

# HB5035



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB5035

by Rep. Brian W. Stewart

#### SYNOPSIS AS INTRODUCED:

430 ILCS 66/40

Amends the Firearm Concealed Carry Act. Provides that the Department of State Police shall by rule allow for non-resident license applications from any state or territory of the United States that requires firearm training and a background check of an applicant for a license to carry concealed firearms (currently, the other state or territory must have laws related to firearm ownership, possession, and carrying, that are substantially similar to the requirements to obtain a license under the Act). Effective immediately.

LRB099 18375 SLF 42750 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 40 as follows:

6 (430 ILCS 66/40)

7 Sec. 40. Non-resident license applications.

8 (a) For the purposes of this Section, "non-resident" means  
9 a person who has not resided within this State for more than 30  
10 days and resides in another state or territory.

11 (b) The Department shall by rule allow for non-resident  
12 license applications from any state or territory of the United  
13 States that requires firearm training and a background check of  
14 an applicant for a license to carry concealed firearms with  
15 ~~laws related to firearm ownership, possession, and carrying,~~  
16 ~~that are substantially similar to the requirements to obtain a~~  
17 ~~license under this Act.~~

18 (c) A resident of a state or territory approved by the  
19 Department under subsection (b) of this Section may apply for a  
20 non-resident license. The applicant shall apply to the  
21 Department and must meet all of the qualifications established  
22 in Section 25 of this Act, except for the Illinois residency  
23 requirement in item (xiv) of paragraph (2) of subsection (a) of

1 Section 4 of the Firearm Owners Identification Card Act. The  
2 applicant shall submit:

3 (1) the application and documentation required under  
4 Section 30 of this Act and the applicable fee;

5 (2) a notarized document stating that the applicant:

6 (A) is eligible under federal law and the laws of  
7 his or her state or territory of residence to own or  
8 possess a firearm;

9 (B) if applicable, has a license or permit to carry  
10 a firearm or concealed firearm issued by his or her  
11 state or territory of residence and attach a copy of  
12 the license or permit to the application;

13 (C) understands Illinois laws pertaining to the  
14 possession and transport of firearms; and

15 (D) acknowledges that the applicant is subject to  
16 the jurisdiction of the Department and Illinois courts  
17 for any violation of this Act;

18 (3) a photocopy of any certificates or other evidence  
19 of compliance with the training requirements under Section  
20 75 of this Act; and

21 (4) a head and shoulder color photograph in a size  
22 specified by the Department taken within the 30 days  
23 preceding the date of the application.

24 (d) In lieu of an Illinois driver's license or Illinois  
25 identification card, a non-resident applicant shall provide  
26 similar documentation from his or her state or territory of

1 residence. In lieu of a valid Firearm Owner's Identification  
2 Card, the applicant shall submit documentation and information  
3 required by the Department to obtain a Firearm Owner's  
4 Identification Card, including an affidavit that the  
5 non-resident meets the mental health standards to obtain a  
6 firearm under Illinois law, and the Department shall ensure  
7 that the applicant would meet the eligibility criteria to  
8 obtain a Firearm Owner's Identification card if he or she was a  
9 resident of this State.

10 (e) Nothing in this Act shall prohibit a non-resident from  
11 transporting a concealed firearm within his or her vehicle in  
12 Illinois, if the concealed firearm remains within his or her  
13 vehicle and the non-resident:

14 (1) is not prohibited from owning or possessing a  
15 firearm under federal law;

16 (2) is eligible to carry a firearm in public under the  
17 laws of his or her state or territory of residence, as  
18 evidenced by the possession of a concealed carry license or  
19 permit issued by his or her state of residence, if  
20 applicable; and

21 (3) is not in possession of a license under this Act.

22 If the non-resident leaves his or her vehicle unattended,  
23 he or she shall store the firearm within a locked vehicle or  
24 locked container within the vehicle in accordance with  
25 subsection (b) of Section 65 of this Act.

26 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-78,

1     eff. 7-20-15.)

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