



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB4359

by Rep. Greg Harris

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Police Training Act. Provides that the annual training of each police chief and deputy police chief must include at least one course on the Firearm Owners Identification Card Act, the Firearm Concealed Carry Act, and firearms investigations. Amends the Firearm Owners Identification Card Act. Provides that the Department of State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card (FOID card) previously issued under the Act if the Department finds that the applicant or the person to whom the card was issued is or was at the time of issuance a person named on the consolidated Terrorist Watchlist maintained by the Terrorist Screening Center administered by the Federal Bureau of Investigation. Provides that if the Department of State Police has not received the Firearm Disposition Record within 5 business days after sending notice of revocation and seizure of an FOID card, the Department must send a second notice to the sheriff and law enforcement agency where the person resides. The second notice shall include the compliance requirements under the Act. Upon receiving the second notice, the sheriff or law enforcement agency shall report to the Department the status and efforts pursued regarding compliance under the Act. If the person whose FOID card has been revoked fails to comply with the requirements of the Act, the sheriff or law enforcement agency where the person resides shall (rather than may) petition the court for a warrant to search for and seize the person's FOID card and firearms. Provides that within 30 days after the effective date of the amendatory Act, and by January 31 of each year thereafter, the Department of State Police shall provide written notice of the requirements of this provision to every sheriff and law enforcement agency within the State. Effective immediately.

LRB099 15666 MRW 40044 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Police Training Act is amended by  
5 changing Section 10.7 as follows:

6 (50 ILCS 705/10.7)

7 Sec. 10.7. Mandatory training; police chief and deputy  
8 police chief. Each police chief and deputy police chief shall  
9 obtain at least 20 hours of training each year. The training  
10 must be approved by the Illinois Law Enforcement Training and  
11 Standards Board and must be related to law enforcement,  
12 management or executive development, or ethics, and must  
13 include at least one course on the Firearm Owners  
14 Identification Card Act, the Firearm Concealed Carry Act, and  
15 firearms investigations. This requirement may be satisfied by  
16 attending any training portion of a conference held by an  
17 association that represents chiefs of police that has been  
18 approved by the Illinois Law Enforcement Training and Standards  
19 Board. Any police chief and any deputy police chief, upon  
20 presentation of a certificate of completion from the person or  
21 entity conducting the training, shall be reimbursed by the  
22 municipality in accordance with the municipal policy  
23 regulating the terms of reimbursement, for his or her

1 reasonable expenses in obtaining the training required under  
2 this Section. No police chief or deputy police chief may attend  
3 any recognized training offering without the prior approval of  
4 his or her municipal mayor, manager, or immediate supervisor.

5 This Section does not apply to the City of Chicago or the  
6 Sheriff's Police Department in Cook County.

7 (Source: P.A. 94-354, eff. 1-1-06.)

8 Section 10. The Firearm Owners Identification Card Act is  
9 amended by changing Sections 8 and 9.5 as follows:

10 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

17 (a) A person under 21 years of age who has been  
18 convicted of a misdemeanor other than a traffic offense or  
19 adjudged delinquent;

20 (b) A person under 21 years of age who does not have  
21 the written consent of his parent or guardian to acquire  
22 and possess firearms and firearm ammunition, or whose  
23 parent or guardian has revoked such written consent, or  
24 where such parent or guardian does not qualify to have a

1 Firearm Owner's Identification Card;

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

4 (d) A person addicted to narcotics;

5 (e) A person who has been a patient of a mental health  
6 facility within the past 5 years or a person who has been a  
7 patient in a mental health facility more than 5 years ago  
8 who has not received the certification required under  
9 subsection (u) of this Section. An active law enforcement  
10 officer employed by a unit of government who is denied,  
11 revoked, or has his or her Firearm Owner's Identification  
12 Card seized under this subsection (e) may obtain relief as  
13 described in subsection (c-5) of Section 10 of this Act if  
14 the officer did not act in a manner threatening to the  
15 officer, another person, or the public as determined by the  
16 treating clinical psychologist or physician, and the  
17 officer seeks mental health treatment;

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

21 (g) A person who has an intellectual disability;

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

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

26 (i-5) An alien who has been admitted to the United

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

7 (1) admitted to the United States for lawful  
8 hunting or sporting purposes;

9 (2) an official representative of a foreign  
10 government who is:

11 (A) accredited to the United States Government  
12 or the Government's mission to an international  
13 organization having its headquarters in the United  
14 States; or

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

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

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

23 (5) one who has received a waiver from the Attorney  
24 General of the United States pursuant to 18 U.S.C.  
25 922 (y) (3);

26 (j) (Blank);

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

6           (l) A person who has been convicted of domestic  
7 battery, aggravated domestic battery, or a substantially  
8 similar offense in another jurisdiction committed before,  
9 on or after January 1, 2012 (the effective date of Public  
10 Act 97-158). If the applicant or person who has been  
11 previously issued a Firearm Owner's Identification Card  
12 under this Act knowingly and intelligently waives the right  
13 to have an offense described in this paragraph (l) tried by  
14 a jury, and by guilty plea or otherwise, results in a  
15 conviction for an offense in which a domestic relationship  
16 is not a required element of the offense but in which a  
17 determination of the applicability of 18 U.S.C. 922(g)(9)  
18 is made under Section 112A-11.1 of the Code of Criminal  
19 Procedure of 1963, an entry by the court of a judgment of  
20 conviction for that offense shall be grounds for denying an  
21 application for and for revoking and seizing a Firearm  
22 Owner's Identification Card previously issued to the  
23 person under this Act;

24           (m) (Blank);

25           (n) A person who is prohibited from acquiring or  
26 possessing firearms or firearm ammunition by any Illinois

1 State statute or by federal law;

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

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

10 (q) A person who is not a resident of the State of  
11 Illinois, except as provided in subsection (a-10) of  
12 Section 4;

13 (r) A person who has been adjudicated as a person with  
14 a mental disability;

15 (s) A person who has been found to have a developmental  
16 disability;

17 (t) A person involuntarily admitted into a mental  
18 health facility; ~~or~~

19 (u) A person who has had his or her Firearm Owner's  
20 Identification Card revoked or denied under subsection (e)  
21 of this Section or item (iv) of paragraph (2) of subsection  
22 (a) of Section 4 of this Act because he or she was a  
23 patient in a mental health facility as provided in  
24 subsection (e) of this Section, shall not be permitted to  
25 obtain a Firearm Owner's Identification Card, after the  
26 5-year period has lapsed, unless he or she has received a

1 mental health evaluation by a physician, clinical  
2 psychologist, or qualified examiner as those terms are  
3 defined in the Mental Health and Developmental  
4 Disabilities Code, and has received a certification that he  
5 or she is not a clear and present danger to himself,  
6 herself, or others. The physician, clinical psychologist,  
7 or qualified examiner making the certification and his or  
8 her employer shall not be held criminally, civilly, or  
9 professionally liable for making or not making the  
10 certification required under this subsection, except for  
11 willful or wanton misconduct. This subsection does not  
12 apply to a person whose firearm possession rights have been  
13 restored through administrative or judicial action under  
14 Section 10 or 11 of this Act; or

15 (v) A person named on the consolidated Terrorist  
16 Watchlist maintained by the Terrorist Screening Center  
17 administered by the Federal Bureau of Investigation.

18 Upon revocation of a person's Firearm Owner's  
19 Identification Card, the Department of State Police shall  
20 provide notice to the person and the person shall comply with  
21 Section 9.5 of this Act.

22 (Source: P.A. 98-63, eff. 7-9-13; 98-508, eff. 8-19-13; 98-756,  
23 eff. 7-16-14; 99-143, eff. 7-27-15.)

24 (430 ILCS 65/9.5)

25 Sec. 9.5. Revocation of Firearm Owner's Identification



1 Card.

2 (a) A person who receives a revocation notice under Section  
3 9 of this Act shall, within 48 hours of receiving notice of the  
4 revocation:

5 (1) surrender his or her Firearm Owner's  
6 Identification Card to the local law enforcement agency  
7 where the person resides. The local law enforcement agency  
8 shall provide the person a receipt and transmit the Firearm  
9 Owner's Identification Card to the Department of State  
10 Police; and

11 (2) complete a Firearm Disposition Record on a form  
12 prescribed by the Department of State Police and place his  
13 or her firearms in the location or with the person reported  
14 in the Firearm Disposition Record. The form shall require  
15 the person to disclose:

16 (A) the make, model, and serial number of each  
17 firearm owned by or under the custody and control of  
18 the revoked person;

19 (B) the location where each firearm will be  
20 maintained during the prohibited term; and

21 (C) if any firearm will be transferred to the  
22 custody of another person, the name, address and  
23 Firearm Owner's Identification Card number of the  
24 transferee.

25 (b) The local law enforcement agency shall provide a copy  
26 of the Firearm Disposition Record to the person whose Firearm

1 Owner's Identification Card has been revoked and to the  
2 Department of State Police.

3 (c) If the person whose Firearm Owner's Identification Card  
4 has been revoked fails to comply with the requirements of this  
5 Section, the sheriff or law enforcement agency where the person  
6 resides shall ~~may~~ petition the circuit court to issue a warrant  
7 to search for and seize the Firearm Owner's Identification Card  
8 and firearms in the possession or under the custody or control  
9 of the person whose Firearm Owner's Identification Card has  
10 been revoked.

11 (c-5) If the Department of State Police has not received  
12 the Firearm Disposition Record within 5 business days after  
13 sending notice under Section 9 of this Act, the Department must  
14 send a second notice to the sheriff and law enforcement agency  
15 where the person resides. The second notice shall include the  
16 requirements under this Section. Upon receiving the second  
17 notice, the sheriff or law enforcement agency shall report to  
18 the Department of State Police the status and efforts pursued  
19 regarding compliance under this Section, in a form prescribed  
20 by the Department.

21 (d) A violation of subsection (a) of this Section is a  
22 Class A misdemeanor.

23 (e) The observation of a Firearm Owner's Identification  
24 Card in the possession of a person whose Firearm Owner's  
25 Identification Card has been revoked constitutes a sufficient  
26 basis for the arrest of that person for violation of this

1 Section.

2 (f) Within 30 days after the effective date of this  
3 amendatory Act of the 98th General Assembly, the Department of  
4 State Police shall provide written notice of the requirements  
5 of this Section to persons whose Firearm Owner's Identification  
6 Cards have been revoked, suspended, or expired and who have  
7 failed to surrender their cards to the Department. Within 30  
8 days after the effective date of this amendatory Act of the  
9 99th General Assembly, and by January 31 of each year  
10 thereafter, the Department of State Police shall provide  
11 written notice of the requirements of this Section to every  
12 sheriff and law enforcement agency within this State.

13 (g) A person whose Firearm Owner's Identification Card has  
14 been revoked and who received notice under subsection (f) shall  
15 comply with the requirements of this Section within 48 hours of  
16 receiving notice.

17 (Source: P.A. 98-63, eff. 7-9-13.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.

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Statutes amended in order of appearance

3

50 ILCS 705/10.7

4

430 ILCS 65/8

from Ch. 38, par. 83-8

5

430 ILCS 65/9.5