



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1760

Introduced 2/15/2013, by Sen. Dale A. Righter

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/5

from Ch. 38, par. 83-5

Amends the Firearm Owners Identification Card Act. Provides that if the Department of State Police fails to either approve or deny an application for a Firearm Owner's Identification Card within 30 days from the date it is received, the applicant may file, in the circuit court of the judicial circuit in which the applicant resides, a complaint for mandamus to compel a decision on the application. Provides that if the applicant prevails, he or she shall be entitled to all costs, fees, and damages. Provides that the applicant shall also be entitled to punitive damages of \$1,000 per day commencing on the 31st day that the application has not been approved. Provides that for the purposes of this Act, the Department shall be considered to have received an application when either the Department or anyone acting as its agent or on its behalf receives a completed application with the required fee.

LRB098 09849 RLC 40005 b

FISCAL NOTE ACT  
MAY APPLY

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 5 as follows:

6 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

7 Sec. 5.

8 (a) The Department of State Police shall either approve or  
9 deny all applications within 30 days from the date they are  
10 received, and every applicant found qualified pursuant to  
11 Section 8 of this Act by the Department shall be entitled to a  
12 Firearm Owner's Identification Card upon the payment of a \$10  
13 fee. Any applicant who is an active duty member of the Armed  
14 Forces of the United States, a member of the Illinois National  
15 Guard, or a member of the Reserve Forces of the United States  
16 is exempt from the application fee. \$6 of each fee derived from  
17 the issuance of Firearm Owner's Identification Cards, or  
18 renewals thereof, shall be deposited in the Wildlife and Fish  
19 Fund in the State Treasury; \$1 of such fee shall be deposited  
20 in the State Police Services Fund and \$3 of such fee shall be  
21 deposited in the Firearm Owner's Notification Fund. Monies in  
22 the Firearm Owner's Notification Fund shall be used exclusively  
23 to pay for the cost of sending notices of expiration of Firearm

1 Owner's Identification Cards under Section 13.2 of this Act.  
2 Excess monies in the Firearm Owner's Notification Fund shall be  
3 used to ensure the prompt and efficient processing of  
4 applications received under Section 4 of this Act.

5 (b) If the Department fails to either approve or deny the  
6 application within the 30 days, the applicant may file, in the  
7 circuit court of the judicial circuit in which the applicant  
8 resides, a complaint for mandamus to compel a decision on the  
9 application. If the applicant prevails, he or she shall be  
10 entitled to all costs, fees, and damages. The applicant shall  
11 also be entitled to punitive damages of \$1,000 per day  
12 commencing on the 31st day that the application has not been  
13 approved. For the purposes of this Act, the Department shall be  
14 considered to have received an application when either the  
15 Department or anyone acting as its agent or on its behalf  
16 receives a completed application with the required fee.

17 (Source: P.A. 95-581, eff. 6-1-08; 96-91, eff. 7-27-09.)