

# HB2773



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB2773

by Rep. Daniel V. Beiser

#### SYNOPSIS AS INTRODUCED:

430 ILCS 66/70

Amends the Firearm Concealed Carry Act. Provides that the provision that the Department of State Police may suspend a license for up to 6 months for a second violation for carrying a concealed firearm while under the influence of alcohol, other drug or drugs, intoxicating compound or combination of compounds, or any combination thereof, or for carrying a firearm into a prohibited place only applies if the second violation was committed within 18 months of the preceding violation. Effective immediately.

LRB099 10346 RLC 30573 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 70 as follows:

6 (430 ILCS 66/70)

7 Sec. 70. Violations.

8 (a) A license issued or renewed under this Act shall be  
9 revoked if, at any time, the licensee is found to be ineligible  
10 for a license under this Act or the licensee no longer meets  
11 the eligibility requirements of the Firearm Owners  
12 Identification Card Act.

13 (b) A license shall be suspended if an order of protection,  
14 including an emergency order of protection, plenary order of  
15 protection, or interim order of protection under Article 112A  
16 of the Code of Criminal Procedure of 1963 or under the Illinois  
17 Domestic Violence Act of 1986, is issued against a licensee for  
18 the duration of the order, or if the Department is made aware  
19 of a similar order issued against the licensee in any other  
20 jurisdiction. If an order of protection is issued against a  
21 licensee, the licensee shall surrender the license, as  
22 applicable, to the court at the time the order is entered or to  
23 the law enforcement agency or entity serving process at the

1 time the licensee is served the order. The court, law  
2 enforcement agency, or entity responsible for serving the order  
3 of protection shall notify the Department within 7 days and  
4 transmit the license to the Department.

5 (c) A license is invalid upon expiration of the license,  
6 unless the licensee has submitted an application to renew the  
7 license, and the applicant is otherwise eligible to possess a  
8 license under this Act.

9 (d) A licensee shall not carry a concealed firearm while  
10 under the influence of alcohol, other drug or drugs,  
11 intoxicating compound or combination of compounds, or any  
12 combination thereof, under the standards set forth in  
13 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

14 A licensee in violation of this subsection (d) shall be  
15 guilty of a Class A misdemeanor for a first or second violation  
16 and a Class 4 felony for a third violation. The Department may  
17 suspend a license for up to 6 months for a second violation  
18 committed within 18 months of the preceding violation and shall  
19 permanently revoke a license for a third violation.

20 (e) Except as otherwise provided, a licensee in violation  
21 of this Act shall be guilty of a Class B misdemeanor. A second  
22 or subsequent violation is a Class A misdemeanor. The  
23 Department may suspend a license for up to 6 months for a  
24 second violation committed within 18 months of the preceding  
25 violation and shall permanently revoke a license for 3 or more  
26 violations of Section 65 of this Act. Any person convicted of a

1 violation under this Section shall pay a \$150 fee to be  
2 deposited into the Mental Health Reporting Fund, plus any  
3 applicable court costs or fees.

4 (f) A licensee convicted or found guilty of a violation of  
5 this Act who has a valid license and is otherwise eligible to  
6 carry a concealed firearm shall only be subject to the  
7 penalties under this Section and shall not be subject to the  
8 penalties under Section 21-6, paragraph (4), (8), or (10) of  
9 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)  
10 of paragraph (3) of subsection (a) of Section 24-1.6 of the  
11 Criminal Code of 2012. Except as otherwise provided in this  
12 subsection, nothing in this subsection prohibits the licensee  
13 from being subjected to penalties for violations other than  
14 those specified in this Act.

15 (g) A licensee whose license is revoked, suspended, or  
16 denied shall, within 48 hours of receiving notice of the  
17 revocation, suspension, or denial, surrender his or her  
18 concealed carry license to the local law enforcement agency  
19 where the person resides. The local law enforcement agency  
20 shall provide the licensee a receipt and transmit the concealed  
21 carry license to the Department of State Police. If the  
22 licensee whose concealed carry license has been revoked,  
23 suspended, or denied fails to comply with the requirements of  
24 this subsection, the law enforcement agency where the person  
25 resides may petition the circuit court to issue a warrant to  
26 search for and seize the concealed carry license in the

1 possession and under the custody or control of the licensee  
2 whose concealed carry license has been revoked, suspended, or  
3 denied. The observation of a concealed carry license in the  
4 possession of a person whose license has been revoked,  
5 suspended, or denied constitutes a sufficient basis for the  
6 arrest of that person for violation of this subsection. A  
7 violation of this subsection is a Class A misdemeanor.

8 (h) A license issued or renewed under this Act shall be  
9 revoked if, at any time, the licensee is found ineligible for a  
10 Firearm Owner's Identification Card, or the licensee no longer  
11 possesses a valid Firearm Owner's Identification Card. A  
12 licensee whose license is revoked under this subsection (h)  
13 shall surrender his or her concealed carry license as provided  
14 for in subsection (g) of this Section.

15 This subsection shall not apply to a person who has filed  
16 an application with the State Police for renewal of a Firearm  
17 Owner's Identification Card and who is not otherwise ineligible  
18 to obtain a Firearm Owner's Identification Card.

19 (i) A certified firearms instructor who knowingly provides  
20 or offers to provide a false certification that an applicant  
21 has completed firearms training as required under this Act is  
22 guilty of a Class A misdemeanor. A person guilty of a violation  
23 of this subsection (i) is not eligible for court supervision.  
24 The Department shall permanently revoke the firearms  
25 instructor certification of a person convicted under this  
26 subsection (i).

1 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-899,  
2 eff. 8-15-14.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.