



Rep. Edward J. Acevedo

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09800HB1155ham042

LRB098 08475 MRW 42945 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 825. The Firearm Owners Identification Card Act is
5 amended by changing Section 8 as follows:

6 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

8 Sec. 8. Grounds for denial and revocation.

9 (A) The Department of State Police has authority to deny an
10 application for or to revoke and seize a Firearm Owner's
11 Identification Card previously issued under this Act only if
12 the Department finds that the applicant or the person to whom
13 such card was issued is or was at the time of issuance:

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

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

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

9 (d) A person addicted to narcotics;

10 (e) A person who has been a patient of a mental institution
11 within the past 5 years or has been adjudicated as a mental
12 defective;

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

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

19 (g) A person who is intellectually disabled;

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

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

24 (i-5) An alien who has been admitted to the United States
25 under a non-immigrant visa (as that term is defined in Section
26 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.

1 1101(a)(26))), except that this subsection (i-5) does not apply
2 to any alien who has been lawfully admitted to the United
3 States under a non-immigrant visa if that alien is:

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

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

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

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

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

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

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

23 (j) (Blank);

24 (k) A person who has been convicted within the past 5 years
25 of battery, assault, aggravated assault, violation of an order
26 of protection, or a substantially similar offense in another

1 jurisdiction, in which a firearm was used or possessed;

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

19 (m) (Blank);

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

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

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

4 (q) A person who is not a resident of the State of
5 Illinois, except as provided in subsection (a-10) of Section 4.

6 (B) The Department of State Police may revoke and seize a
7 Firearm Owner's Identification Card previously issued under
8 this Act of a person who fails to report the loss or theft of a
9 firearm a second time to the local law enforcement agency
10 within 72 hours after obtaining knowledge of the second loss or
11 theft.

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

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

15 Sec. 8. Grounds for denial and revocation.

16 (A) The Department of State Police has authority to deny an
17 application for or to revoke and seize a Firearm Owner's
18 Identification Card previously issued under this Act only if
19 the Department finds that the applicant or the person to whom
20 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. An active law enforcement officer
10 employed by a unit of government who is denied, revoked, or has
11 his or her Firearm Owner's Identification Card seized under
12 this subsection (e) may obtain relief as described in
13 subsection (c-5) of Section 10 of this Act if the officer did
14 not act in a manner threatening to the officer, another person,
15 or the public as determined by the treating clinical
16 psychologist or physician, and the officer seeks mental health
17 treatment;

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

21 For the purposes of this Section, "mental condition" means
22 a state of mind manifested by violent, suicidal, threatening or
23 assaultive behavior.

24 (g) A person who is intellectually disabled;

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

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

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

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

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

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

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

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

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

25 (5) one who has received a waiver from the Attorney
26 General of the United States pursuant to 18 U.S.C.

1 922 (y) (3) ;

2 (j) (Blank) ;

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

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

24 (m) (Blank) ;

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26 firearms or firearm ammunition by any Illinois State statute or

1 by federal law;

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

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7 under the Juvenile Court Act of 1987 for the commission of an
8 offense that if committed by an adult would be a felony;

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

12 (r) A person who has been adjudicated as a mental
13 defective.

14 (B) The Department of State Police may revoke and seize a
15 Firearm Owner's Identification Card previously issued under
16 this Act of a person who fails to report the loss or theft of a
17 firearm a second time to the local law enforcement agency
18 within 72 hours after obtaining knowledge of the second loss or
19 theft.

20 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
21 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13;
22 97-1167, eff. 6-1-13.)

23 Section 826. The Criminal Code of 2012 is amended by adding
24 Section 24-4.1 as follows:

1 (720 ILCS 5/24-4.1 new)

2 Sec. 24-4.1. Report of lost or stolen firearms.

3 (a) If a person who possesses a valid Firearm Owner's
4 Identification Card and who possesses or acquires a firearm
5 thereafter loses or misplaces the firearm, or if the firearm is
6 stolen from the person, the person must report the loss or
7 theft to the local law enforcement agency within 72 hours after
8 obtaining knowledge of the loss or theft.

9 (b) Sentence. A person who violates this Section is guilty
10 of a petty offense for a first violation. A second or
11 subsequent violation of this Section is a Class A misdemeanor.

12 Section 827. No acceleration or delay. Where this Act makes
13 changes in a statute that is represented in this Act by text
14 that is not yet or no longer in effect (for example, a Section
15 represented by multiple versions), the use of that text does
16 not accelerate or delay the taking effect of (i) the changes
17 made by this Act or (ii) provisions derived from any other
18 Public Act.".