



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5170

by Rep. Jennifer Gong-Gershowitz

SYNOPSIS AS INTRODUCED:

215 ILCS 5/445	from Ch. 73, par. 1057
215 ILCS 5/445a	
430 ILCS 65/4	from Ch. 38, par. 83-4
430 ILCS 65/8	from Ch. 38, par. 83-8

Amends the Illinois Insurance Code. Prohibits surplus line insurance producers from procuring and domestic surplus line insurers from insuring the risk of legal fees, costs, or expenses related to an investigation, indictment, or prosecution of any criminal charge arising out of the use of a firearm. Amends the Firearm Owners Identification Card Act. Provides that an applicant for a Firearm Owner's Identification Card or for renewal of that Card must submit to the Illinois State Police that he or she has proof of liability insurance coverage of at least \$1,000,000 for accidental injuries caused by a firearm. Provides that the Illinois State Police may require annual proof of the person's liability insurance coverage and may suspend a person's Firearm Owner's Identification Card for failure to maintain that coverage or for failure to provide the Illinois State Police with proof of that coverage. Provides that the proof of liability insurance coverage required under these provisions is required for both an initial application for a Firearm Owner's Identification Card and for renewal of that Card.

LRB101 18069 RLC 67507 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Insurance Code is amended by
5 changing Sections 445 and 445a as follows:

6 (215 ILCS 5/445) (from Ch. 73, par. 1057)

7 Sec. 445. Surplus line.

8 (1) Definitions. For the purposes of this Section:

9 "Affiliate" means, with respect to an insured, any entity
10 that controls, is controlled by, or is under common control
11 with the insured. For the purpose of this definition, an entity
12 has control over another entity if:

13 (A) the entity directly or indirectly or acting through
14 one or more other persons owns, controls, or has the power
15 to vote 25% or more of any class of voting securities of
16 the other entity; or

17 (B) the entity controls in any manner the election of a
18 majority of the directors or trustees of the other entity.

19 "Affiliated group" means any group of entities that are all
20 affiliated.

21 "Authorized insurer" means an insurer that holds a
22 certificate of authority issued by the Director but, for the
23 purposes of this Section, does not include a domestic surplus

1 line insurer as defined in Section 445a or any residual market
2 mechanism.

3 "Exempt commercial purchaser" means any person purchasing
4 commercial insurance that, at the time of placement, meets the
5 following requirements:

6 (A) The person employs or retains a qualified risk
7 manager to negotiate insurance coverage.

8 (B) The person has paid aggregate nationwide
9 commercial property and casualty insurance premiums in
10 excess of \$100,000 in the immediately preceding 12 months.

11 (C) The person meets at least one of the following
12 criteria:

13 (I) The person possesses a net worth in excess of
14 \$20,000,000, as such amount is adjusted pursuant to the
15 provision in this definition concerning percentage
16 change.

17 (II) The person generates annual revenues in
18 excess of \$50,000,000, as such amount is adjusted
19 pursuant to the provision in this definition
20 concerning percentage change.

21 (III) The person employs more than 500 full-time or
22 full-time equivalent employees per individual insured
23 or is a member of an affiliated group employing more
24 than 1,000 employees in the aggregate.

25 (IV) The person is a not-for-profit organization
26 or public entity generating annual budgeted

1 expenditures of at least \$30,000,000, as such amount is
2 adjusted pursuant to the provision in this definition
3 concerning percentage change.

4 (V) The person is a municipality with a population
5 in excess of 50,000 persons.

6 Effective on January 1, 2015 and each fifth January 1
7 occurring thereafter, the amounts in subitems (I), (II), and
8 (IV) of item (C) of this definition shall be adjusted to
9 reflect the percentage change for such 5-year period in the
10 Consumer Price Index for All Urban Consumers published by the
11 Bureau of Labor Statistics of the Department of Labor.

12 "Home state" means the following:

13 (A) With respect to an insured, except as provided in
14 item (B) of this definition:

15 (I) the state in which an insured maintains its
16 principal place of business or, in the case of an
17 individual, the individual's principal residence; or

18 (II) if 100% of the insured risk is located out of
19 the state referred to in subitem (I), the state to
20 which the greatest percentage of the insured's taxable
21 premium for that insurance contract is allocated.

22 (B) If more than one insured from an affiliated group
23 are named insureds on a single surplus line insurance
24 contract, then "home state" means the home state, as
25 determined pursuant to item (A) of this definition, of the
26 member of the affiliated group that has the largest

1 percentage of premium attributed to it under such insurance
2 contract.

3 If more than one insured from a group that is not
4 affiliated are named insureds on a single surplus line
5 insurance contract, then:

6 (I) if individual group members pay 100% of the
7 premium for the insurance from their own funds, "home
8 state" means the home state, as determined pursuant to
9 item (A) of this definition, of each individual group
10 member; each individual group member's coverage under
11 the surplus line insurance contract shall be treated as
12 a separate surplus line contract for the purposes of
13 this Section;

14 (II) otherwise, "home state" means the home state,
15 as determined pursuant to item (A) of this definition,
16 of the group.

17 Nothing in this definition shall be construed to alter the
18 terms of the surplus line insurance contract.

19 "Multi-State risk" means a risk with insured exposures in
20 more than one State.

21 "NAIC" means the National Association of Insurance
22 Commissioners or any successor entity.

23 "Qualified risk manager" means, with respect to a
24 policyholder of commercial insurance, a person who meets all of
25 the following requirements:

26 (A) The person is an employee of, or third-party

1 consultant retained by, the commercial policyholder.

2 (B) The person provides skilled services in loss
3 prevention, loss reduction, or risk and insurance coverage
4 analysis, and purchase of insurance.

5 (C) With regard to the person:

6 (I) the person has:

7 (a) a bachelor's degree or higher from an
8 accredited college or university in risk
9 management, business administration, finance,
10 economics, or any other field determined by the
11 Director or his designee to demonstrate minimum
12 competence in risk management; and

13 (b) the following:

14 (i) three years of experience in risk
15 financing, claims administration, loss
16 prevention, risk and insurance analysis, or
17 purchasing commercial lines of insurance; or

18 (ii) alternatively has:

19 (AA) a designation as a Chartered
20 Property and Casualty Underwriter (in this
21 subparagraph (ii) referred to as "CPCU")
22 issued by the American Institute for
23 CPCU/Insurance Institute of America;

24 (BB) a designation as an Associate in
25 Risk Management (ARM) issued by the
26 American Institute for CPCU/Insurance

1 Institute of America;

2 (CC) a designation as Certified Risk
3 Manager (CRM) issued by the National
4 Alliance for Insurance Education &
5 Research;

6 (DD) a designation as a RIMS Fellow
7 (RF) issued by the Global Risk Management
8 Institute; or

9 (EE) any other designation,
10 certification, or license determined by
11 the Director or his designee to
12 demonstrate minimum competency in risk
13 management;

14 (II) the person has:

15 (a) at least 7 years of experience in risk
16 financing, claims administration, loss prevention,
17 risk and insurance coverage analysis, or
18 purchasing commercial lines of insurance; and

19 (b) has any one of the designations specified
20 in subparagraph (ii) of paragraph (b);

21 (III) the person has at least 10 years of
22 experience in risk financing, claims administration,
23 loss prevention, risk and insurance coverage analysis,
24 or purchasing commercial lines of insurance; or

25 (IV) the person has a graduate degree from an
26 accredited college or university in risk management,

1 business administration, finance, economics, or any
2 other field determined by the Director or his or her
3 designee to demonstrate minimum competence in risk
4 management.

5 "Residual market mechanism" means an association,
6 organization, or other entity described in Article XXXIII of
7 this Code or Section 7-501 of the Illinois Vehicle Code or any
8 similar association, organization, or other entity.

9 "State" means any state of the United States, the District
10 of Columbia, the Commonwealth of Puerto Rico, Guam, the
11 Northern Mariana Islands, the Virgin Islands, and American
12 Samoa.

13 "Surplus line insurance" means insurance on a risk:

14 (A) of the kinds specified in Classes 2 and 3 of
15 Section 4 of this Code; and

16 (B) that is procured from an unauthorized insurer after
17 the insurance producer representing the insured or the
18 surplus line producer is unable, after diligent effort, to
19 procure the insurance from authorized insurers; and

20 (C) where Illinois is the home state of the insured,
21 for policies effective, renewed or extended on July 21,
22 2011 or later and for multiyear policies upon the policy
23 anniversary that falls on or after July 21, 2011; and

24 (D) that is located in Illinois, for policies effective
25 prior to July 21, 2011.

26 "Unauthorized insurer" means an insurer that does not hold

1 a valid certificate of authority issued by the Director but,
2 for the purposes of this Section, shall also include a domestic
3 surplus line insurer as defined in Section 445a.

4 (1.5) Procuring surplus line insurance; surplus line
5 insurer requirements.

6 (a) Insurance producers may procure surplus line
7 insurance only if licensed as a surplus line producer under
8 this Section.

9 (b) Licensed surplus line producers may procure
10 surplus line insurance from an unauthorized insurer
11 domiciled in the United States only if the insurer:

12 (i) is permitted in its domiciliary jurisdiction
13 to write the type of insurance involved; and

14 (ii) has, based upon information available to the
15 surplus line producer, a policyholders surplus of not
16 less than \$15,000,000 determined in accordance with
17 the laws of its domiciliary jurisdiction; and

18 (iii) has standards of solvency and management
19 that are adequate for the protection of policyholders.

20 Where an unauthorized insurer does not meet the
21 standards set forth in (ii) and (iii) above, a surplus line
22 producer may, if necessary, procure insurance from that
23 insurer only if prior written warning of such fact or
24 condition is given to the insured by the insurance producer
25 or surplus line producer.

26 (c) Licensed surplus line producers may procure

1 surplus line insurance from an unauthorized insurer
2 domiciled outside of the United States only if the insurer
3 meets the standards for unauthorized insurers domiciled in
4 the United States in paragraph (b) of this subsection (1.5)
5 or is listed on the Quarterly Listing of Alien Insurers
6 maintained by the International Insurers Department of the
7 NAIC. The Director shall make the Quarterly Listing of
8 Alien Insurers available to surplus line producers without
9 charge.

10 (d) Insurance producers shall not procure from an
11 unauthorized insurer an insurance policy:

12 (i) that is designed to satisfy the proof of
13 financial responsibility and insurance requirements in
14 any Illinois law where the law requires that the proof
15 of insurance is issued by an authorized insurer or
16 residual market mechanism;

17 (ii) that covers the risk of accidental injury to
18 employees arising out of and in the course of
19 employment according to the provisions of the Workers'
20 Compensation Act; ~~or~~

21 (iii) that insures any Illinois personal lines
22 risk, as defined in subsection (a), (b), or (c) of
23 Section 143.13 of this Code, that is eligible for
24 residual market mechanism coverage, unless the insured
25 or prospective insured requests limits of liability
26 greater than the limits provided by the residual market

1 mechanism. In the course of making a diligent effort to
2 procure insurance from authorized insurers, an
3 insurance producer shall not be required to submit a
4 risk to a residual market mechanism when the risk is
5 not eligible for coverage or exceeds the limits
6 available in the residual market mechanism; or-

7 (iv) that insures the risk of legal fees, costs, or
8 expenses related to an investigation, indictment, or
9 prosecution of any criminal charge arising out of the
10 use of a firearm.

11 Where there is an insurance policy issued by an
12 authorized insurer or residual market mechanism insuring a
13 risk described in item (i), (ii), ~~or~~ (iii), or (iv) of this
14 subsection above, nothing in this paragraph shall be
15 construed to prohibit a surplus line producer from
16 procuring from an unauthorized insurer a policy insuring
17 the risk on an excess or umbrella basis where the excess or
18 umbrella policy is written over one or more underlying
19 policies.

20 (e) Licensed surplus line producers may procure
21 surplus line insurance from an unauthorized insurer for an
22 exempt commercial purchaser without making the required
23 diligent effort to procure the insurance from authorized
24 insurers if:

25 (i) the producer has disclosed to the exempt
26 commercial purchaser that such insurance may or may not

1 be available from authorized insurers that may provide
2 greater protection with more regulatory oversight; and

3 (ii) the exempt commercial purchaser has
4 subsequently in writing requested the producer to
5 procure such insurance from an unauthorized insurer.

6 (2) Surplus line producer; license. Any licensed producer
7 who is a resident of this State, or any nonresident who
8 qualifies under Section 500-40, may be licensed as a surplus
9 line producer upon payment of an annual license fee of \$400.

10 A surplus line producer so licensed shall keep a separate
11 account of the business transacted thereunder for 7 years from
12 the policy effective date which shall be open at all times to
13 the inspection of the Director or his representative.

14 No later than July 21, 2012, the State of Illinois shall
15 participate in the national insurance producer database of the
16 NAIC, or any other equivalent uniform national database, for
17 the licensure of surplus line producers and the renewal of such
18 licenses.

19 (3) Taxes and reports.

20 (a) Surplus line tax and penalty for late payment. The
21 surplus line tax rate for a surplus line insurance policy
22 or contract is determined as follows:

23 (i) 3% for policies or contracts with an effective
24 date prior to July 1, 2003;

25 (ii) 3.5% for policies or contracts with an
26 effective date of July 1, 2003 or later.

1 A surplus line producer shall file with the Director on
2 or before February 1 and August 1 of each year a report in
3 the form prescribed by the Director on all surplus line
4 insurance procured from unauthorized insurers and
5 submitted to the Surplus Line Association of Illinois
6 during the preceding 6 month period ending December 31 or
7 June 30 respectively, and on the filing of such report
8 shall pay to the Director for the use and benefit of the
9 State a sum equal to the surplus line tax rate multiplied
10 by the gross premiums less returned premiums upon all
11 surplus line insurance submitted to the Surplus Line
12 Association of Illinois during the preceding 6 months.

13 Any surplus line producer who fails to pay the full
14 amount due under this subsection is liable, in addition to
15 the amount due, for such late fee, penalty, and interest
16 charges as are provided for under Section 412 of this Code.
17 The Director, through the Attorney General, may institute
18 an action in the name of the People of the State of
19 Illinois, in any court of competent jurisdiction, for the
20 recovery of the amount of such taxes, late fees, interest,
21 and penalties due, and prosecute the same to final
22 judgment, and take such steps as are necessary to collect
23 the same.

24 (b) Fire Marshal Tax. Each surplus line producer shall
25 file with the Director on or before March 31 of each year a
26 report in the form prescribed by the Director on all fire

1 insurance procured from unauthorized insurers and
2 submitted to the Surplus Line Association of Illinois
3 subject to tax under Section 12 of the Fire Investigation
4 Act and shall pay to the Director the fire marshal tax
5 required thereunder.

6 (c) Taxes and fees charged to insured. The taxes
7 imposed under this subsection and the countersigning fees
8 charged by the Surplus Line Association of Illinois may be
9 charged to and collected from surplus line insureds.

10 (4) (Blank).

11 (5) Submission of documents to Surplus Line Association of
12 Illinois. A surplus line producer shall submit every insurance
13 contract issued under his or her license to the Surplus Line
14 Association of Illinois for recording and countersignature.
15 The submission and countersignature may be effected through
16 electronic means. The submission shall set forth:

17 (a) the name of the insured;

18 (b) the description and location of the insured
19 property or risk;

20 (c) the amount insured;

21 (d) the gross premiums charged or returned;

22 (e) the name of the unauthorized insurer from whom
23 coverage has been procured;

24 (f) the kind or kinds of insurance procured; and

25 (g) amount of premium subject to tax required by
26 Section 12 of the Fire Investigation Act.

1 Proposals, endorsements, and other documents which are
2 incidental to the insurance but which do not affect the premium
3 charged are exempted from filing and countersignature.

4 The submission of insuring contracts to the Surplus Line
5 Association of Illinois constitutes a certification by the
6 surplus line producer or by the insurance producer who
7 presented the risk to the surplus line producer for placement
8 as a surplus line risk that after diligent effort the required
9 insurance could not be procured from authorized insurers and
10 that such procurement was otherwise in accordance with the
11 surplus line law.

12 (6) Countersignature required. It shall be unlawful for an
13 insurance producer to deliver any unauthorized insurer
14 contract unless such insurance contract is countersigned by the
15 Surplus Line Association of Illinois.

16 (7) Inspection of records. A surplus line producer shall
17 maintain separate records of the business transacted under his
18 or her license for 7 years from the policy effective date,
19 including complete copies of surplus line insurance contracts
20 maintained on paper or by electronic means, which records shall
21 be open at all times for inspection by the Director and by the
22 Surplus Line Association of Illinois.

23 (8) Violations and penalties. The Director may suspend or
24 revoke or refuse to renew a surplus line producer license for
25 any violation of this Code. In addition to or in lieu of
26 suspension or revocation, the Director may subject a surplus

1 line producer to a civil penalty of up to \$2,000 for each cause
2 for suspension or revocation. Such penalty is enforceable under
3 subsection (5) of Section 403A of this Code.

4 (9) Director may declare insurer ineligible. If the
5 Director determines that the further assumption of risks might
6 be hazardous to the policyholders of an unauthorized insurer,
7 the Director may order the Surplus Line Association of Illinois
8 not to countersign insurance contracts evidencing insurance in
9 such insurer and order surplus line producers to cease
10 procuring insurance from such insurer.

11 (10) Service of process upon Director. Insurance contracts
12 delivered under this Section from unauthorized insurers, other
13 than domestic surplus line insurers as defined in Section 445a,
14 shall contain a provision designating the Director and his
15 successors in office the true and lawful attorney of the
16 insurer upon whom may be served all lawful process in any
17 action, suit or proceeding arising out of such insurance.
18 Service of process made upon the Director to be valid hereunder
19 must state the name of the insured, the name of the
20 unauthorized insurer and identify the contract of insurance.
21 The Director at his option is authorized to forward a copy of
22 the process to the Surplus Line Association of Illinois for
23 delivery to the unauthorized insurer or the Director may
24 deliver the process to the unauthorized insurer by other means
25 which he considers to be reasonably prompt and certain.

26 (10.5) Insurance contracts delivered under this Section

1 from unauthorized insurers, other than domestic surplus line
2 insurers as defined in Section 445a, shall have stamped or
3 imprinted on the first page thereof in not less than 12-pt.
4 bold face type the following legend: "Notice to Policyholder:
5 This contract is issued, pursuant to Section 445 of the
6 Illinois Insurance Code, by a company not authorized and
7 licensed to transact business in Illinois and as such is not
8 covered by the Illinois Insurance Guaranty Fund." Insurance
9 contracts delivered under this Section from domestic surplus
10 line insurers as defined in Section 445a shall have stamped or
11 imprinted on the first page thereof in not less than 12-pt.
12 bold face type the following legend: "Notice to Policyholder:
13 This contract is issued by a domestic surplus line insurer, as
14 defined in Section 445a of the Illinois Insurance Code,
15 pursuant to Section 445, and as such is not covered by the
16 Illinois Insurance Guaranty Fund."

17 (11) The Illinois Surplus Line law does not apply to
18 insurance of property and operations of railroads or aircraft
19 engaged in interstate or foreign commerce, insurance of
20 vessels, crafts or hulls, cargoes, marine builder's risks,
21 marine protection and indemnity, or other risks including
22 strikes and war risks insured under ocean or wet marine forms
23 of policies.

24 (12) Surplus line insurance procured under this Section,
25 including insurance procured from a domestic surplus line
26 insurer, is not subject to the provisions of the Illinois

1 Insurance Code other than Sections 123, 123.1, 401, 401.1, 402,
2 403, 403A, 408, 412, 445, 445.1, 445.2, 445.3, 445.4, and all
3 of the provisions of Article XXXI to the extent that the
4 provisions of Article XXXI are not inconsistent with the terms
5 of this Act.

6 (Source: P.A. 97-955, eff. 8-14-12; 98-978, eff. 1-1-15.)

7 (215 ILCS 5/445a)

8 Sec. 445a. Domestic surplus line insurer.

9 (a) A domestic insurer possessing policyholder surplus of
10 at least \$15,000,000 may pursuant to a resolution by its board
11 of directors, and with the written approval of the Director, be
12 designated as a "domestic surplus line insurer".

13 (b) A domestic surplus line insurer may insure in this
14 State an Illinois risk only if procured from a surplus line
15 producer pursuant to Section 445 of this Code.

16 (c) A domestic surplus line insurer must agree not to issue
17 a policy designed to satisfy the financial responsibility
18 requirements of the Illinois Vehicle Code, the Workers'
19 Compensation Act, or the Workers' Occupational Diseases Act. A
20 domestic surplus line insurer is not subject to the provisions
21 of Articles XXXIII, XXXIII 1/2, XXXIV, XXXVIII A, Section 468,
22 or Section 478.1 of this Code.

23 (c-1) A domestic surplus line insurer may not insure the
24 risk of legal fees, costs, or expenses related to the
25 investigation, indictment, or prosecution of any criminal

1 charge arising out of the use of a firearm.

2 (d) For the purposes of the federal Nonadmitted and
3 Reinsurance Reform Act of 2010 (15 USC 8201 et seq.), a
4 domestic surplus line insurer shall be considered a nonadmitted
5 insurer, as the term is defined in the Act, with respect to
6 risks insured in this State.

7 (Source: P.A. 97-955, eff. 8-14-12.)

8 Section 10. The Firearm Owners Identification Card Act is
9 amended by changing Sections 4 and 8 as follows:

10 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

11 Sec. 4. Application for Firearm Owner's Identification
12 Cards.

13 (a) Each applicant for a Firearm Owner's Identification
14 Card must:

15 (1) Make application on blank forms prepared and
16 furnished at convenient locations throughout the State by
17 the Department of State Police, or by electronic means, if
18 and when made available by the Department of State Police;
19 and

20 (2) Submit evidence to the Department of State Police
21 that:

22 (i) This subparagraph (i) applies through the
23 180th day following the effective date of this
24 amendatory Act of the 101st General Assembly. He or she

1 is 21 years of age or over, or if he or she is under 21
2 years of age that he or she has the written consent of
3 his or her parent or legal guardian to possess and
4 acquire firearms and firearm ammunition and that he or
5 she has never been convicted of a misdemeanor other
6 than a traffic offense or adjudged delinquent,
7 provided, however, that such parent or legal guardian
8 is not an individual prohibited from having a Firearm
9 Owner's Identification Card and files an affidavit
10 with the Department as prescribed by the Department
11 stating that he or she is not an individual prohibited
12 from having a Card;

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

1 that he or she is not an individual prohibited from
2 having a Card or the active duty member of the United
3 States Armed Forces under 21 years of age annually
4 submits proof to the Department of State Police, in a
5 manner prescribed by the Department;

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

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

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

14 (v) He or she is not a person with an intellectual
15 disability;

16 (vi) He or she is not an alien who is unlawfully
17 present in the United States under the laws of the
18 United States;

19 (vii) He or she is not subject to an existing order
20 of protection prohibiting him or her from possessing a
21 firearm;

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

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

17 (x) (Blank);

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

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

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

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

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

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

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

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

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

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

1 (xiv) He or she is a resident of the State of
2 Illinois;

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

5 (xvi) He or she has not been involuntarily admitted
6 into a mental health facility; ~~and~~

7 (xvii) He or she is not a person with a
8 developmental disability; and

9 (xviii) He or she has proof of liability insurance
10 coverage of at least \$1,000,000 for accidental
11 injuries caused by a firearm; 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 (b) Each application form shall include the following
4 statement printed in bold type: "Warning: Entering false
5 information on an application for a Firearm Owner's
6 Identification Card is punishable as a Class 2 felony in
7 accordance with subsection (d-5) of Section 14 of the Firearm
8 Owners Identification Card Act."

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

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

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

15 Sec. 8. Grounds for denial, suspension, and revocation. The
16 Department of State Police has authority to deny an application
17 for or to revoke and seize a Firearm Owner's Identification
18 Card previously issued under this Act only if the Department
19 finds that the applicant or the person to whom such card was
20 issued 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) This subsection (b) applies through the 180th day
25 following the effective date of this amendatory Act of the

1 101st General Assembly. A person under 21 years of age who
2 does not have the written consent of his parent or guardian
3 to acquire and possess firearms and firearm ammunition, or
4 whose parent or guardian has revoked such written consent,
5 or where such parent or guardian does not qualify to have a
6 Firearm Owner's Identification Card;

7 (b-5) This subsection (b-5) applies on and after the
8 181st day following the effective date of this amendatory
9 Act of the 101st General Assembly. A person under 21 years
10 of age who is not an active duty member of the United
11 States Armed Forces and does not have the written consent
12 of his or her parent or guardian to acquire and possess
13 firearms and firearm ammunition, or whose parent or
14 guardian has revoked such written consent, or where such
15 parent or guardian does not qualify to have a Firearm
16 Owner's Identification Card;

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; or -

4 (v) A person who has not submitted to the Illinois State
5 Police proof of liability insurance coverage of at least
6 \$1,000,000 for accidental injuries caused by a firearm.

7 The Illinois State Police may require annual proof of the
8 person's liability insurance coverage and may suspend a
9 person's Firearm Owner's Identification Card for failure to
10 maintain that coverage or for failure to provide the Illinois
11 State Police with proof of that coverage. The proof of
12 liability insurance coverage required under subparagraph
13 (xviii) of paragraph (2) of subsection (a) of Section 4 is
14 required for both an initial application for a Firearm Owner's
15 Identification Card and for renewal of that Card.

16 Upon revocation of a person's Firearm Owner's
17 Identification Card, the Department of State Police shall
18 provide notice to the person and the person shall comply with
19 Section 9.5 of this Act.

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