



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1935

Introduced 2/15/2013, by Sen. Antonio Muñoz

SYNOPSIS AS INTRODUCED:

430 ILCS 65/4.5 new
430 ILCS 65/8

from Ch. 38, par. 83-8

Amends the Firearm Owners Identification Card Act. Provides that any person who owns a firearm in this State shall maintain a policy of liability insurance in the amount of at least \$1,000,000 specifically covering any damages resulting from negligent or willful acts involving the use of such firearm while it is owned by such person. Provides that a person shall be deemed the owner of a firearm after the firearm is lost or stolen until such loss or theft is reported to the police department or sheriff of the jurisdiction in which the owner resides. Provides that the Department of State Police shall revoke and seize a Firearm Owner's Identification Card previously issued under this Act if the Department finds that the person to whom such card was issued possesses or acquires a firearm and does not submit evidence to the Department of State Police that he or she has been issued in his or her name a liability insurance policy in the amount of at least \$1,000,000 specifically covering any damages resulting from negligent or willful acts involving the use of such firearm while it is owned by such person. Effective January 1, 2014.

LRB098 08968 RLC 39101 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning firearms.

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 and by adding Section 4.5 as
6 follows:

7 (430 ILCS 65/4.5 new)

8 Sec. 4.5. Firearm owner's liability insurance required.

9 (a) Any person who owns a firearm in this State shall
10 maintain a policy of liability insurance in the amount of at
11 least \$1,000,000 specifically covering any damages resulting
12 from negligent or willful acts involving the use of such
13 firearm while it is owned by such person. A person shall be
14 deemed the owner of a firearm after the firearm is lost or
15 stolen until such loss or theft is reported to the police
16 department or sheriff of the jurisdiction in which the owner
17 resides.

18 (b) This Section does not apply to any person who is not
19 required to possess a Firearm Owner's Identification Card in
20 order to acquire or possess a firearm or firearm ammunition
21 under subsections (b) and (c) of Section 2 of this Act.

22 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

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

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

17 (d) A person addicted to narcotics;

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

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

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

1 (g) A person who is intellectually disabled;

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

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

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

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

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

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

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

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

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

1 business; or

2 (5) one who has received a waiver from the Attorney
3 General of the United States pursuant to 18 U.S.C.
4 922 (y) (3);

5 (j) (Blank);

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,
11 aggravated domestic battery, or a substantially similar
12 offense in another jurisdiction committed before, on or after
13 January 1, 2012 (the effective date of Public Act 97-158). If
14 the applicant or person who has been previously issued a
15 Firearm Owner's Identification Card under this Act knowingly
16 and intelligently waives the right to have an offense described
17 in this paragraph (l) tried by a jury, and by guilty plea or
18 otherwise, results in a conviction for an offense in which a
19 domestic relationship is not a required element of the offense
20 but in which a determination of the applicability of 18 U.S.C.
21 922(g) (9) is made under Section 112A-11.1 of the Code of
22 Criminal Procedure of 1963, an entry by the court of a judgment
23 of conviction for that offense shall be grounds for denying an
24 application for and for revoking and seizing a Firearm Owner's
25 Identification Card previously issued to the person under this
26 Act;

1 (m) (Blank);

2 (n) A person who is prohibited from acquiring or possessing
3 firearms or firearm ammunition by any Illinois State statute or
4 by federal law;

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

9 (p) An adult who had been adjudicated a delinquent minor
10 under the Juvenile Court Act of 1987 for the commission of an
11 offense that if committed by an adult would be a felony; or

12 (q) A person who is not a resident of the State of
13 Illinois, except as provided in subsection (a-10) of Section 4.

14 The Department of State Police shall revoke and seize a
15 Firearm Owner's Identification Card previously issued under
16 this Act if the Department finds that the person to whom such
17 card was issued possesses or acquires a firearm and does not
18 submit evidence to the Department of State Police that he or
19 she has been issued in his or her name a liability insurance
20 policy in the amount of at least \$1,000,000 specifically
21 covering any damages resulting from negligent or willful acts
22 involving the use of such firearm while it is owned by such
23 person.

24 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
25 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

26 Section 99. Effective date. This Act takes effect January

SB1935

- 6 -

LRB098 08968 RLC 39101 b

1 1, 2014.