



Rep. Lou Lang

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LRB099 03697 JLK 36423 a

1 AMENDMENT TO SENATE BILL 33

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 33, AS AMENDED,  
3 with reference to page and line numbers of House Amendment No.  
4 3, on page 9, line 3, by replacing "Section 1.1" with "Sections  
5 1.1 and 8"; and

6 on page 16, below line 10, by inserting the following:

7 "(430 ILCS 65/8) (from Ch. 38, par. 83-8)

8 Sec. 8. Grounds for denial and revocation. The Department  
9 of State Police has authority to deny an application for or to  
10 revoke and seize a Firearm Owner's Identification Card  
11 previously issued under this Act only if the Department finds  
12 that the applicant or the person to whom such card was issued  
13 is or was at the time of issuance:

14 (a) A person under 21 years of age who has been  
15 convicted of a misdemeanor other than a traffic offense or  
16 adjudged delinquent;

1           (b) A person under 21 years of age who does not have  
2           the written consent of his parent or guardian to acquire  
3           and possess firearms and firearm ammunition, or whose  
4           parent or guardian has revoked such written consent, or  
5           where such parent or guardian does not qualify to have a  
6           Firearm Owner's Identification Card;

7           (c) A person convicted of a felony under the laws of  
8           this or any other jurisdiction;

9           (d) A person addicted to narcotics;

10          (e) A person who has been a patient of a mental health  
11          facility within the past 5 years or a person who has been a  
12          patient in a mental health facility more than 5 years ago  
13          who has not received the certification required under  
14          subsection (u) of this Section. An active law enforcement  
15          officer employed by a unit of government who is denied,  
16          revoked, or has his or her Firearm Owner's Identification  
17          Card seized under this subsection (e) may obtain relief as  
18          described in subsection (c-5) of Section 10 of this Act if  
19          the officer did not act in a manner threatening to the  
20          officer, another person, or the public as determined by the  
21          treating clinical psychologist or physician, and the  
22          officer seeks mental health treatment;

23          (f) A person whose mental condition is of such a nature  
24          that it poses a clear and present danger to the applicant,  
25          any other person or persons or the community;

26          (g) A person who is intellectually disabled;

1 (h) A person who intentionally makes a false statement  
2 in the Firearm Owner's Identification Card application;

3 (i) An alien who is unlawfully present in the United  
4 States under the laws of the United States;

5 (i-5) An alien who has been admitted to the United  
6 States under a non-immigrant visa (as that term is defined  
7 in Section 101(a)(26) of the Immigration and Nationality  
8 Act (8 U.S.C. 1101(a)(26))), except that this subsection  
9 (i-5) does not apply to any alien who has been lawfully  
10 admitted to the United States under a non-immigrant visa if  
11 that alien is:

12 (1) admitted to the United States for lawful  
13 hunting or sporting purposes;

14 (2) an official representative of a foreign  
15 government who is:

16 (A) accredited to the United States Government  
17 or the Government's mission to an international  
18 organization having its headquarters in the United  
19 States; or

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

22 (3) an official of a foreign government or  
23 distinguished foreign visitor who has been so  
24 designated by the Department of State;

25 (4) a foreign law enforcement officer of a friendly  
26 foreign government entering the United States on

1           official business; or

2                   (5) one who has received a waiver from the Attorney  
3           General of the United States pursuant to 18 U.S.C.  
4           922 (y) (3);

5           (j) (Blank);

6           (k) A person who has been convicted within the past 5  
7           years of battery, assault, aggravated assault, violation  
8           of an order of protection, or a substantially similar  
9           offense in another jurisdiction, in which a firearm was  
10          used or possessed;

11          (l) A person who has been convicted of domestic  
12          battery, aggravated domestic battery, or a substantially  
13          similar offense in another jurisdiction committed before,  
14          on or after January 1, 2012 (the effective date of Public  
15          Act 97-158). If the applicant or person who has been  
16          previously issued a Firearm Owner's Identification Card  
17          under this Act knowingly and intelligently waives the right  
18          to have an offense described in this paragraph (l) tried by  
19          a jury, and by guilty plea or otherwise, results in a  
20          conviction for an offense in which a domestic relationship  
21          is not a required element of the offense but in which a  
22          determination of the applicability of 18 U.S.C. 922(g)(9)  
23          is made under Section 112A-11.1 of the Code of Criminal  
24          Procedure of 1963, an entry by the court of a judgment of  
25          conviction for that offense shall be grounds for denying an  
26          application for and for revoking and seizing a Firearm

1 Owner's Identification Card previously issued to the  
2 person under this Act;

3 (m) (Blank);

4 (n) A person who is prohibited from acquiring or  
5 possessing firearms or firearm ammunition by ~~any~~ Illinois  
6 State statute or by federal law, other than State statutes  
7 and federal laws that may prohibit the acquisition or  
8 possession of firearms or firearm ammunition based on a  
9 person's status as a registered qualifying patient under  
10 the Compassionate Use of Medical Cannabis Pilot Program  
11 Act;

12 (o) A minor subject to a petition filed under Section  
13 5-520 of the Juvenile Court Act of 1987 alleging that the  
14 minor is a delinquent minor for the commission of an  
15 offense that if committed by an adult would be a felony;

16 (p) An adult who had been adjudicated a delinquent  
17 minor under the Juvenile Court Act of 1987 for the  
18 commission of an offense that if committed by an adult  
19 would be a felony;

20 (q) A person who is not a resident of the State of  
21 Illinois, except as provided in subsection (a-10) of  
22 Section 4;

23 (r) A person who has been adjudicated as a mentally  
24 disabled person;

25 (s) A person who has been found to be developmentally  
26 disabled;

1           (t) A person involuntarily admitted into a mental  
2 health facility; or

3           (u) A person who has had his or her Firearm Owner's  
4 Identification Card revoked or denied under subsection (e)  
5 of this Section or item (iv) of paragraph (2) of subsection  
6 (a) of Section 4 of this Act because he or she was a  
7 patient in a mental health facility as provided in  
8 subsection (e) of this Section, shall not be permitted to  
9 obtain a Firearm Owner's Identification Card, after the  
10 5-year period has lapsed, unless he or she has received a  
11 mental health evaluation by a physician, clinical  
12 psychologist, or qualified examiner as those terms are  
13 defined in the Mental Health and Developmental  
14 Disabilities Code, and has received a certification that he  
15 or she is not a clear and present danger to himself,  
16 herself, or others. The physician, clinical psychologist,  
17 or qualified examiner making the certification and his or  
18 her employer shall not be held criminally, civilly, or  
19 professionally liable for making or not making the  
20 certification required under this subsection, except for  
21 willful or wanton misconduct. This subsection does not  
22 apply to a person whose firearm possession rights have been  
23 restored through administrative or judicial action under  
24 Section 10 or 11 of this Act.

25           Upon revocation of a person's Firearm Owner's  
26 Identification Card, the Department of State Police shall

1 provide notice to the person and the person shall comply with  
2 Section 9.5 of this Act.

3 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,  
4 eff. 7-13-12; 97-1131, eff. 1-1-13; 97-1167, eff. 6-1-13;  
5 98-63, eff. 7-9-13; 98-508, eff. 8-19-13; 98-756, eff.  
6 7-16-14.)".