

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 4, 5, 7, and 8 as follows:

6 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

7 Sec. 4. (a) Each applicant for a Firearm Owner's
8 Identification Card must:

9 (1) Make application on blank forms prepared and
10 furnished at convenient locations throughout the State by
11 the Department of State Police; and

12 (2) Submit evidence under penalty of perjury to the
13 Department of State Police that:

14 (i) He or she is 21 years of age or over, or
15 if he or she is under 21 years of age that he or she
16 has the written consent of his or her parent or
17 legal guardian to possess and acquire firearms and
18 firearm ammunition and that he or she has never been
19 convicted of a misdemeanor other than a traffic
20 offense or adjudged delinquent, provided, however,
21 that such parent or legal guardian is not an
22 individual prohibited from having a Firearm Owner's
23 Identification Card and files an affidavit with the
24 Department as prescribed by the Department stating
25 that he or she is not an individual prohibited from
26 having a Card;

27 (ii) He or she has not been convicted of a
28 felony under the laws of this or any other
29 jurisdiction;

30 (iii) He or she is not addicted to narcotics;

31 (iv) He or she has not been a patient in a

1 mental institution within the past 5 years;

2 (v) He or she is not mentally retarded;

3 (vi) He or she is not an alien who is
4 unlawfully present in the United States under the
5 laws of the United States;

6 (vii) He or she is not subject to an existing
7 order of protection prohibiting him or her from
8 possessing a firearm;

9 (viii) He or she has not been convicted within
10 the past 5 years of battery, assault, aggravated
11 assault, a violation of Article 24 of the Criminal
12 Code of 1961 or of this Act, violation of an order
13 of protection, or a substantially similar offense in
14 another jurisdiction, in which a firearm was used or
15 possessed;

16 (ix) He or she has not been convicted of
17 domestic battery or a substantially similar offense
18 in another jurisdiction committed on or after the
19 effective date of this amendatory Act of 1997; and

20 (x) He or she has not been convicted within
21 the past 5 years of domestic battery or a
22 substantially similar offense in another
23 jurisdiction committed before the effective date of
24 this amendatory Act of 1997; and

25 (xi) He or she is not in this or any other
26 jurisdiction on bond or awaiting a preliminary
27 hearing, trial, or sentencing for the commission of:

28 A. a felony; or

29 B. the offense of domestic battery in
30 Illinois or a substantially similar offense in
31 another jurisdiction; or

32 C. a violation of Article 24 of the
33 Criminal Code of 1961 or of this Act in
34 Illinois or substantially similar laws of

1 another jurisdiction pertaining to firearms;

2 (3) Upon request by the Department of State Police,
3 sign a release on a form prescribed by the Department of
4 State Police waiving any right to confidentiality and
5 requesting the disclosure to the Department of State
6 Police of limited mental health institution admission
7 information from another state, the District of Columbia,
8 any other territory of the United States, or a foreign
9 nation concerning the applicant for the sole purpose of
10 determining whether the applicant is or was a patient in
11 a mental health institution and disqualified because of
12 that status from receiving a Firearm Owner's
13 Identification Card. No mental health care or treatment
14 records may be requested. The information received shall
15 be destroyed within one year of receipt;:-

16 (4) Be fingerprinted and photographed in a manner
17 and by a law enforcement agency that is authorized by
18 rules of the Department of State Police to take the
19 fingerprints and photographs; and

20 (5) Successfully complete a basic firearm safety
21 test in accordance with the rules adopted by the
22 Department of State Police.

23 (b) Each application form shall include the following
24 statement printed in bold type: "Warning: False statements
25 of the applicant shall result in prosecution for perjury in
26 accordance with Section 32-2 of the Criminal Code of 1961.".

27 (b-5) Each application shall require the applicant to
28 submit a password or other private information that will not
29 be contained on the applicant's Firearm Owners Identification
30 Card, but shall be used in conjunction with that card by a
31 federally licensed firearms dealer pursuant to Section 3.1 of
32 this Act to verify the identity of a person desiring to
33 acquire a firearm.

34 (b-10) Each application shall be attested to by a member

1 of a law enforcement agency prescribed by the Department of
2 State Police. If an applicant is a minor who is under 18
3 years of age at the time of application, the parent or legal
4 guardian of the minor giving consent for the minor to receive
5 the Firearm Owner's Identification Card shall accompany the
6 minor to the law enforcement agency and either display the
7 Firearm Owner's Identification Card of the parent or legal
8 guardian to the law enforcement agency or apply for the
9 issuance of a Firearm Owner's Identification Card before a
10 Firearm Owner's Identification Card is issued to the minor.

11 (c) Upon such written consent, pursuant to Section 4,
12 paragraph (a) (2) (i), the parent or legal guardian giving
13 the consent shall be liable for any damages resulting from
14 the applicant's use of firearms or firearm ammunition.

15 (Source: P.A. 90-493, eff. 1-1-98; 91-514, eff. 1-1-00;
16 91-694, eff. 4-13-00.)

17 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

18 Sec. 5. The Department of State Police shall either
19 approve or deny all applications within 30 days from the date
20 they are received, and every applicant found qualified
21 pursuant to Section 8 of this Act by the Department shall be
22 entitled to a Firearm Owner's Identification Card upon the
23 payment of a ~~\$25~~ \$5 fee. ~~\$7~~ \$3 of each fee derived from the
24 issuance of Firearm Owner's Identification Cards, or renewals
25 thereof, shall be deposited in the Wildlife and Fish Fund in
26 the State Treasury; ~~\$3~~ \$1 of such fee shall be deposited in
27 the General Revenue Fund in the State Treasury and ~~\$15~~ \$1 of
28 such fee shall be deposited in the Firearm Owner's
29 Notification Fund. Monies in the Firearm Owner's
30 Notification Fund shall be used exclusively to pay for the
31 cost of sending notices of expiration of Firearm Owner's
32 Identification Cards under Section 13.2 of this Act. Excess
33 monies in the Firearm Owner's Notification Fund shall be used

1 to ensure the prompt and efficient processing of applications
2 received under Section 4 of this Act.

3 (Source: P.A. 84-1426.)

4 (430 ILCS 65/7) (from Ch. 38, par. 83-7)

5 Sec. 7. Except as provided in Section 8 of this Act, a
6 Firearm Owner's Identification Card issued under the
7 provisions of this Act shall be valid for the person to whom
8 it is issued for a period of 8 5 years from the date of
9 issuance.

10 (Source: Laws 1967, p. 2600.)

11 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

18 (a) A person under 21 years of age who has been
19 convicted of a misdemeanor other than a traffic offense or
20 adjudged delinquent;

21 (b) A person under 21 years of age who does not have the
22 written consent of his parent or guardian to acquire and
23 possess firearms and firearm ammunition, or whose parent or
24 guardian has revoked such written consent, or where such
25 parent or guardian does not qualify to have a Firearm Owner's
26 Identification Card;

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

29 (d) A person addicted to narcotics;

30 (e) A person who has been a patient of a mental
31 institution within the past 5 years;

32 (f) A person whose mental condition is of such a nature

1 that it poses a clear and present danger to the applicant,
2 any other person or persons or the community;

3 For the purposes of this Section, "mental condition"
4 means a state of mind manifested by violent, suicidal,
5 threatening or assaultive behavior.

6 (g) A person who is mentally retarded;

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

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

11 (j) A person who is subject to an existing order of
12 protection prohibiting him or her from possessing a firearm;

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

18 (l) A person who has been convicted of domestic battery
19 or a substantially similar offense in another jurisdiction
20 committed on or after January 1, 1998;

21 (m) A person who has been convicted within the past 5
22 years of domestic battery or a substantially similar offense
23 in another jurisdiction committed before January 1, 1998; or

24 (n) A person who is prohibited from acquiring or
25 possessing firearms or firearm ammunition by any Illinois
26 State statute or by federal law; or;

27 (o) A person who, in this or any other jurisdiction, is
28 on bond or awaiting a preliminary hearing, trial, or
29 sentencing for the commission of:

30 A. a felony; or

31 B. the offense of domestic battery in Illinois or a
32 substantially similar offense in another jurisdiction; or

33 C. a violation of Article 24 of the Criminal Code
34 of 1961 or of this Act in Illinois or substantially

1 similar laws of another jurisdiction pertaining to
2 firearms.

3 (Source: P.A. 90-130, eff. 1-1-98; 90-493, eff. 1-1-98;
4 90-655, eff. 7-30-98; 91-694, eff. 4-13-00.)