

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 Sections 4 and 8 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. This clause
11 (iv) does not apply to an active law enforcement
12 officer employed by a unit of local government, who (A)
13 as a result of work in law enforcement, and (B) is
14 referred by the employing unit of local government for,
15 or voluntarily seeks, evaluation by a clinical
16 psychologist, psychiatrist, or qualified examiner, and
17 (C) receives care from a clinical psychologist,
18 psychiatrist, or qualified examiner, so long as the
19 officer has not been involuntarily admitted as an
20 inpatient in a mental institution or has not been an
21 inpatient in a mental institution for more than 30
22 days. "Clinical psychologist", "psychiatrist", and
23 "qualified examiner" shall have the same meaning as
24 provided in Chapter 1 of the Mental Health and
25 Developmental Disabilities Code;

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

1 (vi) He or she is not an alien who is unlawfully
2 present in the United States under the laws of the
3 United States;

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

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

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

18 (x) (Blank);

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

26 (1) admitted to the United States for lawful

1 hunting or sporting purposes;

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

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

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

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

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

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

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

24 (xiii) He or she is not an adult who had been
25 adjudicated a delinquent minor under the Juvenile
26 Court Act of 1987 for the commission of an offense that

1 if committed by an adult would be a felony; and

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

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

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

1 State Police may promulgate rules to enforce the provisions of
2 this subsection (a-10).

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

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

13 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; revised
14 10-4-11.)

15 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

24 (b) A person under 21 years of age who does not have the
25 written consent of his parent or guardian to acquire and

1 possess firearms and firearm ammunition, or whose parent or
2 guardian has revoked such written consent, or where such parent
3 or guardian does not qualify to have a Firearm Owner's
4 Identification Card;

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

7 (d) A person addicted to narcotics;

8 (e) A person who has been a patient of a mental institution
9 within the past 5 years or has been adjudicated as a mental
10 defective. This paragraph (e) does not apply to an active law

11 enforcement officer employed by a unit of local government, who

12 (1) as a result of work in law enforcement, and (2) is referred

13 by the employing unit of local government for, or voluntarily

14 seeks, evaluation by a clinical psychologist, psychiatrist, or

15 qualified examiner, and (3) receives care from a clinical

16 psychologist, psychiatrist, or qualified examiner, so long as

17 the officer has not been involuntarily admitted as an inpatient

18 in a mental institution or has not been an inpatient in a

19 mental institution for more than 30 days. "Clinical

20 psychologist", "psychiatrist", and "qualified examiner" shall

21 have the same meaning as provided in Chapter 1 of the Mental

22 Health and Developmental Disabilities Code;

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;

26 For the purposes of this Section, "mental condition" means

1 a state of mind manifested by violent, suicidal, threatening or
2 assaultive behavior.

3 (g) A person who is intellectually disabled;

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

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

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

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

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

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

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

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

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

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

7 (j) (Blank);

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

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

17 (m) (Blank);

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

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

25 (p) An adult who had been adjudicated a delinquent minor
26 under the Juvenile Court Act of 1987 for the commission of an

1 offense that if committed by an adult would be a felony.

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

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.