



Rep. Maura Hirschauer

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LRB104 19512 BDA 37674 a

1 AMENDMENT TO HOUSE BILL 5209

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5209 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 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

1 authority of a physician or other person authorized to  
2 prescribe the controlled substance when the controlled  
3 substance is used in the prescribed manner.

4 "Adjudicated as a person with a mental disability" means  
5 the person is the subject of a determination by a court, board,  
6 commission or other lawful authority that the person, as a  
7 result of marked subnormal intelligence, or mental illness,  
8 mental impairment, incompetency, condition, or disease:

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

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

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

16 (3.5) is guilty but mentally ill, as provided in  
17 Section 5-2-6 of the Unified Code of Corrections;

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

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

22 (6) is a sexually violent person under subsection (f)  
23 of Section 5 of the Sexually Violent Persons Commitment  
24 Act;

25 (7) is a sexually dangerous person under the Sexually  
26 Dangerous Persons Act;

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

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

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

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

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

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

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

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

20 (1) communicates a serious threat of physical violence  
21 against a reasonably identifiable victim or poses a clear  
22 and imminent risk of serious physical injury to himself,  
23 herself, or another person as determined by a physician,  
24 clinical psychologist, advanced practice psychiatric  
25 nurse, or qualified examiner; or

26 (2) demonstrates threatening physical or verbal

1 behavior, such as violent, suicidal, or assaultive  
2 threats, actions, or other behavior, as determined by a  
3 physician, clinical psychologist, advanced practice  
4 psychiatric nurse, qualified examiner, school  
5 administrator, or law enforcement official.

6 "Clinical psychologist" has the meaning provided in  
7 Section 1-103 of the Mental Health and Developmental  
8 Disabilities Code.

9 "Collateral records" means (1) any medical records related  
10 to the patient's current and past clinical or mental status  
11 and history from the last 5 years from all current and prior  
12 physicians, qualified examiners, clinical psychologists,  
13 advanced practice psychiatric nurses, or any other individuals  
14 who provided health care services, as that term is defined in  
15 Managed Care Reform and Patient Rights Act, to the patient and  
16 (2) correspondence or other communication between the FOID  
17 reinstatement mental health evaluator and the patient's  
18 current and prior physicians, qualified examiners, clinical  
19 psychologists, advanced practice psychiatric nurses, or any  
20 other individuals who provided health care services, as that  
21 term is defined in Managed Care Reform and Patient Rights Act,  
22 to the patient, if any.

23 "Controlled substance" means a controlled substance or  
24 controlled substance analog as defined in the Illinois  
25 Controlled Substances Act.

26 "Counterfeit" means to copy or imitate, without legal

1 authority, with intent to deceive.

2 "Department of Financial and Professional  
3 Regulation-approved continuing education sponsor" means a  
4 person, firm, association, corporation, or any other group  
5 which is approved by the Department of Financial and  
6 Professional Regulation to coordinate and present continuing  
7 education courses or programs.

8 "Developmental disability" means a severe, chronic  
9 disability of an individual that:

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

12 (2) is manifested before the individual attains age  
13 22;

14 (3) is likely to continue indefinitely;

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

17 (A) Self-care.

18 (B) Receptive and expressive language.

19 (C) Learning.

20 (D) Mobility.

21 (E) Self-direction.

22 (F) Capacity for independent living.

23 (G) Economic self-sufficiency; and

24 (5) reflects the individual's need for a combination  
25 and sequence of special, interdisciplinary, or generic  
26 services, individualized supports, or other forms of

1 assistance that are of lifelong or extended duration and  
2 are individually planned and coordinated.

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

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

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

14 (1.1) any pneumatic gun, spring gun, paint ball gun,  
15 or B-B gun which expels breakable paint balls containing  
16 washable marking colors;

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

20 (3) any device used exclusively for the firing of stud  
21 cartridges, explosive rivets or similar industrial  
22 ammunition; and

23 (4) an antique firearm (other than a machine-gun)  
24 which, although designed as a weapon, the Illinois State  
25 Police finds by reason of the date of its manufacture,  
26 value, design, and other characteristics is primarily a

1 collector's item and is not likely to be used as a weapon.

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

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

9 (2) any ammunition designed exclusively for use with a  
10 stud or rivet driver or other similar industrial  
11 ammunition.

12 "FOID reinstatement mental health evaluation" means a  
13 mental health evaluation performed for the purpose of Firearm  
14 Owner's Identification Card reinstatement by a FOID  
15 reinstatement mental health evaluator during at least 2 office  
16 visits on separate, nonconsecutive days. "FOID reinstatement  
17 mental health evaluation" includes a mental health evaluation  
18 that may require more than 2 office visits, subject to the  
19 professional discretion of the FOID reinstatement mental  
20 health evaluator conducting the FOID reinstatement mental  
21 health evaluation.

22 "FOID reinstatement mental health evaluator" means an  
23 individual who:

24 (1) is a qualified examiner, a licensed clinical  
25 psychologist under the Clinical Psychologist Licensing  
26 Act, a licensed advanced practice psychiatric nurse under

1 the Nurse Practice Act, or a physician licensed to  
2 practice medicine in all its branches under the Medical  
3 Practice Act of 1987 who is board-certified in psychiatry  
4 by the American Board of Psychiatry and Neurology or the  
5 American Osteopathic Board of Neurology and Psychiatry;

6 (2) has successfully completed at least 3 hours of  
7 continuing education, provided by a Department of  
8 Financial and Professional Regulation-approved continuing  
9 education sponsor, that included education regarding  
10 suicide prevention and trauma evaluation;

11 (3) has successfully completed training on mental  
12 health reporting under this Act, provided by the  
13 Department of Human Services or a third-party training  
14 provider that has been approved by the Department of Human  
15 Services, and has successfully completed training on the  
16 issuance, revocation, and reinstatement of Firearm Owners  
17 Identification Cards under this Act, provided by the  
18 Illinois State Police or a third-party training provider  
19 that has been approved by the Illinois State Police; and

20 (4) maintains a practice location within the State of  
21 Illinois or is authorized to provide telehealth services  
22 to Illinois residents in compliance with Illinois law.

23 "FOID reinstatement mental health evaluator" does not  
24 include an individual practicing in Illinois under temporary  
25 practice authority, reciprocity provisions, interstate compact  
26 provisions, or any other mechanism that does not constitute

1 full Illinois licensure.

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 "Mental health facility" means any licensed private  
16 hospital or hospital affiliate, institution, or facility, or  
17 part thereof, and any facility, or part thereof, operated by  
18 the State or a political subdivision thereof which provides  
19 treatment of persons with mental illness and includes all  
20 hospitals, institutions, clinics, evaluation facilities,  
21 mental health centers, colleges, universities, long-term care  
22 facilities, and nursing homes, or parts thereof, which provide  
23 treatment of persons with mental illness whether or not the  
24 primary purpose is to provide treatment of persons with mental  
25 illness.

26 "National governing body" means a group of persons who

1 adopt rules and formulate policy on behalf of a national  
2 firearm sporting organization.

3 "Noncitizen" means a person who is not a citizen of the  
4 United States, but is a person who is a foreign-born person who  
5 lives in the United States, has not been naturalized, and is  
6 still a citizen of a foreign country.

7 "Patient" means:

8 (1) a person who is admitted as an inpatient or  
9 resident of a public or private mental health facility for  
10 mental health treatment under Chapter III of the Mental  
11 Health and Developmental Disabilities Code as an informal  
12 admission, a voluntary admission, a minor admission, an  
13 emergency admission, or an involuntary admission, unless  
14 the treatment was solely for an alcohol abuse disorder; or

15 (2) a person who voluntarily or involuntarily receives  
16 mental health treatment as an out-patient or is otherwise  
17 provided services by a public or private mental health  
18 facility and who poses a clear and present danger to  
19 himself, herself, or others.

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

22 "Protective order" means any orders of protection issued  
23 under the Illinois Domestic Violence Act of 1986, stalking no  
24 contact orders issued under the Stalking No Contact Order Act,  
25 civil no contact orders issued under the Civil No Contact  
26 Order Act, and firearms restraining orders issued under the

1 Firearms Restraining Order Act or a substantially similar  
2 order issued by the court of another state, tribe, or United  
3 States territory or military judge.

4 "Qualified examiner" has the meaning provided in Section  
5 1-122 of the Mental Health and Developmental Disabilities  
6 Code.

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

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

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

16 (Source: P.A. 103-154, eff. 6-30-23; 103-407, eff. 7-28-23;  
17 104-270, eff. 8-15-25.)

18 (430 ILCS 65/8)

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;

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 FOID reinstatement mental health evaluation ~~mental health~~  
24 ~~evaluation~~ by a FOID reinstatement mental health evaluator  
25 ~~physician, clinical psychologist, advanced practice~~  
26 ~~psychiatric nurse, or qualified examiner as those terms~~

1 ~~are defined in the Mental Health and Developmental~~  
2 ~~Disabilities Code,~~ and has received a certification that  
3 he or she is not a clear and present danger to himself,  
4 herself, or others. The FOID reinstatement mental health  
5 evaluator shall provide the person seeking a FOID  
6 reinstatement mental health evaluation written notice  
7 that, upon completion of the FOID reinstatement mental  
8 health evaluation, the results will be sent to the  
9 Illinois State Police regardless of outcome. To receive a  
10 FOID reinstatement mental health evaluation, a person must  
11 provide written consent for the evaluation and for the  
12 results to be disclosed to the Illinois State Police. The  
13 person receiving a FOID reinstatement mental health  
14 evaluation shall provide, or approve the sharing of, all  
15 collateral records to the FOID reinstatement mental health  
16 evaluator making the certification, and the person shall  
17 attest, by signature, that all collateral records have  
18 been provided to the FOID reinstatement mental health  
19 evaluator before the FOID reinstatement mental health  
20 evaluation. The FOID reinstatement mental health  
21 evaluator, as part of the certification, shall attest that  
22 the FOID reinstatement mental health evaluator has  
23 requested, received, reviewed, and considered all of the  
24 person's collateral records known to the FOID  
25 reinstatement mental health evaluator in making the  
26 determination that the person is not a clear and present

1 danger to self or others. In addition, the FOID  
2 reinstatement mental health evaluator shall identify the  
3 types of collateral records received. The FOID  
4 reinstatement mental health evaluator shall not redisclose  
5 information contained in the collateral records. If no  
6 collateral records are obtained, the FOID reinstatement  
7 mental health evaluator must document the efforts used to  
8 obtain the collateral records. The FOID reinstatement  
9 mental health evaluator ~~physician, clinical psychologist,~~  
10 ~~advanced practice psychiatric nurse, or qualified examiner~~  
11 ~~making the certification~~ and his or her employer shall not  
12 be held criminally, civilly, or professionally liable for  
13 making or not making the certification required under this  
14 subsection, except for willful or wanton misconduct. This  
15 subsection does not apply to a person whose firearm  
16 possession rights have been restored through  
17 administrative or judicial action under Section 10 or 11  
18 of this Act. The results of all FOID reinstatement mental  
19 health evaluations that are performed under this  
20 subsection (u) on or after the effective date of this  
21 amendatory Act of the 104th General Assembly shall be  
22 transmitted to the Illinois State Police. A FOID  
23 reinstatement mental health evaluator who complies with  
24 the requirements of this subsection and documents  
25 reasonable attempts to obtain collateral records shall not  
26 be subject to professional discipline, civil liability, or

1 criminal liability based on: (1) the person's failure to  
2 disclose all treatment history; (2) the existence of  
3 collateral records that were not identified by the person  
4 and not discovered through the FOID reinstatement mental  
5 health evaluator's documented reasonable attempts; or (3)  
6 the FOID reinstatement mental health evaluator's  
7 determination that was made in good faith based on  
8 information available at the time of the evaluation, even  
9 if additional records are later discovered. This liability  
10 protection shall not apply in cases of willful or wanton  
11 misconduct. To confirm that an individual is qualified to  
12 perform FOID reinstatement mental health evaluations under  
13 this subsection as a FOID reinstatement mental health  
14 evaluator, the Illinois State Police shall have access to  
15 a FOID reinstatement mental health evaluator's licensure  
16 status from the Department of Financial and Professional  
17 Regulation and shall request all other records or  
18 documentation from the FOID reinstatement mental health  
19 evaluator; or

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

25 Upon revocation of a person's Firearm Owner's  
26 Identification Card, the Illinois State Police shall provide

1 notice to the person and the person shall comply with Section  
2 9.5 of this Act.

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