



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3562

by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

430 ILCS 65/8

from Ch. 38, par. 83-8

Amends the Firearm Owners Identification Card Act. Provides that the Department of State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under the Act if the Department finds that the applicant or the person to whom the card was issued is or was at the time of issuance a person who has been prescribed an opioid for a continuous period of 91 or more days, provided that the person may establish that he or she is not subject to denial or revocation by submitting a written statement from a physician to the Department demonstrating that the person is not dependent on an opioid.

LRB101 07344 SLF 52384 b

1 AN ACT concerning 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 8 as follows:

6 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

13 (a) A person under 21 years of age who has been
14 convicted of a misdemeanor other than a traffic offense or
15 adjudged delinquent;

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

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

1 (d) A person addicted to narcotics;

2 (e) A person who has been a patient of a mental health
3 facility within the past 5 years or a person who has been a
4 patient in a mental health facility more than 5 years ago
5 who has not received the certification required under
6 subsection (u) of this Section. An active law enforcement
7 officer employed by a unit of government who is denied,
8 revoked, or has his or her Firearm Owner's Identification
9 Card seized under this subsection (e) may obtain relief as
10 described in subsection (c-5) of Section 10 of this Act if
11 the officer did not act in a manner threatening to the
12 officer, another person, or the public as determined by the
13 treating clinical psychologist or physician, and the
14 officer seeks mental health treatment;

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

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

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

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

23 (i-5) An alien who has been admitted to the United
24 States under a non-immigrant visa (as that term is defined
25 in Section 101(a)(26) of the Immigration and Nationality
26 Act (8 U.S.C. 1101(a)(26))), except that this subsection

1 (i-5) does not apply to any alien who has been lawfully
2 admitted to the United States under a non-immigrant visa if
3 that alien is:

4 (1) admitted to the United States for lawful
5 hunting or sporting purposes;

6 (2) an official representative of a foreign
7 government who is:

8 (A) accredited to the United States Government
9 or the Government's mission to an international
10 organization having its headquarters in the United
11 States; or

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

14 (3) an official of a foreign government or
15 distinguished foreign visitor who has been so
16 designated by the Department of State;

17 (4) a foreign law enforcement officer of a friendly
18 foreign government entering the United States on
19 official business; or

20 (5) one who has received a waiver from the Attorney
21 General of the United States pursuant to 18 U.S.C.
22 922(y) (3);

23 (j) (Blank);

24 (k) A person who has been convicted within the past 5
25 years of battery, assault, aggravated assault, violation
26 of an order of protection, or a substantially similar

1 offense in another jurisdiction, in which a firearm was
2 used or possessed;

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

21 (m) (Blank);

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

25 (o) A minor subject to a petition filed under Section
26 5-520 of the Juvenile Court Act of 1987 alleging that the

1 minor is a delinquent minor for the commission of an
2 offense that if committed by an adult would be a felony;

3 (p) An adult who had been adjudicated a delinquent
4 minor under the Juvenile Court Act of 1987 for the
5 commission of an offense that if committed by an adult
6 would be a felony;

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

10 (r) A person who has been adjudicated as a person with
11 a mental disability;

12 (s) A person who has been found to have a developmental
13 disability;

14 (s-5) A person who has been prescribed an opioid for a
15 continuous period of 91 or more days, provided that the
16 person may establish that he or she is not subject to
17 denial or revocation by submitting a written statement from
18 a physician to the Department demonstrating that the person
19 is not dependent on an opioid;

20 (t) A person involuntarily admitted into a mental
21 health facility; or

22 (u) A person who has had his or her Firearm Owner's
23 Identification Card revoked or denied under subsection (e)
24 of this Section or item (iv) of paragraph (2) of subsection
25 (a) of Section 4 of this Act because he or she was a
26 patient in a mental health facility as provided in

1 subsection (e) of this Section, shall not be permitted to
2 obtain a Firearm Owner's Identification Card, after the
3 5-year period has lapsed, unless he or she has received a
4 mental health evaluation by a physician, clinical
5 psychologist, or qualified examiner as those terms are
6 defined in the Mental Health and Developmental
7 Disabilities Code, and has received a certification that he
8 or she is not a clear and present danger to himself,
9 herself, or others. The physician, clinical psychologist,
10 or qualified examiner making the certification and his or
11 her employer shall not be held criminally, civilly, or
12 professionally liable for making or not making the
13 certification required under this subsection, except for
14 willful or wanton misconduct. This subsection does not
15 apply to a person whose firearm possession rights have been
16 restored through administrative or judicial action under
17 Section 10 or 11 of this Act.

18 Upon revocation of a person's Firearm Owner's
19 Identification Card, the Department of State Police shall
20 provide notice to the person and the person shall comply with
21 Section 9.5 of this Act.

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