



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0687

Introduced 2/6/2009, by Rep. Kenneth Dunkin

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, 2010.

LRB096 05754 RLC 15825 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 mentally retarded;

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) A person who is subject to an existing order of
6 protection prohibiting him or her from possessing a firearm;

7 (k) A person who has been convicted within the past 5 years
8 of battery, assault, aggravated assault, violation of an order
9 of protection, or a substantially similar offense in another
10 jurisdiction, in which a firearm was used or possessed;

11 (l) A person who has been convicted of domestic battery or
12 a substantially similar offense in another jurisdiction
13 committed on or after January 1, 1998;

14 (m) A person who has been convicted within the past 5 years
15 of domestic battery or a substantially similar offense in
16 another jurisdiction committed before January 1, 1998;

17 (n) A person who is prohibited from acquiring or possessing
18 firearms or firearm ammunition by any Illinois State statute or
19 by federal law;

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

24 (p) An adult who had been adjudicated a delinquent minor
25 under the Juvenile Court Act of 1987 for the commission of an
26 offense that if committed by an adult would be a felony.

1 The Department of State Police shall revoke and seize a
2 Firearm Owner's Identification Card previously issued under
3 this Act if the Department finds that the person to whom such
4 card was issued possesses or acquires a firearm and does not
5 submit evidence to the Department of State Police that he or
6 she has been issued in his or her name a liability insurance
7 policy in the amount of at least \$1,000,000 specifically
8 covering any damages resulting from negligent or willful acts
9 involving the use of such firearm while it is owned by such
10 person.

11 (Source: P.A. 95-581, eff. 6-1-08.)

12 Section 99. Effective date. This Act takes effect January
13 1, 2010.