has acted in a mentally erratic or violent nature while enrolled. Provides that the Department of State Police may use such information to determine whether to deny an application for or to revoke and seize the student or former student's Firearm Owner's Identification Card. Provides that the administration of a secondary school or an institution of higher learning that reports the name and address of a student or former student to the Department of State Police as having acted in a mentally erratic or violent nature while enrolled are presumed to have acted in good faith and are immune from civil or criminal liability for making such report and the consequences of such report.

LRB097 10087 RLC 50266 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 8 and by adding Section 8.3 as
6 follows:

7 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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
17 written consent of his parent or guardian to acquire and
18 possess firearms and firearm ammunition, or whose parent or
19 guardian has revoked such written consent, or where such parent
20 or guardian does not qualify to have a Firearm Owner's
21 Identification Card;

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

1 (d) A person addicted to narcotics;

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

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

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

11 (g) A person who is mentally retarded;

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

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

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

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

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

26 (A) accredited to the United States Government or

1 the Government's mission to an international
2 organization having its headquarters in the United
3 States; or

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

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

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

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

15 (j) (Blank);

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

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

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

26 (n) A person who is prohibited from acquiring or possessing

1 firearms or firearm ammunition by any Illinois State statute or
2 by federal law;

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

7 (p) An adult who had been adjudicated a delinquent minor
8 under the Juvenile Court Act of 1987 for the commission of an
9 offense that if committed by an adult would be a felony; or ~~or~~

10 (q) A student or former student of a secondary school or
11 institution of higher learning who has been identified by the
12 administration of that school or institution as a person who
13 has acted in a mentally erratic or violent nature while
14 enrolled, thereby creating a possible threat to the safety of
15 the student body, faculty, or staff of the school or
16 institution. For the purposes of this paragraph (q) and Section
17 8.3 of this Act, "secondary school" means a public or private
18 institution that provides education for any of grades 9 through
19 12 or their equivalent; and "institution of higher learning"
20 means a public or private college, university, or community
21 college located in the State of Illinois that is authorized by
22 the Board of Higher Education or the Illinois Community College
23 Board to issue post-secondary degrees.

24 (Source: P.A. 95-581, eff. 6-1-08; 96-701, eff. 1-1-10.)

25 (430 ILCS 65/8.3 new)

1 Sec. 8.3. Secondary schools and institutions of higher
2 learning may report to the Department of State Police students
3 and former students who acted in a mentally erratic or violent
4 nature while enrolled. The administration of a secondary school
5 or institution of higher learning may report to the Department
6 of State Police the name and address of a student or former
7 student who has acted in a mentally erratic or violent nature
8 while enrolled. The Department of State Police may use such
9 information to determine whether to deny an application for or
10 to revoke and seize the student or former student's Firearm
11 Owner's Identification Card under paragraph (q) of Section 8 of
12 this Act. The administration of a secondary school or
13 institution of higher learning that reports to the Department
14 of State Police the name and address of a student or former
15 student who has acted in a mentally erratic or violent nature
16 while enrolled are presumed to have acted in good faith and are
17 immune from civil or criminal liability for making such report
18 and the consequences of such report.