



Rep. Robert S. Molaro

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09500HB2760ham002

LRB095 00964 RLC 51612 a

1 AMENDMENT TO HOUSE BILL 2760

2 AMENDMENT NO. _____. Amend House Bill 2760 by replacing
3 everything after the enacting clause with the following:

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 (Text of Section before amendment by P.A. 95-581)

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

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

16 (b) A person under 21 years of age who does not have the

1 written consent of his parent or guardian to acquire and
2 possess firearms and firearm ammunition, or whose parent or
3 guardian has revoked such written consent, or where such parent
4 or guardian does not qualify to have a Firearm Owner's
5 Identification Card;

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

8 (d) A person addicted to narcotics;

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

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

14 For the purposes of this Section, "mental condition" means
15 a state of mind manifested by violent, suicidal, threatening or
16 assaultive behavior.

17 (g) A person who is mentally retarded;

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

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

22 (i-5) An alien who has been admitted to the United States
23 under a non-immigrant visa (as that term is defined in Section
24 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
25 1101(a)(26))), except that this subsection (i-5) does not apply
26 to any alien who has been lawfully admitted to the United

1 States under a non-immigrant visa if that alien is:

2 (1) admitted to the United States for lawful hunting or
3 sporting purposes;

4 (2) an official representative of a foreign government
5 who is:

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

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

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

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

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

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

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

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

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

7 (n) A person who is prohibited from acquiring or possessing
8 firearms or firearm ammunition by any Illinois State statute or
9 by federal law;

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

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

17 The Department of State Police may revoke and seize a
18 Firearm Owner's Identification Card previously issued under
19 this Act of a person who fails to report the loss or theft of a
20 handgun a second time to the local law enforcement agency
21 within 72 hours after obtaining knowledge of the second loss or
22 theft.

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

24 (Text of Section after amendment by P.A. 95-581)

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1 deny an application for or to revoke and seize a Firearm
2 Owner's Identification Card previously issued under this Act
3 only if the Department finds that the applicant or the person
4 to whom such card was issued is or was at the time of issuance:

5 (a) A person under 21 years of age who has been convicted
6 of a misdemeanor other than a traffic offense or adjudged
7 delinquent;

8 (b) A person under 21 years of age who does not have the
9 written consent of his parent or guardian to acquire and
10 possess firearms and firearm ammunition, or whose parent or
11 guardian has revoked such written consent, or where such parent
12 or guardian does not qualify to have a Firearm Owner's
13 Identification Card;

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

16 (d) A person addicted to narcotics;

17 (e) A person who has been a patient of a mental institution
18 within the past 5 years or has been adjudicated as a mental
19 defective;

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

23 For the purposes of this Section, "mental condition" means
24 a state of mind manifested by violent, suicidal, threatening or
25 assaultive behavior.

26 (g) A person who is mentally retarded;

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

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4 under the laws of the United States;

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6 under a non-immigrant visa (as that term is defined in Section
7 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
8 1101(a)(26))), except that this subsection (i-5) does not apply
9 to any alien who has been lawfully admitted to the United
10 States under a non-immigrant visa if that alien is:

11 (1) admitted to the United States for lawful hunting or
12 sporting purposes;

13 (2) an official representative of a foreign government
14 who is:

15 (A) accredited to the United States Government or
16 the Government's mission to an international
17 organization having its headquarters in the United
18 States; or

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

21 (3) an official of a foreign government or
22 distinguished foreign visitor who has been so designated by
23 the Department of State;

24 (4) a foreign law enforcement officer of a friendly
25 foreign government entering the United States on official
26 business; or

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

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

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

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

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14 of domestic battery or a substantially similar offense in
15 another jurisdiction committed before January 1, 1998;

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17 firearms or firearm ammunition by any Illinois State statute or
18 by federal law;

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

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24 under the Juvenile Court Act of 1987 for the commission of an
25 offense that if committed by an adult would be a felony.

26 The Department of State Police may revoke and seize a

1 Firearm Owner's Identification Card previously issued under
2 this Act of a person who fails to report the loss or theft of a
3 handgun a second time to the local law enforcement agency
4 within 72 hours after obtaining knowledge of the second loss or
5 theft.

6 (Source: P.A. 95-581, eff. 6-1-08.)

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

9 (720 ILCS 5/24-4.1 new)

10 Sec. 24-4.1. Report of lost or stolen handguns.

11 (a) If a person who possesses a valid Firearm Owner's
12 Identification Card and who possesses or acquires a handgun
13 thereafter loses or misplaces the handgun, or if the handgun is
14 stolen from the person, the person must report the loss or
15 theft to the local law enforcement agency within 72 hours after
16 obtaining knowledge of the loss or theft.

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

20 Section 95. No acceleration or delay. Where this Act makes
21 changes in a statute that is represented in this Act by text
22 that is not yet or no longer in effect (for example, a Section
23 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".