

1 AN ACT concerning health.

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 3.1 as follows:

6 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

7 Sec. 3.1. Dial up system.

8 (a) The Department of State Police shall provide a dial up
9 telephone system or utilize other existing technology which
10 shall be used by any federally licensed firearm dealer, gun
11 show promoter, or gun show vendor who is to transfer a firearm,
12 stun gun, or taser under the provisions of this Act. The
13 Department of State Police may utilize existing technology
14 which allows the caller to be charged a fee not to exceed \$2.
15 Fees collected by the Department of State Police shall be
16 deposited in the State Police Services Fund and used to provide
17 the service.

18 (b) Upon receiving a request from a federally licensed
19 firearm dealer, gun show promoter, or gun show vendor, the
20 Department of State Police shall immediately approve, or within
21 the time period established by Section 24-3 of the Criminal
22 Code of 1961 regarding the delivery of firearms, stun guns, and
23 tasers notify the inquiring dealer, gun show promoter, or gun

1 show vendor of any objection that would disqualify the
2 transferee from acquiring or possessing a firearm, stun gun, or
3 taser. In conducting the inquiry, the Department of State
4 Police shall initiate and complete an automated search of its
5 criminal history record information files and those of the
6 Federal Bureau of Investigation, including the National
7 Instant Criminal Background Check System, and of the files of
8 the Department of Human Services relating to mental health and
9 developmental disabilities to obtain any felony conviction or
10 patient hospitalization information which would disqualify a
11 person from obtaining or require revocation of a currently
12 valid Firearm Owner's Identification Card.

13 (c) If receipt of a firearm would not violate Section 24-3
14 of the Criminal Code of 1961, federal law, or this Act the
15 Department of State Police shall:

16 (1) assign a unique identification number to the
17 transfer; and

18 (2) provide the licensee, gun show promoter, or gun
19 show vendor with the number.

20 (d) Approvals issued by the Department of State Police for
21 the purchase of a firearm are valid for 30 days from the date
22 of issue.

23 (e) (1) The Department of State Police must act as the
24 Illinois Point of Contact for the National Instant Criminal
25 Background Check System.

26 (2) The Department of State Police and the Department of

1 Human Services shall, in accordance with State and federal law
2 regarding confidentiality, enter into a memorandum of
3 understanding with the Federal Bureau of Investigation for the
4 purpose of implementing the National Instant Criminal
5 Background Check System in the State. The Department of State
6 Police shall report the name, date of birth, and physical
7 description of any person prohibited from possessing a firearm
8 pursuant to the Firearm Owners Identification Card Act and 18
9 U.S.C. 922(g) and (n) to the National Instant Criminal
10 Background Check System Index, Denied Persons Files.

11 (f) The Department of State Police shall promulgate rules
12 not inconsistent with this Section to implement this system.

13 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised
14 8-19-05.)

15 Section 10. The Mental Health and Developmental
16 Disabilities Confidentiality Act is amended by changing
17 Section 12 as follows:

18 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

19 Sec. 12. (a) If the United States Secret Service or the
20 Department of State Police requests information from a mental
21 health or developmental disability facility, as defined in
22 Section 1-107 and 1-114 of the Mental Health and Developmental
23 Disabilities Code, relating to a specific recipient and the
24 facility director determines that disclosure of such

1 information may be necessary to protect the life of, or to
2 prevent the infliction of great bodily harm to, a public
3 official, or a person under the protection of the United States
4 Secret Service, only the following information may be
5 disclosed: the recipient's name, address, and age and the date
6 of any admission to or discharge from a facility; and any
7 information which would indicate whether or not the recipient
8 has a history of violence or presents a danger of violence to
9 the person under protection. Any information so disclosed shall
10 be used for investigative purposes only and shall not be
11 publicly disseminated. Any person participating in good faith
12 in the disclosure of such information in accordance with this
13 provision shall have immunity from any liability, civil,
14 criminal or otherwise, if such information is disclosed relying
15 upon the representation of an officer of the United States
16 Secret Service or the Department of State Police that a person
17 is under the protection of the United States Secret Service or
18 is a public official.

19 For the purpose of this subsection (a), the term "public
20 official" means the Governor, Lieutenant Governor, Attorney
21 General, Secretary of State, State Comptroller, State
22 Treasurer or member of the General Assembly. The term shall
23 also include the spouse, child or children of a public
24 official.

25 (b) The Department of Human Services (acting as successor
26 to the Department of Mental Health and Developmental

1 Disabilities) and all public or private hospitals and mental
2 health facilities as described in clause (3) of this subsection
3 (b), are required, as hereafter described in this subsection,
4 to furnish the Department of State Police only such information
5 as may be required for the sole purpose of determining whether
6 an individual who may be or may have been a patient is
7 disqualified because of that status from receiving or retaining
8 a Firearm Owner's Identification Card under subsections
9 subsection (e) and (f) of Section 8 of the Firearm Owners
10 Identification Card Act and 18 U.S.C. 922(g) and (n). All
11 public or private hospitals and mental health facilities shall,
12 in the form and manner required by the Department, provide such
13 information as shall be necessary for the Department to comply
14 with the reporting requirements to the Department of State
15 Police. Such information shall be furnished within 7 ~~30~~ days
16 after admission to a public or private hospital or mental
17 health facility or the provision of services to a person
18 described in clause (2) of this subsection (b). Any such
19 information disclosed under this subsection shall remain
20 privileged and confidential, and shall not be redisclosed nor
21 utilized for any other purpose. The method of requiring the
22 providing of such information shall guarantee that no
23 information is released beyond what is necessary for this
24 purpose. In addition, the information disclosed shall be
25 provided by the Department within the time period established
26 by Section 24-3 of the Criminal Code of 1961 regarding the

1 delivery of firearms. The method used shall be sufficient to
2 provide the necessary information within the prescribed time
3 period, which may include periodically providing lists to the
4 Department of Human Services or any public or private hospital
5 or mental health facility of Firearm Owner's Identification
6 Card applicants on which the Department or hospital shall
7 indicate the identities of those individuals who are to its
8 knowledge disqualified from having a Firearm Owner's
9 Identification Card for reasons described herein. The
10 Department may provide for a centralized source of information
11 for the State on this subject under its jurisdiction.

12 Any person, institution, or agency, under this Act,
13 participating in good faith in the reporting or disclosure of
14 records and communications otherwise in accordance with this
15 provision or with rules, regulations or guidelines issued by
16 the Department shall have immunity from any liability, civil,
17 criminal or otherwise, that might result by reason of the
18 action. For the purpose of any proceeding, civil or criminal,
19 arising out of a report or disclosure in accordance with this
20 provision, the good faith of any person, institution, or agency
21 so reporting or disclosing shall be presumed. The full extent
22 of the immunity provided in this subsection (b) shall apply to
23 any person, institution or agency that fails to make a report
24 or disclosure in the good faith belief that the report or
25 disclosure would violate federal regulations governing the
26 confidentiality of alcohol and drug abuse patient records

1 implementing 42 U.S.C. 290dd-3 and 290ee-3.

2 For purposes of this subsection (b) only, the following
3 terms shall have the meaning prescribed:

4 (1) "Hospital" means only that type of institution
5 which is providing full-time residential facilities and
6 treatment for in-patients and excludes institutions, such
7 as community clinics, which only provide treatment to
8 out-patients.

9 (2) "Patient" shall mean only a person who is an
10 in-patient or resident of any hospital, not an out-patient
11 or client seen solely for periodic consultation unless the
12 person's mental condition is of such a nature that it poses
13 a clear and present danger to himself or herself, any other
14 person or persons or the community. The term "mental
15 condition" is defined in subsection (f) of Section 8 of the
16 Firearm Owners Identification Card Act.

17 (3) "Mental health facility" means any public or
18 private facility that provides mental health services to
19 persons on an inpatient or outpatient basis.

20 (c) Upon the request of a peace officer who takes a person
21 into custody and transports such person to a mental health or
22 developmental disability facility pursuant to Section 3-606 or
23 4-404 of the Mental Health and Developmental Disabilities Code
24 or who transports a person from such facility, a facility
25 director shall furnish said peace officer the name, address,
26 age and name of the nearest relative of the person transported

1 to or from the mental health or developmental disability
2 facility. In no case shall the facility director disclose to
3 the peace officer any information relating to the diagnosis,
4 treatment or evaluation of the person's mental or physical
5 health.

6 For the purposes of this subsection (c), the terms "mental
7 health or developmental disability facility", "peace officer"
8 and "facility director" shall have the meanings ascribed to
9 them in the Mental Health and Developmental Disabilities Code.

10 (d) Upon the request of a peace officer or prosecuting
11 authority who is conducting a bona fide investigation of a
12 criminal offense, or attempting to apprehend a fugitive from
13 justice, a facility director may disclose whether a person is
14 present at the facility. Upon request of a peace officer or
15 prosecuting authority who has a valid forcible felony warrant
16 issued, a facility director shall disclose: (1) whether the
17 person who is the subject of the warrant is present at the
18 facility and (2) the date of that person's discharge or future
19 discharge from the facility. The requesting peace officer or
20 prosecuting authority must furnish a case number and the
21 purpose of the investigation or an outstanding arrest warrant
22 at the time of the request. Any person, institution, or agency
23 participating in good faith in disclosing such information in
24 accordance with this subsection (d) is immune from any
25 liability, civil, criminal or otherwise, that might result by
26 reason of the action.

1 (Source: P.A. 92-738, eff. 7-25-02.)