



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2589

by Rep. Kenneth Dunkin

SYNOPSIS AS INTRODUCED:

430 ILCS 65/4.5 new
430 ILCS 65/8

from Ch. 38, par. 83-8

Amends the Firearm Owners Identification Card Act. Provides that any person who owns a firearm in this State shall maintain a policy of liability insurance in the amount of at least \$1,000,000 specifically covering any damages resulting from negligent or willful acts involving the use of the firearm while it is owned by that person. Provides that a person shall be deemed the owner of a firearm after the firearm is lost or stolen until the loss or theft is reported to the police department or sheriff of the jurisdiction in which the owner resides. Provides that the Department of State Police shall revoke and seize a Firearm Owner's Identification Card previously issued under this Act if the Department finds that the person to whom the card was issued possesses or acquires a firearm and does not submit evidence to the Department of State Police that he or she has been issued in his or her name a liability insurance policy in the amount of at least \$1,000,000 specifically covering any damages resulting from negligent or willful acts involving the use of the firearm while it is owned by that person. Effective immediately.

LRB098 10465 RLC 40687 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Section 8 and by adding Section 4.5 as
6 follows:

7 (430 ILCS 65/4.5 new)

8 Sec. 4.5. Firearm owner's liability insurance required.

9 (a) Any person who owns a firearm in this State shall
10 maintain a policy of liability insurance in the amount of at
11 least \$1,000,000 specifically covering any damages resulting
12 from negligent or willful acts involving the use of the firearm
13 while it is owned by that person. A person shall be deemed the
14 owner of a firearm after the firearm is lost or stolen until
15 the loss or theft is reported to the police department or
16 sheriff of the jurisdiction in which the owner resides.

17 (b) This Section does not apply to any person who is not
18 required to possess a Firearm Owner's Identification Card in
19 order to acquire or possess a firearm or firearm ammunition
20 under subsections (b) and (c) of Section 2 of this Act.

21 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

22 Sec. 8. The Department of State Police has authority to

1 deny an application for or to revoke and seize a Firearm
2 Owner's Identification Card previously issued under this Act
3 only if the Department finds that the applicant or the person
4 to whom such card was issued is or was at the time of issuance:

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

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

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

16 (d) A person addicted to narcotics;

17 (e) A person who has been a patient of a mental institution
18 within the past 5 years or has been adjudicated as a mental
19 defective;

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

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

26 (g) A person who is intellectually disabled;

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

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

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

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

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

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

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

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

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

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

4 (j) (Blank);

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

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

26 (m) (Blank);

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

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

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

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

13 The Department of State Police shall revoke and seize a
14 Firearm Owner's Identification Card previously issued under
15 this Act if the Department finds that the person to whom the
16 card was issued possesses or acquires a firearm and does not
17 submit evidence to the Department of State Police that he or
18 she has been issued in his or her name a liability insurance
19 policy in the amount of at least \$1,000,000 specifically
20 covering any damages resulting from negligent or willful acts
21 involving the use of the firearm while it is owned by that
22 person.

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

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.