



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB5489**

Introduced 2/15/2012, by Rep. Pam Roth

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/4  
430 ILCS 65/8

from Ch. 38, par. 83-4  
from Ch. 38, par. 83-8

Amends the Firearm Owners Identification Card Act. Changes, from 21 years of age or over to 18 years of age or over, the age at which a person may apply for and be issued a Firearm Owner's Identification Card without the consent of a parent or legal guardian. Effective immediately.

LRB097 18830 RLC 64067 b

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 18 ~~21~~ years of age or over, or if  
17 he or she is under 18 ~~21~~ years of age that he or she has  
18 the written consent of his or her parent or legal  
19 guardian to possess and acquire firearms and firearm  
20 ammunition and that, if he or she is under 21 years of  
21 age, he or she has never been convicted of a  
22 misdemeanor other than a traffic offense or adjudged  
23 delinquent, provided, however, that such parent or

1           legal guardian of an applicant under 18 years of age is  
2           not an individual prohibited from having a Firearm  
3           Owner's Identification Card and files an affidavit  
4           with the Department as prescribed by the Department  
5           stating that he or she is not an individual prohibited  
6           from having a Card;

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

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

10          (iv) He or she has not been a patient in a mental  
11          institution within the past 5 years and he or she has  
12          not been adjudicated as a mental defective;

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

14          (vi) He or she is not an alien who is unlawfully  
15          present in the United States under the laws of the  
16          United States;

17          (vii) He or she is not subject to an existing order  
18          of protection prohibiting him or her from possessing a  
19          firearm;

20          (viii) He or she has not been convicted within the  
21          past 5 years of battery, assault, aggravated assault,  
22          violation of an order of protection, or a substantially  
23          similar offense in another jurisdiction, in which a  
24          firearm was used or possessed;

25          (ix) He or she has not been convicted of domestic  
26          battery, aggravated domestic battery, or a

1 substantially similar offense in another jurisdiction  
2 committed before, on or after January 1, 2012 (the  
3 effective date of Public Act 97-158) ~~this amendatory~~  
4 ~~Act of the 97th General Assembly;~~

5 (x) (Blank);

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

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

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

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

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

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

26 (4) a foreign law enforcement officer of a

1 friendly foreign government entering the United  
2 States on official business; or

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

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

11 (xiii) He or she is not an adult who had been  
12 adjudicated a delinquent minor under the Juvenile  
13 Court Act of 1987 for the commission of an offense that  
14 if committed by an adult would be a felony; 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 18 ~~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.

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

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