

HB3633



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3633

by Rep. Deborah Conroy

SYNOPSIS AS INTRODUCED:

430 ILCS 66/70

Amends the Firearm Concealed Carry Act. Provides that a licensee who knowingly carries a firearm on or into a building, real property, or parking area under the control of a public or private pre-school, elementary or secondary school, college, or university is guilty of a Class 4 felony for a first offense and a Class 3 felony for a second or subsequent offense.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Firearm Concealed Carry Act is amended by
5 changing Section 70 as follows:

6 (430 ILCS 66/70)

7 Sec. 70. Violations.

8 (a) A license issued or renewed under this Act shall be
9 revoked if, at any time, the licensee is found to be ineligible
10 for a license under this Act or the licensee no longer meets
11 the eligibility requirements of the Firearm Owners
12 Identification Card Act.

13 (b) A license shall be suspended if an order of protection,
14 including an emergency order of protection, plenary order of
15 protection, or interim order of protection under Article 112A
16 of the Code of Criminal Procedure of 1963 or under the Illinois
17 Domestic Violence Act of 1986, is issued against a licensee for
18 the duration of the order, or if the Department is made aware
19 of a similar order issued against the licensee in any other
20 jurisdiction. If an order of protection is issued against a
21 licensee, the licensee shall surrender the license, as
22 applicable, to the court at the time the order is entered or to
23 the law enforcement agency or entity serving process at the

1 time the licensee is served the order. The court, law
2 enforcement agency, or entity responsible for serving the order
3 of protection shall notify the Department within 7 days and
4 transmit the license to the Department.

5 (c) A license is invalid upon expiration of the license,
6 unless the licensee has submitted an application to renew the
7 license, and the applicant is otherwise eligible to possess a
8 license under this Act.

9 (d) A licensee shall not carry a concealed firearm while
10 under the influence of alcohol, other drug or drugs,
11 intoxicating compound or combination of compounds, or any
12 combination thereof, under the standards set forth in
13 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

14 A licensee in violation of this subsection (d) shall be
15 guilty of a Class A misdemeanor for a first or second violation
16 and a Class 4 felony for a third violation. The Department may
17 suspend a license for up to 6 months for a second violation and
18 shall permanently revoke a license for a third violation.

19 (e) Except as otherwise provided, a licensee in violation
20 of this Act shall be guilty of a Class B misdemeanor. A second
21 or subsequent violation is a Class A misdemeanor. A licensee
22 who knowingly carries a firearm on or into a building, real
23 property, or parking area under the control of a public or
24 private pre-school, elementary or secondary school, college,
25 or university in violation of paragraph (1), (2), or (15) of
26 subsection (a) of Section 65 of this Act is guilty of a Class 4

1 felony for a first offense and a Class 3 felony for a second or
2 subsequent offense. The Department may suspend a license for up
3 to 6 months for a second violation and shall permanently revoke
4 a license for 3 or more violations of Section 65 of this Act.
5 Any person convicted of a violation under this Section shall
6 pay a \$150 fee to be deposited into the Mental Health Reporting
7 Fund, plus any applicable court costs or fees.

8 (f) A licensee convicted or found guilty of a violation of
9 this Act who has a valid license and is otherwise eligible to
10 carry a concealed firearm shall only be subject to the
11 penalties under this Section and shall not be subject to the
12 penalties under Section 21-6, paragraph (4), (8), or (10) of
13 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)
14 of paragraph (3) of subsection (a) of Section 24-1.6 of the
15 Criminal Code of 2012. Except as otherwise provided in this
16 subsection, nothing in this subsection prohibits the licensee
17 from being subjected to penalties for violations other than
18 those specified in this Act.

19 (g) A licensee whose license is revoked, suspended, or
20 denied shall, within 48 hours of receiving notice of the
21 revocation, suspension, or denial, surrender his or her
22 concealed carry license to the local law enforcement agency
23 where the person resides. The local law enforcement agency
24 shall provide the licensee a receipt and transmit the concealed
25 carry license to the Department of State Police. If the
26 licensee whose concealed carry license has been revoked,

1 suspended, or denied fails to comply with the requirements of
2 this subsection, the law enforcement agency where the person
3 resides may petition the circuit court to issue a warrant to
4 search for and seize the concealed carry license in the
5 possession and under the custody or control of the licensee
6 whose concealed carry license has been revoked, suspended, or
7 denied. The observation of a concealed carry license in the
8 possession of a person whose license has been revoked,
9 suspended, or denied constitutes a sufficient basis for the
10 arrest of that person for violation of this subsection. A
11 violation of this subsection is a Class A misdemeanor.

12 (h) A license issued or renewed under this Act shall be
13 revoked if, at any time, the licensee is found ineligible for a
14 Firearm Owner's Identification Card, or the licensee no longer
15 possesses a valid Firearm Owner's Identification Card. A
16 licensee whose license is revoked under this subsection (h)
17 shall surrender his or her concealed carry license as provided
18 for in subsection (g) of this Section.

19 This subsection shall not apply to a person who has filed
20 an application with the State Police for renewal of a Firearm
21 Owner's Identification Card and who is not otherwise ineligible
22 to obtain a Firearm Owner's Identification Card.

23 (i) A certified firearms instructor who knowingly provides
24 or offers to provide a false certification that an applicant
25 has completed firearms training as required under this Act is
26 guilty of a Class A misdemeanor. A person guilty of a violation

1 of this subsection (i) is not eligible for court supervision.
2 The Department shall permanently revoke the firearms
3 instructor certification of a person convicted under this
4 subsection (i).

5 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-899,
6 eff. 8-15-14.)