

SB2720



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2720

Introduced 1/10/2024, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

430 ILCS 65/9.5
625 ILCS 5/6-103

from Ch. 95 1/2, par. 6-103

Amends the Illinois Vehicle Code. Provides that the Secretary of State may not issue to or allow the renewal or retention of a driver's license or permit by anyone who possesses a revoked Firearm Owner's Identification Card unless: (i) the applicant's Firearm Owner's Identification Card is successfully reinstated or (ii) the applicant surrenders possession of the Firearm Owner's Identification Card to the Illinois State Police. Amends the Firearm Owner's Identification Card Act. Provides that the Illinois State Police shall provide the Secretary with a notice of any individual who fails to surrender a revoked Firearm Owner's Identification Card.

LRB103 36468 MXP 66571 b

A BILL FOR

1 AN ACT concerning transportation.

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 9.5 as follows:

6 (430 ILCS 65/9.5)

7 Sec. 9.5. Revocation of Firearm Owner's Identification
8 Card.

9 (a) A person who receives a revocation notice under
10 Section 9 of this Act shall, within 48 hours of receiving
11 notice of the revocation:

12 (1) surrender his or her Firearm Owner's
13 Identification Card to the local law enforcement agency
14 where the person resides or to the Illinois State Police;
15 and

16 (2) complete a Firearm Disposition Record on a form
17 prescribed by the Illinois State Police and place his or
18 her firearms in the location or with the person reported
19 in the Firearm Disposition Record. The form shall require
20 the person to disclose:

21 (A) the make, model, and serial number of each
22 firearm owned by or under the custody and control of
23 the revoked person;

1 (B) the location where each firearm will be
2 maintained during the prohibited term;

3 (C) if any firearm will be transferred to the
4 custody of another person, the name, address and
5 Firearm Owner's Identification Card number of the
6 transferee; and

7 (D) to whom his or her Firearm Owner's
8 Identification Card was surrendered.

9 Once completed, the person shall retain a copy and
10 provide a copy of the Firearm Disposition Record to the
11 Illinois State Police.

12 (b) Upon confirming through the portal created under
13 Section 2605-304 of the Illinois State Police Law of the Civil
14 Administrative Code of Illinois that the Firearm Owner's
15 Identification Card has been revoked by the Illinois State
16 Police, surrendered cards shall be destroyed by the law
17 enforcement agency receiving the cards. If a card has not been
18 revoked, the card shall be returned to the cardholder.

19 (b-5) If a court orders the surrender of a Firearm Owner's
20 Identification Card and accepts receipt of the Card, the court
21 shall destroy the Card and direct the person whose Firearm
22 Owner's Identification Card has been surrendered to comply
23 with paragraph (2) of subsection (a).

24 (b-10) If the person whose Firearm Owner's Identification
25 Card has been revoked has either lost or destroyed the Card,
26 the person must still comply with paragraph (2) of subsection

1 (a).

2 (b-15) A notation shall be made in the portal created
3 under Section 2605-304 of the Illinois State Police Law of the
4 Civil Administrative Code of Illinois that the revoked Firearm
5 Owner's Identification Card has been destroyed.

6 (c) If the person whose Firearm Owner's Identification
7 Card has been revoked fails to comply with the requirements of
8 this Section, the sheriff or law enforcement agency where the
9 person resides may petition the circuit court to issue a
10 warrant to search for and seize the Firearm Owner's
11 Identification Card and firearms in the possession or under
12 the custody or control of the person whose Firearm Owner's
13 Identification Card has been revoked.

14 (d) A violation of subsection (a) of this Section is a
15 Class A misdemeanor.

16 (e) The observation of a Firearm Owner's Identification
17 Card in the possession of a person whose Firearm Owner's
18 Identification Card has been revoked constitutes a sufficient
19 basis for the arrest of that person for violation of this
20 Section.

21 (f) Within 30 days after July 9, 2013 (the effective date
22 of Public Act 98-63), the Illinois State Police shall provide
23 written notice of the requirements of this Section to persons
24 whose Firearm Owner's Identification Cards have been revoked,
25 suspended, or expired and who have failed to surrender their
26 cards to the Illinois State Police.

1 (g) A person whose Firearm Owner's Identification Card has
2 been revoked and who received notice under subsection (f)
3 shall comply with the requirements of this Section within 48
4 hours of receiving notice.

5 (h) Pursuant to Section 6-103 of the Illinois Vehicle
6 Code, a person who fails to surrender a revoked Firearm
7 Owner's Identification Card under this Section may not be
8 issued a driver's license, renew a driver's license, retain a
9 driver's license, or be issued a permit under the Illinois
10 Vehicle Code. The Illinois State Police shall provide the
11 Secretary of State with a notice of any individual who fails to
12 comply with this Section.

13 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
14 102-813, eff. 5-13-22; 103-154, eff. 6-30-23.)

15 Section 10. The Illinois Vehicle Code is amended by
16 changing Section 6-103 as follows:

17 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

18 Sec. 6-103. What persons shall not be licensed as drivers
19 or granted permits. The Secretary of State shall not issue,
20 renew, or allow the retention of any driver's license nor
21 issue any permit under this Code:

22 1. To any person, as a driver, who is under the age of
23 18 years except as provided in Section 6-107, and except
24 that an instruction permit may be issued under Section

1 6-107.1 to a child who is not less than 15 years of age if
2 the child is enrolled in an approved driver education
3 course as defined in Section 1-103 of this Code and
4 requires an instruction permit to participate therein,
5 except that an instruction permit may be issued under the
6 provisions of Section 6-107.1 to a child who is 17 years
7 and 3 months of age without the child having enrolled in an
8 approved driver education course and except that an
9 instruction permit may be issued to a child who is at least
10 15 years and 3 months of age, is enrolled in school, meets
11 the educational requirements of the Driver Education Act,
12 and has passed examinations the Secretary of State in his
13 or her discretion may prescribe;

14 1.5. To any person at least 18 years of age but less
15 than 21 years of age unless the person has, in addition to
16 any other requirements of this Code, successfully
17 completed an adult driver education course as provided in
18 Section 6-107.5 of this Code;

19 2. To any person who is under the age of 18 as an
20 operator of a motorcycle other than a motor driven cycle
21 unless the person has, in addition to meeting the
22 provisions of Section 6-107 of this Code, successfully
23 completed a motorcycle training course approved by the
24 Illinois Department of Transportation;

25 3. To any person, as a driver, whose driver's license
26 or permit has been suspended, during the suspension, nor

1 to any person whose driver's license or permit has been
2 revoked, except as provided in Sections 6-205, 6-206, and
3 6-208;

4 4. To any person, as a driver, who is a user of alcohol
5 or any other drug to a degree that renders the person
6 incapable of safely driving a motor vehicle;

7 5. To any person, as a driver, who has previously been
8 adjudged to be afflicted with or suffering from any mental
9 or physical disability or disease and who has not at the
10 time of application been restored to competency by the
11 methods provided by law;

12 6. To any person, as a driver, who is required by the
13 Secretary of State to submit an alcohol and drug
14 evaluation or take an examination provided for in this
15 Code unless the person has successfully passed the
16 examination and submitted any required evaluation;

17 7. To any person who is required under the provisions
18 of the laws of this State to deposit security or proof of
19 financial responsibility and who has not deposited the
20 security or proof;

21 8. To any person when the Secretary of State has good
22 cause to believe that the person by reason of physical or
23 mental disability would not be able to safely operate a
24 motor vehicle upon the highways, unless the person shall
25 furnish to the Secretary of State a verified written
26 statement, acceptable to the Secretary of State, from a

1 competent medical specialist, a licensed physician
2 assistant, or a licensed advanced practice registered
3 nurse, to the effect that the operation of a motor vehicle
4 by the person would not be inimical to the public safety;

5 9. To any person, as a driver, who is 69 years of age
6 or older, unless the person has successfully complied with
7 the provisions of Section 6-109;

8 10. To any person convicted, within 12 months of
9 application for a license, of any of the sexual offenses
10 enumerated in paragraph 2 of subsection (b) of Section
11 6-205;

12 11. To any person who is under the age of 21 years with
13 a classification prohibited in paragraph (b) of Section
14 6-104 and to any person who is under the age of 18 years
15 with a classification prohibited in paragraph (c) of
16 Section 6-104;

17 12. To any person who has been either convicted of or
18 adjudicated under the Juvenile Court Act of 1987 based
19 upon a violation of the Cannabis Control Act, the Illinois
20 Controlled Substances Act, or the Methamphetamine Control
21 and Community Protection Act while that person was in
22 actual physical control of a motor vehicle. For purposes
23 of this Section, any person placed on probation under
24 Section 10 of the Cannabis Control Act, Section 410 of the
25 Illinois Controlled Substances Act, or Section 70 of the
26 Methamphetamine Control and Community Protection Act shall

1 not be considered convicted. Any person found guilty of
2 this offense, while in actual physical control of a motor
3 vehicle, shall have an entry made in the court record by
4 the judge that this offense did occur while the person was
5 in actual physical control of a motor vehicle and order
6 the clerk of the court to report the violation to the
7 Secretary of State as such. The Secretary of State shall
8 not issue a new license or permit for a period of one year;

9 13. To any person who is under the age of 18 years and
10 who has committed the offense of operating a motor vehicle
11 without a valid license or permit in violation of Section
12 6-101 or a similar out-of-state ~~out of state~~ offense;

13 14. To any person who is 90 days or more delinquent in
14 court ordered child support payments or has been
15 adjudicated in arrears in an amount equal to 90 days'
16 obligation or more and who has been found in contempt of
17 court for failure to pay the support, subject to the
18 requirements and procedures of Article VII of Chapter 7 of
19 the Illinois Vehicle Code;

20 14.5. To any person certified by the Illinois
21 Department of Healthcare and Family Services as being 90
22 days or more delinquent in payment of support under an
23 order of support entered by a court or administrative body
24 of this or any other State, subject to the requirements
25 and procedures of Article VII of Chapter 7 of this Code
26 regarding those certifications;

1 15. To any person released from a term of imprisonment
2 for violating Section 9-3 of the Criminal Code of 1961 or
3 the Criminal Code of 2012, or a similar provision of a law
4 of another state relating to reckless homicide or for
5 violating subparagraph (F) of paragraph (1) of subsection
6 (d) of Section 11-501 of this Code relating to aggravated
7 driving under the influence of alcohol, other drug or
8 drugs, intoxicating compound or compounds, or any
9 combination thereof, if the violation was the proximate
10 cause of a death, within 24 months of release from a term
11 of imprisonment;

12 16. To any person who, with intent to influence any
13 act related to the issuance of any driver's license or
14 permit, by an employee of the Secretary of State's Office,
15 or the owner or employee of any commercial driver training
16 school licensed by the Secretary of State, or any other
17 individual authorized by the laws of this State to give
18 driving instructions or administer all or part of a
19 driver's license examination, promises or tenders to that
20 person any property or personal advantage which that
21 person is not authorized by law to accept. Any persons
22 promising or tendering such property or personal advantage
23 shall be disqualified from holding any class of driver's
24 license or permit for 120 consecutive days. The Secretary
25 of State shall establish by rule the procedures for
26 implementing this period of disqualification and the

1 procedures by which persons so disqualified may obtain
2 administrative review of the decision to disqualify;

3 17. To any person for whom the Secretary of State
4 cannot verify the accuracy of any information or
5 documentation submitted in application for a driver's
6 license;

7 18. To any person who has been adjudicated under the
8 Juvenile Court Act of 1987 based upon an offense that is
9 determined by the court to have been committed in
10 furtherance of the criminal activities of an organized
11 gang, as provided in Section 5-710 of that Act, and that
12 involved the operation or use of a motor vehicle or the use
13 of a driver's license or permit. The person shall be
14 denied a license or permit for the period determined by
15 the court; ~~or~~

16 19. To any person who holds a REAL ID compliant
17 identification card or REAL ID compliant Person with a
18 Disability Identification Card issued under the Illinois
19 Identification Card Act. Any such person may, at his or
20 her discretion, surrender the REAL ID compliant
21 identification card or REAL ID compliant Person with a
22 Disability Identification Card in order to become eligible
23 to obtain a REAL ID compliant driver's license; or ~~or~~

24 20. To any person who possesses a revoked Firearm
25 Owner's Identification Card unless: (i) the applicant's
26 Firearm Owner's Identification Card is successfully

1 reinstated; or (ii) the applicant surrenders possession of
2 the Firearm Owner's Identification Card to the Illinois
3 State Police or to the local law enforcement agency that
4 serves the jurisdiction where the applicant resides.

5 The Secretary of State shall retain all conviction
6 information, if the information is required to be held
7 confidential under the Juvenile Court Act of 1987.

8 (Source: P.A. 103-162, eff. 1-1-24; revised 1-2-24.)