

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 Mental Health and Developmental
5 Disabilities Code is amended by changing Sections 6-103.2 and
6 6-103.3 as follows:

7 (405 ILCS 5/6-103.2)

8 Sec. 6-103.2. Developmental disability; notice. If ~~For~~
9 ~~purposes of this Section, if~~ a person 14 years old or older is
10 determined to be developmentally disabled ~~as defined in Section~~
11 ~~1.1 of the Firearm Owners Identification Card Act~~ by a
12 physician, clinical psychologist, or qualified examiner,
13 ~~whether practicing at a public or by a private mental health~~
14 ~~facility or developmental disability facility,~~ the physician,
15 clinical psychologist, or qualified examiner shall notify the
16 Department of Human Services within 7 days ~~24 hours~~ of making
17 the determination that the person has a developmental
18 disability. The Department of Human Services shall immediately
19 update its records and information relating to mental health
20 and developmental disabilities, and if appropriate, shall
21 notify the Department of State Police in a form and manner
22 prescribed by the Department of State Police. Information
23 disclosed under this Section shall remain privileged and

1 confidential, and shall not be redisclosed, except as required
2 under subsection (e) of Section 3.1 of the Firearm Owners
3 Identification Card Act, nor used for any other purpose. The
4 method of providing this information shall guarantee that the
5 information is not released beyond that which is necessary for
6 the purpose of this Section and shall be provided by rule by
7 the Department of Human Services. The identity of the person
8 reporting under this Section shall not be disclosed to the
9 subject of the report.

10 The physician, clinical psychologist, or qualified
11 examiner making the determination and his or her employer may
12 not be held criminally, civilly, or professionally liable for
13 making or not making the notification required under this
14 Section, except for willful or wanton misconduct.

15 For purposes of this Section, "developmentally disabled"
16 means a disability which is attributable to any other condition
17 which results in impairment similar to that caused by an
18 intellectual disability and which requires services similar to
19 those required by intellectually disabled persons. The
20 disability must originate before the age of 18 years, be
21 expected to continue indefinitely, and constitute a
22 substantial disability. This disability results in the
23 professional opinion of a physician, clinical psychologist, or
24 qualified examiner, in significant functional limitations in 3
25 or more of the following areas of major life activity:

26 (i) self-care;

1 (ii) receptive and expressive language;

2 (iii) learning;

3 (iv) mobility; or

4 (v) self-direction.

5 "Determined to be developmentally disabled by a physician,
6 clinical psychologist, or qualified examiner" means in the
7 professional opinion of the physician, clinical psychologist,
8 or qualified examiner, a person is diagnosed, assessed, or
9 evaluated to be developmentally disabled.

10 (Source: P.A. 98-63, eff. 7-9-13.)

11 (405 ILCS 5/6-103.3)

12 Sec. 6-103.3. Clear and present danger; notice. If a person
13 is determined to pose a clear and present danger to himself,
14 herself, or to others by a physician, clinical psychologist, or
15 qualified examiner, whether employed by the State, by any
16 public or private mental health facility or part thereof, or by
17 a law enforcement official or a school administrator, then the
18 physician, clinical psychologist, qualified examiner shall
19 notify the Department of Human Services and a law enforcement
20 official or school administrator shall notify the Department of
21 State Police, within 24 hours of making the determination that
22 the person poses a clear and present danger. The Department of
23 Human Services shall immediately update its records and
24 information relating to mental health and developmental
25 disabilities, and if appropriate, shall notify the Department

1 of State Police in a form and manner prescribed by the
2 Department of State Police. Information disclosed under this
3 Section shall remain privileged and confidential, and shall not
4 be redisclosed, except as required under subsection (e) of
5 Section 3.1 of the Firearm Owners Identification Card Act, nor
6 used for any other purpose. The method of providing this
7 information shall guarantee that the information is not
8 released beyond that which is necessary for the purpose of this
9 Section and shall be provided by rule by the Department of
10 Human Services. The identity of the person reporting under this
11 Section shall not be disclosed to the subject of the report.
12 The physician, clinical psychologist, qualified examiner, law
13 enforcement official, or school administrator making the
14 determination and his or her employer shall not be held
15 criminally, civilly, or professionally liable for making or not
16 making the notification required under this Section, except for
17 willful or wanton misconduct. This Section does not apply to a
18 law enforcement official, if making the notification under this
19 Section will interfere with an ongoing or pending criminal
20 investigation.

21 For the purposes of this Section:

22 "Clear and present danger" has the meaning ascribed to
23 it in Section 1.1 of the Firearm Owners Identification Card
24 Act.

25 "Determined to pose a clear and present danger to
26 himself, herself, or to others by a physician, clinical

1 psychologist, or qualified examiner" means in the
2 professional opinion of the physician, clinical
3 psychologist, or qualified examiner, a person poses a clear
4 and present danger.

5 "School administrator" means the person required to
6 report under the School Administrator Reporting of Mental
7 Health Clear and Present Danger Determinations Law.

8 (Source: P.A. 98-63, eff. 7-9-13.)

9 Section 10. The Firearm Owners Identification Card Act is
10 amended by changing Sections 1.1 and 10 as follows:

11 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

12 Sec. 1.1. For purposes of this Act:

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

14 (1) convicted of an offense involving the use or
15 possession of cannabis, a controlled substance, or
16 methamphetamine within the past year; or

17 (2) determined by the Department of State Police to be
18 addicted to narcotics based upon federal law or federal
19 guidelines.

20 "Addicted to narcotics" does not include possession or use
21 of a prescribed controlled substance under the direction and
22 authority of a physician or other person authorized to
23 prescribe the controlled substance when the controlled
24 substance is used in the prescribed manner.

1 "Adjudicated as a mentally disabled person" means the
2 person is the subject of a determination by a court, board,
3 commission or other lawful authority that the person, as a
4 result of marked subnormal intelligence, or mental illness,
5 mental impairment, incompetency, condition, or disease:

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

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

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

13 (3.5) is guilty but mentally ill, as provided in
14 Section 5-2-6 of the Unified Code of Corrections;

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

16 (5) is not guilty by reason of lack of mental
17 responsibility under Articles 50a and 72b of the Uniform
18 Code of Military Justice, 10 U.S.C. 850a, 876b;

19 (6) is a sexually violent person under subsection (f)
20 of Section 5 of the Sexually Violent Persons Commitment
21 Act;

22 (7) is a sexually dangerous person under the Sexually
23 Dangerous Persons Act;

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

26 (9) is not guilty by reason of insanity under the

1 Juvenile Court Act of 1987;

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

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

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

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

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

14 (1) communicates a serious threat of physical violence
15 against a reasonably identifiable victim or poses a clear
16 and imminent risk of serious physical injury to himself,
17 herself, or another person as determined by a physician,
18 clinical psychologist, or qualified examiner; or

19 (2) demonstrates threatening physical or verbal
20 behavior, such as violent, suicidal, or assaultive
21 threats, actions, or other behavior, as determined by a
22 physician, clinical psychologist, qualified examiner,
23 school administrator, or law enforcement official.

24 "Clinical psychologist" has the meaning provided in
25 Section 1-103 of the Mental Health and Developmental
26 Disabilities Code.

1 "Controlled substance" means a controlled substance or
2 controlled substance analog as defined in the Illinois
3 Controlled Substances Act.

4 "Counterfeit" means to copy or imitate, without legal
5 authority, with intent to deceive.

6 "Developmentally disabled" means a disability which is
7 attributable to any other condition which results in impairment
8 similar to that caused by an intellectual disability and which
9 requires services similar to those required by intellectually
10 disabled persons. The disability must originate before the age
11 of 18 years, be expected to continue indefinitely, and
12 constitute a substantial disability ~~handicap~~.

13 This disability results in the professional opinion of a
14 physician, clinical psychologist, or qualified examiner, in
15 significant functional limitations in 3 or more of the
16 following areas of major life activity:

- 17 (i) self-care;
18 (ii) receptive and expressive language;
19 (iii) learning;
20 (iv) mobility; or
21 (v) self-direction.

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 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

22 Sec. 10. Appeal to director; hearing; relief from firearm
23 prohibitions.

24 (a) Whenever an application for a Firearm Owner's
25 Identification Card is denied, whenever the Department fails to

1 act on an application within 30 days of its receipt, or
2 whenever such a Card is revoked or seized as provided for in
3 Section 8 of this Act, the aggrieved party may appeal to the
4 Director of State Police for a hearing upon such denial,
5 revocation or seizure, unless the denial, revocation, or
6 seizure was based upon a forcible felony, stalking, aggravated
7 stalking, domestic battery, any violation of the Illinois
8 Controlled Substances Act, the Methamphetamine Control and
9 Community Protection Act, or the Cannabis Control Act that is
10 classified as a Class 2 or greater felony, any felony violation
11 of Article 24 of the Criminal Code of 1961 or the Criminal Code
12 of 2012, or any adjudication as a delinquent minor for the
13 commission of an offense that if committed by an adult would be
14 a felony, in which case the aggrieved party may petition the
15 circuit court in writing in the county of his or her residence
16 for a hearing upon such denial, revocation, or seizure.

17 (b) At least 30 days before any hearing in the circuit
18 court, the petitioner shall serve the relevant State's Attorney
19 with a copy of the petition. The State's Attorney may object to
20 the petition and present evidence. At the hearing the court
21 shall determine whether substantial justice has been done.
22 Should the court determine that substantial justice has not
23 been done, the court shall issue an order directing the
24 Department of State Police to issue a Card. However, the court
25 shall not issue the order if the petitioner is otherwise
26 prohibited from obtaining, possessing, or using a firearm under

1 federal law.

2 (c) Any person prohibited from possessing a firearm under
3 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
4 acquiring a Firearm Owner's Identification Card under Section 8
5 of this Act may apply to the Director of State Police or
6 petition the circuit court in the county where the petitioner
7 resides, whichever is applicable in accordance with subsection
8 (a) of this Section, requesting relief from such prohibition
9 and the Director or court may grant such relief if it is
10 established by the applicant to the court's or Director's
11 satisfaction that:

12 (0.05) when in the circuit court, the State's Attorney
13 has been served with a written copy of the petition at
14 least 30 days before any such hearing in the circuit court
15 and at the hearing the State's Attorney was afforded an
16 opportunity to present evidence and object to the petition;

17 (1) the applicant has not been convicted of a forcible
18 felony under the laws of this State or any other
19 jurisdiction within 20 years of the applicant's
20 application for a Firearm Owner's Identification Card, or
21 at least 20 years have passed since the end of any period
22 of imprisonment imposed in relation to that conviction;

23 (2) the circumstances regarding a criminal conviction,
24 where applicable, the applicant's criminal history and his
25 reputation are such that the applicant will not be likely
26 to act in a manner dangerous to public safety;

1 (3) granting relief would not be contrary to the public
2 interest; and

3 (4) granting relief would not be contrary to federal
4 law.

5 (c-5) (1) An active law enforcement officer employed by a
6 unit of government, who is denied, revoked, or has his or her
7 Firearm Owner's Identification Card seized under subsection
8 (e) of Section 8 of this Act may apply to the Director of State
9 Police requesting relief if the officer did not act in a manner
10 threatening to the officer, another person, or the public as
11 determined by the treating clinical psychologist or physician,
12 and as a result of his or her work is referred by the employer
13 for or voluntarily seeks mental health evaluation or treatment
14 by a licensed clinical psychologist, psychiatrist, or
15 qualified examiner, and:

16 (A) the officer has not received treatment
17 involuntarily at a mental health facility, regardless of
18 the length of admission; or has not been voluntarily
19 admitted to a mental health facility for more than 30 days
20 and not for more than one incident within the past 5 years;
21 and

22 (B) the officer has not left the mental institution
23 against medical advice.

24 (2) The Director of State Police shall grant expedited
25 relief to active law enforcement officers described in
26 paragraph (1) of this subsection (c-5) upon a determination by

1 the Director that the officer's possession of a firearm does
2 not present a threat to themselves, others, or public safety.
3 The Director shall act on the request for relief within 30
4 business days of receipt of:

5 (A) a notarized statement from the officer in the form
6 prescribed by the Director detailing the circumstances
7 that led to the hospitalization;

8 (B) all documentation regarding the admission,
9 evaluation, treatment and discharge from the treating
10 licensed clinical psychologist or psychiatrist of the
11 officer;

12 (C) a psychological fitness for duty evaluation of the
13 person completed after the time of discharge; and

14 (D) written confirmation in the form prescribed by the
15 Director from the treating licensed clinical psychologist
16 or psychiatrist that the provisions set forth in paragraph
17 (1) of this subsection (c-5) have been met, the person
18 successfully completed treatment, and their professional
19 opinion regarding the person's ability to possess
20 firearms.

21 (3) Officers eligible for the expedited relief in paragraph
22 (2) of this subsection (c-5) have the burden of proof on
23 eligibility and must provide all information required. The
24 Director may not consider granting expedited relief until the
25 proof and information is received.

26 (4) "Clinical psychologist", "psychiatrist", and

1 "qualified examiner" shall have the same meaning as provided in
2 Chapter I 4 of the Mental Health and Developmental Disabilities
3 Code.

4 (c-10) (1) An applicant, who is denied, revoked, or has his
5 or her Firearm Owner's Identification Card seized under
6 subsection (e) of Section 8 of this Act based upon a
7 determination of a developmental disability or an intellectual
8 disability may apply to the Director of State Police requesting
9 relief.

10 (2) The Director shall act on the request for relief within
11 60 business days of receipt of written certification, in the
12 form prescribed by the Director, from a physician or clinical
13 psychologist, or qualified examiner, that the aggrieved
14 party's developmental disability or intellectual disability
15 condition is determined by a physician, clinical psychologist,
16 or qualified to be mild. If a fact-finding conference is
17 scheduled to obtain additional information concerning the
18 circumstances of the denial or revocation, the 60 business days
19 the Director has to act shall be tolled until the completion of
20 the fact-finding conference.

21 (3) The Director may grant relief if the aggrieved party's
22 developmental disability or intellectual disability is mild as
23 determined by a physician, clinical psychologist, or qualified
24 examiner and it is established by the applicant to the
25 Director's satisfaction that:

26 (A) granting relief would not be contrary to the public

1 interest; and

2 (B) granting relief would not be contrary to federal
3 law.

4 (4) The Director may not grant relief if the condition is
5 determined by a physician, clinical psychologist, or qualified
6 examiner to be moderate, severe, or profound.

7 (d) When a minor is adjudicated delinquent for an offense
8 which if committed by an adult would be a felony, the court
9 shall notify the Department of State Police.

10 (e) The court shall review the denial of an application or
11 the revocation of a Firearm Owner's Identification Card of a
12 person who has been adjudicated delinquent for an offense that
13 if committed by an adult would be a felony if an application
14 for relief has been filed at least 10 years after the
15 adjudication of delinquency and the court determines that the
16 applicant should be granted relief from disability to obtain a
17 Firearm Owner's Identification Card. If the court grants
18 relief, the court shall notify the Department of State Police
19 that the disability has been removed and that the applicant is
20 eligible to obtain a Firearm Owner's Identification Card.

21 (f) Any person who is subject to the disabilities of 18
22 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
23 of 1968 because of an adjudication or commitment that occurred
24 under the laws of this State or who was determined to be
25 subject to the provisions of subsections (e), (f), or (g) of
26 Section 8 of this Act may apply to the Department of State

1 Police requesting relief from that prohibition. The Director
2 shall grant the relief if it is established by a preponderance
3 of the evidence that the person will not be likely to act in a
4 manner dangerous to public safety and that granting relief
5 would not be contrary to the public interest. In making this
6 determination, the Director shall receive evidence concerning
7 (i) the circumstances regarding the firearms disabilities from
8 which relief is sought; (ii) the petitioner's mental health and
9 criminal history records, if any; (iii) the petitioner's
10 reputation, developed at a minimum through character witness
11 statements, testimony, or other character evidence; and (iv)
12 changes in the petitioner's condition or circumstances since
13 the disqualifying events relevant to the relief sought. If
14 relief is granted under this subsection or by order of a court
15 under this Section, the Director shall as soon as practicable
16 but in no case later than 15 business days, update, correct,
17 modify, or remove the person's record in any database that the
18 Department of State Police makes available to the National
19 Instant Criminal Background Check System and notify the United
20 States Attorney General that the basis for the record being
21 made available no longer applies. The Department of State
22 Police shall adopt rules for the administration of this
23 Section.

24 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13;
25 97-1167, eff. 6-1-13; 98-63, eff. 7-9-13; revised 12-10-14.)

1 Section 15. The Mental Health and Developmental
2 Disabilities Confidentiality Act is amended by changing
3 Section 12 as follows:

4 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

5 Sec. 12. (a) If the United States Secret Service or the
6 Department of State Police requests information from a mental
7 health or developmental disability facility, as defined in
8 Section 1-107 and 1-114 of the Mental Health and Developmental
9 Disabilities Code, relating to a specific recipient and the
10 facility director determines that disclosure of such
11 information may be necessary to protect the life of, or to
12 prevent the infliction of great bodily harm to, a public
13 official, or a person under the protection of the United States
14 Secret Service, only the following information may be
15 disclosed: the recipient's name, address, and age and the date
16 of any admission to or discharge from a facility; and any
17 information which would indicate whether or not the recipient
18 has a history of violence or presents a danger of violence to
19 the person under protection. Any information so disclosed shall
20 be used for investigative purposes only and shall not be
21 publicly disseminated. Any person participating in good faith
22 in the disclosure of such information in accordance with this
23 provision shall have immunity from any liability, civil,
24 criminal or otherwise, if such information is disclosed relying
25 upon the representation of an officer of the United States

1 Secret Service or the Department of State Police that a person
2 is under the protection of the United States Secret Service or
3 is a public official.

4 For the purpose of this subsection (a), the term "public
5 official" means the Governor, Lieutenant Governor, Attorney
6 General, Secretary of State, State Comptroller, State
7 Treasurer, member of the General Assembly, member of the United
8 States Congress, Judge of the United States as defined in 28
9 U.S.C. 451, Justice of the United States as defined in 28
10 U.S.C. 451, United States Magistrate Judge as defined in 28
11 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
12 Supreme, Appellate, Circuit, or Associate Judge of the State of
13 Illinois. The term shall also include the spouse, child or
14 children of a public official.

15 (b) The Department of Human Services (acting as successor
16 to the Department of Mental Health and Developmental
17 Disabilities) and all public or private hospitals and mental
18 health facilities are required, as hereafter described in this
19 subsection, to furnish the Department of State Police only such
20 information as may be required for the sole purpose of
21 determining whether an individual who may be or may have been a
22 patient is disqualified because of that status from receiving
23 or retaining a Firearm Owner's Identification Card or falls
24 within the federal prohibitors under subsection (e), (f), (g),
25 (r), (s), or (t) of Section 8 of the Firearm Owners
26 Identification Card Act, or falls within the federal

1 prohibitors in 18 U.S.C. 922(g) and (n). All physicians,
2 clinical psychologists, or qualified examiners at public or
3 private mental health facilities or parts thereof as defined in
4 this subsection shall, in the form and manner required by the
5 Department, provide notice directly to the Department of Human
6 Services, or to his or her employer who shall then report to
7 the Department, within 24 hours after determining that a person
8 ~~patient as described in clause (2) of the definition of~~
9 ~~"patient" in Section 1.1 of the Firearm Owners Identification~~
10 ~~Card Act~~ poses a clear and present danger to himself, herself,
11 or others, or within 7 days after a person 14 years or older is
12 determined to be developmentally disabled by a physician,
13 clinical psychologist, or qualified examiner as described in
14 Section 1.1 of the Firearm Owners Identification Card Act. If a
15 person is a patient as described in clause (1) of the
16 definition of "patient" in Section 1.1 of the Firearm Owners
17 Identification Card Act, this ~~This~~ information shall be
18 furnished ~~within 24 hours after the physician, clinical~~
19 ~~psychologist, or qualified examiner has made a determination,~~
20 ~~or~~ within 7 days after admission to a public or private
21 hospital or mental health facility or the provision of services
22 ~~to a patient described in clause (1) of the definition of~~
23 ~~"patient" in Section 1.1 of the Firearm Owners Identification~~
24 ~~Card Act~~. Any such information disclosed under this subsection
25 shall remain privileged and confidential, and shall not be
26 redisclosed, except as required by subsection (e) of Section

1 3.1 of the Firearm Owners Identification Card Act, nor utilized
2 for any other purpose. The method of requiring the providing of
3 such information shall guarantee that no information is
4 released beyond what is necessary for this purpose. In
5 addition, the information disclosed shall be provided by the
6 Department within the time period established by Section 24-3
7 of the Criminal Code of 2012 regarding the delivery of
8 firearms. The method used shall be sufficient to provide the
9 necessary information within the prescribed time period, which
10 may include periodically providing lists to the Department of
11 Human Services or any public or private hospital or mental
12 health facility of Firearm Owner's Identification Card
13 applicants on which the Department or hospital shall indicate
14 the identities of those individuals who are to its knowledge
15 disqualified from having a Firearm Owner's Identification Card
16 for reasons described herein. The Department may provide for a
17 centralized source of information for the State on this subject
18 under its jurisdiction. The identity of the person reporting
19 under this subsection shall not be disclosed to the subject of
20 the report. For the purposes of this subsection, the physician,
21 clinical psychologist, or qualified examiner making the
22 determination and his or her employer shall not be held
23 criminally, civilly, or professionally liable for making or not
24 making the notification required under this subsection, except
25 for willful or wanton misconduct.

26 Any person, institution, or agency, under this Act,

1 participating in good faith in the reporting or disclosure of
2 records and communications otherwise in accordance with this
3 provision or with rules, regulations or guidelines issued by
4 the Department shall have immunity from any liability, civil,
5 criminal or otherwise, that might result by reason of the
6 action. For the purpose of any proceeding, civil or criminal,
7 arising out of a report or disclosure in accordance with this
8 provision, the good faith of any person, institution, or agency
9 so reporting or disclosing shall be presumed. The full extent
10 of the immunity provided in this subsection (b) shall apply to
11 any person, institution or agency that fails to make a report
12 or disclosure in the good faith belief that the report or
13 disclosure would violate federal regulations governing the
14 confidentiality of alcohol and drug abuse patient records
15 implementing 42 U.S.C. 290dd-3 and 290ee-3.

16 For purposes of this subsection (b) only, the following
17 terms shall have the meaning prescribed:

18 (1) (Blank).

19 (1.3) "Clear and present danger" has the meaning as
20 defined in Section 1.1 of the Firearm Owners Identification
21 Card Act.

22 (1.5) "Developmentally disabled" has the meaning as
23 defined in Section 1.1 of the Firearm Owners Identification
24 Card Act.

25 (2) "Patient" has the meaning as defined in Section 1.1
26 of the Firearm Owners Identification Card Act.

1 (3) "Mental health facility" has the meaning as defined
2 in Section 1.1 of the Firearm Owners Identification Card
3 Act.

4 (c) Upon the request of a peace officer who takes a person
5 into custody and transports such person to a mental health or
6 developmental disability facility pursuant to Section 3-606 or
7 4-404 of the Mental Health and Developmental Disabilities Code
8 or who transports a person from such facility, a facility
9 director shall furnish said peace officer the name, address,
10 age and name of the nearest relative of the person transported
11 to or from the mental health or developmental disability
12 facility. In no case shall the facility director disclose to
13 the peace officer any information relating to the diagnosis,
14 treatment or evaluation of the person's mental or physical
15 health.

16 For the purposes of this subsection (c), the terms "mental
17 health or developmental disability facility", "peace officer"
18 and "facility director" shall have the meanings ascribed to
19 them in the Mental Health and Developmental Disabilities Code.

20 (d) Upon the request of a peace officer or prosecuting
21 authority who is conducting a bona fide investigation of a
22 criminal offense, or attempting to apprehend a fugitive from
23 justice, a facility director may disclose whether a person is
24 present at the facility. Upon request of a peace officer or
25 prosecuting authority who has a valid forcible felony warrant
26 issued, a facility director shall disclose: (1) whether the

1 person who is the subject of the warrant is present at the
2 facility and (2) the date of that person's discharge or future
3 discharge from the facility. The requesting peace officer or
4 prosecuting authority must furnish a case number and the
5 purpose of the investigation or an outstanding arrest warrant
6 at the time of the request. Any person, institution, or agency
7 participating in good faith in disclosing such information in
8 accordance with this subsection (d) is immune from any
9 liability, civil, criminal or otherwise, that might result by
10 reason of the action.

11 (Source: P.A. 97-1150, eff. 1-25-13; 98-63, eff. 7-9-13.)

12 Section 97. Applicability. This amendatory Act of the 99th
13 General Assembly applies to requests for relief pending on or
14 before the effective date of this amendatory Act, except that
15 the 60-day period for the Director to act on requests pending
16 before the effective date shall begin on the effective date of
17 this amendatory Act.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.