



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4673

Introduced 2/3/2012, by Rep. Dena M. Carli

SYNOPSIS AS INTRODUCED:

430 ILCS 65/4
430 ILCS 65/8

from Ch. 38, par. 83-4
from Ch. 38, par. 83-8

Amends the Firearm Owners Identification Card Act. Provides that the prohibition on issuance of a Firearm Owner's Identification Card and the grounds for revocation of such Card for being a patient in a mental institution within the past 5 years or for being adjudicated as a mental defective do not apply to an active law enforcement officer employed by a unit of local government. Effective immediately.

LRB097 12811 RLC 57307 b

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 Sections 4 and 8 as follows:

6 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

7 Sec. 4. (a) Each applicant for a Firearm Owner's
8 Identification Card must:

9 (1) Make application on blank forms prepared and
10 furnished at convenient locations throughout the State by
11 the Department of State Police, or by electronic means, if
12 and when made available by the Department of State Police;
13 and

14 (2) Submit evidence to the Department of State Police
15 that:

16 (i) He or she is 21 years of age or over, or if he
17 or she is under 21 years of age that he or she has the
18 written consent of his or her parent or legal guardian
19 to possess and acquire firearms and firearm ammunition
20 and that he or she has never been convicted of a
21 misdemeanor other than a traffic offense or adjudged
22 delinquent, provided, however, that such parent or
23 legal guardian is not an individual prohibited from

1 having a Firearm Owner's Identification Card and files
2 an affidavit with the Department as prescribed by the
3 Department stating that he or she is not an individual
4 prohibited from having a Card;

5 (ii) He or she has not been convicted of a felony
6 under the laws of this or any other jurisdiction;

7 (iii) He or she is not addicted to narcotics;

8 (iv) He or she has not been a patient in a mental
9 institution within the past 5 years and he or she has
10 not been adjudicated as a mental defective. This clause
11 (iv) does not apply to an active law enforcement
12 officer employed by a unit of local government;

13 (v) He or she is not mentally retarded;

14 (vi) He or she is not an alien who is unlawfully
15 present in the United States under the laws of the
16 United States;

17 (vii) He or she is not subject to an existing order
18 of protection prohibiting him or her from possessing a
19 firearm;

20 (viii) He or she has not been convicted within the
21 past 5 years of battery, assault, aggravated assault,
22 violation of an order of protection, or a substantially
23 similar offense in another jurisdiction, in which a
24 firearm was used or possessed;

25 (ix) He or she has not been convicted of domestic
26 battery or a substantially similar offense in another

1 jurisdiction committed on or after the effective date
2 of this amendatory Act of 1997;

3 (x) He or she has not been convicted within the
4 past 5 years of domestic battery or a substantially
5 similar offense in another jurisdiction committed
6 before the effective date of this amendatory Act of
7 1997;

8 (xi) He or she is not an alien who has been
9 admitted to the United States under a non-immigrant
10 visa (as that term is defined in Section 101(a)(26) of
11 the Immigration and Nationality Act (8 U.S.C.
12 1101(a)(26))), or that he or she is an alien who has
13 been lawfully admitted to the United States under a
14 non-immigrant visa if that alien is:

15 (1) admitted to the United States for lawful
16 hunting or sporting purposes;

17 (2) an official representative of a foreign
18 government who is:

19 (A) accredited to the United States
20 Government or the Government's mission to an
21 international organization having its
22 headquarters in the United States; or

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

25 (3) an official of a foreign government or
26 distinguished foreign visitor who has been so

1 designated by the Department of State;

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

5 (5) one who has received a waiver from the
6 Attorney General of the United States pursuant to
7 18 U.S.C. 922(y)(3);

8 (xii) He or she is not a minor subject to a
9 petition filed under Section 5-520 of the Juvenile
10 Court Act of 1987 alleging that the minor is a
11 delinquent minor for the commission of an offense that
12 if committed by an adult would be a felony; and

13 (xiii) He or she is not an adult who had been
14 adjudicated a delinquent minor under the Juvenile
15 Court Act of 1987 for the commission of an offense that
16 if committed by an adult would be a felony; and

17 (3) Upon request by the Department of State Police,
18 sign a release on a form prescribed by the Department of
19 State Police waiving any right to confidentiality and
20 requesting the disclosure to the Department of State Police
21 of limited mental health institution admission information
22 from another state, the District of Columbia, any other
23 territory of the United States, or a foreign nation
24 concerning the applicant for the sole purpose of
25 determining whether the applicant is or was a patient in a
26 mental health institution and disqualified because of that

1 status from receiving a Firearm Owner's Identification
2 Card. No mental health care or treatment records may be
3 requested. The information received shall be destroyed
4 within one year of receipt.

5 (a-5) Each applicant for a Firearm Owner's Identification
6 Card who is over the age of 18 shall furnish to the Department
7 of State Police either his or her driver's license number or
8 Illinois Identification Card number.

9 (a-10) Each applicant for a Firearm Owner's Identification
10 Card, who is employed as an armed security officer at a nuclear
11 energy, storage, weapons, or development facility regulated by
12 the Nuclear Regulatory Commission and who is not an Illinois
13 resident, shall furnish to the Department of State Police his
14 or her driver's license number or state identification card
15 number from his or her state of residence. The Department of
16 State Police may promulgate rules to enforce the provisions of
17 this subsection (a-10).

18 (b) Each application form shall include the following
19 statement printed in bold type: "Warning: Entering false
20 information on an application for a Firearm Owner's
21 Identification Card is punishable as a Class 2 felony in
22 accordance with subsection (d-5) of Section 14 of the Firearm
23 Owners Identification Card Act."

24 (c) Upon such written consent, pursuant to Section 4,
25 paragraph (a)(2)(i), the parent or legal guardian giving the
26 consent shall be liable for any damages resulting from the

1 applicant's use of firearms or firearm ammunition.

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

3 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

9 (a) A person under 21 years of age who has been convicted
10 of a misdemeanor other than a traffic offense or adjudged
11 delinquent;

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

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

20 (d) A person addicted to narcotics;

21 (e) A person who has been a patient of a mental institution
22 within the past 5 years or has been adjudicated as a mental
23 defective. This paragraph (e) does not apply to an active law
24 enforcement officer employed by a unit of local government;

25 (f) A person whose mental condition is of such a nature

1 that it poses a clear and present danger to the applicant, any
2 other person or persons or the community;

3 For the purposes of this Section, "mental condition" means
4 a state of mind manifested by violent, suicidal, threatening or
5 assaultive behavior.

6 (g) A person who is mentally retarded;

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

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

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

17 (1) admitted to the United States for lawful hunting or
18 sporting purposes;

19 (2) an official representative of a foreign government
20 who is:

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

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

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

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

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

10 (j) (Blank);

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

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

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

21 (n) A person who is prohibited from acquiring or possessing
22 firearms or firearm ammunition by any Illinois State statute or
23 by federal law;

24 (o) A minor subject to a petition filed under Section 5-520
25 of the Juvenile Court Act of 1987 alleging that the minor is a
26 delinquent minor for the commission of an offense that if

1 committed by an adult would be a felony; or

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

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

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.