

# HB4654



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

**HB4654**

by Rep. Wayne Rosenthal

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/1.1  
430 ILCS 66/5

from Ch. 38, par. 83-1.1

Amends the Firearm Owners Identification Card Act and the Firearm Concealed Carry Act. Defines "regulation" as an ordinance, resolution, or rule that has the effect of controlling, limiting, restricting, or placing of an additional fee on a firearm, ammunition, or component of a firearm or ammunition. Effective immediately.

LRB098 19251 RLC 54403 b

A BILL FOR

1 AN ACT concerning safety.

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 1.1 as follows:

6 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

7 Sec. 1.1. For purposes of this Act:

8 "Addicted to narcotics" means a person who has been:

9 (1) convicted of an offense involving the use or  
10 possession of cannabis, a controlled substance, or  
11 methamphetamine within the past year; or

12 (2) determined by the Department of State Police to be  
13 addicted to narcotics based upon federal law or federal  
14 guidelines.

15 "Addicted to narcotics" does not include possession or use  
16 of a prescribed controlled substance under the direction and  
17 authority of a physician or other person authorized to  
18 prescribe the controlled substance when the controlled  
19 substance is used in the prescribed manner.

20 "Adjudicated as a mentally disabled person" means the  
21 person is the subject of a determination by a court, board,  
22 commission or other lawful authority that the person, as a  
23 result of marked subnormal intelligence, or mental illness,

1 mental impairment, incompetency, condition, or disease:

2 (1) presents a clear and present danger to himself,  
3 herself, or to others;

4 (2) lacks the mental capacity to manage his or her own  
5 affairs or is adjudicated a disabled person as defined in  
6 Section 11a-2 of the Probate Act of 1975;

7 (3) is not guilty in a criminal case by reason of  
8 insanity, mental disease or defect;

9 (3.5) is guilty but mentally ill, as provided in  
10 Section 5-2-6 of the Unified Code of Corrections;

11 (4) is incompetent to stand trial in a criminal case;

12 (5) is not guilty by reason of lack of mental  
13 responsibility under Articles 50a and 72b of the Uniform  
14 Code of Military Justice, 10 U.S.C. 850a, 876b;

15 (6) is a sexually violent person under subsection (f)  
16 of Section 5 of the Sexually Violent Persons Commitment  
17 Act;

18 (7) is a sexually dangerous person under the Sexually  
19 Dangerous Persons Act;

20 (8) is unfit to stand trial under the Juvenile Court  
21 Act of 1987;

22 (9) is not guilty by reason of insanity under the  
23 Juvenile Court Act of 1987;

24 (10) is subject to involuntary admission as an  
25 inpatient as defined in Section 1-119 of the Mental Health  
26 and Developmental Disabilities Code;

1           (11) is subject to involuntary admission as an  
2           outpatient as defined in Section 1-119.1 of the Mental  
3           Health and Developmental Disabilities Code;

4           (12) is subject to judicial admission as set forth in  
5           Section 4-500 of the Mental Health and Developmental  
6           Disabilities Code; or

7           (13) is subject to the provisions of the Interstate  
8           Agreements on Sexually Dangerous Persons Act.

9           "Clear and present danger" means a person who:

10           (1) communicates a serious threat of physical violence  
11           against a reasonably identifiable victim or poses a clear  
12           and imminent risk of serious physical injury to himself,  
13           herself, or another person as determined by a physician,  
14           clinical psychologist, or qualified examiner; or

15           (2) demonstrates threatening physical or verbal  
16           behavior, such as violent, suicidal, or assaultive  
17           threats, actions, or other behavior, as determined by a  
18           physician, clinical psychologist, qualified examiner,  
19           school administrator, or law enforcement official.

20           "Clinical psychologist" has the meaning provided in  
21           Section 1-103 of the Mental Health and Developmental  
22           Disabilities Code.

23           "Controlled substance" means a controlled substance or  
24           controlled substance analog as defined in the Illinois  
25           Controlled Substances Act.

26           "Counterfeit" means to copy or imitate, without legal

1 authority, with intent to deceive.

2 "Developmentally disabled" means a disability which is  
3 attributable to any other condition which results in impairment  
4 similar to that caused by an intellectual disability and which  
5 requires services similar to those required by intellectually  
6 disabled persons. The disability must originate before the age  
7 of 18 years, be expected to continue indefinitely, and  
8 constitute a substantial handicap.

9 "Federally licensed firearm dealer" means a person who is  
10 licensed as a federal firearms dealer under Section 923 of the  
11 federal Gun Control Act of 1968 (18 U.S.C. 923).

12 "Firearm" means any device, by whatever name known, which  
13 is designed to expel a projectile or projectiles by the action  
14 of an explosion, expansion of gas or escape of gas; excluding,  
15 however:

16 (1) any pneumatic gun, spring gun, paint ball gun, or  
17 B-B gun which expels a single globular projectile not  
18 exceeding .18 inch in diameter or which has a maximum  
19 muzzle velocity of less than 700 feet per second;

20 (1.1) any pneumatic gun, spring gun, paint ball gun, or  
21 B-B gun which expels breakable paint balls containing  
22 washable marking colors;

23 (2) any device used exclusively for signalling or  
24 safety and required or recommended by the United States  
25 Coast Guard or the Interstate Commerce Commission;

26 (3) any device used exclusively for the firing of stud

1 cartridges, explosive rivets or similar industrial  
2 ammunition; and

3 (4) an antique firearm (other than a machine-gun)  
4 which, although designed as a weapon, the Department of  
5 State Police finds by reason of the date of its  
6 manufacture, value, design, and other characteristics is  
7 primarily a collector's item and is not likely to be used  
8 as a weapon.

9 "Firearm ammunition" means any self-contained cartridge or  
10 shotgun shell, by whatever name known, which is designed to be  
11 used or adaptable to use in a firearm; excluding, however:

12 (1) any ammunition exclusively designed for use with a  
13 device used exclusively for signalling or safety and  
14 required or recommended by the United States Coast Guard or  
15 the Interstate Commerce Commission; and

16 (2) any ammunition designed exclusively for use with a  
17 stud or rivet driver or other similar industrial  
18 ammunition.

19 "Gun show" means an event or function:

20 (1) at which the sale and transfer of firearms is the  
21 regular and normal course of business and where 50 or more  
22 firearms are displayed, offered, or exhibited for sale,  
23 transfer, or exchange; or

24 (2) at which not less than 10 gun show vendors display,  
25 offer, or exhibit for sale, sell, transfer, or exchange  
26 firearms.

1 "Gun show" includes the entire premises provided for an  
2 event or function, including parking areas for the event or  
3 function, that is sponsored to facilitate the purchase, sale,  
4 transfer, or exchange of firearms as described in this Section.

5 "Gun show" does not include training or safety classes,  
6 competitive shooting events, such as rifle, shotgun, or handgun  
7 matches, trap, skeet, or sporting clays shoots, dinners,  
8 banquets, raffles, or any other event where the sale or  
9 transfer of firearms is not the primary course of business.

10 "Gun show promoter" means a person who organizes or  
11 operates a gun show.

12 "Gun show vendor" means a person who exhibits, sells,  
13 offers for sale, transfers, or exchanges any firearms at a gun  
14 show, regardless of whether the person arranges with a gun show  
15 promoter for a fixed location from which to exhibit, sell,  
16 offer for sale, transfer, or exchange any firearm.

17 "Intellectually disabled" means significantly subaverage  
18 general intellectual functioning which exists concurrently  
19 with impairment in adaptive behavior and which originates  
20 before the age of 18 years.

21 "Involuntarily admitted" has the meaning as prescribed in  
22 Sections 1-119 and 1-119.1 of the Mental Health and  
23 Developmental Disabilities Code.

24 "Mental health facility" means any licensed private  
25 hospital or hospital affiliate, institution, or facility, or  
26 part thereof, and any facility, or part thereof, operated by

1 the State or a political subdivision thereof which provide  
2 treatment of persons with mental illness and includes all  
3 hospitals, institutions, clinics, evaluation facilities,  
4 mental health centers, colleges, universities, long-term care  
5 facilities, and nursing homes, or parts thereof, which provide  
6 treatment of persons with mental illness whether or not the  
7 primary purpose is to provide treatment of persons with mental  
8 illness.

9 "Patient" means:

10 (1) a person who voluntarily receives mental health  
11 treatment as an in-patient or resident of any public or  
12 private mental health facility, unless the treatment was  
13 solely for an alcohol abuse disorder and no other secondary  
14 substance abuse disorder or mental illness; or

15 (2) a person who voluntarily receives mental health  
16 treatment as an out-patient or is provided services by a  
17 public or private mental health facility, and who poses a  
18 clear and present danger to himself, herself, or to others.

19 "Physician" has the meaning as defined in Section 1-120 of  
20 the Mental Health and Developmental Disabilities Code.

21 "Qualified examiner" has the meaning provided in Section  
22 1-122 of the Mental Health and Developmental Disabilities Code.

23 "Regulation" means an ordinance, resolution, or rule that  
24 has the effect of controlling, limiting, restricting, or  
25 placing of an additional fee on a firearm, ammunition, or  
26 component of a firearm or ammunition.



1 "Sanctioned competitive shooting event" means a shooting  
2 contest officially recognized by a national or state shooting  
3 sport association, and includes any sight-in or practice  
4 conducted in conjunction with the event.

5 "School administrator" means the person required to report  
6 under the School Administrator Reporting of Mental Health Clear  
7 and Present Danger Determinations Law.

8 "Stun gun or taser" has the meaning ascribed to it in  
9 Section 24-1 of the Criminal Code of 2012.

10 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13;  
11 97-1167, eff. 6-1-13; 98-63, eff. 7-9-13.)

12 Section 10. The Firearm Concealed Carry Act is amended by  
13 changing Section 5 as follows:

14 (430 ILCS 66/5)

15 Sec. 5. Definitions. As used in this Act:

16 "Applicant" means a person who is applying for a license to  
17 carry a concealed firearm under this Act.

18 "Board" means the Concealed Carry Licensing Review Board.

19 "Concealed firearm" means a loaded or unloaded handgun  
20 carried on or about a person completely or mostly concealed  
21 from view of the public or on or about a person within a  
22 vehicle.

23 "Department" means the Department of State Police.

24 "Director" means the Director of State Police.

1 "Handgun" means any device which is designed to expel a  
2 projectile or projectiles by the action of an explosion,  
3 expansion of gas, or escape of gas that is designed to be held  
4 and fired by the use of a single hand. "Handgun" does not  
5 include:

6 (1) a stun gun or taser;

7 (2) a machine gun as defined in item (i) of paragraph  
8 (7) of subsection (a) of Section 24-1 of the Criminal Code  
9 of 2012;

10 (3) a short-barreled rifle or shotgun as defined in  
11 item (ii) of paragraph (7) of subsection (a) of Section  
12 24-1 of the Criminal Code of 2012; or

13 (4) any pneumatic gun, spring gun, paint ball gun, or  
14 B-B gun which expels a single globular projectile not  
15 exceeding .18 inch in diameter, or which has a maximum  
16 muzzle velocity of less than 700 feet per second, or which  
17 expels breakable paint balls containing washable marking  
18 colors.

19 "Law enforcement agency" means any federal, State, or local  
20 law enforcement agency, including offices of State's Attorneys  
21 and the Office of the Attorney General.

22 "License" means a license issued by the Department of State  
23 Police to carry a concealed handgun.

24 "Licensee" means a person issued a license to carry a  
25 concealed handgun.

26 "Municipality" has the meaning ascribed to it in Section 1

1 of Article VII of the Illinois Constitution.

2 "Regulation" means an ordinance, resolution, or rule that  
3 has the effect of controlling, limiting, restricting, or  
4 placing of an additional fee on a firearm, ammunition, or  
5 component of a firearm or ammunition.

6 "Unit of local government" has the meaning ascribed to it  
7 in Section 1 of Article VII of the Illinois Constitution.

8 (Source: P.A. 98-63, eff. 7-9-13.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.