



Rep. Patricia R. Bellock

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09900HB1857ham001

LRB099 06352 RLC 34052 a

1 AMENDMENT TO HOUSE BILL 1857

2 AMENDMENT NO. _____. Amend House Bill 1857 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 Sec. 8. Grounds for denial and revocation. The Department
8 of State Police has authority to deny an application for or to
9 revoke and seize a Firearm Owner's Identification Card
10 previously issued under this Act only if the Department finds
11 that the applicant or the person to whom such card was issued
12 is or was at the time of issuance:

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

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

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

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

8 (d) A person addicted to narcotics;

9 (e) A person who has been a patient of a mental health
10 facility within the past 5 years or a person who has been a
11 patient in a mental health facility more than 5 years ago
12 who has not received the certification required under
13 subsection (u) of this Section. An active law enforcement
14 officer employed by a unit of government who is denied,
15 revoked, or has his or her Firearm Owner's Identification
16 Card seized under this subsection (e) may obtain relief as
17 described in subsection (c-5) of Section 10 of this Act if
18 the officer did not act in a manner threatening to the
19 officer, another person, or the public as determined by the
20 treating clinical psychologist or physician, and the
21 officer seeks mental health treatment. The provisions of
22 this subsection (e) do not apply to a law enforcement
23 officer or corrections officer who is voluntarily admitted
24 as a patient to any public or private mental health
25 facility or licensed program for treatment of alcoholism or
26 substance abuse or mental illness; provided, that the

1 officer meets the specific and individual goals of the
2 licensed program or mental health treatment professional,
3 notifies his or her agency head as to the officer's
4 voluntary treatment status, and passes his or her fitness
5 for duty examination, unless in the professional opinion of
6 the physician, clinical psychologist, or qualified
7 examiner as those terms are defined in the Mental Health
8 and Developmental Disabilities Code, or other licensed
9 treatment provider the possession of a firearm, stun gun,
10 or taser by the officer because of the officer's mental
11 condition would pose a clear and present danger to the
12 welfare of the officer or the public, the officer has
13 ceased treatment before his or her recommended treatment
14 needs have been met, and a risk is posed due to his or her
15 condition;

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

19 (g) A person who is intellectually disabled;

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

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

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

1 Act (8 U.S.C. 1101(a)(26))), except that this subsection
2 (i-5) does not apply to any alien who has been lawfully
3 admitted to the United States under a non-immigrant visa if
4 that alien is:

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

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

9 (A) accredited to the United States Government
10 or the Government's mission to an international
11 organization having its headquarters in the United
12 States; or

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

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

18 (4) a foreign law enforcement officer of a friendly
19 foreign government entering the United States on
20 official business; or

21 (5) one who has received a waiver from the Attorney
22 General of the United States pursuant to 18 U.S.C.
23 922(y)(3);

24 (j) (Blank);

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

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

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

22 (m) (Blank);

23 (n) A person who is prohibited from acquiring or
24 possessing firearms or firearm ammunition by any Illinois
25 State statute or by federal law;

26 (o) A minor subject to a petition filed under Section

1 5-520 of the Juvenile Court Act of 1987 alleging that the
2 minor is a delinquent minor for the commission of an
3 offense that if committed by an adult would be a felony;

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

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

11 (r) A person who has been adjudicated as a mentally
12 disabled person;

13 (s) A person who has been found to be developmentally
14 disabled;

15 (t) A person involuntarily admitted into a mental
16 health facility; or

17 (u) A person who has had his or her Firearm Owner's
18 Identification Card revoked or denied under subsection (e)
19 of this Section or item (iv) of paragraph (2) of subsection
20 (a) of Section 4 of this Act because he or she was a
21 patient in a mental health facility as provided in
22 subsection (e) of this Section, shall not be permitted to
23 obtain a Firearm Owner's Identification Card, after the
24 5-year period has lapsed, unless he or she has received a
25 mental health evaluation by a physician, clinical
26 psychologist, or qualified examiner as those terms are

1 defined in the Mental Health and Developmental
2 Disabilities Code, and has received a certification that he
3 or she is not a clear and present danger to himself,
4 herself, or others. The physician, clinical psychologist,
5 or qualified examiner making the certification and his or
6 her employer shall not be held criminally, civilly, or
7 professionally liable for making or not making the
8 certification required under this subsection, except for
9 willful or wanton misconduct. This subsection does not
10 apply to a person whose firearm possession rights have been
11 restored through administrative or judicial action under
12 Section 10 or 11 of this Act.

13 Upon revocation of a person's Firearm Owner's
14 Identification Card, the Department of State Police shall
15 provide notice to the person and the person shall comply with
16 Section 9.5 of this Act.

17 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,
18 eff. 7-13-12; 97-1131, eff. 1-1-13; 97-1167, eff. 6-1-13;
19 98-63, eff. 7-9-13; 98-508, eff. 8-19-13; 98-756, eff.
20 7-16-14.)".