

SB1436



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1436

Introduced 2/7/2023, by Sen. Sally J. Turner

SYNOPSIS AS INTRODUCED:

430 ILCS 65/8

from Ch. 38, par. 83-8

Amends the Firearm Owners Identification Card Act. Provides that the authority of the Illinois State Police to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under the Act to a person who is not a resident of the State of Illinois does not apply to an applicant who is an Illinois resident in the United States Military permanently assigned out of state. Effective immediately.

LRB103 25382 RLC 51727 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 8 as follows:

6 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

7 Sec. 8. Grounds for denial and revocation. The Illinois
8 State Police has authority to deny an application for or to
9 revoke and seize a Firearm Owner's Identification Card
10 previously issued under this Act only if the Illinois State
11 Police finds that the applicant or the person to whom such card
12 was issued is or was at the time of issuance:

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

16 (b) This subsection (b) applies through the 180th day
17 following July 12, 2019 (the effective date of Public Act
18 101-80). A person under 21 years of age who does not have
19 the written consent of his parent or guardian to acquire
20 and possess firearms and firearm ammunition, or whose
21 parent or guardian has revoked such written consent, or
22 where such parent or guardian does not qualify to have a
23 Firearm Owner's Identification Card;

1 (b-5) This subsection (b-5) applies on and after the
2 181st day following July 12, 2019 (the effective date of
3 Public Act 101-80). A person under 21 years of age who is
4 not an active duty member of the United States Armed
5 Forces or the Illinois National Guard and does not have
6 the written consent of his or her parent or guardian to
7 acquire and possess firearms and firearm ammunition, or
8 whose parent or guardian has revoked such written consent,
9 or where such parent or guardian does not qualify to have a
10 Firearm Owner's Identification Card;

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

13 (d) A person addicted to narcotics;

14 (e) A person who has been a patient of a mental health
15 facility within the past 5 years or a person who has been a
16 patient in a mental health facility more than 5 years ago
17 who has not received the certification required under
18 subsection (u) of this Section. An active law enforcement
19 officer employed by a unit of government or a Department
20 of Corrections employee authorized to possess firearms who
21 is denied, revoked, or has his or her Firearm Owner's
22 Identification Card seized under this subsection (e) may
23 obtain relief as described in subsection (c-5) of Section
24 10 of this Act if the officer or employee did not act in a
25 manner threatening to the officer or employee, another
26 person, or the public as determined by the treating

1 clinical psychologist or physician, and the officer or
2 employee seeks mental health treatment;

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

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

7 (h) A person who intentionally makes a false statement
8 in the Firearm Owner's Identification Card application or
9 endorsement affidavit;

10 (i) A noncitizen who is unlawfully present in the
11 United States under the laws of the United States;

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

19 (1) admitted to the United States for lawful
20 hunting or sporting purposes;

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

23 (A) accredited to the United States Government
24 or the Government's mission to an international
25 organization having its headquarters in the United
26 States; or

1 (B) en route to or from another country to
2 which that noncitizen is accredited;

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

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

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

12 (j) (Blank);

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

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

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

10 (m) (Blank);

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

14 (o) A minor subject to a petition filed under Section
15 5-520 of the Juvenile Court Act of 1987 alleging that the
16 minor is a delinquent minor for the commission of an
17 offense that if committed by an adult would be a felony;

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

22 (q) A person who is not a resident of the State of
23 Illinois, except for an Illinois resident in the United
24 States Military permanently assigned out of state or as
25 provided in subsection (a-10) of Section 4;

26 (r) A person who has been adjudicated as a person with

1 a mental disability;

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

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

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

1 under Section 10 or 11 of this Act.

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

6 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
7 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.
8 5-27-22; 102-1116, eff. 1-10-23.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.