

HB4941



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4941

Introduced 2/18/2020, by Rep. Monica Bristow

SYNOPSIS AS INTRODUCED:

430 ILCS 65/4

from Ch. 38, par. 83-4

Amends the Firearm Owners Identification Card Act. Provides that an applicant for renewal of his or her Firearm Owner's Identification Card does not have to furnish to the Illinois State Police his or her photograph.

LRB101 18139 RLC 67579 b

A BILL FOR

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 Section 4 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 the
19 180th day following the effective date of this
20 amendatory Act of the 101st General Assembly. He or she
21 is 21 years of age or over, or if he or she is under 21
22 years of age that he or she has the written consent of
23 his or her parent or legal guardian to possess and

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

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

1 submits proof to the Department of State Police, in a
2 manner prescribed by the Department;

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

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

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

11 (v) He or she is not a person with an intellectual
12 disability;

13 (vi) He or she is not an alien who is unlawfully
14 present in the United States under the laws of the
15 United States;

16 (vii) He or she is not subject to an existing order
17 of protection prohibiting him or her from possessing a
18 firearm;

19 (viii) He or she has not been convicted within the
20 past 5 years of battery, assault, aggravated assault,
21 violation of an order of protection, or a substantially
22 similar offense in another jurisdiction, in which a
23 firearm was used or possessed;

24 (ix) He or she has not been convicted of domestic
25 battery, aggravated domestic battery, or a
26 substantially similar offense in another jurisdiction

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

14 (x) (Blank);

15 (xi) He or she is not an alien who has been
16 admitted to the United States under a non-immigrant
17 visa (as that term is defined in Section 101(a) (26) of
18 the Immigration and Nationality Act (8 U.S.C.
19 1101(a) (26))), or that he or she is an alien who has
20 been lawfully admitted to the United States under a
21 non-immigrant visa if 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

1 Government or the Government's mission to an
2 international organization having its
3 headquarters in the United 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
10 friendly foreign government entering the United
11 States on official business; or

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

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

20 (xiii) He or she is not an adult who had been
21 adjudicated a delinquent minor under the Juvenile
22 Court Act of 1987 for the commission of an offense that
23 if committed by an adult would be a felony;

24 (xiv) He or she is a resident of the State of
25 Illinois;

26 (xv) He or she has not been adjudicated as a person

1 with a mental disability;

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

4 (xvii) He or she is not a person with a
5 developmental disability; and

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

20 (a-5) Each applicant for a Firearm Owner's Identification
21 Card who is over the age of 18 shall furnish to the Department
22 of State Police either his or her Illinois driver's license
23 number or Illinois Identification Card number, except as
24 provided in subsection (a-10).

25 (a-10) Each applicant for a Firearm Owner's Identification
26 Card, who is employed as a law enforcement officer, an armed

1 security officer in Illinois, or by the United States Military
2 permanently assigned in Illinois and who is not an Illinois
3 resident, shall furnish to the Department of State Police his
4 or her driver's license number or state identification card
5 number from his or her state of residence. The Department of
6 State Police may adopt rules to enforce the provisions of this
7 subsection (a-10).

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

13 (a-20) Each initial applicant for a Firearm Owner's
14 Identification Card shall furnish to the Department of State
15 Police his or her photograph. An applicant for renewal of his
16 or her Firearm Owner's Identification Card does not have to
17 furnish to the Illinois State Police his or her photograph. An
18 applicant who is 21 years of age or older seeking a religious
19 exemption to the photograph requirement must furnish with the
20 application an approved copy of United States Department of the
21 Treasury Internal Revenue Service Form 4029. In lieu of a
22 photograph, an applicant regardless of age seeking a religious
23 exemption to the photograph requirement shall submit
24 fingerprints on a form and manner prescribed by the Department
25 with his or her application.

26 (b) Each application form shall include the following

1 statement printed in bold type: "Warning: Entering false
2 information on an application for a Firearm Owner's
3 Identification Card is punishable as a Class 2 felony in
4 accordance with subsection (d-5) of Section 14 of the Firearm
5 Owners Identification Card Act."

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

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