



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2883

by Rep. Will Guzzardi

SYNOPSIS AS INTRODUCED:

430 ILCS 65/2.5 new	
430 ILCS 65/3.1	from Ch. 38, par. 83-3.1
430 ILCS 65/8	from Ch. 38, par. 83-8

Amends the Firearm Owners Identification Card Act. Provides that the Department of State Police shall create and maintain a database that a person can voluntarily apply to in order to be barred from purchasing a firearm. Provides that the application shall be notarized and submitted to the Department, in a form and manner prescribed by the Department. Provides that a person shall remain on the database until he or she submits a notarized withdrawal application. Provides that the withdrawal application shall automatically be approved and become effective 7 days after receipt by the Department. Provides that the Department has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under the Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance a person who voluntarily registers on the Department's voluntary do not sell to database.

LRB101 05061 SLF 50071 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 3.1 and 8 and by adding Section
6 2.5 as follows:

7 (430 ILCS 65/2.5 new)

8 Sec. 2.5. Voluntary database; purchase of firearms. The
9 Department of State Police shall create and maintain a database
10 that a person can voluntarily apply to in order to be barred
11 from purchasing a firearm. The application shall be notarized
12 and submitted to the Department, in a form and manner
13 prescribed by the Department. The Department shall immediately
14 update the database upon receipt of each application. A person
15 shall remain on the database until he or she submits a
16 notarized withdrawal application to the Department, in a form
17 and manner prescribed by the Department. The withdrawal
18 application shall automatically be approved and become
19 effective 7 days after receipt by the Department. The
20 Department shall immediately update its database once an
21 application becomes effective and remove the person from the
22 database.

1 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

2 Sec. 3.1. Dial up system.

3 (a) The Department of State Police shall provide a dial up
4 telephone system or utilize other existing technology which
5 shall be used by any federally licensed firearm dealer, gun
6 show promoter, or gun show vendor who is to transfer a firearm,
7 stun gun, or taser under the provisions of this Act. The
8 Department of State Police may utilize existing technology
9 which allows the caller to be charged a fee not to exceed \$2.
10 Fees collected by the Department of State Police shall be
11 deposited in the State Police Services Fund and used to provide
12 the service.

13 (b) Upon receiving a request from a federally licensed
14 firearm dealer, gun show promoter, or gun show vendor, the
15 Department of State Police shall immediately approve, or within
16 the time period established by Section 24-3 of the Criminal
17 Code of 2012 regarding the delivery of firearms, stun guns, and
18 tasers notify the inquiring dealer, gun show promoter, or gun
19 show vendor of any objection that would disqualify the
20 transferee from acquiring or possessing a firearm, stun gun, or
21 taser. In conducting the inquiry, the Department of State
22 Police shall initiate and complete an automated search of its
23 criminal history record information files and those of the
24 Federal Bureau of Investigation, including the National
25 Instant Criminal Background Check System, the Department of
26 State Police voluntary do not sell to database, and of the

1 files of the Department of Human Services relating to mental
2 health and developmental disabilities to obtain any felony
3 conviction or patient hospitalization information which would
4 disqualify a person from obtaining or require revocation of a
5 currently valid Firearm Owner's Identification Card.

6 (c) If receipt of a firearm would not violate Section 24-3
7 of the Criminal Code of 2012, federal law, or this Act the
8 Department of State Police shall:

9 (1) assign a unique identification number to the
10 transfer; and

11 (2) provide the licensee, gun show promoter, or gun
12 show vendor with the number.

13 (d) Approvals issued by the Department of State Police for
14 the purchase of a firearm are valid for 30 days from the date
15 of issue.

16 (e) (1) The Department of State Police must act as the
17 Illinois Point of Contact for the National Instant Criminal
18 Background Check System.

19 (2) The Department of State Police and the Department of
20 Human Services shall, in accordance with State and federal law
21 regarding confidentiality, enter into a memorandum of
22 understanding with the Federal Bureau of Investigation for the
23 purpose of implementing the National Instant Criminal
24 Background Check System in the State. The Department of State
25 Police shall report the name, date of birth, and physical
26 description of any person prohibited from possessing a firearm

1 pursuant to the Firearm Owners Identification Card Act or 18
2 U.S.C. 922(g) and (n) to the National Instant Criminal
3 Background Check System Index, Denied Persons Files.

4 (3) The Department of State Police shall provide notice of
5 the disqualification of a person under subsection (b) of this
6 Section or the revocation of a person's Firearm Owner's
7 Identification Card under Section 8 or Section 8.2 of this Act,
8 and the reason for the disqualification or revocation, to all
9 law enforcement agencies with jurisdiction to assist with the
10 seizure of the person's Firearm Owner's Identification Card.

11 (f) The Department of State Police shall adopt rules not
12 inconsistent with this Section to implement this system.

13 (Source: P.A. 98-63, eff. 7-9-13; 99-787, eff. 1-1-17.)

14 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

24 (b) A person under 21 years of age who does not have
25 the written consent of his parent or guardian to acquire

1 and possess firearms and firearm ammunition, or whose
2 parent or guardian has revoked such written consent, or
3 where such parent or guardian does not qualify to have a
4 Firearm Owner's Identification Card;

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

7 (d) A person addicted to narcotics;

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

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

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

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

1 (h-5) A person who voluntarily registers on the
2 Department's voluntary do not sell to database;

3 (i) An alien who is unlawfully present in the United
4 States under the laws of the United States;

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

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

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

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

20 (B) en route to or from another country to
21 which that alien is accredited;

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

25 (4) a foreign law enforcement officer of a friendly
26 foreign government entering the United States on

1 official business; or

2 (5) one who has received a waiver from the Attorney
3 General of the United States pursuant to 18 U.S.C.
4 922(y) (3);

5 (j) (Blank);

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

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

1 Owner's Identification Card previously issued to the
2 person under this Act;

3 (m) (Blank);

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

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

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

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

18 (r) A person who has been adjudicated as a person with
19 a mental disability;

20 (s) A person who has been found to have a developmental
21 disability;

22 (t) A person involuntarily admitted into a mental
23 health facility; or

24 (u) A person who has had his or her Firearm Owner's
25 Identification Card revoked or denied under subsection (e)
26 of this Section or item (iv) of paragraph (2) of subsection

1 (a) of Section 4 of this Act because he or she was a
2 patient in a mental health facility as provided in
3 subsection (e) of this Section, shall not be permitted to
4 obtain a Firearm Owner's Identification Card, after the
5 5-year period has lapsed, unless he or she has received a
6 mental health evaluation by a physician, clinical
7 psychologist, or qualified examiner as those terms are
8 defined in the Mental Health and Developmental
9 Disabilities Code, and has received a certification that he
10 or she is not a clear and present danger to himself,
11 herself, or others. The physician, clinical psychologist,
12 or qualified examiner making the certification and his or
13 her employer shall not be held criminally, civilly, or
14 professionally liable for making or not making the
15 certification required under this subsection, except for
16 willful or wanton misconduct. This subsection does not
17 apply to a person whose firearm possession rights have been
18 restored through administrative or judicial action under
19 Section 10 or 11 of this Act.

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

24 (Source: P.A. 98-63, eff. 7-9-13; 98-508, eff. 8-19-13; 98-756,
25 eff. 7-16-14; 99-143, eff. 7-27-15.)