



Rep. Maura Hirschauer

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10400HB3157ham001

LRB104 10710 BDA 23348 a

1 AMENDMENT TO HOUSE BILL 3157

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3157 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is  
5 amended by changing Section 8 as follows:

6 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

13 (a) A person under 21 years of age who has been  
14 convicted of a misdemeanor other than a traffic offense or  
15 adjudged delinquent;

16 (b) This subsection (b) applies through the 180th day

1 following July 12, 2019 (the effective date of Public Act  
2 101-80). A person under 21 years of age who does not have  
3 the written consent of his parent or guardian to acquire  
4 and possess firearms and firearm ammunition, or whose  
5 parent or guardian has revoked such written consent, or  
6 where such parent or guardian does not qualify to have a  
7 Firearm Owner's Identification Card;

8 (b-5) This subsection (b-5) applies on and after the  
9 181st day following July 12, 2019 (the effective date of  
10 Public Act 101-80). A person under 21 years of age who is  
11 not an active duty member of the United States Armed  
12 Forces or the Illinois National Guard and does not have  
13 the written consent of his or her parent or guardian to  
14 acquire and possess firearms and firearm ammunition, or  
15 whose parent or guardian has revoked such written consent,  
16 or where such parent or guardian does not qualify to have a  
17 Firearm Owner's Identification Card;

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

20 (d) A person addicted to narcotics;

21 (e) A person who has been a patient of a mental health  
22 facility within the past 5 years or a person who has been a  
23 patient in a mental health facility more than 5 years ago  
24 who has not received the certification required under  
25 subsection (u) of this Section. An active law enforcement  
26 officer employed by a unit of government or a Department

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

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

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

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

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

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

26 (1) admitted to the United States for lawful

1 hunting or sporting purposes;

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

4 (A) accredited to the United States Government  
5 or the Government's mission to an international  
6 organization having its headquarters in the United  
7 States; or

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

10 (3) an official of a foreign government or  
11 distinguished foreign visitor who has been so  
12 designated by the Department of State;

13 (4) a foreign law enforcement officer of a  
14 friendly foreign government entering the United States  
15 on official business; or

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

19 (j) (Blank);

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

25 (l) A person who has been convicted of domestic  
26 battery, aggravated domestic battery, or a substantially

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

17 (m) (Blank);

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

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

25 (p) An adult who had been adjudicated a delinquent  
26 minor under the Juvenile Court Act of 1987 for the

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

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

6 (r) A person who has been adjudicated as a person with  
7 a mental disability;

8 (s) A person who has been found to have a  
9 developmental disability;

10 (t) A person involuntarily admitted into a mental  
11 health facility; or

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

1 ~~qualified examiner making the certification~~ and his or her  
2 employer shall not be held criminally, civilly, or  
3 professionally liable for making or not making the  
4 certification required under this subsection, except for  
5 willful or wanton misconduct. This subsection does not  
6 apply to a person whose firearm possession rights have  
7 been restored through administrative or judicial action  
8 under Section 10 or 11 of this Act. The results of mental  
9 health evaluations that are performed under this  
10 subsection (u) on or after the effective date of this  
11 amendatory Act of the 104th General Assembly must be  
12 transmitted to the Illinois State Police regardless of  
13 whether the mental health evaluation resulted in the  
14 issuance or reinstatement of a Firearm Owner's  
15 Identification Card. Notwithstanding any other law,  
16 continuing education courses completed by an individual to  
17 obtain recognition as a licensed clinical mental health  
18 professional under this subsection may be credited toward  
19 any other continuing education requirements required for  
20 that individual to obtain professional licensure in this  
21 State.

22 As used in this subsection (u):

23 "Licensed clinical mental health professional" means  
24 an individual who is a licensed clinical social worker,  
25 licensed clinical psychologist, or psychiatrist and who,  
26 on or after the effective date of this amendatory Act of

1       the 104th General Assembly, completes (i) a 3-hour,  
2       Department-approved continuing education course that  
3       covers the issuance, revocation, and reinstatement of  
4       Firearm Owner's Identification Cards under this Act and  
5       (ii) a 3-hour, Department-approved continuing education  
6       course in suicide prevention, trauma evaluation, or both.

7       "Mental health evaluation" means, until one year after  
8       the effective date of this amendatory Act of the 104th  
9       General Assembly, a mental health evaluation performed by  
10      a physician, clinical psychologist, or qualified examiner,  
11      as those terms are defined in the Mental Health and  
12      Developmental Disabilities Code, and, beginning one year  
13      after the effective date of this amendatory Act of the  
14      104th General Assembly, a mental health evaluation  
15      performed by a licensed clinical mental health  
16      professional during at least 2 office visits on 2 separate  
17      days.

18      Upon revocation of a person's Firearm Owner's  
19      Identification Card, the Illinois State Police shall provide  
20      notice to the person and the person shall comply with Section  
21      9.5 of this Act.

22      (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;  
23      102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.  
24      5-27-22; 102-1116, eff. 1-10-23.)".