

SB1286



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1286

Introduced 2/5/2013, by Sen. Gary Forby

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. Changes, from 21 years of age or over to 18 years of age or over, the age at which a person may apply for and be issued a Firearm Owner's Identification Card without the consent of a parent or legal guardian. Effective immediately.

LRB098 05504 RLC 35539 b

A BILL FOR

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 18 ~~21~~ years of age or over, or if
17 he or she is under 18 ~~21~~ years of age that he or she has
18 the written consent of his or her parent or legal
19 guardian to possess and acquire firearms and firearm
20 ammunition and that, if he or she is under 21 years of
21 age, he or she has never been convicted of a
22 misdemeanor other than a traffic offense or adjudged
23 delinquent, provided, however, that such parent or

1 legal guardian of an applicant under 18 years of age is
2 not an individual prohibited from having a Firearm
3 Owner's Identification Card and files an affidavit
4 with the Department as prescribed by the Department
5 stating that he or she is not an individual prohibited
6 from having a Card;

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

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

10 (iv) He or she has not been a patient in a mental
11 institution within the past 5 years and he or she has
12 not been adjudicated as a mental defective;

13 (v) He or she is not intellectually disabled;

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, aggravated domestic battery, or a

1 substantially similar offense in another jurisdiction
2 committed before, on or after January 1, 2012 (the
3 effective date of Public Act 97-158). If the applicant
4 knowingly and intelligently waives the right to have an
5 offense described in this clause (ix) tried by a jury,
6 and by guilty plea or otherwise, results in a
7 conviction for an offense in which a domestic
8 relationship is not a required element of the offense
9 but in which a determination of the applicability of 18
10 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the
11 Code of Criminal Procedure of 1963, an entry by the
12 court of a judgment of conviction for that offense
13 shall be grounds for denying the issuance of a Firearm
14 Owner's Identification Card under this Section;

15 (x) (Blank);

16 (xi) He or she is not an alien who has been
17 admitted to the United States under a non-immigrant
18 visa (as that term is defined in Section 101(a)(26) of
19 the Immigration and Nationality Act (8 U.S.C.
20 1101(a)(26))), or that he or she is an alien who has
21 been lawfully admitted to the United States under a
22 non-immigrant visa if 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
2 Government or the Government's mission to an
3 international organization having its
4 headquarters in the United 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
12 States on official business; or

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

16 (xii) He or she is not a minor subject to a
17 petition filed under Section 5-520 of the Juvenile
18 Court Act of 1987 alleging that the minor is a
19 delinquent minor for the commission of an offense that
20 if committed by an adult would be a felony;

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

25 (xiv) He or she is a resident of the State of
26 Illinois; and

1 (3) Upon request by the Department of State Police,
2 sign a release on a form prescribed by the Department of
3 State Police waiving any right to confidentiality and
4 requesting the disclosure to the Department of State Police
5 of limited mental health institution admission information
6 from another state, the District of Columbia, any other
7 territory of the United States, or a foreign nation
8 concerning the applicant for the sole purpose of
9 determining whether the applicant is or was a patient in a
10 mental health institution and disqualified because of that
11 status from receiving a Firearm Owner's Identification
12 Card. No mental health care or treatment records may be
13 requested. The information received shall be destroyed
14 within one year of receipt.

15 (a-5) Each applicant for a Firearm Owner's Identification
16 Card who is over the age of 18 shall furnish to the Department
17 of State Police either his or her Illinois driver's license
18 number or Illinois Identification Card number, except as
19 provided in subsection (a-10).

20 (a-10) Each applicant for a Firearm Owner's Identification
21 Card, who is employed as a law enforcement officer, an armed
22 security officer in Illinois, or by the United States Military
23 permanently assigned in Illinois and who is not an Illinois
24 resident, shall furnish to the Department of State Police his
25 or her driver's license number or state identification card
26 number from his or her state of residence. The Department of

1 State Police may promulgate rules to enforce the provisions of
2 this subsection (a-10).

3 (a-15) If an applicant applying for a Firearm Owner's
4 Identification Card moves from the residence address named in
5 the application, he or she shall immediately notify in a form
6 and manner prescribed by the Department of State Police of that
7 change of address.

8 (a-20) Each applicant for a Firearm Owner's Identification
9 Card shall furnish to the Department of State Police his or her
10 photograph. An applicant who is 21 years of age or older
11 seeking a religious exemption to the photograph requirement
12 must furnish with the application an approved copy of United
13 States Department of the Treasury Internal Revenue Service Form
14 4029. In lieu of a photograph, an applicant regardless of age
15 seeking a religious exemption to the photograph requirement
16 shall submit fingerprints on a form and manner prescribed by
17 the Department with his or her application.

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. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,
3 eff. 7-13-12; 97-1131, eff. 1-1-13.)

4 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

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

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

21 (d) A person addicted to narcotics;

22 (e) A person who has been a patient of a mental institution
23 within the past 5 years or has been adjudicated as a mental
24 defective;

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 intellectually disabled;

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,
16 aggravated domestic battery, or a substantially similar
17 offense in another jurisdiction committed before, on or after
18 January 1, 2012 (the effective date of Public Act 97-158). If
19 the applicant or person who has been previously issued a
20 Firearm Owner's Identification Card under this Act knowingly
21 and intelligently waives the right to have an offense described
22 in this paragraph (l) tried by a jury, and by guilty plea or
23 otherwise, results in a conviction for an offense in which a
24 domestic relationship is not a required element of the offense
25 but in which a determination of the applicability of 18 U.S.C.
26 922(g) (9) is made under Section 112A-11.1 of the Code of

1 Criminal Procedure of 1963, an entry by the court of a judgment
2 of conviction for that offense shall be grounds for denying an
3 application for and for revoking and seizing a Firearm Owner's
4 Identification Card previously issued to the person under this
5 Act;

6 (m) (Blank);

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

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

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

17 (q) A person who is not a resident of the State of
18 Illinois, except as provided in subsection (a-10) of Section 4.
19 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
20 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.