



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3157

Introduced 2/18/2025, by Rep. Maura Hirschauer

SYNOPSIS AS INTRODUCED:

See Index

Amends the Firearm Owners Identification Card Act. Provides that in cases in which a person who has had his or her Firearm Owner's Identification Card revoked or denied because he or she was a patient in a mental health facility and who has received a mental health evaluation by a physician, clinical psychologist, or qualified examiner as those terms are defined in the Mental Health and Developmental Disabilities Code, and has received a certification that he or she is not a clear and present danger to himself, herself, or others to receive a restoration of his or her right to obtain a Firearm Owner's Identification Card shall provide all collateral records to the physician, clinical psychologist, or qualified examiner making the certification and the person shall attest, by signature, that all collateral records have been provided to the evaluator prior to the mental health evaluation. In the definitions of "clinical psychologist", "physician", and "qualified examiner", provides that these persons conducting the mental health examinations shall be up to date on their continuing education and must possess a valid certification from the Department of Financial and Professional Regulation. Amends the Mental Health and Developmental Disabilities Confidentiality Act. Provides that an investigator or attorney employed by the Department of Financial and Professional Regulation investigating any provider of mental health or developmental disabilities services who is a licensee of the Department shall be entitled to inspect and copy a recipient record or any part thereof upon the presentation of a Department subpoena. Provides that a subpoena for records issued to a federally assisted substance use disorder program must be accompanied by a court order if required by 42 CFR 2.66. Provides that the Department of Human Services shall notify recipients upon receiving records obtained via subpoena. Nothing in this Act prohibits the use of a recipients records in an administrative proceeding conducted by the Department. Amends various Acts to make conforming changes.

LRB104 10710 BDA 20789 b

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 Clinical Psychologist Licensing Act is
5 amended by changing Section 13 and by adding Section 12.1 as
6 follows:

7 (225 ILCS 15/12.1 new)

8 Sec. 12.1. Firearm Owners Identification Card Act;
9 certification.

10 (a) A clinical psychologist who performs mental health
11 evaluations under subsection (u) of Section 8 of the Firearm
12 Owners Identification Card Act must obtain a certification
13 from the Department, to be renewed per license year, that the
14 clinical psychologist has completed all trainings as provided
15 by this Section.

16 (b) The Department shall adopt rules of continuing
17 education for clinical psychologists who perform mental health
18 evaluations under subsection (u) of Section 8 of the Firearm
19 Owners Identification Card Act to require 6 hours of
20 continuing education per license year, in addition to any
21 other continuing education requirements as required by law. In
22 establishing these rules, the Department shall consider and
23 incorporate guidance from the Illinois State Police and

1 Illinois Department of Public Health. The rules shall be
2 consistent with best practices relating to firearm safety and
3 shall include, but are not limited to, education of the
4 Firearm Owners Identification Card Act, safe storage of
5 firearms, risks of firearms to individuals who are a clear and
6 present risk to themselves or others, and actions that can be
7 taken to alert law enforcement of individuals who own firearms
8 and pose a clear and present risk to themselves or others. The
9 Department shall periodically update the curriculum of
10 continuing education as it sees fit, but, at a minimum, shall
11 update the curriculum every 4 years.

12 (c) The Department shall develop and disseminate
13 educational materials relating to this continuing education,
14 and shall provide this continuing education as an additional
15 option whenever the continuing education under Section 13 of
16 this Act is provided.

17 (d) The Department shall certify each clinical
18 psychologist who has completed this continuing education for
19 the license year as qualified to conduct mental health
20 evaluations under subsection (u) of Section 8 of the Firearm
21 Owners Identification Card Act. A clinical psychologist who is
22 not certified by the Department shall not conduct such mental
23 health evaluations. The Department shall maintain records of
24 certification and shall provide unrestricted access to such
25 records with the Firearms Record Challenge Unit of the
26 Illinois State Police.

1 (e) The cost of enrolling in this continuing education
2 shall be set by the Department, by rule, and the Department of
3 Human Services shall reimburse the Department, the Illinois
4 State Police, and the Department of Public Health for the
5 development, administration, and maintenance of such
6 continuing education and any continuing education materials.

7 (225 ILCS 15/13) (from Ch. 111, par. 5363)

8 (Section scheduled to be repealed on January 1, 2027)

9 Sec. 13. License renewal; restoration.

10 (a) The expiration date and renewal period for each
11 license issued under this Act shall be set by rule. Every
12 holder of a license under this Act may renew such license
13 during the 90-day period immediately preceding the expiration
14 date thereof upon payment of the required renewal fees and
15 demonstrating compliance with any continuing education
16 requirements. The Department shall adopt rules establishing
17 minimum requirements of continuing education and means for
18 verification of the completion of the continuing education
19 requirements. The Department may, by rule, specify
20 circumstances under which the continuing education
21 requirements may be waived. Under no circumstances shall the
22 continuing education requirements in Section 12.1 be waived.

23 A clinical psychologist who has permitted his or her
24 license to expire or who has had his or her license on inactive
25 status may have his or her license restored by making

1 application to the Department and filing proof acceptable to
2 the Department, as defined by rule, of his or her fitness to
3 have his or her license restored, including evidence
4 certifying to active practice in another jurisdiction
5 satisfactory to the Department and by paying the required
6 restoration fee.

7 If the clinical psychologist has not maintained an active
8 practice in another jurisdiction satisfactory to the
9 Department, the Board shall determine, by an evaluation
10 program established by rule, his or her fitness to resume
11 active status and may require the clinical psychologist to
12 complete a period of supervised professional experience and
13 may require successful completion of an examination.

14 However, any clinical psychologist whose license expired
15 while he or she was (1) in Federal Service on active duty with
16 the Armed Forces of the United States, or the State Militia
17 called into service or training, or (2) in training or
18 education under the supervision of the United States
19 preliminary to induction into the military service, may have
20 his or her license renewed or restored without paying any
21 lapsed renewal fees if within 2 years after honorable
22 termination of such service, training or education he or she
23 furnishes the Department with satisfactory evidence to the
24 effect that he or she has been so engaged and that his or her
25 service, training or education has been so terminated.

26 (b) Notwithstanding any other provision of law, the

1 following requirements for restoration of an inactive or
2 expired license of less than 5 years as set forth in subsection
3 (a) are suspended for any licensed clinical psychologist who
4 has had no disciplinary action taken against his or her
5 license in this State or in any other jurisdiction during the
6 entire period of licensure: proof of fitness, certification of
7 active practice in another jurisdiction, and the payment of a
8 renewal fee. An individual may not restore his or her license
9 in accordance with this subsection more than once.

10 (Source: P.A. 102-1053, eff. 6-10-22.)

11 Section 10. The Clinical Social Work and Social Work
12 Practice Act is amended by changing Section 11 and by adding
13 Section 12.1 as follows:

14 (225 ILCS 20/11) (from Ch. 111, par. 6361)

15 (Section scheduled to be repealed on January 1, 2028)

16 Sec. 11. Licenses; renewal; restoration; person in
17 military service; inactive status.

18 (a) The expiration date and renewal period for each
19 license issued under this Act shall be set by rule. The
20 licensee may renew a license during the 60-day period
21 preceding its expiration date by paying the required fee and
22 by demonstrating compliance with any continuing education
23 requirements. The Department shall adopt rules establishing
24 minimum requirements of continuing education and means for

1 verification of the completion of the continuing education
2 requirements. The Department may, by rule, specify
3 circumstances under which the continuing education
4 requirements may be waived. Under no circumstances shall the
5 continuing education requirements in Section 12.1 be waived.

6 (b) Any person who has permitted a license to expire or who
7 has a license on inactive status may have it restored by
8 submitting an application to the Department and filing proof
9 of fitness, as defined by rule, to have the license restored,
10 including, if appropriate, evidence which is satisfactory to
11 the Department certifying the active practice of clinical
12 social work or social work in another jurisdiction and by
13 paying the required fee.

14 (b-5) If the person has not maintained an active practice
15 in another jurisdiction which is satisfactory to the
16 Department, the Department shall determine the person's
17 fitness to resume active status. The Department may also
18 require the person to complete a specific period of evaluated
19 clinical social work or social work experience and may require
20 successful completion of an examination for clinical social
21 workers.

22 (b-7) Notwithstanding any other provision of this Act, any
23 person whose license expired while on active duty with the
24 armed forces of the United States, while called into service
25 or training with the State Militia or in training or education
26 under the supervision of the United States government prior to

1 induction into the military service may have the person's
2 license restored without paying any renewal fees if, within 2
3 years after the honorable termination of that service,
4 training or education, except under conditions other than
5 honorable, the Department is furnished with satisfactory
6 evidence that the person has been so engaged and that the
7 service, training or education has been so terminated.

8 (c) A license to practice shall not be denied any
9 applicant because of the applicant's race, religion, creed,
10 national origin, political beliefs or activities, age, sex,
11 sexual orientation, or physical impairment.

12 (d) (Blank).

13 (e) (Blank).

14 (f) (Blank).

15 (g) The Department shall indicate on each license the
16 academic degree of the licensee.

17 (h) Notwithstanding any other provision of law, the
18 following requirements for restoration of an inactive or
19 expired license of 5 years or less as set forth in subsections
20 (b) and (b-5) are suspended for any licensed clinical social
21 worker who has had no disciplinary action taken against the
22 licensed clinical social worker's license in this State or in
23 any other jurisdiction during the entire period of licensure:
24 proof of fitness, certification of active practice in another
25 jurisdiction, and the payment of a fee or renewal fee. An
26 individual may not restore the individual's license in

1 accordance with this subsection more than once.

2 (Source: P.A. 102-326, eff. 1-1-22; 102-1053, eff. 6-10-22;
3 103-1048, eff. 1-1-25.)

4 (225 ILCS 20/12.1 new)

5 Sec. 12.1. Firearm Owners Identification Card Act;
6 certification.

7 (a) A clinical social worker who performs mental health
8 evaluations under subsection (u) of Section 8 of the Firearm
9 Owners Identification Card Act must obtain a certification
10 from the Department, to be renewed per license year, that the
11 clinical social worker has completed all trainings as provided
12 by this Section.

13 (b) The Department shall promulgate rules of continuing
14 education for clinical social workers who perform mental
15 health evaluations under subsection (u) of Section 8 of the
16 Firearm Owners Identification Card Act to require 6 hours of
17 continuing education per license year, in addition to any
18 other continuing education requirements as required by law. In
19 establishing these rules, the Department shall consider and
20 incorporate guidance from the Illinois State Police and
21 Illinois Department of Public Health. The rules shall be
22 consistent with best practices relating to firearm safety and
23 shall include, but are not limited to, education of the
24 Firearm Owners Identification Card Act, safe storage of
25 firearms, risks of firearms to individuals who are a clear and

1 present risk to themselves or others, and actions that can be
2 taken to alert law enforcement of individuals who own firearms
3 and pose a clear and present risk to themselves or others. The
4 Department shall periodically update the curriculum of
5 continuing education as it sees fit, but, at a minimum, shall
6 update the curriculum every 4 years.

7 (c) The Department shall develop and disseminate
8 educational materials relating to this continuing education,
9 and shall provide this continuing education as an additional
10 option whenever the continuing education under Section 11 of
11 this Act is provided.

12 (d) The Department shall certify each clinical social
13 worker who has completed this continuing education for the
14 license year as qualified to conduct mental health evaluations
15 under subsection (u) of Section 8 of the Firearm Owners
16 Identification Card Act. A clinical social worker who is not
17 certified by the Department shall not conduct such mental
18 health evaluations. The Department shall maintain records of
19 certification and shall provide unrestricted access to such
20 records with the Firearms Record Challenge Unit of the
21 Illinois State Police.

22 (e) The cost of enrolling in this continuing education
23 shall be set by the Department, by rule, and the Department of
24 Human Services shall reimburse the Department, the Illinois
25 State Police, and the Department of Public Health for the
26 development, administration, and maintenance of such

1 continuing education and any continuing education materials.

2 Section 15. The Marriage and Family Therapy Licensing Act
3 is amended by adding Section 50.1 as follows:

4 (225 ILCS 55/50.1 new)

5 Sec. 50.1. Firearm Owners Identification Card Act;
6 certification.

7 (a) Any marriage or family therapist who performs mental
8 health evaluations under subsection (u) of Section 8 of the
9 Firearm Owners Identification Card Act must obtain a
10 certification from the Department, to be renewed per 2-year
11 license year, that the marriage or family therapist has
12 completed all trainings as provided by this Section.

13 (b) The Department shall promulgate rules of continuing
14 education for marriage or family therapists who perform mental
15 health evaluations under subsection (u) of Section 8 of the
16 Firearm Owners Identification Card Act to require 6 hours of
17 continuing education per license year, in addition to any
18 other continuing education requirements as required by law. In
19 establishing these rules, the Department shall consider and
20 incorporate guidance from the Illinois State Police and
21 Illinois Department of Public Health. The rules shall be
22 consistent with best practices relating to firearm safety and
23 shall include, but are not limited to, education of the
24 Firearm Owners Identification Card Act, safe storage of

1 firearms, risks of firearms to individuals who are a clear and
2 present risk to themselves or others, and actions that can be
3 taken to alert law enforcement of individuals who own firearms
4 and pose a clear and present risk to themselves or others. The
5 Department shall periodically update the curriculum of
6 continuing education as it sees fit, but, at a minimum, shall
7 update the curriculum every 4 years.

8 (c) The Department shall develop and disseminate
9 educational materials relating to this continuing education,
10 and shall provide this continuing education as an additional
11 option whenever the continuing education under Section 45 of
12 this Act is provided.

13 (d) The Department shall certify each marriage or family
14 therapist who has completed this continuing education for the
15 license year as qualified to conduct mental health evaluations
16 under subsection (u) of Section 8 of the Firearm Owners
17 Identification Card Act. A marriage or family therapist who is
18 not certified by the Department shall not conduct such mental
19 health evaluations. The Department shall maintain records of
20 certification and shall provide unrestricted access to such
21 records with the Firearms Record Challenge Unit of the
22 Illinois State Police.

23 (e) The cost of enrolling in this continuing education
24 shall be set by the Department, by rule, and the Department of
25 Human Services shall reimburse the Department, the Illinois
26 State Police, and the Department of Public Health for the

1 development, administration, and maintenance of such
2 continuing education and any continuing education materials.

3 Section 20. The Medical Practice Act of 1987 is amended by
4 changing Section 20 and by adding Section 11.2 as follows:

5 (225 ILCS 60/11.2 new)

6 Sec. 11.2. Firearm Owners Identification Card Act;
7 certification.

8 (a) A physician who performs mental health evaluations
9 under subsection (u) of Section 8 of the Firearm Owners
10 Identification Card Act must obtain a certification from the
11 Department, to be renewed per license year, that the physician
12 has completed all trainings as provided by this Section.

13 (b) The Department shall promulgate rules of continuing
14 education for physicians who perform mental health evaluations
15 under subsection (u) of Section 8 of the Firearm Owners
16 Identification Card Act that require 6 hours of continuing
17 education per license year. In establishing these rules, the
18 Department shall consider and incorporate guidance from the
19 Illinois State Police and Illinois Department of Public
20 Health. The rules shall be consistent with best practices
21 relating to firearm safety and shall include, but are not
22 limited to, education of the Firearm Owners Identification
23 Card Act, safe storage of firearms, risks of firearms to
24 individuals who are a clear and present risk to themselves or

1 others, and actions that can be taken to alert law enforcement
2 of individuals who own firearms and pose a clear and present
3 risk to themselves or others. The Department shall
4 periodically update the curriculum of continuing education as
5 it sees fit, but, at a minimum, shall update the curriculum
6 every 4 years.

7 (c) The Department shall develop and disseminate
8 educational materials relating to this continuing education,
9 and shall provide this continuing education as an additional
10 option whenever the continuing education under Section 20 of
11 this Act is provided.

12 (d) The Department shall certify each physician who has
13 completed this continuing education for the license year as
14 qualified to conduct mental health evaluations under
15 subsection (u) of Section 8 of the Firearm Owners
16 Identification Card Act. A physician who is not certified by
17 the Department shall not conduct such mental health
18 evaluations. The Department shall maintain records of
19 certification and shall provide unrestricted access to such
20 records with the Firearms Record Challenge Unit of the
21 Illinois State Police.

22 (e) The cost of enrolling in this continuing education
23 shall be set by the Department, by rule, and the Department of
24 Human Services shall reimburse the Department, the Illinois
25 State Police, and the Department of Public Health for the
26 development, administration, and maintenance of such

1 continuing education and any continuing education materials.

2 (225 ILCS 60/20) (from Ch. 111, par. 4400-20)

3 (Section scheduled to be repealed on January 1, 2027)

4 Sec. 20. Continuing education.

5 (a) The Department shall promulgate rules of continuing
6 education for persons licensed under this Act that require an
7 average of 50 hours of continuing education per license year.
8 These rules shall be consistent with requirements of relevant
9 professional associations, specialty societies, or boards. The
10 rules shall also address variances in part or in whole for good
11 cause, including, but not limited to, temporary illness or
12 hardship. In establishing these rules, the Department shall
13 consider educational requirements for medical staffs,
14 requirements for specialty society board certification or for
15 continuing education requirements as a condition of membership
16 in societies representing the 2 categories of licensee under
17 this Act. These rules shall assure that licensees are given
18 the opportunity to participate in those programs sponsored by
19 or through their professional associations or hospitals which
20 are relevant to their practice. Each licensee is responsible
21 for maintaining records of completion of continuing education
22 and shall be prepared to produce the records when requested by
23 the Department.

24 (b) The continuing education under Section 11.2 shall be
25 an additional requirement, in addition to the continuing

1 education under subsection (a) of this Section, offered only
2 to physicians who conduct mental health evaluations under
3 subsection (u) of Section 8 of the Firearm Owners
4 Identification Card Act.

5 (Source: P.A. 97-622, eff. 11-23-11.)

6 Section 25. The Nurse Practice Act is amended by changing
7 Section 60-40 and by adding Section 60-45 as follows:

8 (225 ILCS 65/60-40)

9 (Section scheduled to be repealed on January 1, 2028)

10 Sec. 60-40. Continuing education for RN licensees. The
11 Department may adopt rules of continuing education for
12 registered professional nurses licensed under this Act that
13 require 20 hours of continuing education per 2-year license
14 renewal cycle. The rules shall address variances in part or in
15 whole for good cause, including without limitation illness or
16 hardship. The continuing education rules must ensure that
17 licensees are given the opportunity to participate in programs
18 sponsored by or through their State or national professional
19 associations, hospitals, or other providers of continuing
20 education. The continuing education rules must allow for a
21 licensee to complete all required hours of continuing
22 education in an online format. Each licensee is responsible
23 for maintaining records of completion of continuing education
24 and shall be prepared to produce the records when requested by

1 the Department. The Department shall provide the additional
2 continuing education as provided in Section 60-45 in a similar
3 manner to the education provided by this Section, except that
4 the continuing education as provided in Section 60-45 must
5 include all educational materials developed by the Department,
6 the Illinois State Police, and the Illinois Department of
7 Public Health, as provided by subsection (b) of that Section.

8 (Source: P.A. 101-655, eff. 3-12-21.)

9 (225 ILCS 65/60-45 new)

10 Sec. 60-45. Firearm Owners Identification Card Act;
11 certification.

12 (a) A registered nurse who performs mental health
13 evaluations under subsection (u) of Section 8 of the Firearm
14 Owners Identification Card Act must obtain a certification
15 from the Department, to be renewed per 2-year license year,
16 that the registered nurse has completed all trainings as
17 provided by this Section.

18 (b) The Department shall adopt rules of continuing
19 education for registered nurses who perform mental health
20 evaluations under subsection (u) of Section 8 of the Firearm
21 Owners Identification Card Act to require 6 hours of
22 continuing education per license year, in addition to any
23 other continuing education requirements as required by law. In
24 establishing these rules, the Department shall consider and
25 incorporate guidance from the Illinois State Police and

1 Illinois Department of Public Health. The rules shall be
2 consistent with best practices relating to firearm safety and
3 shall include, but are not limited to, education of the
4 Firearm Owners Identification Card Act, safe storage of
5 firearms, risks of firearms to individuals who are a clear and
6 present risk to themselves or others, and actions that can be
7 taken to alert law enforcement of individuals who own firearms
8 and pose a clear and present risk to themselves or others. The
9 Department shall periodically update the curriculum of
10 continuing education as it sees fit, but, at a minimum, shall
11 update the curriculum every 4 years.

12 (c) The Department shall develop and disseminate
13 educational materials relating to this continuing education,
14 and shall provide this continuing education as an additional
15 option whenever the continuing education under Section 60-40
16 of this Act is provided.

17 (d) The Department shall certify each registered nurse who
18 has completed this continuing education for the license year
19 as qualified to conduct mental health evaluations under
20 subsection (u) of Section 8 of the Firearm Owners
21 Identification Card Act. A registered nurse who is not
22 certified by the Department shall not conduct such mental
23 health evaluations. The Department shall maintain records of
24 certification and shall provide unrestricted access to such
25 records with the Firearms Record Challenge Unit of the
26 Illinois State Police.

1 (e) The cost of enrolling in this continuing education
2 shall be set by the Department, by rule, and the Department of
3 Human Services shall reimburse the Department, the Illinois
4 State Police, and the Department of Public Health for the
5 development, administration, and maintenance of such
6 continuing education and any continuing education materials.

7 Section 30. The Professional Counselor and Clinical
8 Professional Counselor Licensing and Practice Act is amended
9 by adding Section 55.1 as follows:

10 (225 ILCS 107/55.1 new)

11 Sec. 55.1. Firearm Owners Identification Card Act;
12 certification

13 (a) A clinical professional counselor who performs mental
14 health evaluations under subsection (u) of Section 8 of the
15 Firearm Owners Identification Card Act must obtain a
16 certification from the Department, to be renewed per 2-year
17 license year, that the clinical professional counselor has
18 completed all trainings as provided by this Section.

19 (b) The Department shall promulgate rules of continuing
20 education for clinical professional counselors who perform
21 mental health evaluations under subsection (u) of Section 8 of
22 the Firearm Owners Identification Card Act to require 6 hours
23 of continuing education per license year, in addition to any
24 other continuing education requirements as required by law. In

1 establishing these rules, the Department shall consider and
2 incorporate guidance from the Illinois State Police and
3 Illinois Department of Public Health. The rules shall be
4 consistent with best practices relating to firearm safety and
5 shall include, but are not limited to, education of the
6 Firearm Owners Identification Card Act, safe storage of
7 firearms, risks of firearms to individuals who are a clear and
8 present risk to themselves or others, and actions that can be
9 taken to alert law enforcement of individuals who own firearms
10 and pose a clear and present risk to themselves or others. The
11 Department shall periodically update the curriculum of
12 continuing education as it sees fit, but, at a minimum, shall
13 update the curriculum every 4 years.

14 (c) The Department shall develop and disseminate
15 educational materials relating to this continuing education,
16 and shall provide this continuing education as an additional
17 option whenever the continuing education under Section 50 of
18 this Act is provided.

19 (d) The Department shall certify each clinical
20 professional counselor who has completed this continuing
21 education for the license year as qualified to conduct mental
22 health evaluations under subsection (u) of Section 8 of the
23 Firearm Owners Identification Card Act. A clinical
24 professional counselor who is not certified by the Department
25 shall not conduct such mental health evaluations. The
26 Department shall maintain records of certification and shall

1 provide unrestricted access to such records with the Firearms
2 Record Challenge Unit of the Illinois State Police.

3 (e) The cost of enrolling in this continuing education
4 shall be set by the Department, by rule, and the Department of
5 Human Services shall reimburse the Department of Public Health
6 for the development, administration, and maintenance of such
7 continuing education and any continuing education materials.

8 Section 35. The Firearm Owners Identification Card Act is
9 amended by changing Sections 1.1 and 8 as follows:

10 (430 ILCS 65/1.1)

11 Sec. 1.1. For purposes of this Act:

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

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

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

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

24 "Adjudicated as a person with a mental disability" means

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

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

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

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

12 (3.5) is guilty but mentally ill, as provided in
13 Section 5-2-6 of the Unified Code of Corrections;

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

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

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

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

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

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

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

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

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

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

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

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

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

23 "Clinical psychologist" has the meaning provided in
24 Section 1-103 of the Mental Health and Developmental
25 Disabilities Code, except that any clinical psychologist who
26 conducts mental health evaluations under subsection (u) of

1 Section 8 of this Act shall be up to date on the clinical
2 psychologist's continuing education and must possess a valid
3 certification, as provided by Section 12.1 of the Clinical
4 Psychologist Licensing Act, from the Illinois Department of
5 Financial and Professional Regulation..

6 "Controlled substance" means a controlled substance or
7 controlled substance analog as defined in the Illinois
8 Controlled Substances Act.

9 "Counterfeit" means to copy or imitate, without legal
10 authority, with intent to deceive.

11 "Developmental disability" means a severe, chronic
12 disability of an individual that:

13 (1) is attributable to a mental or physical impairment
14 or combination of mental and physical impairments;

15 (2) is manifested before the individual attains age
16 22;

17 (3) is likely to continue indefinitely;

18 (4) results in substantial functional limitations in 3
19 or more of the following areas of major life activity:

20 (A) Self-care.

21 (B) Receptive and expressive language.

22 (C) Learning.

23 (D) Mobility.

24 (E) Self-direction.

25 (F) Capacity for independent living.

26 (G) Economic self-sufficiency; and

1 (5) reflects the individual's need for a combination
2 and sequence of special, interdisciplinary, or generic
3 services, individualized supports, or other forms of
4 assistance that are of lifelong or extended duration and
5 are individually planned and coordinated.

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

9 "Firearm" means any device, by whatever name known, which
10 is designed to expel a projectile or projectiles by the action
11 of an explosion, expansion of gas or escape of gas; excluding,
12 however:

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

17 (1.1) any pneumatic gun, spring gun, paint ball gun,
18 or B-B gun which expels breakable paint balls containing
19 washable marking colors;

20 (2) any device used exclusively for signaling or
21 safety and required or recommended by the United States
22 Coast Guard or the Interstate Commerce Commission;

23 (3) any device used exclusively for the firing of stud
24 cartridges, explosive rivets or similar industrial
25 ammunition; and

26 (4) an antique firearm (other than a machine-gun)

1 which, although designed as a weapon, the Illinois State
2 Police finds by reason of the date of its manufacture,
3 value, design, and other characteristics is primarily a
4 collector's item and is not likely to be used as a weapon.

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

8 (1) any ammunition exclusively designed for use with a
9 device used exclusively for signaling or safety and
10 required or recommended by the United States Coast Guard
11 or the Interstate Commerce Commission; and

12 (2) any ammunition designed exclusively for use with a
13 stud or rivet driver or other similar industrial
14 ammunition.

15 "Gun show" means an event or function:

16 (1) at which the sale and transfer of firearms is the
17 regular and normal course of business and where 50 or more
18 firearms are displayed, offered, or exhibited for sale,
19 transfer, or exchange; or

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

23 "Gun show" includes the entire premises provided for an
24 event or function, including parking areas for the event or
25 function, that is sponsored to facilitate the purchase, sale,
26 transfer, or exchange of firearms as described in this

1 Section. Nothing in this definition shall be construed to
2 exclude a gun show held in conjunction with competitive
3 shooting events at the World Shooting Complex sanctioned by a
4 national governing body in which the sale or transfer of
5 firearms is authorized under subparagraph (5) of paragraph (g)
6 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

7 Unless otherwise expressly stated, "gun show" does not
8 include training or safety classes, competitive shooting
9 events, such as rifle, shotgun, or handgun matches, trap,
10 skeet, or sporting clays shoots, dinners, banquets, raffles,
11 or any other event where the sale or transfer of firearms is
12 not the primary course of business.

13 "Gun show promoter" means a person who organizes or
14 operates a gun show.

15 "Gun show vendor" means a person who exhibits, sells,
16 offers for sale, transfers, or exchanges any firearms at a gun
17 show, regardless of whether the person arranges with a gun
18 show promoter for a fixed location from which to exhibit,
19 sell, offer for sale, transfer, or exchange any firearm.

20 "Intellectual disability" means significantly subaverage
21 general intellectual functioning, existing concurrently with
22 deficits in adaptive behavior and manifested during the
23 developmental period, which is defined as before the age of
24 22, that adversely affects a child's educational performance.

25 "Involuntarily admitted" has the meaning as prescribed in
26 Sections 1-119 and 1-119.1 of the Mental Health and

1 Developmental Disabilities Code.

2 "Mental health facility" means any licensed private
3 hospital or hospital affiliate, institution, or facility, or
4 part thereof, and any facility, or part thereof, operated by
5 the State or a political subdivision thereof which provides
6 treatment of persons with mental illness and includes all
7 hospitals, institutions, clinics, evaluation facilities,
8 mental health centers, colleges, universities, long-term care
9 facilities, and nursing homes, or parts thereof, which provide
10 treatment of persons with mental illness whether or not the
11 primary purpose is to provide treatment of persons with mental
12 illness.

13 "National governing body" means a group of persons who
14 adopt rules and formulate policy on behalf of a national
15 firearm sporting organization.

16 "Noncitizen" means a person who is not a citizen of the
17 United States, but is a person who is a foreign-born person who
18 lives in the United States, has not been naturalized, and is
19 still a citizen of a foreign country.

20 "Patient" means:

21 (1) a person who is admitted as an inpatient or
22 resident of a public or private mental health facility for
23 mental health treatment under Chapter III of the Mental
24 Health and Developmental Disabilities Code as an informal
25 admission, a voluntary admission, a minor admission, an
26 emergency admission, or an involuntary admission, unless

1 the treatment was solely for an alcohol abuse disorder; or
2 (2) a person who voluntarily or involuntarily receives
3 mental health treatment as an out-patient or is otherwise
4 provided services by a public or private mental health
5 facility and who poses a clear and present danger to
6 himself, herself, or others.

7 "Physician" has the meaning as defined in Section 1-120 of
8 the Mental Health and Developmental Disabilities Code, except
9 that any physician who conducts mental health evaluations
10 under subsection (u) of Section 8 of this Act shall be up to
11 date on the physician's continuing education and must possess
12 a valid certification, as provided by Section 11.2 of the
13 Medical Practices Act of 1987, from the Illinois Department of
14 Financial and Professional Regulation.

15 "Protective order" means any orders of protection issued
16 under the Illinois Domestic Violence Act of 1986, stalking no
17 contact orders issued under the Stalking No Contact Order Act,
18 civil no contact orders issued under the Civil No Contact
19 Order Act, and firearms restraining orders issued under the
20 Firearms Restraining Order Act or a substantially similar
21 order issued by the court of another state, tribe, or United
22 States territory or military judge.

23 "Qualified examiner" has the meaning provided in Section
24 1-122 of the Mental Health and Developmental Disabilities
25 Code, except that any qualified examiner who conducts mental
26 health evaluations under subsection (u) of Section 8 of this

1 Act shall be up to date on the qualified examiner's continuing
2 education and must possess a valid certification, as provided
3 by the qualified examiner's relevant licensing Act, from the
4 Illinois Department of Financial and Professional Regulation.

5 "Sanctioned competitive shooting event" means a shooting
6 contest officially recognized by a national or state shooting
7 sport association, and includes any sight-in or practice
8 conducted in conjunction with the event.

9 "School administrator" means the person required to report
10 under the School Administrator Reporting of Mental Health
11 Clear and Present Danger Determinations Law.

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

14 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
15 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 102-972, eff.
16 1-1-23; 102-1030, eff. 5-27-22; 103-154, eff. 6-30-23;
17 103-407, eff. 7-28-23.)

18 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

19 Sec. 8. Grounds for denial and revocation. The Illinois
20 State Police has authority to deny an application for or to
21 revoke and seize a Firearm Owner's Identification Card
22 previously issued under this Act only if the Illinois State
23 Police finds that the applicant or the person to whom such card
24 was issued is or was at the time of issuance:

25 (a) A person under 21 years of age who has been

1 convicted of a misdemeanor other than a traffic offense or
2 adjudged delinquent;

3 (b) This subsection (b) applies through the 180th day
4 following July 12, 2019 (the effective date of Public Act
5 101-80). A person under 21 years of age who does not have
6 the written consent of his parent or guardian to acquire
7 and possess firearms and firearm ammunition, or whose
8 parent or guardian has revoked such written consent, or
9 where such parent or guardian does not qualify to have a
10 Firearm Owner's Identification Card;

11 (b-5) This subsection (b-5) applies on and after the
12 181st day following July 12, 2019 (the effective date of
13 Public Act 101-80). A person under 21 years of age who is
14 not an active duty member of the United States Armed
15 Forces or the Illinois National Guard and does not have
16 the written consent of his or her parent or guardian to
17 acquire and possess firearms and firearm ammunition, or
18 whose parent or guardian has revoked such written consent,
19 or where such parent or guardian does not qualify to have a
20 Firearm Owner's Identification Card;

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

23 (d) A person addicted to narcotics;

24 (e) A person who has been a patient of a mental health
25 facility within the past 5 years or a person who has been a
26 patient in a mental health facility more than 5 years ago

1 who has not received the certification required under
2 subsection (u) of this Section. An active law enforcement
3 officer employed by a unit of government or a Department
4 of Corrections employee authorized to possess firearms who
5 is denied, revoked, or has his or her Firearm Owner's
6 Identification Card seized under this subsection (e) may
7 obtain relief as described in subsection (c-5) of Section
8 10 of this Act if the officer or employee did not act in a
9 manner threatening to the officer or employee, another
10 person, or the public as determined by the treating
11 clinical psychologist or physician, and the officer or
12 employee seeks mental health treatment;

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

16 (g) A person who has an intellectual disability;

17 (h) A person who intentionally makes a false statement
18 in the Firearm Owner's Identification Card application or
19 endorsement affidavit;

20 (i) A noncitizen who is unlawfully present in the
21 United States under the laws of the United States;

22 (i-5) A noncitizen who has been admitted to the United
23 States under a non-immigrant visa (as that term is defined
24 in Section 101(a)(26) of the Immigration and Nationality
25 Act (8 U.S.C. 1101(a)(26))), except that this subsection
26 (i-5) does not apply to any noncitizen who has been

1 lawfully admitted to the United States under a
2 non-immigrant visa if that noncitizen is:

3 (1) admitted to the United States for lawful
4 hunting or sporting purposes;

5 (2) an official representative of a foreign
6 government who is:

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

11 (B) en route to or from another country to
12 which that noncitizen is accredited;

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

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

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

22 (j) (Blank);

23 (k) A person who has been convicted within the past 5
24 years of battery, assault, aggravated assault, violation
25 of an order of protection, or a substantially similar
26 offense in another jurisdiction, in which a firearm was

1 used or possessed;

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

20 (m) (Blank);

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

24 (o) A minor subject to a petition filed under Section
25 5-520 of the Juvenile Court Act of 1987 alleging that the
26 minor is a delinquent minor for the commission of an

1 offense that if committed by an adult would be a felony;

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

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

9 (r) A person who has been adjudicated as a person with
10 a mental disability;

11 (s) A person who has been found to have a
12 developmental disability;

13 (t) A person involuntarily admitted into a mental
14 health facility; or

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

1 he or she is not a clear and present danger to himself,
2 herself, or others. The person receiving a mental health
3 evaluation shall provide all collateral records to the
4 physician, clinical psychologist, or qualified examiner
5 making the certification and the person shall attest, by
6 signature, that all collateral records have been provided
7 to the evaluator prior to the mental health evaluation.

8 The physician, clinical psychologist, or qualified
9 examiner making the certification and his or her employer
10 shall not be held criminally, civilly, or professionally
11 liable for making or not making the certification required
12 under this subsection, except for willful or wanton
13 misconduct. This subsection does not apply to a person
14 whose firearm possession rights have been restored through
15 administrative or judicial action under Section 10 or 11
16 of this Act.

17 Upon revocation of a person's Firearm Owner's
18 Identification Card, the Illinois State Police shall provide
19 notice to the person and the person shall comply with Section
20 9.5 of this Act.

21 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
22 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
23 5-27-22; 102-1116, eff. 1-10-23.)

24 Section 40. The Mental Health and Developmental
25 Disabilities Confidentiality Act is amended by adding Section

1 8.2 as follows:

2 (740 ILCS 110/8.2 new)

3 Sec. 8.2. Investigators and attorneys employed by the
4 Department of Financial and Professional Regulation;
5 inspection and copying of recipient records. An investigator
6 or attorney employed by the Department of Financial and
7 Professional Regulation investigating any provider of mental
8 health or developmental disabilities services who is a
9 licensee of the Department shall be entitled to inspect and
10 copy a recipient record or any part thereof upon the
11 presentation of a Department subpoena. A subpoena for records
12 issued to a federally assisted substance use disorder program
13 as defined in 42 CFR 2.12(b) must be accompanied by a court
14 order if required by 42 CFR 2.66. The Department shall notify
15 recipients upon receiving records obtained via subpoena.
16 Nothing in this Act prohibits the use of a recipients records
17 in an administrative proceeding conducted by the Department.

1	INDEX	
2	Statutes amended in order of appearance	
3	225 ILCS 15/12.1 new	
4	225 ILCS 15/13	from Ch. 111, par. 5363
5	225 ILCS 20/11	from Ch. 111, par. 6361
6	225 ILCS 20/12.1 new	
7	225 ILCS 55/50.1 new	
8	225 ILCS 60/11.2 new	
9	225 ILCS 60/20	from Ch. 111, par. 4400-20
10	225 ILCS 65/60-40	
11	225 ILCS 65/60-45 new	
12	225 ILCS 107/55.1 new	
13	430 ILCS 65/1.1	
14	430 ILCS 65/8	from Ch. 38, par. 83-8
15	740 ILCS 110/8.2 new	