

# HB4843



## 99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

**HB4843**

by Rep. Jim Durkin

### 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 18046 RLC 42409 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 person with a  
14 mental disability 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 have a  
10 developmental disability by a physician, clinical  
11 psychologist, or qualified examiner, whether employed by  
12 the State or privately, then the physician, clinical  
13 psychologist, or qualified examiner shall, within 24 hours  
14 of making the determination, notify the Department of Human  
15 Services that the person poses a clear and present danger  
16 or has a developmental disability; 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. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-143,  
21 eff. 7-27-15.)