

1 AN ACT concerning public safety.

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, 8, 8.1, and 10 as follows:

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

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

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

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

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, aggravated domestic battery, or a  
25          substantially similar offense in another jurisdiction  
26          committed before, on or after January 1, 2012 (the

1 effective date of Public Act 97-158) ~~this amendatory~~  
2 ~~Act of the 97th General Assembly;~~

3 (x) (Blank);

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

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

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

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

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

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

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

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

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

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

13                  (xiv) He or she is a resident of the State of  
14                  Illinois; 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. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; revised

1 10-4-11.)

2 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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 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 or has been adjudicated as a mental  
22 defective;

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

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

4           (g) A person who is intellectually disabled;

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

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

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

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

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

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

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

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

1 the Department of State;

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

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

8 (j) (Blank);

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,  
14 aggravated domestic battery, or a substantially similar  
15 offense in another jurisdiction committed before, on or after  
16 January 1, 2012 (the effective date of Public Act 97-158) ~~this~~  
17 ~~amendatory Act of the 97th General Assembly;~~

18 (m) (Blank);

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; or

3 (q) A person who is not a resident of the State of  
4 Illinois.

5 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,  
6 eff. 1-1-12; revised 10-4-11.)

7 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

8 Sec. 8.1. Circuit Clerk to notify Department of State  
9 Police.

10 (a) The Circuit Clerk shall, in the form and manner  
11 required by the Supreme Court, notify the Department of State  
12 Police of all final dispositions of cases for which the  
13 Department has received information reported to it under  
14 Section 2.1 of the Criminal Identification Act.

15 (b) Upon adjudication of any individual as a mental  
16 defective, as defined in Section 1.1, ~~the court shall direct~~  
17 the circuit court clerk shall ~~to~~ immediately notify the  
18 Department of State Police, Firearm Owner's Identification  
19 (FOID) department, and shall forward a copy of the court order  
20 to the Department.

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

22 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

23 Sec. 10. (a) Whenever an application for a Firearm Owner's  
24 Identification Card is denied, whenever the Department fails to

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

17 (b) At least 30 days before any hearing in the circuit  
18 court, the petitioner shall serve the relevant State's Attorney  
19 with a copy of the petition. The State's Attorney may object to  
20 the petition and present evidence. At the hearing the court  
21 shall determine whether substantial justice has been done.  
22 Should the court determine that substantial justice has not  
23 been done, the court shall issue an order directing the  
24 Department of State Police to issue a Card. However, the court  
25 shall not order a Card to be issued if the petitioner is  
26 otherwise prohibited from acquiring, possessing, or using a

1 firearm under federal law.

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

12 (0.05) when in the circuit court, the State's Attorney  
13 has been served with a written copy of the petition at  
14 least 30 days before any such hearing in the circuit court  
15 and at the hearing the State's Attorney was afforded an  
16 opportunity to present evidence and object to the petition;

17 (1) the applicant has not been convicted of a forcible  
18 felony under the laws of this State or any other  
19 jurisdiction within 20 years of the applicant's  
20 application for a Firearm Owner's Identification Card, or  
21 at least 20 years have passed since the end of any period  
22 of imprisonment imposed in relation to that conviction;

23 (2) the circumstances regarding a criminal conviction,  
24 where applicable, the applicant's criminal history and his  
25 reputation are such that the applicant will not be likely  
26 to act in a manner dangerous to public safety; ~~and~~

1           (3) granting relief would not be contrary to the public  
2           interest; and

3           (4) granting relief would not be contrary to federal  
4           law.

5

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

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

20          (f) Any person who is prohibited from possessing a firearm  
21          under 18 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun  
22          Control Act of 1968 may apply to the Department of State Police  
23          requesting relief from such prohibition and the Director shall  
24          grant such relief if it is established to the Director's  
25          satisfaction that the person will not be likely to act in a  
26          manner dangerous to public safety and granting relief would not

1 be contrary to the public interest.

2 (Source: P.A. 96-1368, eff. 7-28-10.)