



Rep. Sara Feigenholtz

Filed: 3/12/2013

09800HB1155ham041

LRB098 08475 MRW 42944 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 820. The Firearm Owners Identification Card Act is
5 amended by changing Section 4 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 (3) Upon request by the Department of State Police,
8 sign a release on a form prescribed by the Department of
9 State Police waiving any right to confidentiality and
10 requesting the disclosure to the Department of State Police
11 of limited mental health institution admission information
12 from another state, the District of Columbia, any other
13 territory of the United States, or a foreign nation
14 concerning the applicant for the sole purpose of
15 determining whether the applicant is or was a patient in a
16 mental health institution and disqualified because of that
17 status from receiving a Firearm Owner's Identification
18 Card. No mental health care or treatment records may be
19 requested. The information received shall be destroyed
20 within one year of receipt.

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

26 (a-10) Each applicant for a Firearm Owner's Identification

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

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

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

24 (a-25) Each applicant for a Firearm Owner's Identification
25 Card shall disclose to the Department of State Police the name
26 of any person with whom he or she resides or shares a

1 residential abode that the applicant knows or reasonably should
2 know:

3 (1) has been a patient in a mental institution within
4 the past 5 years;

5 (2) has been adjudicated as a mental defective;

6 (3) is a convicted felon;

7 (4) has been convicted of domestic battery, aggravated
8 domestic battery, or a substantially similar offense; or

9 (5) is prohibited under this Act from obtaining a
10 Firearm Owner's Identification Card or is otherwise
11 prohibited from possessing a firearm.

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

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

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

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

25 Sec. 4. (a) Each applicant for a Firearm Owner's

1 Identification Card must:

2 (1) Make application on blank forms prepared and
3 furnished at convenient locations throughout the State by
4 the Department of State Police, or by electronic means, if
5 and when made available by the Department of State Police;
6 and

7 (2) Submit evidence to the Department of State Police
8 that:

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

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

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

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

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). If the applicant
17 knowingly and intelligently waives the right to have an
18 offense described in this clause (ix) tried by a jury,
19 and by guilty plea or otherwise, results in a
20 conviction for an offense in which a domestic
21 relationship is not a required element of the offense
22 but in which a determination of the applicability of 18
23 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the
24 Code of Criminal Procedure of 1963, an entry by the
25 court of a judgment of conviction for that offense
26 shall be grounds for denying the issuance of a Firearm

1 Owner's Identification Card under this Section;

2 (x) (Blank);

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

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

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

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

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

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

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

26 (5) one who has received a waiver from the

1 Attorney General of the United States pursuant to
2 18 U.S.C. 922(y) (3);

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

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

12 (xiv) He or she is a resident of the State of
13 Illinois; and

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

16 (3) Upon request by the Department of State Police,
17 sign a release on a form prescribed by the Department of
18 State Police waiving any right to confidentiality and
19 requesting the disclosure to the Department of State Police
20 of limited mental health institution admission information
21 from another state, the District of Columbia, any other
22 territory of the United States, or a foreign nation
23 concerning the applicant for the sole purpose of
24 determining whether the applicant is or was a patient in a
25 mental health institution and disqualified because of that
26 status from receiving a Firearm Owner's Identification

1 Card. No mental health care or treatment records may be
2 requested. The information received shall be destroyed
3 within one year of receipt.

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

9 (a-10) Each applicant for a Firearm Owner's Identification
10 Card, who is employed as a law enforcement officer, an armed
11 security officer in Illinois, or by the United States Military
12 permanently assigned in Illinois and who is not an Illinois
13 resident, shall furnish to the Department of State Police his
14 or her driver's license number or state identification card
15 number from his or her state of residence. The Department of
16 State Police may promulgate rules to enforce the provisions of
17 this subsection (a-10).

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

23 (a-20) Each applicant for a Firearm Owner's Identification
24 Card shall furnish to the Department of State Police his or her
25 photograph. An applicant who is 21 years of age or older
26 seeking a religious exemption to the photograph requirement

1 must furnish with the application an approved copy of United
2 States Department of the Treasury Internal Revenue Service Form
3 4029. In lieu of a photograph, an applicant regardless of age
4 seeking a religious exemption to the photograph requirement
5 shall submit fingerprints on a form and manner prescribed by
6 the Department with his or her application.

7 (a-25) Each applicant for a Firearm Owner's Identification
8 Card shall disclose to the Department of State Police the name
9 of any person with whom he or she resides or shares a
10 residential abode that the applicant knows or reasonably should
11 know:

12 (1) has been a patient in a mental institution within
13 the past 5 years;

14 (2) has been adjudicated as a mental defective;

15 (3) is a convicted felon;

16 (4) has been convicted of domestic battery, aggravated
17 domestic battery, or a substantially similar offense; or

18 (5) is prohibited under this Act from obtaining a
19 Firearm Owner's Identification Card or is otherwise
20 prohibited from possessing a firearm.

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

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

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

7 Section 821. No acceleration or delay. Where this Act makes
8 changes in a statute that is represented in this Act by text
9 that is not yet or no longer in effect (for example, a Section
10 represented by multiple versions), the use of that text does
11 not accelerate or delay the taking effect of (i) the changes
12 made by this Act or (ii) provisions derived from any other
13 Public Act.".