

# SB0074



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB0074

Introduced 1/12/2017, by Sen. Ira I. Silverstein

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/4  
430 ILCS 66/30

from Ch. 38, par. 83-4

Amends the Firearm Owners Identification Card Act. Provides that on and after the effective date of the amendatory Act, each applicant for the issuance or renewal of a Firearm Owner's Identification Card shall include a full set of his or her fingerprints in electronic format to the Department of State Police for the purpose of identity verification. Amends the Firearm Concealed Carry Act. Provides that a license application shall contain a full set of fingerprints submitted to the Department in electronic format for the purpose of verification of identity (rather than a license application shall contain a full set of fingerprints submitted to the Department in electronic format provided the Department may accept an application submitted without a set of fingerprints in which case the Department shall be granted 30 days in addition to the 90 days period to issue or deny a license).

LRB100 03936 SLF 13941 b

A BILL FOR

1 AN ACT concerning public safety.

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 Section 4 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, or by electronic means, if  
12 and when made available by the Department of State Police;  
13 and

14 (2) Submit evidence to the Department of State Police  
15 that:

16 (i) He or she is 21 years of age or over, or if he  
17 or she is under 21 years of age that he or she has the  
18 written consent of his or her parent or legal guardian  
19 to possess and acquire firearms and firearm ammunition  
20 and that he or she has never been convicted of a  
21 misdemeanor other than a traffic offense or adjudged  
22 delinquent, provided, however, that such parent or  
23 legal guardian is not an individual prohibited from

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

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

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

8 (iv) He or she has not been a patient in a mental  
9 health facility within the past 5 years or, if he or  
10 she has been a patient in a mental health facility more  
11 than 5 years ago submit the certification required  
12 under subsection (u) of Section 8 of this Act;

13 (v) He or she is not a person with an intellectual  
14 disability;

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

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

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

26 (ix) He or she has not been convicted of domestic

1 battery, aggravated domestic battery, or a  
2 substantially similar offense in another jurisdiction  
3 committed before, on or after January 1, 2012 (the  
4 effective date of Public Act 97-158). If the applicant  
5 knowingly and intelligently waives the right to have an  
6 offense described in this clause (ix) tried by a jury,  
7 and by guilty plea or otherwise, results in a  
8 conviction for an offense in which a domestic  
9 relationship is not a required element of the offense  
10 but in which a determination of the applicability of 18  
11 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the  
12 Code of Criminal Procedure of 1963, an entry by the  
13 court of a judgment of conviction for that offense  
14 shall be grounds for denying the issuance of a Firearm  
15 Owner's Identification Card under this Section;

16 (x) (Blank);

17 (xi) He or she is not an alien who has been  
18 admitted to the United States under a non-immigrant  
19 visa (as that term is defined in Section 101(a)(26) of  
20 the Immigration and Nationality Act (8 U.S.C.  
21 1101(a)(26))), or that he or she is an alien who has  
22 been lawfully admitted to the United States under a  
23 non-immigrant visa if that alien is:

24 (1) admitted to the United States for lawful  
25 hunting or sporting purposes;

26 (2) an official representative of a foreign

1 government who is:

2 (A) accredited to the United States  
3 Government or the Government's mission to an  
4 international organization having its  
5 headquarters in the United States; or

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

8 (3) an official of a foreign government or  
9 distinguished foreign visitor who has been so  
10 designated by the Department of State;

11 (4) a foreign law enforcement officer of a  
12 friendly foreign government entering the United  
13 States on official business; or

14 (5) one who has received a waiver from the  
15 Attorney General of the United States pursuant to  
16 18 U.S.C. 922 (y) (3);

17 (xii) He or she is not a minor subject to a  
18 petition filed under Section 5-520 of the Juvenile  
19 Court Act of 1987 alleging that the minor is a  
20 delinquent minor for the commission of an offense that  
21 if committed by an adult would be a felony;

22 (xiii) He or she is not an adult who had been  
23 adjudicated a delinquent minor under the Juvenile  
24 Court Act of 1987 for the commission of an offense that  
25 if committed by an adult would be a felony;

26 (xiv) He or she is a resident of the State of

1 Illinois;

2 (xv) He or she has not been adjudicated as a person  
3 with a mental disability;

4 (xvi) He or she has not been involuntarily admitted  
5 into a mental health facility; and

6 (xvii) He or she is not a person with a  
7 developmental disability; and

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

22 (a-5) Each applicant for a Firearm Owner's Identification  
23 Card who is over the age of 18 shall furnish to the Department  
24 of State Police either his or her Illinois driver's license  
25 number or Illinois Identification Card number, except as  
26 provided in subsection (a-10).

1 (a-10) Each applicant for a Firearm Owner's Identification  
2 Card, who is employed as a law enforcement officer, an armed  
3 security officer in Illinois, or by the United States Military  
4 permanently assigned in Illinois and who is not an Illinois  
5 resident, shall furnish to the Department of State Police his  
6 or her driver's license number or state identification card  
7 number from his or her state of residence. The Department of  
8 State Police may adopt rules to enforce the provisions of this  
9 subsection (a-10).

10 (a-15) If an applicant applying for a Firearm Owner's  
11 Identification Card moves from the residence address named in  
12 the application, he or she shall immediately notify in a form  
13 and manner prescribed by the Department of State Police of that  
14 change of address.

15 (a-20) Each applicant for a Firearm Owner's Identification  
16 Card shall furnish to the Department of State Police his or her  
17 photograph. An applicant who is 21 years of age or older  
18 seeking a religious exemption to the photograph requirement  
19 must furnish with the application an approved copy of United  
20 States Department of the Treasury Internal Revenue Service Form  
21 4029. In lieu of a photograph, an applicant regardless of age  
22 seeking a religious exemption to the photograph requirement  
23 shall submit fingerprints on a form and manner prescribed by  
24 the Department with his or her application.

25 (a-25) On and after the effective date of this amendatory  
26 Act of the 100th General Assembly, each applicant for the

1 issuance or renewal of a Firearm Owner's Identification Card  
2 shall include a full set of his or her fingerprints in  
3 electronic format to the Department of State Police for the  
4 purpose of identity verification, unless the applicant has  
5 previously provided a full set of his or her fingerprints to  
6 the Department under this Act or the Firearm Concealed Carry  
7 Act.

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

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

18 (Source: P.A. 98-63, eff. 7-9-13; 99-143, eff. 7-27-15.)

19 Section 10. The Firearm Concealed Carry Act is amended by  
20 changing Section 30 as follows:

21 (430 ILCS 66/30)

22 Sec. 30. Contents of license application.

23 (a) The license application shall be in writing, under  
24 penalty of perjury, on a standard form adopted by the



1 Department and shall be accompanied by the documentation  
2 required in this Section and the applicable fee. Each  
3 application form shall include the following statement printed  
4 in bold type: "Warning: Entering false information on this form  
5 is punishable as perjury under Section 32-2 of the Criminal  
6 Code of 2012."

7 (b) The application shall contain the following:

8 (1) the applicant's name, current address, date and  
9 year of birth, place of birth, height, weight, hair color,  
10 eye color, maiden name or any other name the applicant has  
11 used or identified with, and any address where the  
12 applicant resided for more than 30 days within the 10 years  
13 preceding the date of the license application;

14 (2) the applicant's valid driver's license number or  
15 valid state identification card number;

16 (3) a waiver of the applicant's privacy and  
17 confidentiality rights and privileges under all federal  
18 and state laws, including those limiting access to juvenile  
19 court, criminal justice, psychological, or psychiatric  
20 records or records relating to any institutionalization of  
21 the applicant, and an affirmative request that a person  
22 having custody of any of these records provide it or  
23 information concerning it to the Department. The waiver  
24 only applies to records sought in connection with  
25 determining whether the applicant qualifies for a license  
26 to carry a concealed firearm under this Act, or whether the

1 applicant remains in compliance with the Firearm Owners  
2 Identification Card Act;

3 (4) an affirmation that the applicant possesses a  
4 currently valid Firearm Owner's Identification Card and  
5 card number if possessed or notice the applicant is  
6 applying for a Firearm Owner's Identification Card in  
7 conjunction with the license application;

8 (5) an affirmation that the applicant has not been  
9 convicted or found guilty of:

10 (A) a felony;

11 (B) a misdemeanor involving the use or threat of  
12 physical force or violence to any person within the 5  
13 years preceding the date of the application; or

14 (C) 2 or more violations related to driving while  
15 under the influence of alcohol, other drug or drugs,  
16 intoxicating compound or compounds, or any combination  
17 thereof, within the 5 years preceding the date of the  
18 license application; and

19 (6) whether the applicant has failed a drug test for a  
20 drug for which the applicant did not have a prescription,  
21 within the previous year, and if so, the provider of the  
22 test, the specific substance involved, and the date of the  
23 test;

24 (7) written consent for the Department to review and  
25 use the applicant's Illinois digital driver's license or  
26 Illinois identification card photograph and signature;

1           (8) a full set of fingerprints submitted to the  
2 Department in electronic format for the purpose of  
3 verification of identity, ~~provided the Department may~~  
4 ~~accept an application submitted without a set of~~  
5 ~~fingerprints in which case the Department shall be granted~~  
6 ~~30 days in addition to the 90 days provided under~~  
7 ~~subsection (c) of Section 10 of this Act to issue or deny a~~  
8 ~~license;~~

9           (9) a head and shoulder color photograph in a size  
10 specified by the Department taken within the 30 days  
11 preceding the date of the license application; and

12           (10) a photocopy of any certificates or other evidence  
13 of compliance with the training requirements under this  
14 Act.

15 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15.)