

HB5725



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5725

by Rep. Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

430 ILCS 66/40

Amends the Firearm Concealed Carry Act. Removes requirement that a non-resident applicant for a concealed carry license must be from a state or territory of the United States with laws on firearm ownership, possession, and carrying that are substantially similar to the Illinois Act. Removes authority of the Department of State Police to approve states and territories with substantially similar laws. Effective immediately.

LRB098 19323 RLC 54476 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 Concealed Carry Act is amended by
5 changing Section 40 as follows:

6 (430 ILCS 66/40)

7 Sec. 40. Non-resident license applications.

8 (a) For the purposes of this Section, "non-resident" means
9 a person who has not resided within this State for more than 30
10 days and resides in another state or territory.

11 (b) The Department shall ~~by rule~~ allow for non-resident
12 license applications from any state or territory of the United
13 States ~~with laws related to firearm ownership, possession, and~~
14 ~~carrying, that are substantially similar to the requirements to~~
15 ~~obtain a license under this Act.~~

16 (c) A resident of another ~~a~~ state or territory ~~approved by~~
17 ~~the Department under subsection (b) of this Section~~ may apply
18 for a non-resident license. The applicant shall apply to the
19 Department and must meet all of the qualifications established
20 in Section 25 of this Act, except for the Illinois residency
21 requirement in item (xiv) of paragraph (2) of subsection (a) of
22 Section 4 of the Firearm Owners Identification Card Act. The
23 applicant shall submit:

1 (1) the application and documentation required under
2 Section 30 of this Act and the applicable fee;

3 (2) a notarized document stating that the applicant:

4 (A) is eligible under federal law and the laws of
5 his or her state or territory of residence to own or
6 possess a firearm;

7 (B) if applicable, has a license or permit to carry
8 a firearm or concealed firearm issued by his or her
9 state or territory of residence and attach a copy of
10 the license or permit to the application;

11 (C) understands Illinois laws pertaining to the
12 possession and transport of firearms, and

13 (D) acknowledges that the applicant is subject to
14 the jurisdiction of the Department and Illinois courts
15 for any violation of this Act; and

16 (3) a photocopy of any certificates or other evidence
17 of compliance with the training requirements under Section
18 75 of this Act; and

19 (4) a head and shoulder color photograph in a size
20 specified by the Department taken within the 30 days
21 preceding the date of the application.

22 (d) In lieu of an Illinois driver's license or Illinois
23 identification card, a non-resident applicant shall provide
24 similar documentation from his or her state or territory of
25 residence. In lieu of a valid Firearm Owner's Identification
26 Card, the applicant shall submit documentation and information

1 required by the Department to obtain a Firearm Owner's
2 Identification Card, including an affidavit that the
3 non-resident meets the mental health standards to obtain a
4 firearm under Illinois law, and the Department shall ensure
5 that the applicant would meet the eligibility criteria to
6 obtain a Firearm Owner's Identification card if he or she was a
7 resident of this State.

8 (e) Nothing in this Act shall prohibit a non-resident from
9 transporting a concealed firearm within his or her vehicle in
10 Illinois, if the concealed firearm remains within his or her
11 vehicle and the non-resident:

12 (1) is not prohibited from owning or possessing a
13 firearm under federal law;

14 (2) is eligible to carry a firearm in public under the
15 laws of his or her state or territory of residence, as
16 evidenced by the possession of a concealed carry license or
17 permit issued by his or her state of residence, if
18 applicable; and

19 (3) is not in possession of a license under this Act.

20 If the non-resident leaves his or her vehicle unattended,
21 he or she shall store the firearm within a locked vehicle or
22 locked container within the vehicle in accordance with
23 subsection (b) of Section 65 of this Act.

24 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

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