



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3919

by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

430 ILCS 65/4

from Ch. 38, par. 83-4

Amends the Firearm Owners Identification Card Act. Eliminates provision that each applicant for a Firearm Owner's Identification Card who is over the age of 18, other than a person employed as a law enforcement officer, an armed security officer in Illinois, or by the United States Military permanently assigned in Illinois and who is not an Illinois resident, shall furnish to the Department of State Police either his or her Illinois driver's license number or Illinois Identification Card number.

LRB099 09386 RLC 29593 b

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 4 as follows:

6 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

7 Sec. 4. (a) Each applicant for a Firearm Owner's
8 Identification Card must:

9 (1) Make application on blank forms prepared and
10 furnished at convenient locations throughout the State by
11 the Department of State Police, or by electronic means, if
12 and when made available by the Department of State Police;
13 and

14 (2) Submit evidence to the Department of State Police
15 that:

16 (i) He or she is 21 years of age or over, or if he
17 or she is under 21 years of age that he or she has the
18 written consent of his or her parent or legal guardian
19 to possess and acquire firearms and firearm ammunition
20 and that he or she has never been convicted of a
21 misdemeanor other than a traffic offense or adjudged
22 delinquent, provided, however, that such parent or
23 legal guardian is not an individual prohibited from

1 having a Firearm Owner's Identification Card and files
2 an affidavit with the Department as prescribed by the
3 Department stating that he or she is not an individual
4 prohibited from having a Card;

5 (ii) He or she has not been convicted of a felony
6 under the laws of this or any other jurisdiction;

7 (iii) He or she is not addicted to narcotics;

8 (iv) He or she has not been a patient in a mental
9 health facility within the past 5 years or, if he or
10 she has been a patient in a mental health facility more
11 than 5 years ago submit the certification required
12 under subsection (u) of Section 8 of this Act;

13 (v) He or she is not intellectually disabled;

14 (vi) He or she is not an alien who is unlawfully
15 present in the United States under the laws of the
16 United States;

17 (vii) He or she is not subject to an existing order
18 of protection prohibiting him or her from possessing a
19 firearm;

20 (viii) He or she has not been convicted within the
21 past 5 years of battery, assault, aggravated assault,
22 violation of an order of protection, or a substantially
23 similar offense in another jurisdiction, in which a
24 firearm was used or possessed;

25 (ix) He or she has not been convicted of domestic
26 battery, aggravated domestic battery, or a

1 substantially similar offense in another jurisdiction
2 committed before, on or after January 1, 2012 (the
3 effective date of Public Act 97-158). If the applicant
4 knowingly and intelligently waives the right to have an
5 offense described in this clause (ix) tried by a jury,
6 and by guilty plea or otherwise, results in a
7 conviction for an offense in which a domestic
8 relationship is not a required element of the offense
9 but in which a determination of the applicability of 18
10 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the
11 Code of Criminal Procedure of 1963, an entry by the
12 court of a judgment of conviction for that offense
13 shall be grounds for denying the issuance of a Firearm
14 Owner's Identification Card under this Section;

15 (x) (Blank);

16 (xi) He or she is not an alien who has been
17 admitted to the United States under a non-immigrant
18 visa (as that term is defined in Section 101(a)(26) of
19 the Immigration and Nationality Act (8 U.S.C.
20 1101(a)(26))), or that he or she is an alien who has
21 been lawfully admitted to the United States under a
22 non-immigrant visa if that alien is:

23 (1) admitted to the United States for lawful
24 hunting or sporting purposes;

25 (2) an official representative of a foreign
26 government who is:

1 (A) accredited to the United States
2 Government or the Government's mission to an
3 international organization having its
4 headquarters in the United States; or

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

7 (3) an official of a foreign government or
8 distinguished foreign visitor who has been so
9 designated by the Department of State;

10 (4) a foreign law enforcement officer of a
11 friendly foreign government entering the United
12 States on official business; or

13 (5) one who has received a waiver from the
14 Attorney General of the United States pursuant to
15 18 U.S.C. 922(y)(3);

16 (xii) He or she is not a minor subject to a
17 petition filed under Section 5-520 of the Juvenile
18 Court Act of 1987 alleging that the minor is a
19 delinquent minor for the commission of an offense that
20 if committed by an adult would be a felony;

21 (xiii) He or she is not an adult who had been
22 adjudicated a delinquent minor under the Juvenile
23 Court Act of 1987 for the commission of an offense that
24 if committed by an adult would be a felony;

25 (xiv) He or she is a resident of the State of
26 Illinois;

1 (xv) He or she has not been adjudicated as a
2 mentally disabled person;

3 (xvi) He or she has not been involuntarily admitted
4 into a mental health facility; and

5 (xvii) He or she is not developmentally disabled;
6 and

7 (3) Upon request by the Department of State Police,
8 sign a release on a form prescribed by the Department of
9 State Police waiving any right to confidentiality and
10 requesting the disclosure to the Department of State Police
11 of limited mental health institution admission information
12 from another state, the District of Columbia, any other
13 territory of the United States, or a foreign nation
14 concerning the applicant for the sole purpose of
15 determining whether the applicant is or was a patient in a
16 mental health institution and disqualified because of that
17 status from receiving a Firearm Owner's Identification
18 Card. No mental health care or treatment records may be
19 requested. The information received shall be destroyed
20 within one year of receipt.

21 (a-5) (Blank). ~~Each applicant for a Firearm Owner's~~
22 ~~Identification Card who is over the age of 18 shall furnish to~~
23 ~~the Department of State Police either his or her Illinois~~
24 ~~driver's license number or Illinois Identification Card~~
25 ~~number, except as provided in subsection (a-10).~~

26 (a-10) Each applicant for a Firearm Owner's Identification

1 Card, who is employed as a law enforcement officer, an armed
2 security officer in Illinois, or by the United States Military
3 permanently assigned in Illinois and who is not an Illinois
4 resident, shall furnish to the Department of State Police his
5 or her driver's license number or state identification card
6 number from his or her state of residence. The Department of
7 State Police may adopt rules to enforce the provisions of this
8 subsection (a-10).

9 (a-15) If an applicant applying for a Firearm Owner's
10 Identification Card moves from the residence address named in
11 the application, he or she shall immediately notify in a form
12 and manner prescribed by the Department of State Police of that
13 change of address.

14 (a-20) Each applicant for a Firearm Owner's Identification
15 Card shall furnish to the Department of State Police his or her
16 photograph. An applicant who is 21 years of age or older
17 seeking a religious exemption to the photograph requirement
18 must furnish with the application an approved copy of United
19 States Department of the Treasury Internal Revenue Service Form
20 4029. In lieu of a photograph, an applicant regardless of age
21 seeking a religious exemption to the photograph requirement
22 shall submit fingerprints on a form and manner prescribed by
23 the Department with his or her application.

24 (b) Each application form shall include the following
25 statement printed in bold type: "Warning: Entering false
26 information on an application for a Firearm Owner's

1 Identification Card is punishable as a Class 2 felony in
2 accordance with subsection (d-5) of Section 14 of the Firearm
3 Owners Identification Card Act.".

4 (c) Upon such written consent, pursuant to Section 4,
5 paragraph (a)(2)(i), the parent or legal guardian giving the
6 consent shall be liable for any damages resulting from the
7 applicant's use of firearms or firearm ammunition.

8 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,
9 eff. 7-13-12; 97-1131, eff. 1-1-13; 97-1167, eff. 6-1-13;
10 98-63, eff. 7-9-13.)