



Rep. Elgie R. Sims, Jr.

**Filed: 3/12/2013**

09800HB1155ham039

LRB098 08475 MRW 42942 a

1 AMENDMENT TO HOUSE BILL 1155

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1155, AS AMENDED, by  
3 inserting the following in its proper numeric sequence:

4 "Section 810. 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 (Text of Section before amendment by P.A. 97-1167)

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;

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

20          (vi) He or she is not an alien who is unlawfully  
21          present in the United States under the laws of the  
22          United States;

23          (vii) He or she is not subject to an existing order  
24          of protection prohibiting him or her from possessing a  
25          firearm;

26          (viii) He or she has not been convicted within the

1 past 5 years of battery, assault, aggravated assault,  
2 violation of an order of protection, or a substantially  
3 similar offense in another jurisdiction, in which a  
4 firearm was used or possessed;

5 (ix) He or she has not been convicted of domestic  
6 battery, aggravated domestic battery, or a  
7 substantially similar offense in another jurisdiction  
8 committed before, on or after January 1, 2012 (the  
9 effective date of Public Act 97-158). If the applicant  
10 knowingly and intelligently waives the right to have an  
11 offense described in this clause (ix) tried by a jury,  
12 and by guilty plea or otherwise, results in a  
13 conviction for an offense in which a domestic  
14 relationship is not a required element of the offense  
15 but in which a determination of the applicability of 18  
16 U.S.C. 922(g) (9) is made under Section 112A-11.1 of the  
17 Code of Criminal Procedure of 1963, an entry by the  
18 court of a judgment of conviction for that offense  
19 shall be grounds for denying the issuance of a Firearm  
20 Owner's Identification Card under this Section;

21 (x) (Blank);

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

1           been lawfully admitted to the United States under a  
2           non-immigrant visa if that alien is:

3                   (1) admitted to the United States for lawful  
4           hunting or sporting purposes;

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

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

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

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

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

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

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

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

5 (xiv) He or she is a resident of the State of  
6 Illinois; and

7 (xv) He or she has received a mental health  
8 evaluation by a clinical psychologist or physician as  
9 those terms are defined in the Mental Health and  
10 Developmental Disabilities Code and has received a  
11 certification by the clinical psychologist or  
12 physician that he or she:

13 (1) is not a danger to himself, herself, or to  
14 others;

15 (2) does not lack the mental capacity to manage  
16 his or her own affairs;

17 (3) is able to provide for his or her basic  
18 physical needs so as to guard himself or herself  
19 from serious harm without the assistance of family  
20 or others; and

21 (4) does not have a state of mind manifested by  
22 violent, suicidal, threatening, or assaultive  
23 behavior that poses a clear and present danger to  
24 himself, herself, or to others at the time of the  
25 evaluation or in the future.

26 The certification shall be submitted to the

1           Department of State Police by the applicant at the time  
2           of his or her application; and a mental health  
3           evaluation as provided in this item (xv) is also  
4           required when applying for renewal of a Firearm Owner's  
5           Identification Card; and

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

20          (a-5) Each applicant for a Firearm Owner's Identification  
21          Card who is over the age of 18 shall furnish to the Department  
22          of State Police either his or her Illinois driver's license  
23          number or Illinois Identification Card number, except as  
24          provided in subsection (a-10).

25          (a-10) Each applicant for a Firearm Owner's Identification  
26          Card, who is employed as a law enforcement officer, an armed

1 security officer in Illinois, or by the United States Military  
2 permanently assigned in Illinois and who is not an Illinois  
3 resident, shall furnish to the Department of State Police his  
4 or her driver's license number or state identification card  
5 number from his or her state of residence. The Department of  
6 State Police may promulgate rules to enforce the provisions of  
7 this subsection (a-10).

8 (a-15) If an applicant applying for a Firearm Owner's  
9 Identification Card moves from the residence address named in  
10 the application, he or she shall immediately notify in a form  
11 and manner prescribed by the Department of State Police of that  
12 change of address.

13 (a-20) Each applicant for a Firearm Owner's Identification  
14 Card shall furnish to the Department of State Police his or her  
15 photograph. An applicant who is 21 years of age or older  
16 seeking a religious exemption to the photograph requirement  
17 must furnish with the application an approved copy of United  
18 States Department of the Treasury Internal Revenue Service Form  
19 4029. In lieu of a photograph, an applicant regardless of age  
20 seeking a religious exemption to the photograph requirement  
21 shall submit fingerprints on a form and manner prescribed by  
22 the Department with his or her application.

23 (b) Each application form shall include the following  
24 statement printed in bold type: "Warning: Entering false  
25 information on an application for a Firearm Owner's  
26 Identification Card is punishable as a Class 2 felony in

1 accordance with subsection (d-5) of Section 14 of the Firearm  
2 Owners Identification Card Act.".

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

7 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,  
8 eff. 7-13-12; 97-1131, eff. 1-1-13.)

9 (Text of Section after amendment by P.A. 97-1167)

10 Sec. 4. (a) Each applicant for a Firearm Owner's  
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13 furnished at convenient locations throughout the State by  
14 the Department of State Police, or by electronic means, if  
15 and when made available by the Department of State Police;  
16 and

17 (2) Submit evidence to the Department of State Police  
18 that:

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



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

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

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

9 (iv) He or she has not been a patient in a mental  
10 institution within the past 5 years;

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). If the applicant  
2 knowingly and intelligently waives the right to have an  
3 offense described in this clause (ix) tried by a jury,  
4 and by guilty plea or otherwise, results in a  
5 conviction for an offense in which a domestic  
6 relationship is not a required element of the offense  
7 but in which a determination of the applicability of 18  
8 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the  
9 Code of Criminal Procedure of 1963, an entry by the  
10 court of a judgment of conviction for that offense  
11 shall be grounds for denying the issuance of a Firearm  
12 Owner's Identification Card under this Section;

13 (x) (Blank);

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

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

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

25 (A) accredited to the United States  
26 Government or the Government's mission to an

1 international organization having its  
2 headquarters in the United States; or

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

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

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

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

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

19 (xiii) He or she is not an adult who had been  
20 adjudicated a delinquent minor under the Juvenile  
21 Court Act of 1987 for the commission of an offense that  
22 if committed by an adult would be a felony;

23 (xiv) He or she is a resident of the State of  
24 Illinois; ~~and~~

25 (xv) He or she has not been adjudicated as a mental  
26 defective; and

1           (xvi) He or she has received a mental health  
2           evaluation by a clinical psychologist or physician as  
3           those terms are defined in the Mental Health and  
4           Developmental Disabilities Code and has received a  
5           certification by the clinical psychologist or  
6           physician that he or she:

7                   (1) is not a danger to himself, herself, or to  
8                   others;

9                   (2) does not lack the mental capacity to manage  
10                  his or her own affairs;

11                  (3) is able to provide for his or her basic  
12                  physical needs so as to guard himself or herself  
13                  from serious harm without the assistance of family  
14                  or others; and

15                  (4) does not have a state of mind manifested by  
16                  violent, suicidal, threatening, or assaultive  
17                  behavior that poses a clear and present danger to  
18                  himself, herself, or to others at the time of the  
19                  evaluation or in the future.

20           The certification shall be submitted to the  
21           Department of State Police by the applicant at the time  
22           of his or her application; and a mental health  
23           evaluation as provided in this item (xvi) is also  
24           required when applying for renewal of a Firearm Owner's  
25           Identification Card; and

26           (3) Upon request by the Department of State Police,

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

14 (a-5) Each applicant for a Firearm Owner's Identification  
15 Card who is over the age of 18 shall furnish to the Department  
16 of State Police either his or her Illinois driver's license  
17 number or Illinois Identification Card number, except as  
18 provided in subsection (a-10).

19 (a-10) Each applicant for a Firearm Owner's Identification  
20 Card, who is employed as a law enforcement officer, an armed  
21 security officer in Illinois, or by the United States Military  
22 permanently assigned in Illinois 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 (a-15) If an applicant applying for a Firearm Owner's  
3 Identification Card moves from the residence address named in  
4 the application, he or she shall immediately notify in a form  
5 and manner prescribed by the Department of State Police of that  
6 change of address.

7 (a-20) Each applicant for a Firearm Owner's Identification  
8 Card shall furnish to the Department of State Police his or her  
9 photograph. An applicant who is 21 years of age or older  
10 seeking a religious exemption to the photograph requirement  
11 must furnish with the application an approved copy of United  
12 States Department of the Treasury Internal Revenue Service Form  
13 4029. In lieu of a photograph, an applicant regardless of age  
14 seeking a religious exemption to the photograph requirement  
15 shall submit fingerprints on a form and manner prescribed by  
16 the Department with his or her application.

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

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

1 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,  
2 eff. 7-13-12; 97-1131, eff. 1-1-13; 97-1167, eff. 6-1-13.)

3 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

4 (Text of Section before amendment by P.A. 97-1167)

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

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

13 (b) A person under 21 years of age who does not have the  
14 written consent of his parent or guardian to acquire and  
15 possess firearms and firearm ammunition, or whose parent or  
16 guardian has revoked such written consent, or where such parent  
17 or guardian does not qualify to have a Firearm Owner's  
18 Identification Card;

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

21 (d) A person addicted to narcotics;

22 (e) A person who has been a patient of a mental institution  
23 within the past 5 years or has been adjudicated as a mental  
24 defective;

25 (f) A person whose mental condition is of such a nature

1 that it poses a clear and present danger to the applicant, any  
2 other person or persons or the community;

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

6 (g) A person who is intellectually disabled;

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

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

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

17 (1) admitted to the United States for lawful hunting or  
18 sporting purposes;

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

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

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



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

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

7           (5) one who has received a waiver from the Attorney  
8 General of the United States pursuant to 18 U.S.C.  
9 922 (y) (3);

10          (j) (Blank);

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

15          (l) A person who has been convicted of domestic battery,  
16 aggravated domestic battery, or a substantially similar  
17 offense in another jurisdiction committed before, on or after  
18 January 1, 2012 (the effective date of Public Act 97-158). If  
19 the applicant or person who has been previously issued a  
20 Firearm Owner's Identification Card under this Act knowingly  
21 and intelligently waives the right to have an offense described  
22 in this paragraph (l) tried by a jury, and by guilty plea or  
23 otherwise, results in a conviction for an offense in which a  
24 domestic relationship is not a required element of the offense  
25 but in which a determination of the applicability of 18 U.S.C.  
26 922 (g) (9) is made under Section 112A-11.1 of the Code of

1 Criminal Procedure of 1963, an entry by the court of a judgment  
2 of conviction for that offense shall be grounds for denying an  
3 application for and for revoking and seizing a Firearm Owner's  
4 Identification Card previously issued to the person under this  
5 Act;

6 (m) (Blank);

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

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

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

17 (q) A person who is not a resident of the State of  
18 Illinois, except as provided in subsection (a-10) of Section 4;  
19 or;

20 (r) A person who has received a mental health evaluation by  
21 a clinical psychologist or physician as those terms are defined  
22 in the Mental Health and Developmental Disabilities Code and  
23 the clinical psychologist or physician determines that the Card  
24 holder:

25 (1) is a danger to himself, herself, or to  
26 others;

1           (2) lacks the mental capacity to manage his or  
2           her own affairs;

3           (3) is unable to provide for his or her basic  
4           physical needs so as to guard himself or herself  
5           from serious harm without the assistance of family  
6           or others; and

7           (4) has a state of mind manifested by violent,  
8           suicidal, threatening, or assaultive behavior that  
9           poses a clear and present danger to himself,  
10           herself, or to others at the time of the evaluation  
11           or in the future.

12           The clinical psychologist or physician shall,  
13           immediately after making the determination described  
14           in this subsection (r), forward that information to the  
15           Department of State Police.

16           (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,  
17           eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

18           (Text of Section after amendment by P.A. 97-1167)

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

24           (a) A person under 21 years of age who has been convicted  
25           of a misdemeanor other than a traffic offense or adjudged

1 delinquent;

2 (b) A person under 21 years of age who does not have the  
3 written consent of his parent or guardian to acquire and  
4 possess firearms and firearm ammunition, or whose parent or  
5 guardian has revoked such written consent, or where such parent  
6 or guardian does not qualify to have a Firearm Owner's  
7 Identification Card;

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

10 (d) A person addicted to narcotics;

11 (e) A person who has been a patient of a mental institution  
12 within the past 5 years. An active law enforcement officer  
13 employed by a unit of government who is denied, revoked, or has  
14 his or her Firearm Owner's Identification Card seized under  
15 this subsection (e) may obtain relief as described in  
16 subsection (c-5) of Section 10 of this Act if the officer did  
17 not act in a manner threatening to the officer, another person,  
18 or the public as determined by the treating clinical  
19 psychologist or physician, and the officer seeks mental health  
20 treatment;

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

24 For the purposes of this Section, "mental condition" means  
25 a state of mind manifested by violent, suicidal, threatening or  
26 assaultive behavior.

1 (g) A person who is intellectually disabled;

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

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

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

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

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

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

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

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

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

1 business; or

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

5 (j) (Blank);

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

10 (l) A person who has been convicted of domestic battery,  
11 aggravated domestic battery, or a substantially similar  
12 offense in another jurisdiction committed before, on or after  
13 January 1, 2012 (the effective date of Public Act 97-158). If  
14 the applicant or person who has been previously issued a  
15 Firearm Owner's Identification Card under this Act knowingly  
16 and intelligently waives the right to have an offense described  
17 in this paragraph (l) tried by a jury, and by guilty plea or  
18 otherwise, results in a conviction for an offense in which a  
19 domestic relationship is not a required element of the offense  
20 but in which a determination of the applicability of 18 U.S.C.  
21 922(g)(9) is made under Section 112A-11.1 of the Code of  
22 Criminal Procedure of 1963, an entry by the court of a judgment  
23 of conviction for that offense shall be grounds for denying an  
24 application for and for revoking and seizing a Firearm Owner's  
25 Identification Card previously issued to the person under this  
26 Act;

1 (m) (Blank);

2 (n) A person who is prohibited from acquiring or possessing  
3 firearms or firearm ammunition by any Illinois State statute or  
4 by federal law;

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

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

12 (q) A person who is not a resident of the State of  
13 Illinois, except as provided in subsection (a-10) of Section 4;  
14 ~~or~~

15 (r) A person who has been adjudicated as a mental  
16 defective; ~~or-~~

17 (s) A person who has received a mental health evaluation by  
18 a clinical psychologist or physician as those terms are defined  
19 in the Mental Health and Developmental Disabilities Code and  
20 the clinical psychologist or physician determines that the Card  
21 holder:

22 (1) is a danger to himself, herself, or to  
23 others;

24 (2) lacks the mental capacity to manage his or  
25 her own affairs;

26 (3) is unable to provide for his or her basic

1           physical needs so as to guard himself or herself  
2           from serious harm without the assistance of family  
3           or others; and

4           (4) has a state of mind manifested by violent,  
5           suicidal, threatening, or assaultive behavior that  
6           poses a clear and present danger to himself,  
7           herself, or to others at the time of the evaluation  
8           or in the future.

9           The clinical psychologist or physician shall,  
10           immediately after making the determination described  
11           in this subsection (s), forward that information to the  
12           Department of State Police.

13           (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,  
14           eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13;  
15           97-1167, eff. 6-1-13.)

16           Section 811. The Mental Health and Developmental  
17           Disabilities Confidentiality Act is amended by changing  
18           Section 11 as follows:

19           (740 ILCS 110/11) (from Ch. 91 1/2, par. 811)

20           Sec. 11. Disclosure of records and communications. Records  
21           and communications may be disclosed:

22           (i) in accordance with the provisions of the Abused and  
23           Neglected Child Reporting Act, subsection (u) of Section 5  
24           of the Children and Family Services Act, or Section 7.4 of



1 the Child Care Act of 1969;

2 (ii) when, and to the extent, a therapist, in his or  
3 her sole discretion, determines that disclosure is  
4 necessary to initiate or continue civil commitment or  
5 involuntary treatment proceedings under the laws of this  
6 State or to otherwise protect the recipient or other person  
7 against a clear, imminent risk of serious physical or  
8 mental injury or disease or death being inflicted upon the  
9 recipient or by the recipient on himself or another;

10 (iii) when, and to the extent disclosure is, in the  
11 sole discretion of the therapist, necessary to the  
12 provision of emergency medical care to a recipient who is  
13 unable to assert or waive his or her rights hereunder;

14 (iv) when disclosure is necessary to collect sums or  
15 receive third party payment representing charges for  
16 mental health or developmental disabilities services  
17 provided by a therapist or agency to a recipient under  
18 Chapter V of the Mental Health and Developmental  
19 Disabilities Code or to transfer debts under the  
20 Uncollected State Claims Act; however, disclosure shall be  
21 limited to information needed to pursue collection, and the  
22 information so disclosed shall not be used for any other  
23 purposes nor shall it be redisclosed except in connection  
24 with collection activities;

25 (v) when requested by a family member, the Department  
26 of Human Services may assist in the location of the

1 interment site of a deceased recipient who is interred in a  
2 cemetery established under Section 26 of the Mental Health  
3 and Developmental Disabilities Administrative Act;

4 (vi) in judicial proceedings under Article VIII of  
5 Chapter III and Article V of Chapter IV of the Mental  
6 Health and Developmental Disabilities Code and proceedings  
7 and investigations preliminary thereto, to the State's  
8 Attorney for the county or residence of a person who is the  
9 subject of such proceedings, or in which the person is  
10 found, or in which the facility is located, to the attorney  
11 representing the petitioner in the judicial proceedings,  
12 to the attorney representing the recipient in the judicial  
13 proceedings, to any person or agency providing mental  
14 health services that are the subject of the proceedings and  
15 to that person's or agency's attorney, to any court  
16 personnel, including but not limited to judges and circuit  
17 court clerks, and to a guardian ad litem if one has been  
18 appointed by the court. Information disclosed under this  
19 subsection shall not be utilized for any other purpose nor  
20 be redisclosed except in connection with the proceedings or  
21 investigations. Copies of any records provided to counsel  
22 for a petitioner shall be deleted or destroyed at the end  
23 of the proceedings and counsel for petitioner shall certify  
24 to the court in writing that he or she has done so. At the  
25 request of a recipient or his or her counsel, the court  
26 shall issue a protective order insuring the

1 confidentiality of any records or communications provided  
2 to counsel for a petitioner;

3 (vii) when, and to the extent disclosure is necessary  
4 to comply with the requirements of the Census Bureau in  
5 taking the federal Decennial Census;

6 (viii) when, and to the extent, in the therapist's sole  
7 discretion, disclosure is necessary to warn or protect a  
8 specific individual against whom a recipient has made a  
9 specific threat of violence where there exists a  
10 therapist-recipient relationship or a special  
11 recipient-individual relationship;

12 (ix) in accordance with the Sex Offender Registration  
13 Act;

14 (x) in accordance with the Rights of Crime Victims and  
15 Witnesses Act;

16 (xi) in accordance with Section 6 of the Abused and  
17 Neglected Long Term Care Facility Residents Reporting Act;

18 ~~and~~

19 (xii) in accordance with Section 55 of the Abuse of  
20 Adults with Disabilities Intervention Act; and

21 (xiii) in accordance with clause (a) (2) (xv) of Section  
22 4 and subsection (s) of Section 8 of the Firearm Owners  
23 Identification Card Act.

24 Any person, institution, or agency, under this Act,  
25 participating in good faith in the making of a report under the  
26 Abused and Neglected Child Reporting Act or in the disclosure

1 of records and communications under this Section, shall have  
2 immunity from any liability, civil, criminal or otherwise, that  
3 might result by reason of such action. For the purpose of any  
4 proceeding, civil or criminal, arising out of a report or  
5 disclosure under this Section, the good faith of any person,  
6 institution, or agency so reporting or disclosing shall be  
7 presumed.

8 (Source: P.A. 96-466, eff. 8-14-09; 97-333, eff. 8-12-11;  
9 97-375, eff. 8-15-11.)

10 Section 812. No acceleration or delay. Where this Act makes  
11 changes in a statute that is represented in this Act by text  
12 that is not yet or no longer in effect (for example, a Section  
13 represented by multiple versions), the use of that text does  
14 not accelerate or delay the taking effect of (i) the changes  
15 made by this Act or (ii) provisions derived from any other  
16 Public Act."