



Rep. Dena M. Carli

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09700HB4673ham003

LRB097 12811 RLC 67908 a

1 AMENDMENT TO HOUSE BILL 4673

2 AMENDMENT NO. _____. Amend House Bill 4673, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Firearm Owners Identification Card Act is
6 amended by changing Sections 4 and 8 as follows:

7 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

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

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

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

1 (i) He or she is 21 years of age or over, or if he
2 or she is under 21 years of age that he or she has the
3 written consent of his or her parent or legal guardian
4 to possess and acquire firearms and firearm ammunition
5 and that he or she has never been convicted of a
6 misdemeanor other than a traffic offense or adjudged
7 delinquent, provided, however, that such parent or
8 legal guardian is not an individual prohibited from
9 having a Firearm Owner's Identification Card and files
10 an affidavit with the Department as prescribed by the
11 Department stating that he or she is not an individual
12 prohibited from having a Card;

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

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

16 (iv) He or she has not been a patient in a mental
17 institution within the past 5 years and he or she has
18 not been adjudicated as a mental defective. This clause
19 (iv) does not apply to an active law enforcement
20 officer employed by a unit of local government, so long
21 as the officer has not been involuntarily admitted as
22 an inpatient in a mental institution or has not been an
23 inpatient in a mental institution for more than 30
24 days;

25 (v) He or she is not intellectually disabled;

26 (vi) He or she is not an alien who is unlawfully

1 present in the United States under the laws of the
2 United States;

3 (vii) He or she is not subject to an existing order
4 of protection prohibiting him or her from possessing a
5 firearm;

6 (viii) He or she has not been convicted within the
7 past 5 years of battery, assault, aggravated assault,
8 violation of an order of protection, or a substantially
9 similar offense in another jurisdiction, in which a
10 firearm was used or possessed;

11 (ix) He or she has not been convicted of domestic
12 battery, aggravated domestic battery, or a
13 substantially similar offense in another jurisdiction
14 committed before, on or after January 1, 2012 (the
15 effective date of Public Act 97-158) ~~this amendatory
16 Act of the 97th General Assembly;~~

17 (x) (Blank);

18 (xi) He or she is not an alien who has been
19 admitted to the United States under a non-immigrant
20 visa (as that term is defined in Section 101(a)(26) of
21 the Immigration and Nationality Act (8 U.S.C.
22 1101(a)(26))), or that he or she is an alien who has
23 been lawfully admitted to the United States under a
24 non-immigrant visa if that alien is:

25 (1) admitted to the United States for lawful
26 hunting or sporting purposes;

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

3 (A) accredited to the United States
4 Government or the Government's mission to an
5 international organization having its
6 headquarters in the United States; or

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

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

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

15 (5) one who has received a waiver from the
16 Attorney General of the United States pursuant to
17 18 U.S.C. 922(y) (3);

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

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

1 (3) Upon request by the Department of State Police,
2 sign a release on a form prescribed by the Department of
3 State Police waiving any right to confidentiality and
4 requesting the disclosure to the Department of State Police
5 of limited mental health institution admission information
6 from another state, the District of Columbia, any other
7 territory of the United States, or a foreign nation
8 concerning the applicant for the sole purpose of
9 determining whether the applicant is or was a patient in a
10 mental health institution and disqualified because of that
11 status from receiving a Firearm Owner's Identification
12 Card. No mental health care or treatment records may be
13 requested. The information received shall be destroyed
14 within one year of receipt.

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

19 (a-10) Each applicant for a Firearm Owner's Identification
20 Card, who is employed as an armed security officer at a nuclear
21 energy, storage, weapons, or development facility regulated by
22 the Nuclear Regulatory Commission and who is not an Illinois
23 resident, shall furnish to the Department of State Police his
24 or her driver's license number or state identification card
25 number from his or her state of residence. The Department of
26 State Police may promulgate rules to enforce the provisions of

1 this subsection (a-10).

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

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

12 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; revised
13 10-4-11.)

14 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

23 (b) A person under 21 years of age who does not have the
24 written consent of his parent or guardian to acquire and
25 possess firearms and firearm ammunition, or whose parent or

1 guardian has revoked such written consent, or where such parent
2 or guardian does not qualify to have a Firearm Owner's
3 Identification Card;

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

6 (d) A person addicted to narcotics;

7 (e) A person who has been a patient of a mental institution
8 within the past 5 years or has been adjudicated as a mental
9 defective. This paragraph (e) does not apply to an active law
10 enforcement officer employed by a unit of local government, so
11 long as the officer has not been involuntarily admitted as an
12 inpatient in a mental institution or has not been an inpatient
13 in a mental institution for more than 30 days;

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

17 For the purposes of this Section, "mental condition" means
18 a state of mind manifested by violent, suicidal, threatening or
19 assaultive behavior.

20 (g) A person who is intellectually disabled;

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

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

25 (i-5) An alien who has been admitted to the United States
26 under a non-immigrant visa (as that term is defined in Section

1 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
2 1101(a)(26))), except that this subsection (i-5) does not apply
3 to any alien who has been lawfully admitted to the United
4 States under a non-immigrant visa if that alien is:

5 (1) admitted to the United States for lawful hunting or
6 sporting purposes;

7 (2) an official representative of a foreign government
8 who is:

9 (A) accredited to the United States Government or
10 the Government's mission to an international
11 organization having its headquarters in the United
12 States; or

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

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

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

21 (5) one who has received a waiver from the Attorney
22 General of the United States pursuant to 18 U.S.C.
23 922(y)(3);

24 (j) (Blank);

25 (k) A person who has been convicted within the past 5 years
26 of battery, assault, aggravated assault, violation of an order

1 of protection, or a substantially similar offense in another
2 jurisdiction, in which a firearm was used or possessed;

3 (l) A person who has been convicted of domestic battery,
4 aggravated domestic battery, or a substantially similar
5 offense in another jurisdiction committed before, on or after
6 January 1, 2012 (the effective date of Public Act 97-158) ~~this~~
7 ~~amendatory Act of the 97th General Assembly;~~

8 (m) (Blank);

9 (n) A person who is prohibited from acquiring or possessing
10 firearms or firearm ammunition by any Illinois State statute or
11 by federal law;

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

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

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."