



Rep. Elgie R. Sims, Jr.

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09800HB1155ham021

LRB098 08475 MRW 41682 a

1 AMENDMENT TO HOUSE BILL 1155

2 AMENDMENT NO. _____. Amend House Bill 1155, AS AMENDED, by
3 inserting the following in its proper numeric sequence:

4 "Section 25. Handgun carry; psychological fitness
5 evaluation.

6 (a) An applicant for a handgun carry license must submit to
7 a psychological fitness evaluation by a licensed psychiatrist
8 or licensed clinical psychologist as those terms are defined in
9 the Mental Health and Developmental Disabilities Code. To be
10 eligible for a license, the evaluation shall include a
11 certification by the psychiatrist or clinical psychologist
12 that the applicant:

13 (1) is not a danger to himself, to herself, or to
14 others;

15 (2) does not lack the mental capacity to manage his or
16 her own affairs;

17 (3) is able to provide for his or her basic physical

1 needs so as to guard himself or herself from serious harm
2 without the assistance of family or others; and

3 (4) does not have a state of mind manifested by
4 violent, suicidal, threatening, or assaultive behavior
5 that poses a clear and present danger to himself, herself,
6 or to others at the time of the evaluation or in the
7 future.

8 (b) The applicant shall provide the psychiatrist or
9 clinical psychologist with written consent for the
10 psychiatrist or clinical psychologist to provide the
11 Department of State Police with the psychiatrist's or clinical
12 psychologist's determination indicating only whether the
13 person is eligible or ineligible to carry a handgun. The
14 information provided to the Department of State Police by a
15 psychiatrist or clinical psychologist under this subsection
16 shall be maintained as confidential information and may only be
17 disclosed and used for the purposes of this Section.

18 (c) The Department of State Police shall deny a handgun
19 carry license to any person for which the Department receives a
20 determination under subsections (a) and (b) of this Section
21 that the person is ineligible to carry a handgun, in the manner
22 provided in this Act.

23 (d) The Department of State Police shall adopt rules
24 necessary to implement the provisions of this Section.

25 Section 350. The Mental Health and Developmental

1 Disabilities Confidentiality Act is amended by changing
2 Section 11 as follows:

3 (740 ILCS 110/11) (from Ch. 91 1/2, par. 811)

4 Sec. 11. Disclosure of records and communications. Records
5 and communications may be disclosed:

6 (i) in accordance with the provisions of the Abused and
7 Neglected Child Reporting Act, subsection (u) of Section 5
8 of the Children and Family Services Act, or Section 7.4 of
9 the Child Care Act of 1969;

10 (ii) when, and to the extent, a therapist, in his or
11 her sole discretion, determines that disclosure is
12 necessary to initiate or continue civil commitment or
13 involuntary treatment proceedings under the laws of this
14 State or to otherwise protect the recipient or other person
15 against a clear, imminent risk of serious physical or
16 mental injury or disease or death being inflicted upon the
17 recipient or by the recipient on himself or another;

18 (iii) when, and to the extent disclosure is, in the
19 sole discretion of the therapist, necessary to the
20 provision of emergency medical care to a recipient who is
21 unable to assert or waive his or her rights hereunder;

22 (iv) when disclosure is necessary to collect sums or
23 receive third party payment representing charges for
24 mental health or developmental disabilities services
25 provided by a therapist or agency to a recipient under

1 Chapter V of the Mental Health and Developmental
2 Disabilities Code or to transfer debts under the
3 Uncollected State Claims Act; however, disclosure shall be
4 limited to information needed to pursue collection, and the
5 information so disclosed shall not be used for any other
6 purposes nor shall it be redisclosed except in connection
7 with collection activities;

8 (v) when requested by a family member, the Department
9 of Human Services may assist in the location of the
10 interment site of a deceased recipient who is interred in a
11 cemetery established under Section 26 of the Mental Health
12 and Developmental Disabilities Administrative Act;

13 (vi) in judicial proceedings under Article VIII of
14 Chapter III and Article V of Chapter IV of the Mental
15 Health and Developmental Disabilities Code and proceedings
16 and investigations preliminary thereto, to the State's
17 Attorney for the county or residence of a person who is the
18 subject of such proceedings, or in which the person is
19 found, or in which the facility is located, to the attorney
20 representing the petitioner in the judicial proceedings,
21 to the attorney representing the recipient in the judicial
22 proceedings, to any person or agency providing mental
23 health services that are the subject of the proceedings and
24 to that person's or agency's attorney, to any court
25 personnel, including but not limited to judges and circuit
26 court clerks, and to a guardian ad litem if one has been

1 appointed by the court. Information disclosed under this
2 subsection shall not be utilized for any other purpose nor
3 be redisclosed except in connection with the proceedings or
4 investigations. Copies of any records provided to counsel
5 for a petitioner shall be deleted or destroyed at the end
6 of the proceedings and counsel for petitioner shall certify
7 to the court in writing that he or she has done so. At the
8 request of a recipient or his or her counsel, the court
9 shall issue a protective order insuring the
10 confidentiality of any records or communications provided
11 to counsel for a petitioner;

12 (vii) when, and to the extent disclosure is necessary
13 to comply with the requirements of the Census Bureau in
14 taking the federal Decennial Census;

15 (viii) when, and to the extent, in the therapist's sole
16 discretion, disclosure is necessary to warn or protect a
17 specific individual against whom a recipient has made a
18 specific threat of violence where there exists a
19 therapist-recipient relationship or a special
20 recipient-individual relationship;

21 (ix) in accordance with the Sex Offender Registration
22 Act;

23 (x) in accordance with the Rights of Crime Victims and
24 Witnesses Act;

25 (xi) in accordance with Section 6 of the Abused and
26 Neglected Long Term Care Facility Residents Reporting Act;

1 ~~and~~

2 (xii) in accordance with Section 55 of the Abuse of
3 Adults with Disabilities Intervention Act; and

4 (xiii) in accordance with Section 25 of the Family and
5 Personal Protection Act.

6 Any person, institution, or agency, under this Act,
7 participating in good faith in the making of a report under the
8 Abused and Neglected Child Reporting Act or in the disclosure
9 of records and communications under this Section, shall have
10 immunity from any liability, civil, criminal or otherwise, that
11 might result by reason of such action. For the purpose of any
12 proceeding, civil or criminal, arising out of a report or
13 disclosure under this Section, the good faith of any person,
14 institution, or agency so reporting or disclosing shall be
15 presumed.

16 (Source: P.A. 96-466, eff. 8-14-09; 97-333, eff. 8-12-11;
17 97-375, eff. 8-15-11.)".