



Rep. Lou Lang

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1 AMENDMENT TO SENATE BILL 33

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 33 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 1.1 as follows:

6 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

7 Sec. 1.1. For purposes of this Act:

8 "Addicted to narcotics" means a person who has been:

9 (1) convicted of an offense involving the use or  
10 possession of cannabis, a controlled substance, or  
11 methamphetamine within the past year; or

12 (2) determined by the Department of State Police to be  
13 addicted to narcotics based upon federal law or federal  
14 guidelines.

15 "Addicted to narcotics" does not include possession or use  
16 of a prescribed controlled substance under the direction and

1 authority of a physician or other person authorized to  
2 prescribe the controlled substance when the controlled  
3 substance is used in the prescribed manner.

4 Notwithstanding any other provision of this Act, federal  
5 law, or federal guidelines, the determination of whether a  
6 person is addicted to narcotics shall not be based on the  
7 status of the person as a registered qualifying patient or  
8 registered caregiver under the Compassionate Use of Medical  
9 Cannabis Pilot Program Act.

10 "Adjudicated as a mentally disabled person" means the  
11 person is the subject of a determination by a court, board,  
12 commission or other lawful authority that the person, as a  
13 result of marked subnormal intelligence, or mental illness,  
14 mental impairment, incompetency, condition, or disease:

15 (1) presents a clear and present danger to himself,  
16 herself, or to others;

17 (2) lacks the mental capacity to manage his or her own  
18 affairs or is adjudicated a disabled person as defined in  
19 Section 11a-2 of the Probate Act of 1975;

20 (3) is not guilty in a criminal case by reason of  
21 insanity, mental disease or defect;

22 (3.5) is guilty but mentally ill, as provided in  
23 Section 5-2-6 of the Unified Code of Corrections;

24 (4) is incompetent to stand trial in a criminal case;

25 (5) is not guilty by reason of lack of mental  
26 responsibility under Articles 50a and 72b of the Uniform

1 Code of Military Justice, 10 U.S.C. 850a, 876b;

2 (6) is a sexually violent person under subsection (f)  
3 of Section 5 of the Sexually Violent Persons Commitment  
4 Act;

5 (7) is a sexually dangerous person under the Sexually  
6 Dangerous Persons Act;

7 (8) is unfit to stand trial under the Juvenile Court  
8 Act of 1987;

9 (9) is not guilty by reason of insanity under the  
10 Juvenile Court Act of 1987;

11 (10) is subject to involuntary admission as an  
12 inpatient as defined in Section 1-119 of the Mental Health  
13 and Developmental Disabilities Code;

14 (11) is subject to involuntary admission as an  
15 outpatient as defined in Section 1-119.1 of the Mental  
16 Health and Developmental Disabilities Code;

17 (12) is subject to judicial admission as set forth in  
18 Section 4-500 of the Mental Health and Developmental  
19 Disabilities Code; or

20 (13) is subject to the provisions of the Interstate  
21 Agreements on Sexually Dangerous Persons Act.

22 "Clear and present danger" means a person who:

23 (1) communicates a serious threat of physical violence  
24 against a reasonably identifiable victim or poses a clear  
25 and imminent risk of serious physical injury to himself,  
26 herself, or another person as determined by a physician,

1 clinical psychologist, or qualified examiner; or

2 (2) demonstrates threatening physical or verbal  
3 behavior, such as violent, suicidal, or assaultive  
4 threats, actions, or other behavior, as determined by a  
5 physician, clinical psychologist, qualified examiner,  
6 school administrator, or law enforcement official.

7 "Clinical psychologist" has the meaning provided in  
8 Section 1-103 of the Mental Health and Developmental  
9 Disabilities Code.

10 "Controlled substance" means a controlled substance or  
11 controlled substance analog as defined in the Illinois  
12 Controlled Substances Act.

13 "Counterfeit" means to copy or imitate, without legal  
14 authority, with intent to deceive.

15 "Developmentally disabled" means a disability which is  
16 attributable to any other condition which results in impairment  
17 similar to that caused by an intellectual disability and which  
18 requires services similar to those required by intellectually  
19 disabled persons. The disability must originate before the age  
20 of 18 years, be expected to continue indefinitely, and  
21 constitute a substantial handicap.

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

25 "Firearm" means any device, by whatever name known, which  
26 is designed to expel a projectile or projectiles by the action

1 of an explosion, expansion of gas or escape of gas; excluding,  
2 however:

3 (1) any pneumatic gun, spring gun, paint ball gun, or  
4 B-B gun which expels a single globular projectile not  
5 exceeding .18 inch in diameter or which has a maximum  
6 muzzle velocity of less than 700 feet per second;

7 (1.1) any pneumatic gun, spring gun, paint ball gun, or  
8 B-B gun which expels breakable paint balls containing  
9 washable marking colors;

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

13 (3) any device used exclusively for the firing of stud  
14 cartridges, explosive rivets or similar industrial  
15 ammunition; and

16 (4) an antique firearm (other than a machine-gun)  
17 which, although designed as a weapon, the Department of  
18 State Police finds by reason of the date of its  
19 manufacture, value, design, and other characteristics is  
20 primarily a collector's item and is not likely to be used  
21 as a weapon.

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

25 (1) any ammunition exclusively designed for use with a  
26 device used exclusively for signalling or safety and

1 required or recommended by the United States Coast Guard or  
2 the Interstate Commerce Commission; and

3 (2) any ammunition designed exclusively for use with a  
4 stud or rivet driver or other similar industrial  
5 ammunition.

6 "Gun show" means an event or function:

7 (1) at which the sale and transfer of firearms is the  
8 regular and normal course of business and where 50 or more  
9 firearms are displayed, offered, or exhibited for sale,  
10 transfer, or exchange; or

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

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

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

23 "Gun show promoter" means a person who organizes or  
24 operates a gun show.

25 "Gun show vendor" means a person who exhibits, sells,  
26 offers for sale, transfers, or exchanges any firearms at a gun

1 show, regardless of whether the person arranges with a gun show  
2 promoter for a fixed location from which to exhibit, sell,  
3 offer for sale, transfer, or exchange any firearm.

4 "Intellectually disabled" means significantly subaverage  
5 general intellectual functioning which exists concurrently  
6 with impairment in adaptive behavior and which originates  
7 before the age of 18 years.

8 "Involuntarily admitted" has the meaning as prescribed in  
9 Sections 1-119 and 1-119.1 of the Mental Health and  
10 Developmental Disabilities Code.

11 "Mental health facility" means any licensed private  
12 hospital or hospital affiliate, institution, or facility, or  
13 part thereof, and any facility, or part thereof, operated by  
14 the State or a political subdivision thereof which provide  
15 treatment of persons with mental illness and includes all  
16 hospitals, institutions, clinics, evaluation facilities,  
17 mental health centers, colleges, universities, long-term care  
18 facilities, and nursing homes, or parts thereof, which provide  
19 treatment of persons with mental illness whether or not the  
20 primary purpose is to provide treatment of persons with mental  
21 illness.

22 "Patient" means:

23 (1) a person who voluntarily receives mental health  
24 treatment as an in-patient or resident of any public or  
25 private mental health facility, unless the treatment was  
26 solely for an alcohol abuse disorder and no other secondary

1 substance abuse disorder or mental illness; or

2 (2) a person who voluntarily receives mental health  
3 treatment as an out-patient or is provided services by a  
4 public or private mental health facility, and who poses a  
5 clear and present danger to himself, herself, or to others.

6 "Physician" has the meaning as defined in Section 1-120 of  
7 the Mental Health and Developmental Disabilities Code.

8 "Qualified examiner" has the meaning provided in Section  
9 1-122 of the Mental Health and Developmental Disabilities Code.

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

14 "School administrator" means the person required to report  
15 under the School Administrator Reporting of Mental Health Clear  
16 and Present Danger Determinations Law.

17 "Stun gun or taser" has the meaning ascribed to it in  
18 Section 24-1 of the Criminal Code of 2012.

19 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13;  
20 97-1167, eff. 6-1-13; 98-63, eff. 7-9-13.)

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