



Rep. Maura Hirschauer

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10400HB5209ham004

LRB104 19512 BDA 38554 a

1 AMENDMENT TO HOUSE BILL 5209

2 AMENDMENT NO. _____. Amend House Bill 5209, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

7 (430 ILCS 65/8)

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

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

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

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

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

21 (d) A person addicted to narcotics;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (j) (Blank);

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

26 (l) A person who has been convicted of domestic

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

18 (m) (Blank);

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

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

26 (p) An adult who had been adjudicated a delinquent

1 minor under the Juvenile Court Act of 1987 for the
2 commission of an offense that if committed by an adult
3 would be a felony;

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

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

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

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

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

1 physician, clinical psychologist, advanced practice
2 psychiatric nurse, or qualified examiner making the
3 certification and his or her employer shall not be held
4 criminally, civilly, or professionally liable for making
5 or not making the certification required under this
6 subsection, except for willful or wanton misconduct. This
7 subsection does not apply to a person whose firearm
8 possession rights have been restored through
9 administrative or judicial action under Section 10 or 11
10 of this Act; or

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

16 (w) A person who has previously submitted an affidavit
17 or written consent for another individual to obtain a
18 Firearm Owner's Identification Card pursuant to Section 4
19 of this Act if the person is then convicted of or pleads
20 guilty to conduct that demonstrates the person knew or
21 should have known it was unreasonable to provide consent
22 for the individual to possess a Firearm Owner's
23 Identification Card or a firearm.

24 Upon revocation of a person's Firearm Owner's
25 Identification Card, the Illinois State Police shall provide
26 notice to the person and the person shall comply with Section

1 9.5 of this Act.

2 (Source: P.A. 104-31, eff. 1-1-26; 104-270, eff. 8-15-25;

3 revised 11-21-25.)".