



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4732

Introduced 2/18/2020, by Rep. David A. Welter and Dan Caulkins

SYNOPSIS AS INTRODUCED:

430 ILCS 65/4
430 ILCS 65/8

from Ch. 38, par. 83-4
from Ch. 38, par. 83-8

Amends the Firearm Owners Identification Card Act. Provides that if an applicant for a Firearm Owner's Identification Card: (1) is 18 years of age or older but under 21 years of age, (2) is not an active duty member of the United States Armed Forces, and (3) does not have a parent or legal guardian to give written consent to his or her application, he or she must provide 2 signed, dated, and notarized personal references regarding his or her suitability to possess firearms and a signed, dated, and notarized statement detailing the reasons he or she does not have a parent or legal guardian. Provides that, if applicable, the applicant must provide death certificates or any applicable court orders regarding his or her circumstances resulting in his or her lack of a parent or legal guardian.

LRB101 16199 RLC 65571 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 4 and 8 as follows:

6 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

7 Sec. 4. Application for Firearm Owner's Identification
8 Cards.

9 (a) Each applicant for a Firearm Owner's Identification
10 Card must:

11 (1) Make application on blank forms prepared and
12 furnished at convenient locations throughout the State by
13 the Department of State Police, or by electronic means, if
14 and when made available by the Department of State Police;
15 and

16 (2) Submit evidence to the Department of State Police
17 that:

18 (i) This subparagraph (i) applies through January
19 8, 2020 ~~the 180th day following the effective date of~~
20 ~~this amendatory Act of the 101st General Assembly.~~ He
21 or she is 21 years of age or over, or if he or she is
22 under 21 years of age that he or she has the written
23 consent of his or her parent or legal guardian to

1 possess and acquire firearms and firearm ammunition
2 and that he or she has never been convicted of a
3 misdemeanor other than a traffic offense or adjudged
4 delinquent, provided, however, that such parent or
5 legal guardian is not an individual prohibited from
6 having a Firearm Owner's Identification Card and files
7 an affidavit with the Department as prescribed by the
8 Department stating that he or she is not an individual
9 prohibited from having a Card;

10 (i-5) This subparagraph (i-5) applies on and after
11 January 9, 2020 ~~the 181st day following the effective~~
12 ~~date of this amendatory Act of the 101st General~~
13 ~~Assembly.~~ Except as otherwise provided in subparagraph
14 (i-6), he ~~He~~ or she is 21 years of age or over, or if he
15 or she is under 21 years of age that he or she has
16 never been convicted of a misdemeanor other than a
17 traffic offense or adjudged delinquent and is an active
18 duty member of the United States Armed Forces or has
19 the written consent of his or her parent or legal
20 guardian to possess and acquire firearms and firearm
21 ammunition, provided, however, that such parent or
22 legal guardian is not an individual prohibited from
23 having a Firearm Owner's Identification Card and files
24 an affidavit with the Department as prescribed by the
25 Department stating that he or she is not an individual
26 prohibited from having a Card or the active duty member

1 of the United States Armed Forces under 21 years of age
2 annually submits proof to the Department of State
3 Police, in a manner prescribed by the Department;

4 (i-6) The applicant (A) is 18 years of age or older
5 but under 21 years of age; (B) is not an active duty
6 member of the United States Armed Forces; and (C) does
7 not have a parent or legal guardian to give written
8 consent to his or her application;

9 (ii) He or she has not been convicted of a felony
10 under the laws of this or any other jurisdiction;

11 (iii) He or she is not addicted to narcotics;

12 (iv) He or she has not been a patient in a mental
13 health facility within the past 5 years or, if he or
14 she has been a patient in a mental health facility more
15 than 5 years ago submit the certification required
16 under subsection (u) of Section 8 of this Act;

17 (v) He or she is not a person with an intellectual
18 disability;

19 (vi) He or she is not an alien who is unlawfully
20 present in the United States under the laws of the
21 United States;

22 (vii) He or she is not subject to an existing order
23 of protection prohibiting him or her from possessing a
24 firearm;

25 (viii) He or she has not been convicted within the
26 past 5 years of battery, assault, aggravated assault,

1 violation of an order of protection, or a substantially
2 similar offense in another jurisdiction, in which a
3 firearm was used or possessed;

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

20 (x) (Blank);

21 (xi) He or she is not an alien who has been
22 admitted to the United States under a non-immigrant
23 visa (as that term is defined in Section 101(a)(26) of
24 the Immigration and Nationality Act (8 U.S.C.
25 1101(a)(26))), or that he or she is an alien who has
26 been lawfully admitted to the United States under a

1 non-immigrant visa if that alien is:

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

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

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

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

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

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

18 (5) one who has received a waiver from the
19 Attorney General of the United States pursuant to
20 18 U.S.C. 922(y)(3);

21 (xii) He or she is not a minor subject to a
22 petition filed under Section 5-520 of the Juvenile
23 Court Act of 1987 alleging that the minor is a
24 delinquent minor for the commission of an offense that
25 if committed by an adult would be a felony;

26 (xiii) He or she is not an adult who had been

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

4 (xiv) He or she is a resident of the State of
5 Illinois;

6 (xv) He or she has not been adjudicated as a person
7 with a mental disability;

8 (xvi) He or she has not been involuntarily admitted
9 into a mental health facility; and

10 (xvii) He or she is not a person with a
11 developmental disability; and

12 (3) Upon request by the Department of State Police,
13 sign a release on a form prescribed by the Department of
14 State Police waiving any right to confidentiality and
15 requesting the disclosure to the Department of State Police
16 of limited mental health institution admission information
17 from another state, the District of Columbia, any other
18 territory of the United States, or a foreign nation
19 concerning the applicant for the sole purpose of
20 determining whether the applicant is or was a patient in a
21 mental health institution and disqualified because of that
22 status from receiving a Firearm Owner's Identification
23 Card. No mental health care or treatment records may be
24 requested. The information received shall be destroyed
25 within one year of receipt.

26 (a-5) Each applicant for a Firearm Owner's Identification

1 Card who is over the age of 18 shall furnish to the Department
2 of State Police either his or her Illinois driver's license
3 number or Illinois Identification Card number, except as
4 provided in subsection (a-10).

5 (a-10) Each applicant for a Firearm Owner's Identification
6 Card, who is employed as a law enforcement officer, an armed
7 security officer in Illinois, or by the United States Military
8 permanently assigned in Illinois and who is not an Illinois
9 resident, shall furnish to the Department of State Police his
10 or her driver's license number or state identification card
11 number from his or her state of residence. The Department of
12 State Police may adopt rules to enforce the provisions of this
13 subsection (a-10).

14 (a-15) If an applicant applying for a Firearm Owner's
15 Identification Card moves from the residence address named in
16 the application, he or she shall immediately notify in a form
17 and manner prescribed by the Department of State Police of that
18 change of address.

19 (a-20) Each applicant for a Firearm Owner's Identification
20 Card shall furnish to the Department of State Police his or her
21 photograph. An applicant who is 21 years of age or older
22 seeking a religious exemption to the photograph requirement
23 must furnish with the application an approved copy of United
24 States Department of the Treasury Internal Revenue Service Form
25 4029. In lieu of a photograph, an applicant regardless of age
26 seeking a religious exemption to the photograph requirement

1 shall submit fingerprints on a form and manner prescribed by
2 the Department with his or her application.

3 (a-25) Evidence submitted to meet the requirements of
4 subdivision (a)(2)(i-6) of this Section shall include the
5 following:

6 (1) 2 signed, dated, and notarized personal references
7 regarding the applicant's suitability to possess firearms;

8 (2) a signed, dated, and notarized statement detailing
9 the reasons the applicant does not have a parent or legal
10 guardian; and

11 (3) the death certificates or any applicable court
12 orders regarding circumstances of the applicant resulting
13 in his or her lack of a parent or legal guardian.

14 (b) Each application form shall include the following
15 statement printed in bold type: "Warning: Entering false
16 information on an application for a Firearm Owner's
17 Identification Card is punishable as a Class 2 felony in
18 accordance with subsection (d-5) of Section 14 of the Firearm
19 Owners Identification Card Act."

20 (c) Upon such written consent, pursuant to Section 4,
21 paragraph (a)(2)(i), the parent or legal guardian giving the
22 consent shall be liable for any damages resulting from the
23 applicant's use of firearms or firearm ammunition.

24 (Source: P.A. 101-80, eff. 7-12-19.)

25 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

1 Sec. 8. Grounds for denial and revocation. The Department
2 of 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 Department finds
5 that the applicant or the person to whom such card was issued
6 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 January 8, 2020
11 ~~the 180th day following the effective date of this~~
12 ~~amendatory Act of the 101st General Assembly.~~ A person
13 under 21 years of age who does not have the written consent
14 of his parent or guardian to acquire and possess firearms
15 and firearm ammunition, or whose parent or guardian has
16 revoked such written consent, or where such parent or
17 guardian does not qualify to have a Firearm Owner's
18 Identification Card;

19 (b-5) This subsection (b-5) applies on and after
20 January 9, 2020 ~~the 181st day following the effective date~~
21 ~~of this amendatory Act of the 101st General Assembly.~~
22 Except as otherwise provided in subsection (b-6), a A
23 person under 21 years of age who is not an active duty
24 member of the United States Armed Forces and does not have
25 the written consent of his or her parent or guardian to
26 acquire and possess firearms and firearm ammunition, or

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

4 (b-6) A person who: (A) is 18 years of age or older but
5 under 21 years of age; (B) is not an active duty member of
6 the United States Armed Forces; (C) does not have the
7 written consent of his or her parent or guardian to acquire
8 and possess firearms and firearm ammunition; (D) does not
9 provide 2 signed, dated, and notarized personal references
10 regarding his or her suitability to possess firearms; and
11 (E) does not provide a signed, dated, and notarized
12 statement detailing the reasons he or she does not have a
13 parent or legal guardian, or if applicable, does not
14 provide death certificates or any applicable court orders
15 regarding his or her circumstances resulting in his or her
16 lack of a parent or legal guardian;

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

19 (d) A person addicted to narcotics;

20 (e) A person who has been a patient of a mental health
21 facility within the past 5 years or a person who has been a
22 patient in a mental health facility more than 5 years ago
23 who has not received the certification required under
24 subsection (u) of this Section. An active law enforcement
25 officer employed by a unit of government who is denied,
26 revoked, or has his or her Firearm Owner's Identification

1 Card seized under this subsection (e) may obtain relief as
2 described in subsection (c-5) of Section 10 of this Act if
3 the officer did not act in a manner threatening to the
4 officer, another person, or the public as determined by the
5 treating clinical psychologist or physician, and the
6 officer seeks mental health treatment;

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

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

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

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

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

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

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

26 (A) accredited to the United States Government

1 or the Government's mission to an international
2 organization having its headquarters in the United
3 States; or

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

6 (3) an official of a foreign government or
7 distinguished foreign visitor who has been so
8 designated by the Department of State;

9 (4) a foreign law enforcement officer of a friendly
10 foreign government entering the United States on
11 official business; or

12 (5) one who has received a waiver from the Attorney
13 General of the United States pursuant to 18 U.S.C.
14 922(y)(3);

15 (j) (Blank);

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

21 (l) A person who has been convicted of domestic
22 battery, aggravated domestic battery, or a substantially
23 similar offense in another jurisdiction committed before,
24 on or after January 1, 2012 (the effective date of Public
25 Act 97-158). If the applicant or person who has been
26 previously issued a Firearm Owner's Identification Card

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

13 (m) (Blank);

14 (n) A person who is prohibited from acquiring or
15 possessing firearms or firearm ammunition by any Illinois
16 State statute or by federal law;

17 (o) A minor subject to a petition filed under Section
18 5-520 of the Juvenile Court Act of 1987 alleging that the
19 minor is a delinquent minor for the commission of an
20 offense that if committed by an adult would be a felony;

21 (p) An adult who had been adjudicated a delinquent
22 minor under the Juvenile Court Act of 1987 for the
23 commission of an offense that if committed by an adult
24 would be a felony;

25 (q) A person who is not a resident of the State of
26 Illinois, except as provided in subsection (a-10) of

1 Section 4;

2 (r) A person who has been adjudicated as a person with
3 a mental disability;

4 (s) A person who has been found to have a developmental
5 disability;

6 (t) A person involuntarily admitted into a mental
7 health facility; or

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

1 apply to a person whose firearm possession rights have been
2 restored through administrative or judicial action under
3 Section 10 or 11 of this Act.

4 Upon revocation of a person's Firearm Owner's
5 Identification Card, the Department of State Police shall
6 provide notice to the person and the person shall comply with
7 Section 9.5 of this Act.

8 (Source: P.A. 101-80, eff. 7-12-19.)