

1 AN ACT concerning firearms.

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 and by adding Section 8.3 as  
6 follows:

7 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

16 (b) A person under 21 years of age who does not have the  
17 written consent of his parent or guardian to acquire and  
18 possess firearms and firearm ammunition, or whose parent or  
19 guardian has revoked such written consent, or where such parent  
20 or guardian does not qualify to have a Firearm Owner's  
21 Identification Card;

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

1 (d) A person addicted to narcotics;

2 (e) A person who has been a patient of a mental institution  
3 within the past 5 years or has been adjudicated as a mental  
4 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, any  
7 other person or persons or the community;

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

11 (g) A person who is mentally retarded;

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

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

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

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

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

26 (A) accredited to the United States Government or

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

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

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

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

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

15          (j) (Blank);

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

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

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

26          (n) A person who is prohibited from acquiring or possessing

1 firearms or firearm ammunition by any Illinois State statute or  
2 by federal law;

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

7 (p) An adult who had been adjudicated a delinquent minor  
8 under the Juvenile Court Act of 1987 for the commission of an  
9 offense that if committed by an adult would be a felony; or -

10 (q) A student or former student of a secondary school or  
11 institution of higher learning who has been identified by the  
12 administration of that school or institution as a person who  
13 has acted in a mentally erratic or violent nature while  
14 enrolled, thereby creating a possible threat to the safety of  
15 the student body, faculty, or staff of the school or  
16 institution. For the purposes of this paragraph (q) and Section  
17 8.3 of this Act, "secondary school" means a public or private  
18 institution that provides education for any of grades 9 through  
19 12 or their equivalent; and "institution of higher learning"  
20 means a public or private college, university, or community  
21 college located in the State of Illinois that is authorized by  
22 the Board of Higher Education or the Illinois Community College  
23 Board to issue post-secondary degrees.

24 (Source: P.A. 95-581, eff. 6-1-08; 96-701, eff. 1-1-10.)

25 (430 ILCS 65/8.3 new)

1       Sec. 8.3. Secondary schools and institutions of higher  
2 learning may report mentally erratic or violent behavior by  
3 students and former students to the local law enforcement  
4 agency. Secondary schools and institutions of higher learning  
5 that wish to report mentally erratic or violent behavior by  
6 students and former students for purposes of revocation of an  
7 individual's Firearm Owner's Identification Card shall first  
8 report the incidents to the local law enforcement agency of  
9 jurisdiction. Upon investigation of the purported incidents of  
10 mentally erratic or violent behavior, the local law enforcement  
11 agency of jurisdiction may report the information to the  
12 Department of State Police. The Department of State Police may  
13 use such information to determine whether to deny an  
14 application for or to revoke and seize the student or former  
15 student's Firearm Owner's Identification Card under paragraph  
16 (g) of Section 8 of this Act. If the Department of State Police  
17 acts to suspend or revoke the student or former student's  
18 Firearm Owner's Identification Card, the local law enforcement  
19 agency of jurisdiction for the secondary school or institution  
20 of higher learning where the incidents of mentally erratic or  
21 violent behavior occurred may seize the student or former  
22 student's Firearm Owner's Identification Card and forward it to  
23 the Department of State Police. The administration of a  
24 secondary school or institution of higher learning that reports  
25 mentally erratic or violent behavior to the local law  
26 enforcement agency of jurisdiction who subsequently reports to

1 the Department of State Police is presumed to have acted in  
2 good faith and is immune from civil or criminal liability for  
3 making such report and the consequences of such report.