



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5053

Introduced 2/10/2026, by Rep. Maura Hirschauer

SYNOPSIS AS INTRODUCED:

430 ILCS 65/1.1
430 ILCS 65/8

Amends the Firearm Owners Identification Card Act. Provides that a person who has had the person's Firearm Owner's Identification Card revoked or denied under certain provisions because the person was a patient in a mental health facility shall not be permitted to obtain a Firearm Owner's Identification Card, after the 5-year period has lapsed, unless the person has received a mental health evaluation by a licensed clinical mental health professional (rather than a physician, clinical psychologist, or qualified examiner as those terms are defined in the Mental Health and Developmental Disabilities Code). Provides that the person receiving a mental health evaluation shall share all collateral records with the licensed clinical mental health professional making the certification and shall attest that all collateral records have been provided before the evaluation. Provides that the licensed clinical mental health professional shall attest that the licensed clinical mental health professional has requested, received, reviewed, and considered all of the person's collateral records in making the licensed clinical mental health professional's determination that the person is not a clear and present danger to self or others. Provides that the licensed clinical mental health professional shall identify the types of collateral records received. Requires the licensed clinical mental health professional to make all reasonable attempts to obtain collateral records, and, if no collateral records are obtained, requires the licensed clinical mental health professional to document the efforts used to obtain such collateral records. Provides that the results of the mental health evaluations that are performed on or after the effective date of the amendatory Act shall be transmitted to the Illinois State Police. Defines terms.

LRB104 20591 BDA 34081 b

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 Firearm Owners Identification Card Act is
5 amended by changing Sections 1.1 and 8 as follows:

6 (430 ILCS 65/1.1)

7 Sec. 1.1. For purposes of this Act:

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

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

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

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

20 "Adjudicated as a person with a mental disability" means
21 the person is the subject of a determination by a court, board,
22 commission or other lawful authority that the person, as a
23 result of marked subnormal intelligence, or mental illness,

1 mental impairment, incompetency, condition, or disease:

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

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

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

9 (3.5) is guilty but mentally ill, as provided in
10 Section 5-2-6 of the Unified Code of Corrections;

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

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

15 (6) is a sexually violent person under subsection (f)
16 of Section 5 of the Sexually Violent Persons Commitment
17 Act;

18 (7) is a sexually dangerous person under the Sexually
19 Dangerous Persons Act;

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

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

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

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

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

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

9 "Advanced practice psychiatric nurse" has the meaning
10 ascribed to that term in Section 1-101.3 of the Mental Health
11 and Developmental Disabilities Code.

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, advanced practice psychiatric
18 nurse, 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, advanced practice
23 psychiatric nurse, qualified examiner, school
24 administrator, or law enforcement official.

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

1 Disabilities Code.

2 "Collateral records" means (1) any medical records related
3 to the patient's current and past clinical or mental status
4 and history from the last 5 years from all current and prior
5 physicians, qualified examiners, or any other individuals who
6 provided health care services, as that term is defined in
7 Managed Care Reform and Patient Rights Act, to the patient and
8 (2) correspondence or other communication between the licensed
9 clinical mental health professional and the patient's current
10 and prior physicians, qualified examiners, or any other
11 individuals who provided health care services, as that term is
12 defined in Managed Care Reform and Patient Rights Act, to the
13 patient, if any.

14 "Controlled substance" means a controlled substance or
15 controlled substance analog as defined in the Illinois
16 Controlled Substances Act.

17 "Counterfeit" means to copy or imitate, without legal
18 authority, with intent to deceive.

19 "Department-approved continuing education sponsor" means a
20 person, firm, association, corporation, or any other group
21 which is approved by the Department of Financial and
22 Professional Regulation to coordinate and present continuing
23 education courses or programs.

24 "Developmental disability" means a severe, chronic
25 disability of an individual that:

26 (1) is attributable to a mental or physical impairment

- 1 or combination of mental and physical impairments;
- 2 (2) is manifested before the individual attains age
- 3 22;
- 4 (3) is likely to continue indefinitely;
- 5 (4) results in substantial functional limitations in 3
- 6 or more of the following areas of major life activity:
- 7 (A) Self-care.
- 8 (B) Receptive and expressive language.
- 9 (C) Learning.
- 10 (D) Mobility.
- 11 (E) Self-direction.
- 12 (F) Capacity for independent living.
- 13 (G) Economic self-sufficiency; and
- 14 (5) reflects the individual's need for a combination
- 15 and sequence of special, interdisciplinary, or generic
- 16 services, individualized supports, or other forms of
- 17 assistance that are of lifelong or extended duration and
- 18 are individually planned and coordinated.
- 19 "Federally licensed firearm dealer" means a person who is
- 20 licensed as a federal firearms dealer under Section 923 of the
- 21 federal Gun Control Act of 1968 (18 U.S.C. 923).
- 22 "Firearm" means any device, by whatever name known, which
- 23 is designed to expel a projectile or projectiles by the action
- 24 of an explosion, expansion of gas or escape of gas; excluding,
- 25 however:
- 26 (1) any pneumatic gun, spring gun, paint ball gun, or

1 B-B gun which expels a single globular projectile not
2 exceeding .18 inch in diameter or which has a maximum
3 muzzle velocity of less than 700 feet per second;

4 (1.1) any pneumatic gun, spring gun, paint ball gun,
5 or B-B gun which expels breakable paint balls containing
6 washable marking colors;

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

10 (3) any device used exclusively for the firing of stud
11 cartridges, explosive rivets or similar industrial
12 ammunition; and

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

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

21 (1) any ammunition exclusively designed for use with a
22 device used exclusively for signaling or safety and
23 required or recommended by the United States Coast Guard
24 or the Interstate Commerce Commission; and

25 (2) any ammunition designed exclusively for use with a
26 stud or rivet driver or other similar industrial

1 ammunition.

2 "Gun show" means an event or function:

3 (1) at which the sale and transfer of firearms is the
4 regular and normal course of business and where 50 or more
5 firearms are displayed, offered, or exhibited for sale,
6 transfer, or exchange; or

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

10 "Gun show" includes the entire premises provided for an
11 event or function, including parking areas for the event or
12 function, that is sponsored to facilitate the purchase, sale,
13 transfer, or exchange of firearms as described in this
14 Section. Nothing in this definition shall be construed to
15 exclude a gun show held in conjunction with competitive
16 shooting events at the World Shooting Complex sanctioned by a
17 national governing body in which the sale or transfer of
18 firearms is authorized under subparagraph (5) of paragraph (g)
19 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

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

26 "Gun show promoter" means a person who organizes or

1 operates a gun show.

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

7 "Intellectual disability" means significantly subaverage
8 general intellectual functioning, existing concurrently with
9 deficits in adaptive behavior and manifested during the
10 developmental period, which is defined as before the age of
11 22, that adversely affects a child's educational performance.

12 "Involuntarily admitted" has the meaning as prescribed in
13 Sections 1-119 and 1-119.1 of the Mental Health and
14 Developmental Disabilities Code.

15 "Licensed clinical mental health professional" means an
16 individual who (1) holds an active license in good standing
17 issued by the State of Illinois as a clinical social worker
18 under the Clinical Social Work and Social Work Practice Act, a
19 clinical psychologist under the Clinical Psychologist
20 Licensing Act, or a physician licensed to practice medicine in
21 all its branches under the Medical Practice Act of 1987 who is
22 board-certified in psychiatry by the American Board of
23 Psychiatry and Neurology or the American Osteopathic Board of
24 Neurology and Psychiatry; (2) has successfully completed at
25 least 3 hours of continuing education, provided by a
26 Department-approved continuing education sponsor, that

1 included education regarding suicide prevention and trauma
2 evaluation; (3) has successfully completed training provided
3 by the Illinois Department of Human Services Division of
4 Mental Health Firearm Owners Identification Mental Health
5 Reporting Team on the issuance, revocation, and reinstatement
6 of Firearm Owners Identification Cards under this Act; and (4)
7 maintains a practice location within the State of Illinois or
8 is authorized to provide telehealth services to Illinois
9 residents in compliance with Illinois law. An individual
10 practicing in Illinois under temporary practice authority,
11 reciprocity provisions, interstate compact provisions, or any
12 other mechanism that does not constitute full Illinois
13 licensure shall not qualify as a licensed clinical mental
14 health professional for purposes of this Act.

15 "Mental health evaluation" means a mental health
16 evaluation performed by a licensed clinical mental health
17 professional during at least 2 office visits on separate,
18 nonconsecutive days. "Mental health evaluation" includes a
19 mental health evaluation that may require more than 2 office
20 visits, subject to the professional discretion of the
21 evaluating licensed clinical mental health professional.

22 "Mental health facility" means any licensed private
23 hospital or hospital affiliate, institution, or facility, or
24 part thereof, and any facility, or part thereof, operated by
25 the State or a political subdivision thereof which provides
26 treatment of persons with mental illness and includes all

1 hospitals, institutions, clinics, evaluation facilities,
2 mental health centers, colleges, universities, long-term care
3 facilities, and nursing homes, or parts thereof, which provide
4 treatment of persons with mental illness whether or not the
5 primary purpose is to provide treatment of persons with mental
6 illness.

7 "National governing body" means a group of persons who
8 adopt rules and formulate policy on behalf of a national
9 firearm sporting organization.

10 "Noncitizen" means a person who is not a citizen of the
11 United States, but is a person who is a foreign-born person who
12 lives in the United States, has not been naturalized, and is
13 still a citizen of a foreign country.

14 "Patient" means:

15 (1) a person who is admitted as an inpatient or
16 resident of a public or private mental health facility for
17 mental health treatment under Chapter III of the Mental
18 Health and Developmental Disabilities Code as an informal
19 admission, a voluntary admission, a minor admission, an
20 emergency admission, or an involuntary admission, unless
21 the treatment was solely for an alcohol abuse disorder; or

22 (2) a person who voluntarily or involuntarily receives
23 mental health treatment as an out-patient or is otherwise
24 provided services by a public or private mental health
25 facility and who poses a clear and present danger to
26 himself, herself, or others.

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

3 "Protective order" means any orders of protection issued
4 under the Illinois Domestic Violence Act of 1986, stalking no
5 contact orders issued under the Stalking No Contact Order Act,
6 civil no contact orders issued under the Civil No Contact
7 Order Act, and firearms restraining orders issued under the
8 Firearms Restraining Order Act or a substantially similar
9 order issued by the court of another state, tribe, or United
10 States territory or military judge.

11 "Qualified examiner" has the meaning provided in Section
12 1-122 of the Mental Health and Developmental Disabilities
13 Code.

14 "Sanctioned competitive shooting event" means a shooting
15 contest officially recognized by a national or state shooting
16 sport association, and includes any sight-in or practice
17 conducted in conjunction with the event.

18 "School administrator" means the person required to report
19 under the School Administrator Reporting of Mental Health
20 Clear and Present Danger Determinations Law.

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

23 (Source: P.A. 103-154, eff. 6-30-23; 103-407, eff. 7-28-23;
24 104-270, eff. 8-15-25.)

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

7 (a) A person under 21 years of age who has been
8 convicted of a misdemeanor other than a traffic offense or
9 adjudged delinquent;

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

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

1 Firearm Owner's Identification Card;

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

4 (d) A person addicted to narcotics;

5 (e) A person who has been a patient of a mental health
6 facility within the past 5 years or a person who has been a
7 patient in a mental health facility more than 5 years ago
8 who has not received the certification required under
9 subsection (u) of this Section. An active law enforcement
10 officer employed by a unit of government or a Department
11 of Corrections employee authorized to possess firearms who
12 is denied, revoked, or has his or her Firearm Owner's
13 Identification Card seized under this subsection (e) may
14 obtain relief as described in subsection (c-5) of Section
15 10 of this Act if the officer or employee did not act in a
16 manner threatening to the officer or employee, another
17 person, or the public as determined by the treating
18 clinical psychologist or physician, and the officer or
19 employee seeks mental health treatment;

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

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

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

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

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

10 (1) admitted to the United States for lawful
11 hunting or sporting purposes;

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

14 (A) accredited to the United States Government
15 or the Government's mission to an international
16 organization having its headquarters in the United
17 States; or

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

20 (3) an official of a foreign government or
21 distinguished foreign visitor who has been so
22 designated by the Department of State;

23 (4) a foreign law enforcement officer of a
24 friendly foreign government entering the United States
25 on official business; or

26 (5) one who has received a waiver from the

1 Attorney General of the United States pursuant to 18
2 U.S.C. 922(y) (3);

3 (j) (Blank);

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

9 (l) A person who has been convicted of domestic
10 battery, aggravated domestic battery, or a substantially
11 similar offense in another jurisdiction committed before,
12 on or after January 1, 2012 (the effective date of Public
13 Act 97-158). If the applicant or person who has been
14 previously issued a Firearm Owner's Identification Card
15 under this Act knowingly and intelligently waives the
16 right to have an offense described in this paragraph (l)
17 tried by a jury, and by guilty plea or otherwise, results
18 in a conviction for an offense in which a domestic
19 relationship is not a required element of the offense but
20 in which a determination of the applicability of 18 U.S.C.
21 922(g) (9) is made under Section 112A-11.1 of the Code of
22 Criminal Procedure of 1963, an entry by the court of a
23 judgment of conviction for that offense shall be grounds
24 for denying an application for and for revoking and
25 seizing a Firearm Owner's Identification Card previously
26 issued to the person under this Act;

1 (m) (Blank);

2 (n) A person who is prohibited from acquiring or
3 possessing firearms or firearm ammunition by any Illinois
4 State statute or by federal law;

5 (o) A minor subject to a petition filed under Section
6 5-520 of the Juvenile Court Act of 1987 alleging that the
7 minor is a delinquent minor for the commission of an
8 offense that if committed by an adult would be a felony;

9 (p) An adult who had been adjudicated a delinquent
10 minor under the Juvenile Court Act of 1987 for the
11 commission of an offense that if committed by an adult
12 would be a felony;

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

16 (r) A person who has been adjudicated as a person with
17 a mental disability;

18 (s) A person who has been found to have a
19 developmental disability;

20 (t) A person involuntarily admitted into a mental
21 health facility;

22 (u) A person who has had his or her Firearm Owner's
23 Identification Card revoked or denied under subsection (e)
24 of this Section or item (iv) of paragraph (2) of
25 subsection (a) of Section 4 of this Act because he or she
26 was a patient in a mental health facility as provided in

1 subsection (e) of this Section, shall not be permitted to
2 obtain a Firearm Owner's Identification Card, after the
3 5-year period has lapsed, unless he or she has received a
4 mental health evaluation by a licensed clinical mental
5 health professional ~~physician, clinical psychologist,~~
6 ~~advanced practice psychiatric nurse, or qualified examiner~~
7 ~~as those terms are defined in the Mental Health and~~
8 ~~Developmental Disabilities Code,~~ and ~~has received~~ a
9 certification that he or she is not a clear and present
10 danger to himself, herself, or others. The person
11 receiving a mental health evaluation shall provide, or
12 approve the sharing of, all collateral records to the
13 licensed clinical mental health professional making the
14 certification, and the person shall attest, by signature,
15 that all collateral records have been provided to the
16 licensed clinical mental health professional before the
17 mental health evaluation. The licensed clinical mental
18 health professional, as part of the certification, shall
19 attest that the licensed clinical mental health
20 professional has requested, received, reviewed, and
21 considered all of the person's collateral records in
22 making the determination that the person is not a clear
23 and present danger to self or others. In addition, the
24 licensed clinical mental health professional shall
25 identify the types of collateral records received. The
26 licensed clinical mental health professional shall make

1 all reasonable attempts to obtain collateral records, and,
2 if no collateral records are obtained, the licensed
3 clinical mental health professional must document the
4 efforts used to obtain the collateral records. The
5 licensed clinical mental health professional ~~physician,~~
6 ~~clinical psychologist, advanced practice psychiatric~~
7 ~~nurse, or qualified examiner making the certification~~ and
8 his or her employer shall not be held criminally, civilly,
9 or professionally liable for making or not making the
10 certification required under this subsection, except for
11 willful or wanton misconduct. This subsection does not
12 apply to a person whose firearm possession rights have
13 been restored through administrative or judicial action
14 under Section 10 or 11 of this Act. The results of all
15 mental health evaluations that are performed under this
16 subsection (u) on or after the effective date of this
17 amendatory Act of the 104th General Assembly shall be
18 transmitted to the Illinois State Police. A licensed
19 clinical mental health professional who complies with the
20 requirements of this subsection and documents reasonable
21 attempts to obtain collateral records shall not be subject
22 to professional discipline, civil liability, or criminal
23 liability based on: (1) the person's failure to disclose
24 all treatment history; (2) the existence of collateral
25 records that were not identified by the person and not
26 discovered through the licensed clinical mental health

1 professional's documented reasonable attempts; or (3) the
2 licensed clinical mental health professional's
3 determination that was made in good faith based on
4 information available at the time of the evaluation, even
5 if additional records are later discovered. This liability
6 protection shall not apply in cases of willful or wanton
7 misconduct. ~~or~~

8 (v) A person who fails 2 or more times to report a loss
9 or theft of a firearm within 48 hours of the discovery of
10 such loss or theft to local law enforcement as required
11 under subsection (a) of Section 24-4.1 of the Criminal
12 Code of 2012.

13 Upon revocation of a person's Firearm Owner's
14 Identification Card, the Illinois State Police shall provide
15 notice to the person and the person shall comply with Section
16 9.5 of this Act.

17 (Source: P.A. 104-31, eff. 1-1-26; 104-270, eff. 8-15-25;
18 revised 11-21-25.)