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1 AMENDMENT TO SENATE BILL 1094

2 AMENDMENT NO. _____. Amend Senate Bill 1094 on page 1, by
3 replacing line 5 with the following:

4 "amended by changing Sections 1.1, 4, 5, 7, and 8 as follows:

5 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

6 Sec. 1.1. For purposes of this Act:

7 With respect to a person, the term "has been adjudicated as
8 a mental defective or has been committed to a mental
9 institution" means the person is the subject of a written order
10 by a judicial officer that finds, after a hearing of which such
11 person received actual notice and at which such person had an
12 opportunity to participate with counsel, that the person, as a
13 result of marked subnormal intelligence, mental impairment or
14 mental illness:

15 (1) is an imminent danger to himself, herself, or to
16 others, and has not been found to no longer present such a
17 danger;

1 (2) lacks the mental capacity to manage his or her own
2 affairs, and has not been found to have regained the
3 capacity to manage his or her own affairs;

4 (3) is not guilty in a criminal case by reason of
5 insanity, mental disease or defect, and has not been found
6 to be restored to sanity or cured of such disease or
7 defect;

8 (4) is incompetent to stand trial in a criminal case,
9 and has not been found to be restored to competency;

10 (5) is not guilty by reason of lack of mental
11 responsibility pursuant to Articles 50a and 72b of the
12 Uniform Code of Military Justice, 10 U.S.C. 850a, 876b, and
13 has not been found to be mentally responsible;

14 (6) requires involuntary inpatient treatment by a
15 mental institution, and a judicial officer has not found
16 that the person no longer requires such treatment; or

17 (7) requires involuntary outpatient treatment by a
18 mental institution based on a finding that the person is an
19 imminent danger to himself, herself, or to others, and a
20 judicial officer has not found that the person no longer
21 requires such treatment due to such a danger.

22 The term shall not include an order:

23 (1) that has expired or that has been set aside or
24 expunged, or from which the person has otherwise been fully
25 released or discharged from all mandatory treatment,
26 supervision, or monitoring; or

1 (2) where the person subject to the order has been
2 found to be rehabilitated through any procedure available
3 under the law of the jurisdiction where the order was
4 issued.

5 "Counterfeit" means to copy or imitate, without legal
6 authority, with intent to deceive.

7 "Federally licensed firearm dealer" means a person who is
8 licensed as a federal firearms dealer under Section 923 of the
9 federal Gun Control Act of 1968 (18 U.S.C. 923).

10 "Firearm" means any device, by whatever name known, which
11 is designed to expel a projectile or projectiles by the action
12 of an explosion, expansion of gas or escape of gas; excluding,
13 however:

14 (1) any pneumatic gun, spring gun, paint ball gun or
15 B-B gun which either expels a single globular projectile
16 not exceeding .18 inch in diameter and which has a maximum
17 muzzle velocity of less than 700 feet per second or
18 breakable paint balls containing washable marking colors;

19 (2) any device used exclusively for signalling or
20 safety and required or recommended by the United States
21 Coast Guard or the Interstate Commerce Commission;

22 (3) any device used exclusively for the firing of stud
23 cartridges, explosive rivets or similar industrial
24 ammunition; and

25 (4) an antique firearm (other than a machine-gun)
26 which, although designed as a weapon, the Department of

1 State Police finds by reason of the date of its
2 manufacture, value, design, and other characteristics is
3 primarily a collector's item and is not likely to be used
4 as a weapon.

5 "Firearm ammunition" means any self-contained cartridge or
6 shotgun shell, by whatever name known, which is designed to be
7 used or adaptable to use in a firearm; excluding, however:

8 (1) any ammunition exclusively designed for use with a
9 device used exclusively for signalling or safety and
10 required or recommended by the United States Coast Guard or
11 the Interstate Commerce Commission; and

12 (2) any ammunition designed exclusively for use with a
13 stud or rivet driver or other similar industrial
14 ammunition.

15 "Gun show" means an event or function:

16 (1) at which the sale and transfer of firearms is the
17 regular and normal course of business and where 50 or more
18 firearms are displayed, offered, or exhibited for sale,
19 transfer, or exchange; or

20 (2) at which not less than 10 gun show vendors display,
21 offer, or exhibit for sale, sell, transfer, or exchange
22 firearms.

23 "Gun show" includes the entire premises provided for an
24 event or function, including parking areas for the event or
25 function, that is sponsored to facilitate the purchase, sale,
26 transfer, or exchange of firearms as described in this Section.

1 "Gun show" does not include training or safety classes,
2 competitive shooting events, such as rifle, shotgun, or handgun
3 matches, trap, skeet, or sporting clays shoots, dinners,
4 banquets, raffles, or any other event where the sale or
5 transfer of firearms is not the primary course of business.

6 "Gun show promoter" means a person who organizes or
7 operates a gun show.

8 "Gun show vendor" means a person who exhibits, sells,
9 offers for sale, transfers, or exchanges any firearms at a gun
10 show, regardless of whether the person arranges with a gun show
11 promoter for a fixed location from which to exhibit, sell,
12 offer for sale, transfer, or exchange any firearm.

13 "Sanctioned competitive shooting event" means a shooting
14 contest officially recognized by a national or state shooting
15 sport association, and includes any sight-in or practice
16 conducted in conjunction with the event.

17 "Stun gun or taser" has the meaning ascribed to it in
18 Section 24-1 of the Criminal Code of 1961.

19 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised
20 8-19-05.)

21 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

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

24 (1) Make application on blank forms prepared and
25 furnished at convenient locations throughout the State by

1 the Department of State Police, or by electronic means, if
2 and when made available by the Department of State Police;
3 and

4 (2) Submit evidence to the Department of State Police
5 that:

6 (i) He or she is 21 years of age or over, or if he
7 or she is under 21 years of age that he or she has the
8 written consent of his or her parent or legal guardian
9 to possess and acquire firearms and firearm ammunition
10 and that he or she has never been convicted of a
11 misdemeanor other than a traffic offense or adjudged
12 delinquent, provided, however, that such parent or
13 legal guardian is not an individual prohibited from
14 having a Firearm Owner's Identification Card and files
15 an affidavit with the Department as prescribed by the
16 Department stating that he or she is not an individual
17 prohibited from having a Card;

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

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

21 (iv) He or she has not been a patient in a mental
22 institution within the past 5 years and he or she has
23 not been adjudicated as a mental defective;

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

25 (vi) He or she is not an alien who is unlawfully
26 present in the United States under the laws of the

1 United States;

2 (vii) He or she is not subject to an existing order
3 of protection prohibiting him or her from possessing a
4 firearm;

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

10 (ix) He or she has not been convicted of domestic
11 battery or a substantially similar offense in another
12 jurisdiction committed on or after the effective date
13 of this amendatory Act of 1997;

14 (x) He or she has not been convicted within the
15 past 5 years of domestic battery or a substantially
16 similar offense in another jurisdiction committed
17 before the effective date of this amendatory Act of
18 1997;

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

26 (1) admitted to the United States for lawful

1 hunting or sporting purposes;

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

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

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

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

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

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

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

24 (xiii) He or she is not an adult who had been
25 adjudicated a delinquent minor under the Juvenile
26 Court Act of 1987 for the commission of an offense that

1 if committed by an adult would be a felony; and

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

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

20 (a-10) Each applicant for a Firearm Owner's Identification
21 Card, who is employed as an armed security officer at a nuclear
22 energy, storage, weapons, or development facility regulated by
23 the Nuclear Regulatory Commission and who is not an Illinois
24 resident, shall furnish to the Department of State Police his
25 or her driver's license number or state identification card
26 number from his or her state of residence. The Department of

1 State Police may promulgate rules to enforce the provisions of
2 this subsection (a-10).

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

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

13 (Source: P.A. 92-442, eff. 8-17-01; 92-839, eff. 8-22-02;
14 92-854, eff. 12-5-02; 93-367, eff. 1-1-04.)"; and

15 on page 2, by inserting immediately below line 7 the following:

16 "(430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

22 (a) A person under 21 years of age who has been convicted
23 of a misdemeanor other than a traffic offense or adjudged
24 delinquent;

1 (b) A person under 21 years of age who does not have the
2 written consent of his parent or guardian to acquire and
3 possess firearms and firearm ammunition, or whose parent or
4 guardian has revoked such written consent, or where such parent
5 or guardian does not qualify to have a Firearm Owner's
6 Identification Card;

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

9 (d) A person addicted to narcotics;

10 (e) A person who has been a patient of a mental institution
11 within the past 5 years or has been adjudicated as a mental
12 defective;

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

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

19 (g) A person who is mentally retarded;

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

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

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

1 1101(a)(26))), except that this subsection (i-5) does not apply
2 to any alien who has been lawfully admitted to the United
3 States under a non-immigrant visa if that alien is:

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

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

8 (A) accredited to the United States Government or
9 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 which
13 that alien is accredited;

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

17 (4) a foreign law enforcement officer of a friendly
18 foreign government entering the United States on official
19 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) A person who is subject to an existing order of
24 protection prohibiting him or her from possessing a firearm;

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

1 of protection, or a substantially similar offense in another
2 jurisdiction, in which a firearm was used or possessed;

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

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

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

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

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

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."