



Sen. John M. Sullivan

Filed: 3/20/2015

FISCAL NOTE ACT
MAY APPLY

09900SB0836sam001

LRB099 09057 RLC 32823 a

1 AMENDMENT TO SENATE BILL 836

2 AMENDMENT NO. _____. Amend Senate Bill 836 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Mental Health and Developmental
5 Disabilities Code is amended by changing Sections 6-103.2 and
6 6-103.3 as follows:

7 (405 ILCS 5/6-103.2)

8 Sec. 6-103.2. Developmental disability; notice. If ~~For~~
9 ~~purposes of this Section, if~~ a person 14 years old or older is
10 determined to be developmentally disabled ~~as defined in Section~~
11 ~~1.1 of the Firearm Owners Identification Card Act~~ by a
12 physician, clinical psychologist, or qualified examiner,
13 ~~whether practicing at a public or by a private mental health~~
14 ~~facility or developmental disability facility,~~ the physician,
15 clinical psychologist, or qualified examiner shall notify the
16 Department of Human Services within 7 days ~~24 hours~~ of making

1 the determination that the person has a developmental
2 disability. The Department of Human Services shall immediately
3 update its records and information relating to mental health
4 and developmental disabilities, and if appropriate, shall
5 notify the Department of State Police in a form and manner
6 prescribed by the Department of State Police. Information
7 disclosed under this Section shall remain privileged and
8 confidential, and shall not be redisclosed, except as required
9 under subsection (e) of Section 3.1 of the Firearm Owners
10 Identification Card Act, nor used for any other purpose. The
11 method of providing this information shall guarantee that the
12 information is not released beyond that which is necessary for
13 the purpose of this Section and shall be provided by rule by
14 the Department of Human Services. The identity of the person
15 reporting under this Section shall not be disclosed to the
16 subject of the report.

17 The physician, clinical psychologist, or qualified
18 examiner making the determination and his or her employer may
19 not be held criminally, civilly, or professionally liable for
20 making or not making the notification required under this
21 Section, except for willful or wanton misconduct.

22 For purposes of this Section, "developmentally disabled"
23 means a disability which is attributable to any other condition
24 which results in impairment similar to that caused by an
25 intellectual disability and which requires services similar to
26 those required by intellectually disabled persons. The

1 disability must originate before the age of 18 years, be
2 expected to continue indefinitely, and constitute a
3 substantial disability. This disability results in the
4 professional opinion of a physician, clinical psychologist, or
5 qualified examiner, in significant functional limitations in 3
6 or more of the following areas of major life activity:

7 (i) self-care;

8 (ii) receptive and expressive language;

9 (iii) learning;

10 (iv) mobility; or

11 (v) self-direction.

12 "Determined to be developmentally disabled by a physician,
13 clinical psychologist, or qualified examiner" means in the
14 professional opinion of the physician, clinical psychologist,
15 or qualified examiner, a person is diagnosed, assessed, or
16 evaluated to be developmentally disabled.

17 (Source: P.A. 98-63, eff. 7-9-13.)

18 (405 ILCS 5/6-103.3)

19 Sec. 6-103.3. Clear and present danger; notice. If a person
20 is determined to pose a clear and present danger to himself,
21 herself, or to others by a physician, clinical psychologist, or
22 qualified examiner, whether employed by the State, by any
23 public or private mental health facility or part thereof, or by
24 a law enforcement official or a school administrator, then the
25 physician, clinical psychologist, qualified examiner shall

1 notify the Department of Human Services and a law enforcement
2 official or school administrator shall notify the Department of
3 State Police, within 24 hours of making the determination that
4 the person poses a clear and present danger. The Department of
5 Human Services shall immediately update its records and
6 information relating to mental health and developmental
7 disabilities, and if appropriate, shall notify the Department
8 of State Police in a form and manner prescribed by the
9 Department of State Police. Information disclosed under this
10 Section shall remain privileged and confidential, and shall not
11 be redisclosed, except as required under subsection (e) of
12 Section 3.1 of the Firearm Owners Identification Card Act, nor
13 used for any other purpose. The method of providing this
14 information shall guarantee that the information is not
15 released beyond that which is necessary for the purpose of this
16 Section and shall be provided by rule by the Department of
17 Human Services. The identity of the person reporting under this
18 Section shall not be disclosed to the subject of the report.
19 The physician, clinical psychologist, qualified examiner, law
20 enforcement official, or school administrator making the
21 determination and his or her employer shall not be held
22 criminally, civilly, or professionally liable for making or not
23 making the notification required under this Section, except for
24 willful or wanton misconduct. This Section does not apply to a
25 law enforcement official, if making the notification under this
26 Section will interfere with an ongoing or pending criminal

1 investigation.

2 For the purposes of this Section:

3 "Clear and present danger" has the meaning ascribed to
4 it in Section 1.1 of the Firearm Owners Identification Card
5 Act.

6 "Determined to pose a clear and present danger to
7 himself, herself, or to others by a physician, clinical
8 psychologist, or qualified examiner" means in the
9 professional opinion of the physician, clinical
10 psychologist, or qualified examiner, a person poses a clear
11 and present danger.

12 "School administrator" means the person required to
13 report under the School Administrator Reporting of Mental
14 Health Clear and Present Danger Determinations Law.

15 (Source: P.A. 98-63, eff. 7-9-13.)

16 Section 10. The Firearm Owners Identification Card Act is
17 amended by changing Sections 1.1 and 10 as follows:

18 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

19 Sec. 1.1. For purposes of this Act:

20 "Addicted to narcotics" means a person who has been:

21 (1) convicted of an offense involving the use or
22 possession of cannabis, a controlled substance, or
23 methamphetamine within the past year; or

24 (2) determined by the Department of State Police to be

1 addicted to narcotics based upon federal law or federal
2 guidelines.

3 "Addicted to narcotics" does not include possession or use
4 of a prescribed controlled substance under the direction and
5 authority of a physician or other person authorized to
6 prescribe the controlled substance when the controlled
7 substance is used in the prescribed manner.

8 "Adjudicated as a mentally disabled person" means the
9 person is the subject of a determination by a court, board,
10 commission or other lawful authority that the person, as a
11 result of marked subnormal intelligence, or mental illness,
12 mental impairment, incompetency, condition, or disease:

13 (1) presents a clear and present danger to himself,
14 herself, or to others;

15 (2) lacks the mental capacity to manage his or her own
16 affairs or is adjudicated a disabled person as defined in
17 Section 11a-2 of the Probate Act of 1975;

18 (3) is not guilty in a criminal case by reason of
19 insanity, mental disease or defect;

20 (3.5) is guilty but mentally ill, as provided in
21 Section 5-2-6 of the Unified Code of Corrections;

22 (4) is incompetent to stand trial in a criminal case;

23 (5) is not guilty by reason of lack of mental
24 responsibility under Articles 50a and 72b of the Uniform
25 Code of Military Justice, 10 U.S.C. 850a, 876b;

26 (6) is a sexually violent person under subsection (f)

1 of Section 5 of the Sexually Violent Persons Commitment
2 Act;

3 (7) is a sexually dangerous person under the Sexually
4 Dangerous Persons Act;

5 (8) is unfit to stand trial under the Juvenile Court
6 Act of 1987;

7 (9) is not guilty by reason of insanity under the
8 Juvenile Court Act of 1987;

9 (10) is subject to involuntary admission as an
10 inpatient as defined in Section 1-119 of the Mental Health
11 and Developmental Disabilities Code;

12 (11) is subject to involuntary admission as an
13 outpatient as defined in Section 1-119.1 of the Mental
14 Health and Developmental Disabilities Code;

15 (12) is subject to judicial admission as set forth in
16 Section 4-500 of the Mental Health and Developmental
17 Disabilities Code; or

18 (13) is subject to the provisions of the Interstate
19 Agreements on Sexually Dangerous Persons Act.

20 "Clear and present danger" means a person who:

21 (1) communicates a serious threat of physical violence
22 against a reasonably identifiable victim or poses a clear
23 and imminent risk of serious physical injury to himself,
24 herself, or another person as determined by a physician,
25 clinical psychologist, or qualified examiner; or

26 (2) demonstrates threatening physical or verbal

1 behavior, such as violent, suicidal, or assaultive
2 threats, actions, or other behavior, as determined by a
3 physician, clinical psychologist, qualified examiner,
4 school administrator, or law enforcement official.

5 "Clinical psychologist" has the meaning provided in
6 Section 1-103 of the Mental Health and Developmental
7 Disabilities Code.

8 "Controlled substance" means a controlled substance or
9 controlled substance analog as defined in the Illinois
10 Controlled Substances Act.

11 "Counterfeit" means to copy or imitate, without legal
12 authority, with intent to deceive.

13 "Developmentally disabled" means a disability which is
14 attributable to any other condition which results in impairment
15 similar to that caused by an intellectual disability and which
16 requires services similar to those required by intellectually
17 disabled persons. The disability must originate before the age
18 of 18 years, be expected to continue indefinitely, and
19 constitute a substantial disability ~~handicap~~.

20 This disability results in the professional opinion of a
21 physician, clinical psychologist, or qualified examiner, in
22 significant functional limitations in 3 or more of the
23 following areas of major life activity:

24 (i) self-care;

25 (ii) receptive and expressive language;

26 (iii) learning;

1 (iv) mobility; or

2 (v) self-direction.

3 "Federally licensed firearm dealer" means a person who is
4 licensed as a federal firearms dealer under Section 923 of the
5 federal Gun Control Act of 1968 (18 U.S.C. 923).

6 "Firearm" means any device, by whatever name known, which
7 is designed to expel a projectile or projectiles by the action
8 of an explosion, expansion of gas or escape of gas; excluding,
9 however:

10 (1) any pneumatic gun, spring gun, paint ball gun, or
11 B-B gun which expels a single globular projectile not
12 exceeding .18 inch in diameter or which has a maximum
13 muzzle velocity of less than 700 feet per second;

14 (1.1) any pneumatic gun, spring gun, paint ball gun, or
15 B-B gun which expels breakable paint balls containing
16 washable marking colors;

17 (2) any device used exclusively for signalling or
18 safety and required or recommended by the United States
19 Coast Guard or the Interstate Commerce Commission;

20 (3) any device used exclusively for the firing of stud
21 cartridges, explosive rivets or similar industrial
22 ammunition; and

23 (4) an antique firearm (other than a machine-gun)
24 which, although designed as a weapon, the Department of
25 State Police finds by reason of the date of its
26 manufacture, value, design, and other characteristics is

1 primarily a collector's item and is not likely to be used
2 as a weapon.

3 "Firearm ammunition" means any self-contained cartridge or
4 shotgun shell, by whatever name known, which is designed to be
5 used or adaptable to use in a firearm; excluding, however:

6 (1) any ammunition exclusively designed for use with a
7 device used exclusively for signalling or safety and
8 required or recommended by the United States Coast Guard or
9 the Interstate Commerce Commission; and

10 (2) any ammunition designed exclusively for use with a
11 stud or rivet driver or other similar industrial
12 ammunition.

13 "Gun show" means an event or function:

14 (1) at which the sale and transfer of firearms is the
15 regular and normal course of business and where 50 or more
16 firearms are displayed, offered, or exhibited for sale,
17 transfer, or exchange; or

18 (2) at which not less than 10 gun show vendors display,
19 offer, or exhibit for sale, sell, transfer, or exchange
20 firearms.

21 "Gun show" includes the entire premises provided for an
22 event or function, including parking areas for the event or
23 function, that is sponsored to facilitate the purchase, sale,
24 transfer, or exchange of firearms as described in this Section.

25 "Gun show" does not include training or safety classes,
26 competitive shooting events, such as rifle, shotgun, or handgun

1 matches, trap, skeet, or sporting clays shoots, dinners,
2 banquets, raffles, or any other event where the sale or
3 transfer of firearms is not the primary course of business.

4 "Gun show promoter" means a person who organizes or
5 operates a gun show.

6 "Gun show vendor" means a person who exhibits, sells,
7 offers for sale, transfers, or exchanges any firearms at a gun
8 show, regardless of whether the person arranges with a gun show
9 promoter for a fixed location from which to exhibit, sell,
10 offer for sale, transfer, or exchange any firearm.

11 "Intellectually disabled" means significantly subaverage
12 general intellectual functioning which exists concurrently
13 with impairment in adaptive behavior and which originates
14 before the age of 18 years.

15 "Involuntarily admitted" has the meaning as prescribed in
16 Sections 1-119 and 1-119.1 of the Mental Health and
17 Developmental Disabilities Code.

18 "Mental health facility" means any licensed private
19 hospital or hospital affiliate, institution, or facility, or
20 part thereof, and any facility, or part thereof, operated by
21 the State or a political subdivision thereof which provide
22 treatment of persons with mental illness and includes all
23 hospitals, institutions, clinics, evaluation facilities,
24 mental health centers, colleges, universities, long-term care
25 facilities, and nursing homes, or parts thereof, which provide
26 treatment of persons with mental illness whether or not the

1 primary purpose is to provide treatment of persons with mental
2 illness.

3 "Patient" means:

4 (1) a person who voluntarily receives mental health
5 treatment as an in-patient or resident of any public or
6 private mental health facility, unless the treatment was
7 solely for an alcohol abuse disorder and no other secondary
8 substance abuse disorder or mental illness; or

9 (2) a person who voluntarily receives mental health
10 treatment as an out-patient or is provided services by a
11 public or private mental health facility, and who poses a
12 clear and present danger to himself, herself, or to others.

13 "Physician" has the meaning as defined in Section 1-120 of
14 the Mental Health and Developmental Disabilities Code.

15 "Qualified examiner" has the meaning provided in Section
16 1-122 of the Mental Health and Developmental Disabilities Code.

17 "Sanctioned competitive shooting event" means a shooting
18 contest officially recognized by a national or state shooting
19 sport association, and includes any sight-in or practice
20 conducted in conjunction with the event.

21 "School administrator" means the person required to report
22 under the School Administrator Reporting of Mental Health Clear
23 and Present Danger Determinations Law.

24 "Stun gun or taser" has the meaning ascribed to it in
25 Section 24-1 of the Criminal Code of 2012.

26 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13;

1 97-1167, eff. 6-1-13; 98-63, eff. 7-9-13.)

2 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

3 Sec. 10. Appeal to director; hearing; relief from firearm
4 prohibitions.

5 (a) Whenever an application for a Firearm Owner's
6 Identification Card is denied, whenever the Department fails to
7 act on an application within 30 days of its receipt, or
8 whenever such a Card is revoked or seized as provided for in
9 Section 8 of this Act, the aggrieved party may appeal to the
10 Director of State Police for a hearing upon such denial,
11 revocation or seizure, unless the denial, revocation, or
12 seizure was based upon a forcible felony, stalking, aggravated
13 stalking, domestic battery, any violation of the Illinois
14 Controlled Substances Act, the Methamphetamine Control and
15 Community Protection Act, or the Cannabis Control Act that is
16 classified as a Class 2 or greater felony, any felony violation
17 of Article 24 of the Criminal Code of 1961 or the Criminal Code
18 of 2012, or any adjudication as a delinquent minor for the
19 commission of an offense that if committed by an adult would be
20 a felony, in which case the aggrieved party may petition the
21 circuit court in writing in the county of his or her residence
22 for a hearing upon such denial, revocation, or seizure.

23 (b) At least 30 days before any hearing in the circuit
24 court, the petitioner shall serve the relevant State's Attorney
25 with a copy of the petition. The State's Attorney may object to

1 the petition and present evidence. At the hearing the court
2 shall determine whether substantial justice has been done.
3 Should the court determine that substantial justice has not
4 been done, the court shall issue an order directing the
5 Department of State Police to issue a Card. However, the court
6 shall not issue the order if the petitioner is otherwise
7 prohibited from obtaining, possessing, or using a firearm under
8 federal law.

9 (c) Any person prohibited from possessing a firearm under
10 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
11 acquiring a Firearm Owner's Identification Card under Section 8
12 of this Act may apply to the Director of State Police or
13 petition the circuit court in the county where the petitioner
14 resides, whichever is applicable in accordance with subsection
15 (a) of this Section, requesting relief from such prohibition
16 and the Director or court may grant such relief if it is
17 established by the applicant to the court's or Director's
18 satisfaction that:

19 (0.05) when in the circuit court, the State's Attorney
20 has been served with a written copy of the petition at
21 least 30 days before any such hearing in the circuit court
22 and at the hearing the State's Attorney was afforded an
23 opportunity to present evidence and object to the petition;

24 (1) the applicant has not been convicted of a forcible
25 felony under the laws of this State or any other
26 jurisdiction within 20 years of the applicant's

1 application for a Firearm Owner's Identification Card, or
2 at least 20 years have passed since the end of any period
3 of imprisonment imposed in relation to that conviction;

4 (2) the circumstances regarding a criminal conviction,
5 where applicable, the applicant's criminal history and his
6 reputation are such that the applicant will not be likely
7 to act in a manner dangerous to public safety;

8 (3) granting relief would not be contrary to the public
9 interest; and

10 (4) granting relief would not be contrary to federal
11 law.

12 (c-5) (1) An active law enforcement officer employed by a
13 unit of government, who is denied, revoked, or has his or her
14 Firearm Owner's Identification Card seized under subsection
15 (e) of Section 8 of this Act may apply to the Director of State
16 Police requesting relief if the officer did not act in a manner
17 threatening to the officer, another person, or the public as
18 determined by the treating clinical psychologist or physician,
19 and as a result of his or her work is referred by the employer
20 for or voluntarily seeks mental health evaluation or treatment
21 by a licensed clinical psychologist, psychiatrist, or
22 qualified examiner, and:

23 (A) the officer has not received treatment
24 involuntarily at a mental health facility, regardless of
25 the length of admission; or has not been voluntarily
26 admitted to a mental health facility for more than 30 days

1 and not for more than one incident within the past 5 years;

2 and

3 (B) the officer has not left the mental institution
4 against medical advice.

5 (2) The Director of State Police shall grant expedited
6 relief to active law enforcement officers described in
7 paragraph (1) of this subsection (c-5) upon a determination by
8 the Director that the officer's possession of a firearm does
9 not present a threat to themselves, others, or public safety.
10 The Director shall act on the request for relief within 30
11 business days of receipt of:

12 (A) a notarized statement from the officer in the form
13 prescribed by the Director detailing the circumstances
14 that led to the hospitalization;

15 (B) all documentation regarding the admission,
16 evaluation, treatment and discharge from the treating
17 licensed clinical psychologist or psychiatrist of the
18 officer;

19 (C) a psychological fitness for duty evaluation of the
20 person completed after the time of discharge; and

21 (D) written confirmation in the form prescribed by the
22 Director from the treating licensed clinical psychologist
23 or psychiatrist that the provisions set forth in paragraph
24 (1) of this subsection (c-5) have been met, the person
25 successfully completed treatment, and their professional
26 opinion regarding the person's ability to possess

1 firearms.

2 (3) Officers eligible for the expedited relief in paragraph
3 (2) of this subsection (c-5) have the burden of proof on
4 eligibility and must provide all information required. The
5 Director may not consider granting expedited relief until the
6 proof and information is received.

7 (4) "Clinical psychologist", "psychiatrist", and
8 "qualified examiner" shall have the same meaning as provided in
9 Chapter I 4 of the Mental Health and Developmental Disabilities
10 Code.

11 (c-10) (1) An applicant, who is denied, revoked, or has his
12 or her Firearm Owner's Identification Card seized under
13 subsection (e) of Section 8 of this Act based upon a
14 determination of a developmental disability or an intellectual
15 disability may apply to the Director of State Police requesting
16 relief.

17 (2) The Director shall act on the request for relief within
18 60 business days of receipt of written certification, in the
19 form prescribed by the Director, from a physician or clinical
20 psychologist, or qualified examiner, that the aggrieved
21 party's developmental disability or intellectual disability
22 condition is determined by a physician, clinical psychologist,
23 or qualified to be mild. If a fact-finding conference is
24 scheduled to obtain additional information concerning the
25 circumstances of the denial or revocation, the 60 business days
26 the Director has to act shall be tolled until the completion of

1 the fact-finding conference.

2 (3) The Director may grant relief if the aggrieved party's
3 developmental disability or intellectual disability is mild as
4 determined by a physician, clinical psychologist, or qualified
5 examiner and it is established by the applicant to the
6 Director's satisfaction that:

7 (A) granting relief would not be contrary to the public
8 interest; and

9 (B) granting relief would not be contrary to federal
10 law.

11 (4) The Director may not grant relief if the condition is
12 determined by a physician, clinical psychologist, or qualified
13 examiner to be moderate, severe, or profound.

14 (d) When a minor is adjudicated delinquent for an offense
15 which if committed by an adult would be a felony, the court
16 shall notify the Department of State Police.

17 (e) The court shall review the denial of an application or
18 the revocation of a Firearm Owner's Identification Card of a
19 person who has been adjudicated delinquent for an offense that
20 if committed by an adult would be a felony if an application
21 for relief has been filed at least 10 years after the
22 adjudication of delinquency and the court determines that the
23 applicant should be granted relief from disability to obtain a
24 Firearm Owner's Identification Card. If the court grants
25 relief, the court shall notify the Department of State Police
26 that the disability has been removed and that the applicant is

1 eligible to obtain a Firearm Owner's Identification Card.

2 (f) Any person who is subject to the disabilities of 18
3 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
4 of 1968 because of an adjudication or commitment that occurred
5 under the laws of this State or who was determined to be
6 subject to the provisions of subsections (e), (f), or (g) of
7 Section 8 of this Act may apply to the Department of State
8 Police requesting relief from that prohibition. The Director
9 shall grant the relief if it is established by a preponderance
10 of the evidence that the person will not be likely to act in a
11 manner dangerous to public safety and that granting relief
12 would not be contrary to the public interest. In making this
13 determination, the Director shall receive evidence concerning
14 (i) the circumstances regarding the firearms disabilities from
15 which relief is sought; (ii) the petitioner's mental health and
16 criminal history records, if any; (iii) the petitioner's
17 reputation, developed at a minimum through character witness
18 statements, testimony, or other character evidence; and (iv)
19 changes in the petitioner's condition or circumstances since
20 the disqualifying events relevant to the relief sought. If
21 relief is granted under this subsection or by order of a court
22 under this Section, the Director shall as soon as practicable
23 but in no case later than 15 business days, update, correct,
24 modify, or remove the person's record in any database that the
25 Department of State Police makes available to the National
26 Instant Criminal Background Check System and notify the United

1 States Attorney General that the basis for the record being
2 made available no longer applies. The Department of State
3 Police shall adopt rules for the administration of this
4 Section.

5 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13;
6 97-1167, eff. 6-1-13; 98-63, eff. 7-9-13; revised 12-10-14.)

7 Section 15. The Mental Health and Developmental
8 Disabilities Confidentiality Act is amended by changing
9 Section 12 as follows:

10 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

11 Sec. 12. (a) If the United States Secret Service or the
12 Department of State Police requests information from a mental
13 health or developmental disability facility, as defined in
14 Section 1-107 and 1-114 of the Mental Health and Developmental
15 Disabilities Code, relating to a specific recipient and the
16 facility director determines that disclosure of such
17 information may be necessary to protect the life of, or to
18 prevent the infliction of great bodily harm to, a public
19 official, or a person under the protection of the United States
20 Secret Service, only the following information may be
21 disclosed: the recipient's name, address, and age and the date
22 of any admission to or discharge from a facility; and any
23 information which would indicate whether or not the recipient
24 has a history of violence or presents a danger of violence to

1 the person under protection. Any information so disclosed shall
2 be used for investigative purposes only and shall not be
3 publicly disseminated. Any person participating in good faith
4 in the disclosure of such information in accordance with this
5 provision shall have immunity from any liability, civil,
6 criminal or otherwise, if such information is disclosed relying
7 upon the representation of an officer of the United States
8 Secret Service or the Department of State Police that a person
9 is under the protection of the United States Secret Service or
10 is a public official.

11 For the purpose of this subsection (a), the term "public
12 official" means the Governor, Lieutenant Governor, Attorney
13 General, Secretary of State, State Comptroller, State
14 Treasurer, member of the General Assembly, member of the United
15 States Congress, Judge of the United States as defined in 28
16 U.S.C. 451, Justice of the United States as defined in 28
17 U.S.C. 451, United States Magistrate Judge as defined in 28
18 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
19 Supreme, Appellate, Circuit, or Associate Judge of the State of
20 Illinois. The term shall also include the spouse, child or
21 children of a public official.

22 (b) The Department of Human Services (acting as successor
23 to the Department of Mental Health and Developmental
24 Disabilities) and all public or private hospitals and mental
25 health facilities are required, as hereafter described in this
26 subsection, to furnish the Department of State Police only such

1 information as may be required for the sole purpose of
2 determining whether an individual who may be or may have been a
3 patient is disqualified because of that status from receiving
4 or retaining a Firearm Owner's Identification Card or falls
5 within the federal prohibitors under subsection (e), (f), (g),
6 (r), (s), or (t) of Section 8 of the Firearm Owners
7 Identification Card Act, or falls within the federal
8 prohibitors in 18 U.S.C. 922(g) and (n). All physicians,
9 clinical psychologists, or qualified examiners at public or
10 private mental health facilities or parts thereof as defined in
11 this subsection shall, in the form and manner required by the
12 Department, provide notice directly to the Department of Human
13 Services, or to his or her employer who shall then report to
14 the Department, within 24 hours after determining that a person
15 ~~patient as described in clause (2) of the definition of~~
16 ~~"patient" in Section 1.1 of the Firearm Owners Identification~~
17 ~~Card Act~~ poses a clear and present danger to himself, herself,
18 or others, or within 7 days after a person 14 years or older is
19 determined to be developmentally disabled by a physician,
20 clinical psychologist, or qualified examiner as described in
21 Section 1.1 of the Firearm Owners Identification Card Act. If a
22 person is a patient as described in clause (1) of the
23 definition of "patient" in Section 1.1 of the Firearm Owners
24 Identification Card Act, this ~~This~~ information shall be
25 furnished ~~within 24 hours after the physician, clinical~~
26 ~~psychologist, or qualified examiner has made a determination,~~

1 ~~or~~ within 7 days after admission to a public or private
2 hospital or mental health facility or the provision of services
3 ~~to a patient described in clause (1) of the definition of~~
4 ~~"patient" in Section 1.1 of the Firearm Owners Identification~~
5 ~~Card Act.~~ Any such information disclosed under this subsection
6 shall remain privileged and confidential, and shall not be
7 redisclosed, except as required by subsection (e) of Section
8 3.1 of the Firearm Owners Identification Card Act, nor utilized
9 for any other purpose. The method of requiring the providing of
10 such information shall guarantee that no information is
11 released beyond what is necessary for this purpose. In
12 addition, the information disclosed shall be provided by the
13 Department within the time period established by Section 24-3
14 of the Criminal Code of 2012 regarding the delivery of
15 firearms. The method used shall be sufficient to provide the
16 necessary information within the prescribed time period, which
17 may include periodically providing lists to the Department of
18 Human Services or any public or private hospital or mental
19 health facility of Firearm Owner's Identification Card
20 applicants on which the Department or hospital shall indicate
21 the identities of those individuals who are to its knowledge
22 disqualified from having a Firearm Owner's Identification Card
23 for reasons described herein. The Department may provide for a
24 centralized source of information for the State on this subject
25 under its jurisdiction. The identity of the person reporting
26 under this subsection shall not be disclosed to the subject of

1 the report. For the purposes of this subsection, the physician,
2 clinical psychologist, or qualified examiner making the
3 determination and his or her employer shall not be held
4 criminally, civilly, or professionally liable for making or not
5 making the notification required under this subsection, except
6 for willful or wanton misconduct.

7 Any person, institution, or agency, under this Act,
8 participating in good faith in the reporting or disclosure of
9 records and communications otherwise in accordance with this
10 provision or with rules, regulations or guidelines issued by
11 the Department shall have immunity from any liability, civil,
12 criminal or otherwise, that might result by reason of the
13 action. For the purpose of any proceeding, civil or criminal,
14 arising out of a report or disclosure in accordance with this
15 provision, the good faith of any person, institution, or agency
16 so reporting or disclosing shall be presumed. The full extent
17 of the immunity provided in this subsection (b) shall apply to
18 any person, institution or agency that fails to make a report
19 or disclosure in the good faith belief that the report or
20 disclosure would violate federal regulations governing the
21 confidentiality of alcohol and drug abuse patient records
22 implementing 42 U.S.C. 290dd-3 and 290ee-3.

23 For purposes of this subsection (b) only, the following
24 terms shall have the meaning prescribed:

25 (1) (Blank).

26 (1.3) "Clear and present danger" has the meaning as

1 defined in Section 1.1 of the Firearm Owners Identification
2 Card Act.

3 (1.5) "Developmentally disabled" has the meaning as
4 defined in Section 1.1 of the Firearm Owners Identification
5 Card Act.

6 (2) "Patient" has the meaning as defined in Section 1.1
7 of the Firearm Owners Identification Card Act.

8 (3) "Mental health facility" has the meaning as defined
9 in Section 1.1 of the Firearm Owners Identification Card
10 Act.

11 (c) Upon the request of a peace officer who takes a person
12 into custody and transports such person to a mental health or
13 developmental disability facility pursuant to Section 3-606 or
14 4-404 of the Mental Health and Developmental Disabilities Code
15 or who transports a person from such facility, a facility
16 director shall furnish said peace officer the name, address,
17 age and name of the nearest relative of the person transported
18 to or from the mental health or developmental disability
19 facility. In no case shall the facility director disclose to
20 the peace officer any information relating to the diagnosis,
21 treatment or evaluation of the person's mental or physical
22 health.

23 For the purposes of this subsection (c), the terms "mental
24 health or developmental disability facility", "peace officer"
25 and "facility director" shall have the meanings ascribed to
26 them in the Mental Health and Developmental Disabilities Code.

1 (d) Upon the request of a peace officer or prosecuting
2 authority who is conducting a bona fide investigation of a
3 criminal offense, or attempting to apprehend a fugitive from
4 justice, a facility director may disclose whether a person is
5 present at the facility. Upon request of a peace officer or
6 prosecuting authority who has a valid forcible felony warrant
7 issued, a facility director shall disclose: (1) whether the
8 person who is the subject of the warrant is present at the
9 facility and (2) the date of that person's discharge or future
10 discharge from the facility. The requesting peace officer or
11 prosecuting authority must furnish a case number and the
12 purpose of the investigation or an outstanding arrest warrant
13 at the time of the request. Any person, institution, or agency
14 participating in good faith in disclosing such information in
15 accordance with this subsection (d) is immune from any
16 liability, civil, criminal or otherwise, that might result by
17 reason of the action.

18 (Source: P.A. 97-1150, eff. 1-25-13; 98-63, eff. 7-9-13.)

19 Section 97. Applicability. This amendatory Act of the 99th
20 General Assembly applies to requests for relief pending on or
21 before the effective date of this amendatory Act, except that
22 the 60-day period for the Director to act on requests pending
23 before the effective date shall begin on the effective date of
24 this amendatory Act.

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