



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0845

Introduced 2/9/2009, by Rep. Edward J. Acevedo

SYNOPSIS AS INTRODUCED:

430 ILCS 65/8

from Ch. 38, par. 83-8

720 ILCS 5/24-4.1 new

Amends the Firearm Owners Identification Card Act. Provides that the Department of State Police may revoke and seize a Firearm Owner's Identification Card previously issued under the Act of a person who fails to report the loss or theft of a handgun a second time to the local law enforcement agency within 72 hours after obtaining knowledge of the second loss or theft. Amends the Criminal Code of 1961. Provides that if a person who possesses a valid Firearm Owner's Identification Card and who possesses or acquires a handgun thereafter loses or misplaces the handgun, or if the handgun is stolen from the person, the person must report the loss or theft to the local law enforcement agency within 72 hours after obtaining knowledge of the loss or theft. Effective immediately.

LRB096 09253 RLC 19407 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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.

8 (A) The Department of State Police has authority to deny an
9 application for or to revoke and seize a Firearm Owner's
10 Identification Card previously issued under this Act only if
11 the Department finds that the applicant or the person to whom
12 such card 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) A person under 21 years of age who does not have
17 the written consent of his parent or guardian to acquire
18 and possess firearms and firearm ammunition, or whose
19 parent or guardian has revoked such written consent, or
20 where such parent or guardian does not qualify to have a
21 Firearm Owner's Identification Card;

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

1 (d) A person addicted to narcotics;

2 (e) A person who has been a patient of a mental
3 institution within the past 5 years or has been adjudicated
4 as a mental defective;

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

8 For the purposes of this Section, "mental condition"
9 means a state of mind manifested by violent, suicidal,
10 threatening or assaultive behavior.

11 (g) A person who is mentally retarded;

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

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

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

23 (1) admitted to the United States for lawful
24 hunting or sporting purposes;

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

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

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

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

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

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

16 (j) A person who is subject to an existing order of
17 protection prohibiting him or her from possessing a
18 firearm;

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

24 (l) A person who has been convicted of domestic battery
25 or a substantially similar offense in another jurisdiction
26 committed on or after January 1, 1998;

1 (m) A person who has been convicted within the past 5
2 years of domestic battery or a substantially similar
3 offense in another jurisdiction committed before January
4 1, 1998;

5 (n) A person who is prohibited from acquiring or
6 possessing firearms or firearm ammunition by any Illinois
7 State statute or by federal law;

8 (o) A minor subject to a petition filed under Section
9 5-520 of the Juvenile Court Act of 1987 alleging that the
10 minor is a delinquent minor for the commission of an
11 offense that if committed by an adult would be a felony; or

12 (p) An adult who had been adjudicated a delinquent
13 minor under the Juvenile Court Act of 1987 for the
14 commission of an offense that if committed by an adult
15 would be a felony.

16 (B) The Department of State Police may revoke and seize a
17 Firearm Owner's Identification Card previously issued under
18 this Act of a person who fails to report the loss or theft of a
19 handgun a second time to the local law enforcement agency
20 within 72 hours after obtaining knowledge of the second loss or
21 theft.

22 (Source: P.A. 95-581, eff. 6-1-08.)

23 Section 10. The Criminal Code of 1961 is amended by adding
24 Section 24-4.1 as follows:

1 (720 ILCS 5/24-4.1 new)

2 Sec. 24-4.1. Report of lost or stolen handguns.

3 (a) If a person who possesses a valid Firearm Owner's
4 Identification Card and who possesses or acquires a handgun
5 thereafter loses or misplaces the handgun, or if the handgun is
6 stolen from the person, the person must report the loss or
7 theft to the local law enforcement agency within 72 hours after
8 obtaining knowledge of the loss or theft.

9 (b) Sentence. A person who violates this Section is guilty
10 of a petty offense for a first violation. A second or
11 subsequent violation of this Section is a Class A misdemeanor.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.