



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3352

Introduced 2/22/2021, by Rep. Charles Meier

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. Lowers the age in which a person may apply for a Firearm Owner's Identification Card without parental or legal guardian consent from 21 years of age to 18 years of age. Provides that an applicant who is 18 (rather than 21) years of age or older seeking a religious exemption to the photograph requirement must furnish with the application an approved copy of United States Department of the Treasury Internal Revenue Service Form 4029.

LRB102 16959 RLC 22377 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 the
19 180th day following the effective date of this
20 amendatory Act of the 101st General Assembly. He or
21 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 the 181st day following the effective date of this
12 amendatory Act of the 101st General Assembly. He or
13 she is 18 ~~21~~ years of age or over, or if he or she is
14 under 18 ~~21~~ years of age that he or she ~~has never been~~
15 ~~convicted of a misdemeanor other than a traffic~~
16 ~~offense or adjudged delinquent and~~ is an active duty
17 member of the United States Armed Forces or has the
18 written consent of his or her parent or legal guardian
19 to possess and acquire firearms and firearm
20 ammunition, provided, however, that , if the applicant
21 is under 18 years of age, the ~~such~~ parent or legal
22 guardian is not an individual prohibited from having a
23 Firearm Owner's Identification Card and files an
24 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

1 member of the United States Armed Forces under 18 ~~21~~
2 years of age annually submits proof to the Department
3 of State Police, in a manner prescribed by the
4 Department;

5 (i-6) If he or she is under 21 years of age that he
6 or she has never been convicted of a misdemeanor other
7 than a traffic offense or adjudged delinquent;

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

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

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

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

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

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

24 (viii) He or she has not been convicted within the
25 past 5 years of battery, assault, aggravated assault,
26 violation of an order of protection, or a

1 substantially similar offense in another jurisdiction,
2 in which a firearm was used or possessed;

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

19 (x) (Blank);

20 (xi) He or she is not an alien who has been
21 admitted to the United States under a non-immigrant
22 visa (as that term is defined in Section 101(a) (26) of
23 the Immigration and Nationality Act (8 U.S.C.
24 1101(a) (26))), or that he or she is an alien who has
25 been lawfully admitted to the United States under a
26 non-immigrant visa if that alien 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
6 Government or the Government's mission to an
7 international organization having its
8 headquarters in the United States; or

9 (B) en route to or from another country to
10 which that alien 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
16 States on official business; or

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

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

25 (xiii) He or she is not an adult who had been
26 adjudicated a delinquent minor under the Juvenile

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

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

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

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

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

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

25 (a-5) Each applicant for a Firearm Owner's Identification
26 Card who is over the age of 18 shall furnish to the Department

1 of State Police either his or her Illinois driver's license
2 number or Illinois Identification Card number, except as
3 provided in subsection (a-10).

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

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

18 (a-20) Each applicant for a Firearm Owner's Identification
19 Card shall furnish to the Department of State Police his or her
20 photograph. An applicant who is 18 ~~21~~ years of age or older
21 seeking a religious exemption to the photograph requirement
22 must furnish with the application an approved copy of United
23 States Department of the Treasury Internal Revenue Service
24 Form 4029. In lieu of a photograph, an applicant regardless of
25 age seeking a religious exemption to the photograph
26 requirement shall submit fingerprints on a form and manner

1 prescribed by the Department with his or her application.

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

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

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

13 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

23 (b) This subsection (b) applies through the 180th day
24 following the effective date of this amendatory Act of the
25 101st General Assembly. A person under 21 years of age who

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

6 (b-5) This subsection (b-5) applies on and after the
7 181st day following the effective date of this amendatory
8 Act of the 101st General Assembly. A person under 18 ~~21~~
9 years of age who is not an active duty member of the United
10 States Armed Forces and does not have the written consent
11 of his or her parent or guardian to acquire and possess
12 firearms and firearm ammunition, or whose parent or
13 guardian has revoked such written consent, or where such
14 parent or guardian does not qualify to have a Firearm
15 Owner's Identification Card;

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

18 (d) A person addicted to narcotics;

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

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

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

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

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

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

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

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

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

25 (A) accredited to the United States Government
26 or the Government's mission to an international

1 organization having its headquarters in the United
2 States; or

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

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

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

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

14 (j) (Blank);

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

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

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

12 (m) (Blank);

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

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

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

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

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

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

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

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

1 been restored through administrative or judicial action
2 under Section 10 or 11 of this Act.

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

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