

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 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, violation of an order of protection, or a  
12          substantially similar offense in another  
13          jurisdiction, in which a firearm was used or  
14          possessed;

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

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

24                  (xi) He or she has never been convicted of stalking  
25          in Illinois or a substantially similar offense in another  
26          jurisdiction; and

27                  (3) Upon request by the Department of State Police,  
28          sign a release on a form prescribed by the Department of  
29          State Police waiving any right to confidentiality and  
30          requesting the disclosure to the Department of State  
31          Police of limited mental health institution admission  
32          information from another state, the District of Columbia,  
33          any other territory of the United States, or a foreign  
34          nation concerning the applicant for the sole purpose of

1 determining whether the applicant is or was a patient in  
2 a mental health institution and disqualified because of  
3 that status from receiving a Firearm Owner's  
4 Identification Card. No mental health care or treatment  
5 records may be requested. The information received shall  
6 be destroyed within one year of receipt.

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

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

18 Sec. 8. The Department of State Police has authority to  
19 deny an application for or to revoke and seize a Firearm  
20 Owner's Identification Card previously issued under this Act  
21 only if the Department finds that the applicant or the person  
22 to whom such card was issued is or was at the time of  
23 issuance:

24 (a) A person under 21 years of age who has been  
25 convicted of a misdemeanor other than a traffic offense or  
26 adjudged delinquent;

27 (b) A person under 21 years of age who does not have the  
28 written consent of his parent or guardian to acquire and  
29 possess firearms and firearm ammunition, or whose parent or  
30 guardian has revoked such written consent, or where such  
31 parent or guardian does not qualify to have a Firearm Owner's  
32 Identification Card;

33 (c) A person convicted of a felony under the laws of

1 this or any other jurisdiction;

2 (d) A person addicted to narcotics;

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

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

8 For the purposes of this Section, "mental condition"  
9 means a state of mind manifested by violent, suicidal,  
10 threatening or assaultive behavior.

11 (g) A person who is mentally retarded;

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

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

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

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

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

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

29 (n) A person who is prohibited from acquiring or  
30 possessing firearms or firearm ammunition by any Illinois  
31 State statute or by federal law.

32 (o) A person who has been convicted of stalking in  
33 Illinois or a substantially similar offense in another  
34 jurisdiction.

1 (Source: P.A. 90-130, eff. 1-1-98; 90-493, eff. 1-1-98;  
2 90-655, eff. 7-30-98; 91-694, eff. 4-13-00.)