

1 AN ACT in relation to Firearm Owner's Identification
2 Cards.

3 Be it enacted by the People of the State of Illinois,
4 represented in the General Assembly:

5 Section 5. The Firearm Owners Identification Card Act is
6 amended by changing Sections 4, 5, and 13.2 as follows:

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

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

10 (1) Make application on blank forms prepared and
11 furnished at ~~convenient locations throughout the State~~ by
12 the Department of State Police and appear in person at a
13 local police station, county sheriff's office, or the
14 Department of State Police and before receiving an
15 application, present positive evidence of identification
16 to a law enforcement officer, including but not limited
17 to, an Illinois driver's license or Illinois
18 Identification Card; which application shall be signed by
19 the law enforcement officer, or by electronic means, if
20 ~~and when made available by the Department of State~~
21 ~~Police; and~~

22 (2) Submit evidence to the Department of State
23 Police that:

24 (i) He or she is 21 years of age or over, or
25 if he or she is under 21 years of age that he or she
26 has the written consent of his or her parent or
27 legal guardian to possess and acquire firearms and
28 firearm ammunition and that he or she has never been
29 convicted of a misdemeanor other than a traffic
30 offense or adjudged delinquent, provided, however,
31 that such parent or legal guardian is not an

1 individual prohibited from having a Firearm Owner's
2 Identification Card and files an affidavit with the
3 Department as prescribed by the Department stating
4 that he or she is not an individual prohibited from
5 having a Card;

6 (ii) He or she has not been convicted of a
7 felony under the laws of this or any other
8 jurisdiction;

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

10 (iv) He or she has not been a patient in a
11 mental institution within the past 5 years;

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

13 (vi) He or she is not an alien who is
14 unlawfully present in the United States under the
15 laws of the United States;

16 (vii) He or she is not subject to an existing
17 order of protection prohibiting him or her from
18 possessing a firearm;

19 (viii) He or she has not been convicted within
20 the past 5 years of battery, assault, aggravated
21 assault, violation of an order of protection, or a
22 substantially similar offense in another
23 jurisdiction, in which a firearm was used or
24 possessed;

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

29 (x) He or she has not been convicted within
30 the past 5 years of domestic battery or a
31 substantially similar offense in another
32 jurisdiction committed before the effective date of
33 this amendatory Act of 1997; and

34 (3) Upon request by the Department of State Police,

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

14 (a-5) Each applicant for a Firearm Owner's
15 Identification Card who is over the age of 18 shall furnish
16 to the Department of State Police either his or her driver's
17 license number or Illinois Identification Card number.

18 (b) Each application form shall include the following
19 statement printed in bold type: "Warning: Entering false
20 information on an application for a Firearm Owner's
21 Identification Card is punishable as a Class 2 felony in
22 accordance with subsection (d-5) of Section 14 of the Firearm
23 Owners Identification Card Act."

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

28 (Source: P.A. 91-514, eff. 1-1-00; 91-694, eff. 4-13-00;
29 92-442, eff. 8-17-01.)

30 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

31 Sec. 5. The Department of State Police shall either
32 approve or deny all applications within 30 days from the date
33 they are received, and every applicant found qualified

1 pursuant to Section 8 of this Act by the Department shall be
 2 entitled to a Firearm Owner's Identification Card upon the
 3 payment of a ~~\$10~~ \$5 fee. \$3 of each fee derived from the
 4 issuance of Firearm Owner's Identification Cards, or renewals
 5 thereof, shall be deposited in the Wildlife and Fish Fund in
 6 the State Treasury; \$1 of such fee shall be deposited in the
 7 General Revenue Fund in the State Treasury and ~~\$6~~ \$1 of such
 8 fee shall be deposited in the Firearm Owner's Notification
 9 Fund. Monies in the Firearm Owner's Notification Fund shall
 10 be used exclusively to pay for the cost of sending notices of
 11 expiration of Firearm Owner's Identification Cards under
 12 Section 13.2 of this Act. Excess monies in the Firearm
 13 Owner's Notification Fund shall be used to ensure the prompt
 14 and efficient processing of applications received under
 15 Section 4 of this Act.

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

17 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

18 Sec. 13.2. The Department of State Police shall, 60 days
 19 prior to the expiration of a Firearm Owner's Identification
 20 Card, forward by first class mail to each person whose card
 21 is to expire a notification of the expiration of the card and
 22 ~~an application which may be used to apply for renewal of the~~
 23 ~~card.~~ It is the obligation of the holder of a Firearm Owner's
 24 Identification Card to notify the Department of State Police
 25 of any address change since the issuance of the Firearm
 26 Owner's Identification Card.

27 (Source: P.A. 91-690, eff. 4-13-00.)

28 Section 10. The Illinois Vehicle Code is amended by
 29 changing Section 6-204 as follows:

30 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

31 Sec. 6-204. When Court to forward License and Reports.

1 (a) For the purpose of providing to the Secretary of
2 State the records essential to the performance of the
3 Secretary's duties under this Code to cancel, revoke or
4 suspend the driver's license and privilege to drive motor
5 vehicles of certain minors adjudicated truant minors in need
6 of supervision, addicted, or delinquent and of persons found
7 guilty of the criminal offenses or traffic violations which
8 this Code recognizes as evidence relating to unfitness to
9 safely operate motor vehicles, the following duties are
10 imposed upon public officials:

11 (1) Whenever any person is convicted of any offense
12 for which this Code makes mandatory the cancellation or
13 revocation of the driver's license or permit of such
14 person by the Secretary of State, the judge of the court
15 in which such conviction is had shall require the
16 surrender to the clerk of the court of all driver's
17 licenses or permits then held by the person so convicted,
18 and the clerk of the court shall, within 10 days
19 thereafter, forward the same, together with a report of
20 such conviction, to the Secretary.

21 (2) Whenever any person is convicted of any offense
22 under this Code or similar offenses under a municipal
23 ordinance, other than regulations governing standing,
24 parking or weights of vehicles, and excepting the
25 following enumerated Sections of this Code: Sections
26 11-1406 (obstruction to driver's view or control),
27 11-1407 (improper opening of door into traffic), 11-1410
28 (coasting on downgrade), 11-1411 (following fire
29 apparatus), 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101
30 (driving vehicle which is in unsafe condition or
31 improperly equipped), 12-201(a) (daytime lights on
32 motorcycles), 12-202 (clearance, identification and side
33 marker lamps), 12-204 (lamp or flag on projecting load),
34 12-205 (failure to display the safety lights required),

1 12-401 (restrictions as to tire equipment), 12-502
2 (mirrors), 12-503 (windshields must be unobstructed and
3 equipped with wipers), 12-601 (horns and warning
4 devices), 12-602 (mufflers, prevention of noise or
5 smoke), 12-603 (seat safety belts), 12-702 (certain
6 vehicles to carry flares or other warning devices),
7 12-703 (vehicles for oiling roads operated on highways),
8 12-710 (splash guards and replacements), 13-101 (safety
9 tests), 15-101 (size, weight and load), 15-102 (width),
10 15-103 (height), 15-104 (name and address on second
11 division vehicles), 15-107 (length of vehicle), 15-109.1
12 (cover or tarpaulin), 15-111 (weights), 15-112 (weights),
13 15-301 (weights), 15-316 (weights), 15-318 (weights), and
14 also excepting the following enumerated Sections of the
15 Chicago Municipal Code: Sections 27-245 (following fire
16 apparatus), 27-254 (obstruction of traffic), 27-258
17 (driving vehicle which is in unsafe condition), 27-259
18 (coasting on downgrade), 27-264 (use of horns and signal
19 devices), 27-265 (obstruction to driver's view or driver
20 mechanism), 27-267 (dimming of headlights), 27-268
21 (unattended motor vehicle), 27-272 (illegal funeral
22 procession), 27-273 (funeral procession on boulevard),
23 27-275 (driving freight hauling vehicles on boulevard),
24 27-276 (stopping and standing of buses or taxicabs),
25 27-277 (cruising of public passenger vehicles), 27-305
26 (parallel parking), 27-306 (diagonal parking), 27-307
27 (parking not to obstruct traffic), 27-308 (stopping,
28 standing or parking regulated), 27-311 (parking
29 regulations), 27-312 (parking regulations), 27-313
30 (parking regulations), 27-314 (parking regulations),
31 27-315 (parking regulations), 27-316 (parking
32 regulations), 27-317 (parking regulations), 27-318
33 (parking regulations), 27-319 (parking regulations),
34 27-320 (parking regulations), 27-321 (parking

1 regulations), 27-322 (parking regulations), 27-324
2 (loading and unloading at an angle), 27-333 (wheel and
3 axle loads), 27-334 (load restrictions in the downtown
4 district), 27-335 (load restrictions in residential
5 areas), 27-338 (width of vehicles), 27-339 (height of
6 vehicles), 27-340 (length of vehicles), 27-352
7 (reflectors on trailers), 27-353 (mufflers), 27-354
8 (display of plates), 27-355 (display of city vehicle tax
9 sticker), 27-357 (identification of vehicles), 27-358
10 (projecting of loads), and also excepting the following
11 enumerated paragraphs of Section 2-201 of the Rules and
12 Regulations of the Illinois State Toll Highway Authority:
13 (l) (driving unsafe vehicle on tollway), (m) (vehicles
14 transporting dangerous cargo not properly indicated), it
15 shall be the duty of the clerk of the court in which such
16 conviction is had within 10 days thereafter to forward to
17 the Secretary of State a report of the conviction and the
18 court may recommend the suspension of the driver's
19 license or permit of the person so convicted.

20 The reporting requirements of this subsection shall apply
21 to all violations stated in paragraphs (1) and (2) of this
22 subsection when the individual has been adjudicated under the
23 Juvenile Court Act or the Juvenile Court Act of 1987. Such
24 reporting requirements shall also apply to individuals
25 adjudicated under the Juvenile Court Act or the Juvenile
26 Court Act of 1987 who have committed a violation of Section
27 11-501 of this Code, or similar provision of a local
28 ordinance, or Section 9-3 of the Criminal Code of 1961, as
29 amended, relating to the offense of reckless homicide. The
30 reporting requirements of this subsection shall also apply to
31 a truant minor in need of supervision, an addicted minor, or
32 a delinquent minor and whose driver's license and privilege
33 to drive a motor vehicle has been ordered suspended for such
34 times as determined by the Court, but only until he or she

1 attains 18 years of age. It shall be the duty of the clerk
2 of the court in which adjudication is had within 10 days
3 thereafter to forward to the Secretary of State a report of
4 the adjudication and the court order requiring the Secretary
5 of State to suspend the minor's driver's license and driving
6 privilege for such time as determined by the Court, but only
7 until he or she attains the age of 18 years. All juvenile
8 court dispositions reported to the Secretary of State under
9 this provision shall be processed by the Secretary of State
10 as if the cases had been adjudicated in traffic or criminal
11 court. However, information reported relative to the offense
12 of reckless homicide, or Section 11-501 of this Code, or a
13 similar provision of a local ordinance, shall be privileged
14 and available only to the Secretary of State, courts, and
15 police officers.

16 (3) Whenever an order is entered vacating the
17 forfeiture of any bail, security or bond given to secure
18 appearance for any offense under this Code or similar
19 offenses under municipal ordinance, it shall be the duty
20 of the clerk of the court in which such vacation was had
21 or the judge of such court if such court has no clerk,
22 within 10 days thereafter to forward to the Secretary of
23 State a report of the vacation.

24 (4) A report of any disposition of court
25 supervision for a violation of Sections 6-303, 11-401,
26 11-501 or a similar provision of a local ordinance,
27 11-503 and 11-504 shall be forwarded to the Secretary of
28 State. A report of any disposition of court supervision
29 for a violation of an offense defined as a serious
30 traffic violation in this Code or a similar provision of
31 a local ordinance committed by a person under the age of
32 21 years shall be forwarded to the Secretary of State.

33 (5) Reports of conviction under this Code and
34 sentencing hearings under the Juvenile Court Act of 1987

1 in an electronic format or a computer processible medium
2 shall be forwarded to the Secretary of State via the
3 Supreme Court in the form and format required by the
4 Illinois Supreme Court and established by a written
5 agreement between the Supreme Court and the Secretary of
6 State. In counties with a population over 300,000,
7 instead of forwarding reports to the Supreme Court,
8 reports of conviction under this Code and sentencing
9 hearings under the Juvenile Court Act of 1987 in an
10 electronic format or a computer processible medium may be
11 forwarded to the Secretary of State by the Circuit Court
12 Clerk in a form and format required by the Secretary of
13 State and established by written agreement between the
14 Circuit Court Clerk and the Secretary of State. Failure
15 to forward the reports of conviction or sentencing
16 hearing under the Juvenile Court Act of 1987 as required
17 by this Section shall be deemed an omission of duty and
18 it shall be the duty of the several State's Attorneys to
19 enforce the requirements of this Section.

20 (b) Whenever a restricted driving permit is forwarded to
21 a court, as a result of confiscation by a police officer
22 pursuant to the authority in Section 6-113(f), it shall be
23 the duty of the clerk, or judge, if the court has no clerk,
24 to forward such restricted driving permit and a facsimile of
25 the officer's citation to the Secretary of State as
26 expeditiously as practicable.

27 (c) For the purposes of this Code, a forfeiture of bail
28 or collateral deposited to secure a defendant's appearance in
29 court when forfeiture has not been vacated, or the failure of
30 a defendant to appear for trial after depositing his driver's
31 license in lieu of other bail, shall be equivalent to a
32 conviction.

33 (d) For the purpose of providing the Secretary of State
34 with records necessary to properly monitor and assess driver

1 performance and assist the courts in the proper disposition
2 of repeat traffic law offenders, the clerk of the court shall
3 forward to the Secretary of State, on a form prescribed by
4 the Secretary, records of a driver's participation in a
5 driver remedial or rehabilitative program which was required,
6 through a court order or court supervision, in relation to
7 the driver's arrest for a violation of Section 11-501 of this
8 Code or a similar provision of a local ordinance. The clerk
9 of the court shall also forward to the Secretary, either on
10 paper or in an electronic format or a computer processible
11 medium as required under paragraph (5) of subsection (a) of
12 this Section, any disposition of court supervision for any
13 traffic violation, excluding those offenses listed in
14 paragraph (2) of subsection (a) of this Section. These
15 reports shall be sent within 10 days after disposition, or,
16 if the driver is referred to a driver remedial or
17 rehabilitative program, within 10 days of the driver's
18 referral to that program. These reports received by the
19 Secretary of State, including those required to be forwarded
20 under paragraph (a)(4), shall be privileged information,
21 available only (i) to the affected driver and (ii) for use by
22 the courts, police officers, prosecuting authorities, and the
23 Secretary of State.

24 (e) For the purpose of protecting law enforcement
25 officers who make stops or arrests for alleged violations of
26 this Code or similar provisions of local ordinances, the
27 Department of State Police, within 6 months after the
28 effective date of this amendatory Act of the 92nd General
29 Assembly, shall forward to the Secretary of State the name,
30 address, and other identifying information of each person who
31 is a valid holder of a Firearm Owner's Identification Card
32 issued under the Firearm Owners Identification Card Act and,
33 within 24 hours after issuance, the name, address, and other
34 identifying information of each person subsequently issued a

1 Firearm Owner's Identification Card. The information shall
2 be compiled in the computerized database that the Secretary
3 of State maintains concerning driving records of each such
4 person who holds a driver's license or permit, restricted
5 driving permit, or judicial driving permit. This information
6 shall be included in the information accessible to law
7 enforcement officers in the enforcement of traffic laws.

8 (Source: P.A. 91-357, eff. 7-29-99; 91-716, eff. 10-1-00;
9 92-458, eff. 8-22-01.)