



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3283

Introduced 2/19/2016, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

430 ILCS 65/1.1	from Ch. 38, par. 83-1.1
430 ILCS 65/8	from Ch. 38, par. 83-8
430 ILCS 65/8.3 new	
430 ILCS 66/70	

Amends the Firearm Owners Identification Card Act. Provides that an immediate family member of a person or a law enforcement officer may file a petition requesting that the court issue either a plenary or ex parte gun violence restraining order enjoining the subject of the petition from having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm or firearm ammunition. Provides that a court may issue a gun violence restraining order if the petition, supported by an affidavit made in writing and signed by the petitioner under oath, or an oral statement, and any additional information provided to the court that shows that there is a substantial likelihood that both of the following are true: (1) the subject of the petition poses a clear and present danger of personal injury to himself, herself, or another by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm; and (2) a gun violence restraining order is necessary to prevent personal injury to the subject of the petition or another because less restrictive alternatives either have been tried and found to be ineffective, or are inadequate or inappropriate for the circumstances of the subject of the petition. Amends the Firearm Concealed Carry Act to make conforming changes.

LRB099 19066 RLC 43455 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning firearms.

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 Sections 1.1 and 8 and by adding Section
6 8.3 as follows:

7 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

8 Sec. 1.1. For purposes of this Act:

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

10 (1) convicted of an offense involving the use or
11 possession of cannabis, a controlled substance, or
12 methamphetamine within the past year; or

13 (2) determined by the Department of State Police to be
14 addicted to narcotics based upon federal law or federal
15 guidelines.

16 "Addicted to narcotics" does not include possession or use
17 of a prescribed controlled substance under the direction and
18 authority of a physician or other person authorized to
19 prescribe the controlled substance when the controlled
20 substance is used in the prescribed manner.

21 "Adjudicated as a person with a mental disability" means
22 the person is the subject of a determination by a court, board,
23 commission or other lawful authority that the person, as a

1 result of marked subnormal intelligence, or mental illness,
2 mental impairment, incompetency, condition, or disease:

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

5 (2) lacks the mental capacity to manage his or her own
6 affairs or is adjudicated a person with a disability as
7 defined in Section 11a-2 of the Probate Act of 1975;

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

10 (3.5) is guilty but mentally ill, as provided in
11 Section 5-2-6 of the Unified Code of Corrections;

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

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

16 (6) is a sexually violent person under subsection (f)
17 of Section 5 of the Sexually Violent Persons Commitment
18 Act;

19 (7) is a sexually dangerous person under the Sexually
20 Dangerous Persons Act;

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

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

25 (10) is subject to involuntary admission as an
26 inpatient as defined in Section 1-119 of the Mental Health

1 and Developmental Disabilities Code;

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

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

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

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

11 (1) communicates a serious threat of physical violence
12 against a reasonably identifiable victim or poses a clear
13 and imminent risk of serious physical injury to himself,
14 herself, or another person as determined by a physician,
15 clinical psychologist, or qualified examiner; or

16 (2) demonstrates threatening physical or verbal
17 behavior, such as violent, suicidal, or assaultive
18 threats, actions, or other behavior, as determined by a
19 physician, clinical psychologist, qualified examiner,
20 school administrator, or law enforcement official.

21 "Clinical psychologist" has the meaning provided in
22 Section 1-103 of the Mental Health and Developmental
23 Disabilities Code.

24 "Controlled substance" means a controlled substance or
25 controlled substance analog as defined in the Illinois
26 Controlled Substances Act.

1 "Counterfeit" means to copy or imitate, without legal
2 authority, with intent to deceive.

3 ~~disability~~

4 ~~This disability results in the professional opinion of a~~
5 ~~physician, clinical psychologist, or qualified examiner, in~~
6 ~~significant functional limitations in 3 or more of the~~
7 ~~following areas of major life activity:~~

8 ~~(i) self care;~~

9 ~~(ii) receptive and expressive language;~~

10 ~~(iii) learning;~~

11 ~~(iv) mobility; or~~

12 ~~(v) self direction.~~

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

16 "Firearm" means any device, by whatever name known, which
17 is designed to expel a projectile or projectiles by the action
18 of an explosion, expansion of gas or escape of gas; excluding,
19 however:

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

24 (1.1) any pneumatic gun, spring gun, paint ball gun, or
25 B-B gun which expels breakable paint balls containing
26 washable marking colors;

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

4 (3) any device used exclusively for the firing of stud
5 cartridges, explosive rivets or similar industrial
6 ammunition; and

7 (4) an antique firearm (other than a machine-gun)
8 which, although designed as a weapon, the Department of
9 State Police finds by reason of the date of its
10 manufacture, value, design, and other characteristics is
11 primarily a collector's item and is not likely to be used
12 as a weapon.

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

16 (1) any ammunition exclusively designed for use with a
17 device used exclusively for signalling or safety and
18 required or recommended by the United States Coast Guard or
19 the Interstate Commerce Commission; and

20 (2) any ammunition designed exclusively for use with a
21 stud or rivet driver or other similar industrial
22 ammunition.

23 "Gun show" means an event or function:

24 (1) at which the sale and transfer of firearms is the
25 regular and normal course of business and where 50 or more
26 firearms are displayed, offered, or exhibited for sale,

1 transfer, or exchange; or

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

5 "Gun show" includes the entire premises provided for an
6 event or function, including parking areas for the event or
7 function, that is sponsored to facilitate the purchase, sale,
8 transfer, or exchange of firearms as described in this Section.
9 Nothing in this definition shall be construed to exclude a gun
10 show held in conjunction with competitive shooting events at
11 the World Shooting Complex sanctioned by a national governing
12 body in which the sale or transfer of firearms is authorized
13 under subparagraph (5) of paragraph (g) of subsection (A) of
14 Section 24-3 of the Criminal Code of 2012.

15 Unless otherwise expressly stated, "gun show" does not
16 include training or safety classes, competitive shooting
17 events, such as rifle, shotgun, or handgun matches, trap,
18 skeet, or sporting clays shoots, dinners, banquets, raffles, or
19 any other event where the sale or transfer of firearms is not
20 the primary course of business.

21 "Gun show promoter" means a person who organizes or
22 operates a gun show.

23 "Gun show vendor" means a person who exhibits, sells,
24 offers for sale, transfers, or exchanges any firearms at a gun
25 show, regardless of whether the person arranges with a gun show
26 promoter for a fixed location from which to exhibit, sell,

1 offer for sale, transfer, or exchange any firearm.

2 "Gun violence restraining order" means an order, in
3 writing, signed by the court, prohibiting and enjoining a named
4 person from having in his or her custody or control, owning,
5 purchasing, possessing, or receiving any firearms or firearm
6 ammunition and ordering the seizure of the named person's
7 firearms, Firearm Owner's Identification Card and concealed
8 carry license, if any, during the duration of the order.

9 "Immediate family" means any spouse, whether by marriage or
10 not, parent, child, any person related by consanguinity or
11 affinity within the second degree, or any other person who
12 regularly resides in the household, or who, within the prior 6
13 months, regularly resided in the household.

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

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

1 illness.

2 "National governing body" means a group of persons who
3 adopt rules and formulate policy on behalf of a national
4 firearm sporting organization.

5 "Patient" means:

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

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

15 "Person with a developmental disability" means a person
16 with a disability which is attributable to any other condition
17 which results in impairment similar to that caused by an
18 intellectual disability and which requires services similar to
19 those required by persons with intellectual disabilities. The
20 disability must originate before the age of 18 years, be
21 expected to continue indefinitely, and constitute a
22 substantial disability. This disability results, in the
23 professional opinion of a physician, clinical psychologist, or
24 qualified examiner, in significant functional limitations in 3
25 or more of the following areas of major life activity:

26 (i) self-care;

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

7 (a) A person under 21 years of age who has been
8 convicted of a misdemeanor other than a traffic offense or
9 adjudged delinquent;

10 (b) A person under 21 years of age who does not have
11 the written consent of his parent or guardian to acquire
12 and possess firearms and firearm ammunition, or whose
13 parent or guardian has revoked such written consent, or
14 where such parent or guardian does not qualify to have a
15 Firearm Owner's Identification Card;

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

18 (d) A person addicted to narcotics;

19 (e) A person who has been a patient of a mental health
20 facility within the past 5 years or a person who has been a
21 patient in a mental health facility more than 5 years ago
22 who has not received the certification required under
23 subsection (u) of this Section. An active law enforcement
24 officer employed by a unit of government who is denied,
25 revoked, or has his or her Firearm Owner's Identification
26 Card seized under this subsection (e) may obtain relief as

1 described in subsection (c-5) of Section 10 of this Act if
2 the officer did not act in a manner threatening to the
3 officer, another person, or the public as determined by the
4 treating clinical psychologist or physician, and the
5 officer seeks mental health treatment;

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

9 (g) A person who has an intellectual disability;

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

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

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

21 (1) admitted to the United States for lawful
22 hunting or sporting purposes;

23 (2) an official representative of a foreign
24 government who is:

25 (A) accredited to the United States Government
26 or the Government's mission to an international

1 organization having its headquarters in the United
2 States; or

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

5 (3) an official of a foreign government or
6 distinguished foreign visitor who has been so
7 designated by the Department of State;

8 (4) a foreign law enforcement officer of a friendly
9 foreign government entering the United States on
10 official business; or

11 (5) one who has received a waiver from the Attorney
12 General of the United States pursuant to 18 U.S.C.
13 922(y)(3);

14 (j) (Blank);

15 (k) A person who has been convicted within the past 5
16 years of battery, assault, aggravated assault, violation
17 of an order of protection, or a substantially similar
18 offense in another jurisdiction, in which a firearm was
19 used or possessed;

20 (l) A person who has been convicted of domestic
21 battery, aggravated domestic battery, or a substantially
22 similar offense in another jurisdiction committed before,
23 on or after January 1, 2012 (the effective date of Public
24 Act 97-158). If the applicant or person who has been
25 previously issued a Firearm Owner's Identification Card
26 under this Act knowingly and intelligently waives the right

1 to have an offense described in this paragraph (l) tried by
2 a jury, and by guilty plea or otherwise, results in a
3 conviction for an offense in which a domestic relationship
4 is not a required element of the offense but in which a
5 determination of the applicability of 18 U.S.C. 922(g)(9)
6 is made under Section 112A-11.1 of the Code of Criminal
7 Procedure of 1963, an entry by the court of a judgment of
8 conviction for that offense shall be grounds for denying an
9 application for and for revoking and seizing a Firearm
10 Owner's Identification Card previously issued to the
11 person under this Act;

12 (m) (Blank);

13 (n) A person who is prohibited from acquiring or
14 possessing firearms or firearm ammunition by any Illinois
15 State statute or by federal law;

16 (o) A minor subject to a petition filed under Section
17 5-520 of the Juvenile Court Act of 1987 alleging that the
18 minor is a delinquent minor for the commission of an
19 offense that if committed by an adult would be a felony;

20 (p) An adult who had been adjudicated a delinquent
21 minor under the Juvenile Court Act of 1987 for the
22 commission of an offense that if committed by an adult
23 would be a felony;

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

1 (r) A person who has been adjudicated as a person with
2 a mental disability;

3 (s) A person who has been found to have a developmental
4 disability;

5 (t) A person involuntarily admitted into a mental
6 health facility; ~~or~~

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

1 restored through administrative or judicial action under
2 Section 10 or 11 of this Act; or

3 (v) A person who is subject to a gun violence
4 restraining order issued under Section 8.3 of this Act
5 during the duration of the order.

6 Upon revocation of a person's Firearm Owner's
7 Identification Card, the Department of State Police shall
8 provide notice to the person and the person shall comply with
9 Section 9.5 of this Act.

10 (Source: P.A. 98-63, eff. 7-9-13; 98-508, eff. 8-19-13; 98-756,
11 eff. 7-16-14; 99-143, eff. 7-27-15.)

12 (430 ILCS 65/8.3 new)

13 Sec. 8.3. Gun violence restraining order.

14 (a) The Supreme Court may prescribe the form of the
15 petitions and orders and any other documents, and may adopt any
16 rules of court, necessary to implement this Section.

17 (b) An immediate family member of a person or a law
18 enforcement officer may file a petition requesting that the
19 court issue either a plenary or ex parte gun violence
20 restraining order enjoining the subject of the petition from
21 having in his or her custody or control, owning, purchasing,
22 possessing, or receiving a firearm or firearm ammunition. A
23 petition for a gun violence restraining order shall describe
24 the number, types, and locations of any firearms and firearm
25 ammunition presently believed by the petitioner to be possessed

1 or controlled by the subject of the petition. Prior to a
2 hearing on the issuance, renewal, or termination of an order
3 under this Section, the court shall ensure that a search of
4 LEADS and other law enforcement databases is conducted of any
5 conviction information of the respondent for a forcible felony;
6 any misdemeanor conviction involving domestic violence,
7 weapons, or other violence; any outstanding warrant; parole,
8 mandatory supervised release, aftercare release, probation, or
9 conditional discharge status; any prior restraining order; and
10 any violation of a prior restraining order. After issuing its
11 ruling, the court shall provide the advisement to the parties
12 that the information obtained from the search conducted under
13 this subsection (b) is confidential and may be released only to
14 the parties and their counsels, and court personnel. The court
15 shall keep information obtained from a search conducted under
16 this subsection (b) confidential in accordance with this
17 subsection (b). The court shall notify the Department of State
18 Police when a gun violence restraining order has been issued or
19 renewed under this Section no later than one court day after
20 issuing or renewing the order.

21 (c) A court may issue a gun violence restraining order if
22 the petition, supported by an affidavit made in writing and
23 signed by the petitioner under oath, or an oral statement, and
24 any additional information provided to the court that shows
25 that there is a substantial likelihood that both of the
26 following are true:

1 (1) the subject of the petition poses a clear and
2 present danger of personal injury to himself, herself, or
3 another by having in his or her custody or control, owning,
4 purchasing, possessing, or receiving a firearm as
5 determined by considering the factors listed in subsection
6 (f) of this Section; and

7 (2) a gun violence restraining order is necessary to
8 prevent personal injury to the subject of the petition or
9 another because less restrictive alternatives either have
10 been tried and found to be ineffective, or are inadequate
11 or inappropriate for the circumstances of the subject of
12 the petition.

13 (d) An affidavit supporting a petition for the issuance of
14 a gun violence restraining order shall set forth the facts
15 tending to establish the grounds of the petition, or the reason
16 for believing that they exist.

17 (e) If the court determines that the petitioner,
18 respondent, or another person is in imminent danger of death or
19 great bodily harm because of an act of the respondent, the
20 court may issue an ex parte gun violence restraining order
21 without notice and hearing. An ex parte order under this
22 subsection (e) shall be issued or denied on the same day that
23 the petition is submitted to the court, unless the petition is
24 filed too late in the day to permit effective review, in which
25 case the order shall be issued or denied on the next day of
26 judicial business in sufficient time for the order to be filed

1 that day with the clerk of the court. The court, before issuing
2 an ex parte gun violence restraining order, shall examine on
3 oath, the petitioner and any witness the petitioner may
4 produce. In lieu of examining the petitioner and any witness
5 the petitioner may produce, the court may require the
6 petitioner and any witness to submit a written affidavit signed
7 under oath.

8 (f) In determining whether grounds for a gun violence
9 restraining order exist, the court shall consider all evidence
10 of the following:

11 (1) a recent threat of violence or act of violence by
12 the subject of the petition directed toward another;

13 (2) a recent threat of violence or act of violence by
14 the subject of the petition directed toward himself or
15 herself;

16 (3) a violation of an emergency order of protection
17 issued under Section 112A-17 of the Code of Criminal
18 Procedure of 1963 or under Section 217 of the Illinois
19 Domestic Violence Act of 1986 that is in effect at the time
20 the court is considering the petition;

21 (4) a recent violation of an unexpired order of
22 protection issued under Section 112A-14, 112A-18, or
23 112A-19 of the Code of Criminal Procedure of 1963 or under
24 Section 214, 218, or 219 of the Illinois Domestic Violence
25 Act of 1986, a stalking no contact order issued under
26 Section 80, 95, or 100 of the Stalking No Contact Order

1 Act, or a civil no contact order issued under Section 213,
2 214, or 215 of the Civil No Contact Order Act;

3 (5) a conviction for any offense listed in Article 24
4 of the Criminal Code of 2012;

5 (6) a pattern of violent acts or violent threats within
6 the past 12 months, including, but not limited to, threats
7 of violence or acts of violence by the subject of the
8 petition directed toward himself, herself, or another. In
9 determining whether grounds for a gun violence restraining
10 order exist, the court may consider any other evidence of
11 an increased risk for violence, including, but not limited
12 to, evidence of any of the following:

13 (i) the unlawful and reckless use, display, or
14 brandishing of a firearm by the subject of the
15 petition;

16 (ii) the history of use, attempted use, or
17 threatened use of physical force by the subject of the
18 petition against another person;

19 (iii) any prior arrest of the subject of the
20 petition for a felony offense;

21 (iv) any history of a violation by the subject of
22 the petition of an emergency order of protection issued
23 under Section 112A-17 of the Code of Criminal Procedure
24 of 1963 or under Section 217 of the Illinois Domestic
25 Violence Act of 1986 that is in effect at the time the
26 court is considering the petition;

1 (v) any history of a violation by the subject of
2 the petition of a order of protection issued under
3 Section 112A-14, 112A-18, or 112A-19 of the Code of
4 Criminal Procedure of 1963 or under Section 214, 218,
5 or 219 of the Illinois Domestic Violence Act of 1986, a
6 stalking no contact order issued under Section 80, 95,
7 or 100 of the Stalking No Contact Order Act, or a civil
8 no contact order issued under Section 213, 214, or 215
9 of the Civil No Contact Order Act;

10 (vi) documentary evidence, including, but not
11 limited to, police reports and records of convictions,
12 of either recent criminal offenses by the subject of
13 the petition that involve controlled substances or
14 alcohol or ongoing abuse of controlled substances or
15 alcohol by the subject of the petition; or

16 (vii) evidence of recent acquisition of firearms,
17 ammunition, or other deadly weapons. As used in this
18 item (vii), "recent" means within the 6 months prior to
19 the date the petition was filed.

20 (g) If the court determines that there are grounds to issue
21 an ex parte gun violence restraining order, it shall issue an
22 ex parte gun violence restraining order that prohibits the
23 subject of the petition from having in his or her custody or
24 control, owning, purchasing, possessing, or receiving, or
25 attempting to purchase or receive, a firearm or ammunition, and
26 expires no later than 21 days from the date of the order. The

1 order shall also require that the Department of State Police
2 seize the respondent's firearms and Firearm Owner's
3 Identification Card and concealed carry license, if
4 applicable. The respondent's firearms, Firearm Owner's
5 Identification Card and concealed carry license, if applicable
6 shall be returned to the respondent upon expiration of the
7 order.

8 (h) A gun violence restraining order issued under this
9 Section shall include all of the following:

10 (1) a statement of the grounds supporting the issuance
11 of the order;

12 (2) the date and time the order expires;

13 (3) the address of the circuit court in which any
14 responsive pleading should be filed;

15 (4) the date and time of the scheduled hearing; and

16 (5) the following statement:

17 "To the restrained person: This order will last
18 until (the date and time noted in the order). If
19 you have not done so already, you must surrender all
20 firearms and firearm ammunition that you own or possess
21 and your Firearm Owner's Identification Card and
22 concealed carry license if one has been issued to you
23 in accordance with Section 8.3 of the Firearm Owners
24 Identification Card Act. You may not have in your
25 custody or control, own, purchase, possess, or
26 receive, or attempt to purchase or receive a firearm or

1 firearm ammunition, while this order is in effect.
2 Under Section 8.3 of the Firearm Owners Identification
3 Card Act, you have the right to request one hearing to
4 terminate this order at any time during its effective
5 period. You may seek the advice of an attorney as to
6 any matter connected with the order."

7 (i) (1) A gun violence restraining order shall be
8 personally served on the restrained person by a person
9 authorized to serve process under Section 2-202 of the Code of
10 Civil Procedure, if the restrained person can reasonably be
11 located.

12 (2) When serving an ex parte gun violence restraining
13 order, a law enforcement officer shall inform the restrained
14 person of the hearing scheduled under this Section. Within 21
15 days after the date on the order, before the court that issued
16 the order or another court in the same circuit, the court shall
17 hold a hearing under this Section to determine if a gun
18 violence restraining order should be issued under this Section.

19 (j) When the court issues a plenary gun violence
20 restraining order under this Section, the court shall inform
21 the restrained person that he or she is entitled to one hearing
22 to request a termination of the order under this Section, and
23 shall provide the restrained person with a form to request a
24 hearing.

25 (k) A person subject to a gun violence restraining order
26 issued under this Section may submit one written request at any

1 time during the effective period of the order for a hearing to
2 terminate the order.

3 (l) If the court finds after the hearing that there is no
4 longer clear and convincing evidence to believe that paragraphs
5 (1) and (2) of subsection (c) of this Section are true, the
6 court shall terminate the order.

7 (m) An immediate family member of a restrained person or a
8 law enforcement officer may request a renewal of a gun violence
9 restraining order at any time within the 3 months before the
10 expiration of a gun violence restraining order.

11 (n) A court may, after notice and a hearing, renew a gun
12 violence restraining order issued under this Section if the
13 petitioner proves, by clear and convincing evidence, that
14 paragraphs (1) and (2) of subsection (c) of this Section
15 continue to be true.

16 (o) In determining whether to renew a gun violence
17 restraining order issued under this Section, the court shall
18 consider evidence of the facts identified in subsection (f) of
19 this Section.

20 (p) At the hearing, the petitioner shall have the burden of
21 proving, by clear and convincing evidence, that paragraphs (1)
22 and (2) of subsection (c) of this Section are true.

23 (q) If the renewal petition is supported by clear and
24 convincing evidence, the court shall renew the gun violence
25 restraining order issued under this Section.

26 (r) The renewal of a gun violence restraining order issued

1 under this Section shall have a duration of one year, subject
2 to termination by further order of the court at a hearing held
3 under this Section and further renewal by further order of the
4 court under this Section.

5 (s) A gun violence restraining order renewed under this
6 Section shall include the information identified in subsection
7 (f) of this Section. Any hearing held under this Section may be
8 continued upon a showing of good cause. Any existing order
9 issued under this Section shall remain in full force and effect
10 during the period of continuance.

11 (t) If a person subject to a gun violence restraining order
12 issued or renewed under this Section was not present in court
13 at the time the order was issued or renewed, the gun violence
14 restraining order shall be personally served on the restrained
15 person by a person authorized to serve process under Section
16 2-202 of the Code of Civil Procedure, if the restrained person
17 can reasonably be located.

18 (u) Nothing in this Section shall be interpreted to require
19 a law enforcement agency or a law enforcement officer to seek a
20 gun violence restraining order in any case, including, but not
21 limited to, in a case in which the agency or officer concludes,
22 after investigation, that the criteria for issuance of a gun
23 violence restraining order are not satisfied.

24 Section 10. The Firearm Concealed Carry Act is amended by
25 changing Section 70 as follows:

1 (430 ILCS 66/70)

2 Sec. 70. Violations.

3 (a) A license issued or renewed under this Act shall be
4 revoked if, at any time, the licensee is found to be ineligible
5 for a license under this Act or the licensee no longer meets
6 the eligibility requirements of the Firearm Owners
7 Identification Card Act.

8 (b) A license shall be suspended if an order of protection,
9 including an emergency order of protection, plenary order of
10 protection, or interim order of protection under Article 112A
11 of the Code of Criminal Procedure of 1963 or under the Illinois
12 Domestic Violence Act of 1986, is issued against a licensee for
13 the duration of the order, or if the Department is made aware
14 of a similar order issued against the licensee in any other
15 jurisdiction. If an order of protection is issued against a
16 licensee, the licensee shall surrender the license, as
17 applicable, to the court at the time the order is entered or to
18 the law enforcement agency or entity serving process at the
19 time the licensee is served the order. The court, law
20 enforcement agency, or entity responsible for serving the order
21 of protection shall notify the Department within 7 days and
22 transmit the license to the Department.

23 (c) A license is invalid upon expiration of the license,
24 unless the licensee has submitted an application to renew the
25 license, and the applicant is otherwise eligible to possess a

1 license under this Act.

2 (d) A licensee shall not carry a concealed firearm while
3 under the influence of alcohol, other drug or drugs,
4 intoxicating compound or combination of compounds, or any
5 combination thereof, under the standards set forth in
6 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

7 A licensee in violation of this subsection (d) shall be
8 guilty of a Class A misdemeanor for a first or second violation
9 and a Class 4 felony for a third violation. The Department may
10 suspend a license for up to 6 months for a second violation and
11 shall permanently revoke a license for a third violation.

12 (e) Except as otherwise provided, a licensee in violation
13 of this Act shall be guilty of a Class B misdemeanor. A second
14 or subsequent violation is a Class A misdemeanor. The
15 Department may suspend a license for up to 6 months for a
16 second violation and shall permanently revoke a license for 3
17 or more violations of Section 65 of this Act. Any person
18 convicted of a violation under this Section shall pay a \$150
19 fee to be deposited into the Mental Health Reporting Fund, plus
20 any applicable court costs or fees.

21 (f) A licensee convicted or found guilty of a violation of
22 this Act who has a valid license and is otherwise eligible to
23 carry a concealed firearm shall only be subject to the
24 penalties under this Section and shall not be subject to the
25 penalties under Section 21-6, paragraph (4), (8), or (10) of
26 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)

1 of paragraph (3) of subsection (a) of Section 24-1.6 of the
2 Criminal Code of 2012. Except as otherwise provided in this
3 subsection, nothing in this subsection prohibits the licensee
4 from being subjected to penalties for violations other than
5 those specified in this Act.

6 (g) A licensee whose license is revoked, suspended, or
7 denied shall, within 48 hours of receiving notice of the
8 revocation, suspension, or denial, surrender his or her
9 concealed carry license to the local law enforcement agency
10 where the person resides. The local law enforcement agency
11 shall provide the licensee a receipt and transmit the concealed
12 carry license to the Department of State Police. If the
13 licensee whose concealed carry license has been revoked,
14 suspended, or denied fails to comply with the requirements of
15 this subsection, the law enforcement agency where the person
16 resides may petition the circuit court to issue a warrant to
17 search for and seize the concealed carry license in the
18 possession and under the custody or control of the licensee
19 whose concealed carry license has been revoked, suspended, or
20 denied. The observation of a concealed carry license in the
21 possession of a person whose license has been revoked,
22 suspended, or denied constitutes a sufficient basis for the
23 arrest of that person for violation of this subsection. A
24 violation of this subsection is a Class A misdemeanor.

25 (h) A license issued or renewed under this Act shall be
26 revoked if, at any time, the licensee is found ineligible for a

1 Firearm Owner's Identification Card, or the licensee no longer
2 possesses a valid Firearm Owner's Identification Card. A
3 licensee whose license is revoked under this subsection (h)
4 shall surrender his or her concealed carry license as provided
5 for in subsection (g) of this Section.

6 This subsection shall not apply to a person who has filed
7 an application with the State Police for renewal of a Firearm
8 Owner's Identification Card and who is not otherwise ineligible
9 to obtain a Firearm Owner's Identification Card.

10 (i) A certified firearms instructor who knowingly provides
11 or offers to provide a false certification that an applicant
12 has completed firearms training as required under this Act is
13 guilty of a Class A misdemeanor. A person guilty of a violation
14 of this subsection (i) is not eligible for court supervision.
15 The Department shall permanently revoke the firearms
16 instructor certification of a person convicted under this
17 subsection (i).

18 (j) A person who is subject to a gun violence restraining
19 order shall surrender his or her concealed carry license to the
20 Department of State Police. The person's license shall be
21 suspended during the duration of the order.

22 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-899,
23 eff. 8-15-14.)