

HB3942



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3942

by Rep. Brian W. Stewart

SYNOPSIS AS INTRODUCED:

430 ILCS 65/8.1

from Ch. 38, par. 83-8.1

Amends the Firearm Owners Identification Card Act. Makes a technical change in a Section concerning notification of dispositions of certain criminal cases.

LRB099 10456 RLC 30683 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 8.1 as follows:

6 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

7 Sec. 8.1. Notifications to the Department of State Police.

8 (a) The ~~The~~ Circuit Clerk shall, in the form and manner
9 required by the Supreme Court, notify the Department of State
10 Police of all final dispositions of cases for which the
11 Department has received information reported to it under
12 Sections 2.1 and 2.2 of the Criminal Identification Act.

13 (b) Upon adjudication of any individual as a mentally
14 disabled person as defined in Section 1.1 of this Act or a
15 finding that a person has been involuntarily admitted, the
16 court shall direct the circuit court clerk to immediately
17 notify the Department of State Police, Firearm Owner's
18 Identification (FOID) department, and shall forward a copy of
19 the court order to the Department.

20 (c) The Department of Human Services shall, in the form and
21 manner prescribed by the Department of State Police, report all
22 information collected under subsection (b) of Section 12 of the
23 Mental Health and Developmental Disabilities Confidentiality

1 Act for the purpose of determining whether a person who may be
2 or may have been a patient in a mental health facility is
3 disqualified under State or federal law from receiving or
4 retaining a Firearm Owner's Identification Card, or purchasing
5 a weapon.

6 (d) If a person is determined to pose a clear and present
7 danger to himself, herself, or to others:

8 (1) by a physician, clinical psychologist, or
9 qualified examiner, or is determined to be developmentally
10 disabled by a physician, clinical psychologist, or
11 qualified examiner, whether employed by the State or
12 privately, then the physician, clinical psychologist, or
13 qualified examiner shall, within 24 hours of making the
14 determination, notify the Department of Human Services
15 that the person poses a clear and present danger or is
16 developmentally disabled; or

17 (2) by a law enforcement official or school
18 administrator, then the law enforcement official or school
19 administrator shall, within 24 hours of making the
20 determination, notify the Department of State Police that
21 the person poses a clear and present danger.

22 The Department of Human Services shall immediately update
23 its records and information relating to mental health and
24 developmental disabilities, and if appropriate, shall notify
25 the Department of State Police in a form and manner prescribed
26 by the Department of State Police. The Department of State

1 Police shall determine whether to revoke the person's Firearm
2 Owner's Identification Card under Section 8 of this Act. Any
3 information disclosed under this subsection shall remain
4 privileged and confidential, and shall not be redisclosed,
5 except as required under subsection (e) of Section 3.1 of this
6 Act, nor used for any other purpose. The method of providing
7 this information shall guarantee that the information is not
8 released beyond what is necessary for the purpose of this
9 Section and shall be provided by rule by the Department of
10 Human Services. The identity of the person reporting under this
11 Section shall not be disclosed to the subject of the report.
12 The physician, clinical psychologist, qualified examiner, law
13 enforcement official, or school administrator making the
14 determination and his or her employer shall not be held
15 criminally, civilly, or professionally liable for making or not
16 making the notification required under this subsection, except
17 for willful or wanton misconduct.

18 (e) The Department of State Police shall adopt rules to
19 implement this Section.

20 (Source: P.A. 97-1131, eff. 1-1-13; 98-63, eff. 7-9-13; 98-600,
21 eff. 12-6-13.)