



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1696

Introduced 2/22/2007, by Rep. Robert S. Molaro

SYNOPSIS AS INTRODUCED:

430 ILCS 65/8

from Ch. 38, par. 83-8

720 ILCS 5/24-4.1 new

Amends the Firearm Owners Identification Card Act. Provides that the Department of State Police may revoke the Firearm Owner's Identification Card of a person who fails to report the loss or theft of a firearm to the Department within 72 hours after obtaining knowledge of the loss or theft. Amends the Criminal Code of 1961. Provides that if a person who possesses a valid Firearm Owner's Identification Card and who acquires a firearm thereafter loses the firearm, or if the firearm is stolen, the person must report the loss or theft to the Department of State Police within 72 hours after obtaining knowledge of the loss or theft. Provides that the failure to report the loss or theft is a petty offense for a first violation and a Class A misdemeanor for a second or subsequent violation.

LRB095 03783 RLC 23813 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

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

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

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

23 (d) A person addicted to narcotics;

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

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

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

9 (g) A person who is mentally retarded;

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

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

14 (i-5) An alien who has been admitted to the United States
15 under a non-immigrant visa (as that term is defined in Section
16 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
17 1101(a)(26))), except that this subsection (i-5) does not apply
18 to any alien who has been lawfully admitted to the United
19 States under a non-immigrant visa if that alien is:

20 (1) admitted to the United States for lawful hunting or
21 sporting purposes;

22 (2) an official representative of a foreign government
23 who is:

24 (A) accredited to the United States Government or
25 the Government's mission to an international
26 organization having its headquarters in the United

1 States; or

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

4 (3) an official of a foreign government or
5 distinguished foreign visitor who has been so designated by
6 the Department of State;

7 (4) a foreign law enforcement officer of a friendly
8 foreign government entering the United States on official
9 business; or

10 (5) one who has received a waiver from the Attorney
11 General of the United States pursuant to 18 U.S.C.
12 922(y)(3);

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

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

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

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

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

1 by federal law;

2 (o) A minor subject to a petition filed under Section 5-520
3 of the Juvenile Court Act of 1987 alleging that the minor is a
4 delinquent minor for the commission of an offense that if
5 committed by an adult would be a felony; or

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

9 The Department of State Police may revoke and seize a
10 Firearm Owner's Identification Card previously issued under
11 this Act of a person who fails to report the loss or theft of a
12 firearm to the Department within 72 hours after obtaining
13 knowledge of the loss or theft.

14 (Source: P.A. 92-854, eff. 12-5-02; 93-367, eff. 1-1-04.)

15 Section 10. The Criminal Code of 1961 is amended by adding
16 Section 24-4.1 as follows:

17 (720 ILCS 5/24-4.1 new)

18 Sec. 24-4.1. Report of lost or stolen firearms.

19 (a) If a person who possesses a valid Firearm Owner's
20 Identification Card and who possesses or acquires a firearm
21 thereafter loses or misplaces the firearm, or if the firearm is
22 stolen from the person, the person must report the loss or
23 theft to the Department of State Police within 72 hours after
24 obtaining knowledge of the loss or theft.

1 (b) Sentence. A person who violates this Section is guilty
2 of a petty offense for a first violation. A second or
3 subsequent violation of this Section is a Class A misdemeanor.