



Rep. Brandon W. Phelps

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FISCAL NOTE ACT
MAY APPLY

09900SB0836ham001

LRB099 09057 RLC 36370 a

1 AMENDMENT TO SENATE BILL 836

2 AMENDMENT NO. _____. Amend Senate Bill 836 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Mental Health and Developmental
5 Disabilities Code is amended by changing Sections 6-103.2 and
6 6-103.3 as follows:

7 (405 ILCS 5/6-103.2)

8 Sec. 6-103.2. Developmental disability; notice. If ~~For~~
9 ~~purposes of this Section, if~~ a person 14 years old or older is
10 determined to be developmentally disabled ~~as defined in Section~~
11 ~~1.1 of the Firearm Owners Identification Card Act~~ by a
12 physician, clinical psychologist, or qualified examiner,
13 ~~whether practicing at a public or by a private mental health~~
14 ~~facility or developmental disability facility,~~ the physician,
15 clinical psychologist, or qualified examiner shall notify the
16 Department of Human Services within 7 days ~~24 hours~~ of making

1 the determination that the person has a developmental
2 disability. The Department of Human Services shall immediately
3 update its records and information relating to mental health
4 and developmental disabilities, and if appropriate, shall
5 notify the Department of State Police in a form and manner
6 prescribed by the Department of State Police. Information
7 disclosed under this Section shall remain privileged and
8 confidential, and shall not be redisclosed, except as required
9 under subsection (e) of Section 3.1 of the Firearm Owners
10 Identification Card Act, nor used for any other purpose. The
11 method of providing this information shall guarantee that the
12 information is not released beyond that which is necessary for
13 the purpose of this Section and shall be provided by rule by
14 the Department of Human Services. The identity of the person
15 reporting under this Section shall not be disclosed to the
16 subject of the report.

17 The physician, clinical psychologist, or qualified
18 examiner making the determination and his or her employer may
19 not be held criminally, civilly, or professionally liable for
20 making or not making the notification required under this
21 Section, except for willful or wanton misconduct.

22 For purposes of this Section, "developmentally disabled"
23 means a disability which is attributable to any other condition
24 which results in impairment similar to that caused by an
25 intellectual disability and which requires services similar to
26 those required by intellectually disabled persons. The

1 disability must originate before the age of 18 years, be
2 expected to continue indefinitely, and constitute a
3 substantial disability. This disability results in the
4 professional opinion of a physician, clinical psychologist, or
5 qualified examiner, in significant functional limitations in 3
6 or more of the following areas of major life activity:

7 (i) self-care;

8 (ii) receptive and expressive language;

9 (iii) learning;

10 (iv) mobility; or

11 (v) self-direction.

12 "Determined to be developmentally disabled by a physician,
13 clinical psychologist, or qualified examiner" means in the
14 professional opinion of the physician, clinical psychologist,
15 or qualified examiner, a person is diagnosed, assessed, or
16 evaluated to be developmentally disabled.

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

18 (405 ILCS 5/6-103.3)

19 Sec. 6-103.3. Clear and present danger; notice. If a person
20 is determined to pose a clear and present danger to himself,
21 herself, or to others by a physician, clinical psychologist, or
22 qualified examiner, whether employed by the State, by any
23 public or private mental health facility or part thereof, or by
24 a law enforcement official or a school administrator, then the
25 physician, clinical psychologist, qualified examiner shall

1 notify the Department of Human Services and a law enforcement
2 official or school administrator shall notify the Department of
3 State Police, within 24 hours of making the determination that
4 the person poses a clear and present danger. The Department of
5 Human Services shall immediately update its records and
6 information relating to mental health and developmental
7 disabilities, and if appropriate, shall notify the Department
8 of State Police in a form and manner prescribed by the
9 Department of State Police. Information disclosed under this
10 Section shall remain privileged and confidential, and shall not
11 be redisclosed, except as required under subsection (e) of
12 Section 3.1 of the Firearm Owners Identification Card Act, nor
13 used for any other purpose. The method of providing this
14 information shall guarantee that the information is not
15 released beyond that which is necessary for the purpose of this
16 Section and shall be provided by rule by the Department of
17 Human Services. The identity of the person reporting under this
18 Section shall not be disclosed to the subject of the report.
19 The physician, clinical psychologist, qualified examiner, law
20 enforcement official, or school administrator making the
21 determination and his or her employer shall not be held
22 criminally, civilly, or professionally liable for making or not
23 making the notification required under this Section, except for
24 willful or wanton misconduct. This Section does not apply to a
25 law enforcement official, if making the notification under this
26 Section will interfere with an ongoing or pending criminal

1 investigation.

2 For the purposes of this Section:

3 "Clear and present danger" has the meaning ascribed to
4 it in Section 1.1 of the Firearm Owners Identification Card
5 Act.

6 "Determined to pose a clear and present danger to
7 himself, herself, or to others by a physician, clinical
8 psychologist, or qualified examiner" means in the
9 professional opinion of the physician, clinical
10 psychologist, or qualified examiner, a person poses a clear
11 and present danger.

12 "School administrator" means the person required to
13 report under the School Administrator Reporting of Mental
14 Health Clear and Present Danger Determinations Law.

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

16 Section 10. The Firearm Owners Identification Card Act is
17 amended by changing Sections 1.1, 2, 3, 3a, and 10 as follows:

18 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

19 Sec. 1.1. For purposes of this Act:

20 "Addicted to narcotics" means a person who has been:

21 (1) convicted of an offense involving the use or
22 possession of cannabis, a controlled substance, or
23 methamphetamine within the past year; or

24 (2) determined by the Department of State Police to be

1 addicted to narcotics based upon federal law or federal
2 guidelines.

3 "Addicted to narcotics" does not include possession or use
4 of a prescribed controlled substance under the direction and
5 authority of a physician or other person authorized to
6 prescribe the controlled substance when the controlled
7 substance is used in the prescribed manner.

8 "Adjudicated as a mentally disabled person" means the
9 person is the subject of a determination by a court, board,
10 commission or other lawful authority that the person, as a
11 result of marked subnormal intelligence, or mental illness,
12 mental impairment, incompetency, condition, or disease:

13 (1) presents a clear and present danger to himself,
14 herself, or to others;

15 (2) lacks the mental capacity to manage his or her own
16 affairs or is adjudicated a disabled person as defined in
17 Section 11a-2 of the Probate Act of 1975;

18 (3) is not guilty in a criminal case by reason of
19 insanity, mental disease or defect;

20 (3.5) is guilty but mentally ill, as provided in
21 Section 5-2-6 of the Unified Code of Corrections;

22 (4) is incompetent to stand trial in a criminal case;

23 (5) is not guilty by reason of lack of mental
24 responsibility under Articles 50a and 72b of the Uniform
25 Code of Military Justice, 10 U.S.C. 850a, 876b;

26 (6) is a sexually violent person under subsection (f)

1 of Section 5 of the Sexually Violent Persons Commitment
2 Act;

3 (7) is a sexually dangerous person under the Sexually
4 Dangerous Persons Act;

5 (8) is unfit to stand trial under the Juvenile Court
6 Act of 1987;

7 (9) is not guilty by reason of insanity under the
8 Juvenile Court Act of 1987;

9 (10) is subject to involuntary admission as an
10 inpatient as defined in Section 1-119 of the Mental Health
11 and Developmental Disabilities Code;

12 (11) is subject to involuntary admission as an
13 outpatient as defined in Section 1-119.1 of the Mental
14 Health and Developmental Disabilities Code;

15 (12) is subject to judicial admission as set forth in
16 Section 4-500 of the Mental Health and Developmental
17 Disabilities Code; or

18 (13) is subject to the provisions of the Interstate
19 Agreements on Sexually Dangerous Persons Act.

20 "Clear and present danger" means a person who:

21 (1) communicates a serious threat of physical violence
22 against a reasonably identifiable victim or poses a clear
23 and imminent risk of serious physical injury to himself,
24 herself, or another person as determined by a physician,
25 clinical psychologist, or qualified examiner; or

26 (2) demonstrates threatening physical or verbal

1 behavior, such as violent, suicidal, or assaultive
2 threats, actions, or other behavior, as determined by a
3 physician, clinical psychologist, qualified examiner,
4 school administrator, or law enforcement official.

5 "Clinical psychologist" has the meaning provided in
6 Section 1-103 of the Mental Health and Developmental
7 Disabilities Code.

8 "Controlled substance" means a controlled substance or
9 controlled substance analog as defined in the Illinois
10 Controlled Substances Act.

11 "Counterfeit" means to copy or imitate, without legal
12 authority, with intent to deceive.

13 "Developmentally disabled" means a disability which is
14 attributable to any other condition which results in impairment
15 similar to that caused by an intellectual disability and which
16 requires services similar to those required by intellectually
17 disabled persons. The disability must originate before the age
18 of 18 years, be expected to continue indefinitely, and
19 constitute a substantial disability ~~handicap~~.

20 This disability results in the professional opinion of a
21 physician, clinical psychologist, or qualified examiner, in
22 significant functional limitations in 3 or more of the
23 following areas of major life activity:

24 (i) self-care;

25 (ii) receptive and expressive language;

26 (iii) learning;

1 (iv) mobility; or

2 (v) self-direction.

3 "Federally licensed firearm dealer" means a person who is
4 licensed as a federal firearms dealer under Section 923 of the
5 federal Gun Control Act of 1968 (18 U.S.C. 923).

6 "Firearm" means any device, by whatever name known, which
7 is designed to expel a projectile or projectiles by the action
8 of an explosion, expansion of gas or escape of gas; excluding,
9 however:

10 (1) any pneumatic gun, spring gun, paint ball gun, or
11 B-B gun which expels a single globular projectile not
12 exceeding .18 inch in diameter or which has a maximum
13 muzzle velocity of less than 700 feet per second;

14 (1.1) any pneumatic gun, spring gun, paint ball gun, or
15 B-B gun which expels breakable paint balls containing
16 washable marking colors;

17 (2) any device used exclusively for signalling or
18 safety and required or recommended by the United States
19 Coast Guard or the Interstate Commerce Commission;

20 (3) any device used exclusively for the firing of stud
21 cartridges, explosive rivets or similar industrial
22 ammunition; and

23 (4) an antique firearm (other than a machine-gun)
24 which, although designed as a weapon, the Department of
25 State Police finds by reason of the date of its
26 manufacture, value, design, and other characteristics is

1 primarily a collector's item and is not likely to be used
2 as a weapon.

3 "Firearm ammunition" means any self-contained cartridge or
4 shotgun shell, by whatever name known, which is designed to be
5 used or adaptable to use in a firearm; excluding, however:

6 (1) any ammunition exclusively designed for use with a
7 device used exclusively for signalling or safety and
8 required or recommended by the United States Coast Guard or
9 the Interstate Commerce Commission; and

10 (2) any ammunition designed exclusively for use with a
11 stud or rivet driver or other similar industrial
12 ammunition.

13 "Gun show" means an event or function:

14 (1) at which the sale and transfer of firearms is the
15 regular and normal course of business and where 50 or more
16 firearms are displayed, offered, or exhibited for sale,
17 transfer, or exchange; or

18 (2) at which not less than 10 gun show vendors display,
19 offer, or exhibit for sale, sell, transfer, or exchange
20 firearms.

21 "Gun show" includes the entire premises provided for an
22 event or function, including parking areas for the event or
23 function, that is sponsored to facilitate the purchase, sale,
24 transfer, or exchange of firearms as described in this Section.
25 Nothing in this definition shall be construed to exclude a gun
26 show held in conjunction with competitive shooting events at

1 the World Shooting Complex sanctioned by a national governing
2 body in which the sale or transfer of firearms is authorized
3 under subparagraph (5) of paragraph (g) of subsection (A) of
4 Section 24-3 of the Criminal Code of 2012.

5 Unless otherwise expressly stated, "gun show" ~~"Gun show"~~
6 does not include training or safety classes, competitive
7 shooting events, such as rifle, shotgun, or handgun matches,
8 trap, skeet, or sporting clays shoots, dinners, banquets,
9 raffles, or any other event where the sale or transfer of
10 firearms is not the primary course of business.

11 "Gun show promoter" means a person who organizes or
12 operates a gun show.

13 "Gun show vendor" means a person who exhibits, sells,
14 offers for sale, transfers, or exchanges any firearms at a gun
15 show, regardless of whether the person arranges with a gun show
16 promoter for a fixed location from which to exhibit, sell,
17 offer for sale, transfer, or exchange any firearm.

18 "Intellectually disabled" means significantly subaverage
19 general intellectual functioning which exists concurrently
20 with impairment in adaptive behavior and which originates
21 before the age of 18 years.

22 "Involuntarily admitted" has the meaning as prescribed in
23 Sections 1-119 and 1-119.1 of the Mental Health and
24 Developmental Disabilities Code.

25 "Mental health facility" means any licensed private
26 hospital or hospital affiliate, institution, or facility, or

1 part thereof, and any facility, or part thereof, operated by
2 the State or a political subdivision thereof which provide
3 treatment of persons with mental illness and includes all
4 hospitals, institutions, clinics, evaluation facilities,
5 mental health centers, colleges, universities, long-term care
6 facilities, and nursing homes, or parts thereof, which provide
7 treatment of persons with mental illness whether or not the
8 primary purpose is to provide treatment of persons with mental
9 illness.

10 "National governing body" means a group of persons who
11 adopt rules and formulate policy on behalf of a national
12 firearm sporting organization.

13 "Patient" means:

14 (1) a person who voluntarily receives mental health
15 treatment as an in-patient or resident of any public or
16 private mental health facility, unless the treatment was
17 solely for an alcohol abuse disorder and no other secondary
18 substance abuse disorder or mental illness; or

19 (2) a person who voluntarily receives mental health
20 treatment as an out-patient or is provided services by a
21 public or private mental health facility, and who poses a
22 clear and present danger to himself, herself, or to others.

23 "Physician" has the meaning as defined in Section 1-120 of
24 the Mental Health and Developmental Disabilities Code.

25 "Qualified examiner" has the meaning provided in Section
26 1-122 of the Mental Health and Developmental Disabilities Code.

1 "Sanctioned competitive shooting event" means a shooting
2 contest officially recognized by a national or state shooting
3 sport association, and includes any sight-in or practice
4 conducted in conjunction with the event.

5 "School administrator" means the person required to report
6 under the School Administrator Reporting of Mental Health Clear
7 and Present Danger Determinations Law.

8 "Stun gun or taser" has the meaning ascribed to it in
9 Section 24-1 of the Criminal Code of 2012.

10 (Source: P.A. 97-776, eff. 7-13-12; 97-1150, eff. 1-25-13;
11 97-1167, eff. 6-1-13; 98-63, eff. 7-9-13.)

12 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

13 Sec. 2. Firearm Owner's Identification Card required;
14 exceptions.

15 (a) (1) No person may acquire or possess any firearm, stun
16 gun, or taser within this State without having in his or
17 her possession a Firearm Owner's Identification Card
18 previously issued in his or her name by the Department of
19 State Police under the provisions of this Act.

20 (2) No person may acquire or possess firearm ammunition
21 within this State without having in his or her possession a
22 Firearm Owner's Identification Card previously issued in
23 his or her name by the Department of State Police under the
24 provisions of this Act.

25 (b) The provisions of this Section regarding the possession

1 of firearms, firearm ammunition, stun guns, and tasers do not
2 apply to:

3 (1) United States Marshals, while engaged in the
4 operation of their official duties;

5 (2) Members of the Armed Forces of the United States or
6 the National Guard, while engaged in the operation of their
7 official duties;

8 (3) Federal officials required to carry firearms,
9 while engaged in the operation of their official duties;

10 (4) Members of bona fide veterans organizations which
11 receive firearms directly from the armed forces of the
12 United States, while using the firearms for ceremonial
13 purposes with blank ammunition;

14 (5) Nonresident hunters during hunting season, with
15 valid nonresident hunting licenses and while in an area
16 where hunting is permitted; however, at all other times and
17 in all other places these persons must have their firearms
18 unloaded and enclosed in a case;

19 (6) Those hunters exempt from obtaining a hunting
20 license who are required to submit their Firearm Owner's
21 Identification Card when hunting on Department of Natural
22 Resources owned or managed sites;

23 (7) Nonresidents while on a firing or shooting range
24 recognized by the Department of State Police; however,
25 these persons must at all other times and in all other
26 places have their firearms unloaded and enclosed in a case;

1 (8) Nonresidents while at a firearm showing or display
2 recognized by the Department of State Police; however, at
3 all other times and in all other places these persons must
4 have their firearms unloaded and enclosed in a case;

5 (9) Nonresidents whose firearms are unloaded and
6 enclosed in a case;

7 (10) Nonresidents who are currently licensed or
8 registered to possess a firearm in their resident state;

9 (11) Unemancipated minors while in the custody and
10 immediate control of their parent or legal guardian or
11 other person in loco parentis to the minor if the parent or
12 legal guardian or other person in loco parentis to the
13 minor has a currently valid Firearm Owner's Identification
14 Card;

15 (12) Color guards of bona fide veterans organizations
16 or members of bona fide American Legion bands while using
17 firearms for ceremonial purposes with blank ammunition;

18 (13) Nonresident hunters whose state of residence does
19 not require them to be licensed or registered to possess a
20 firearm and only during hunting season, with valid hunting
21 licenses, while accompanied by, and using a firearm owned
22 by, a person who possesses a valid Firearm Owner's
23 Identification Card and while in an area within a
24 commercial club licensed under the Wildlife Code where
25 hunting is permitted and controlled, but in no instance
26 upon sites owned or managed by the Department of Natural

1 Resources;

2 (14) Resident hunters who are properly authorized to
3 hunt and, while accompanied by a person who possesses a
4 valid Firearm Owner's Identification Card, hunt in an area
5 within a commercial club licensed under the Wildlife Code
6 where hunting is permitted and controlled;

7 (15) A person who is otherwise eligible to obtain a
8 Firearm Owner's Identification Card under this Act and is
9 under the direct supervision of a holder of a Firearm
10 Owner's Identification Card who is 21 years of age or older
11 while the person is on a firing or shooting range or is a
12 participant in a firearms safety and training course
13 recognized by a law enforcement agency or a national,
14 statewide shooting sports organization; and

15 (16) Competitive shooting athletes whose competition
16 firearms are sanctioned by the International Olympic
17 Committee, the International Paralympic Committee, the
18 International Shooting Sport Federation, or USA Shooting
19 in connection with such athletes' training for and
20 participation in shooting competitions at the 2016 Olympic
21 and Paralympic Games and sanctioned test events leading up
22 to the 2016 Olympic and Paralympic Games.

23 (c) The provisions of this Section regarding the
24 acquisition and possession of firearms, firearm ammunition,
25 stun guns, and tasers do not apply to law enforcement officials
26 of this or any other jurisdiction, while engaged in the

1 operation of their official duties.

2 (c-5) The provisions of paragraphs (1) and (2) of
3 subsection (a) of this Section regarding the possession of
4 firearms and firearm ammunition do not apply to the holder of a
5 valid concealed carry license issued under the Firearm
6 Concealed Carry Act who is in physical possession of the
7 concealed carry license.

8 (d) Any person who becomes a resident of this State, who is
9 not otherwise prohibited from obtaining, possessing, or using a
10 firearm or firearm ammunition, shall not be required to have a
11 Firearm Owner's Identification Card to possess firearms or
12 firearms ammunition until 60 calendar days after he or she
13 obtains an Illinois driver's license or Illinois
14 Identification Card.

15 (Source: P.A. 96-7, eff. 4-3-09; 97-1131, eff. 1-1-13.)

16 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

17 Sec. 3. (a) Except as provided in Section 3a, no person may
18 knowingly transfer, or cause to be transferred, any firearm,
19 firearm ammunition, stun gun, or taser to any person within
20 this State unless the transferee with whom he deals displays
21 either: (1) a currently valid Firearm Owner's Identification
22 Card which has previously been issued in his or her name by the
23 Department of State Police under the provisions of this Act; or
24 (2) a currently valid license to carry a concealed firearm
25 which has previously been issued in his or her name by the

1 Department of State Police under the Firearm Concealed Carry
2 Act. In addition, all firearm, stun gun, and taser transfers by
3 federally licensed firearm dealers are subject to Section 3.1.

4 (a-5) Any person who is not a federally licensed firearm
5 dealer and who desires to transfer or sell a firearm while that
6 person is on the grounds of a gun show must, before selling or
7 transferring the firearm, request the Department of State
8 Police to conduct a background check on the prospective
9 recipient of the firearm in accordance with Section 3.1.

10 (a-10) Notwithstanding item (2) of subsection (a) of this
11 Section, any ~~Any~~ person who is not a federally licensed firearm
12 dealer and who desires to transfer or sell a firearm or
13 firearms to any person who is not a federally licensed firearm
14 dealer shall, before selling or transferring the firearms,
15 contact the Department of State Police with the transferee's or
16 purchaser's Firearm Owner's Identification Card number to
17 determine the validity of the transferee's or purchaser's
18 Firearm Owner's Identification Card. This subsection shall not
19 be effective until January 1, 2014. The Department of State
20 Police may adopt rules concerning the implementation of this
21 subsection. The Department of State Police shall provide the
22 seller or transferor an approval number if the purchaser's
23 Firearm Owner's Identification Card is valid. Approvals issued
24 by the Department for the purchase of a firearm pursuant to
25 this subsection are valid for 30 days from the date of issue.

26 (a-15) The provisions of subsection (a-10) of this Section

1 do not apply to:

2 (1) transfers that occur at the place of business of a
3 federally licensed firearm dealer, if the federally
4 licensed firearm dealer conducts a background check on the
5 prospective recipient of the firearm in accordance with
6 Section 3.1 of this Act and follows all other applicable
7 federal, State, and local laws as if he or she were the
8 seller or transferor of the firearm, although the dealer is
9 not required to accept the firearm into his or her
10 inventory. The purchaser or transferee may be required by
11 the federally licensed firearm dealer to pay a fee not to
12 exceed \$10 per firearm, which the dealer may retain as
13 compensation for performing the functions required under
14 this paragraph, plus the applicable fees authorized by
15 Section 3.1;

16 (2) transfers as a bona fide gift to the transferor's
17 husband, wife, son, daughter, stepson, stepdaughter,
18 father, mother, stepfather, stepmother, brother, sister,
19 nephew, niece, uncle, aunt, grandfather, grandmother,
20 grandson, granddaughter, father-in-law, mother-in-law,
21 son-in-law, or daughter-in-law;

22 (3) transfers by persons acting pursuant to operation
23 of law or a court order;

24 (4) transfers on the grounds of a gun show under
25 subsection (a-5) of this Section;

26 (5) the delivery of a firearm by its owner to a

1 gunsmith for service or repair, the return of the firearm
2 to its owner by the gunsmith, or the delivery of a firearm
3 by a gunsmith to a federally licensed firearms dealer for
4 service or repair and the return of the firearm to the
5 gunsmith;

6 (6) temporary transfers that occur while in the home of
7 the unlicensed transferee, if the unlicensed transferee is
8 not otherwise prohibited from possessing firearms and the
9 unlicensed transferee reasonably believes that possession
10 of the firearm is necessary to prevent imminent death or
11 great bodily harm to the unlicensed transferee;

12 (7) transfers to a law enforcement or corrections
13 agency or a law enforcement or corrections officer acting
14 within the course and scope of his or her official duties;

15 (8) transfers of firearms that have been rendered
16 permanently inoperable to a nonprofit historical society,
17 museum, or institutional collection; and

18 (9) transfers to a person who is exempt from the
19 requirement of possessing a Firearm Owner's Identification
20 Card under Section 2 of this Act.

21 (a-20) The Department of State Police shall develop an
22 Internet-based system for individuals to determine the
23 validity of a Firearm Owner's Identification Card prior to the
24 sale or transfer of a firearm. The Department shall have the
25 Internet-based system completed and available for use by July
26 1, 2015. The Department shall adopt rules not inconsistent with

1 this Section to implement this system.

2 (b) Any person within this State who transfers or causes to
3 be transferred any firearm, stun gun, or taser shall keep a
4 record of such transfer for a period of 10 years from the date
5 of transfer. Such record shall contain the date of the
6 transfer; the description, serial number or other information
7 identifying the firearm, stun gun, or taser if no serial number
8 is available; and, if the transfer was completed within this
9 State, the transferee's Firearm Owner's Identification Card
10 number and any approval number or documentation provided by the
11 Department of State Police pursuant to subsection (a-10) of
12 this Section. On or after January 1, 2006, the record shall
13 contain the date of application for transfer of the firearm. On
14 demand of a peace officer such transferor shall produce for
15 inspection such record of transfer. If the transfer or sale
16 took place at a gun show, the record shall include the unique
17 identification number. Failure to record the unique
18 identification number or approval number is a petty offense.

19 (b-5) Any resident may purchase ammunition from a person
20 within or outside of Illinois if shipment is by United States
21 mail or by a private express carrier authorized by federal law
22 to ship ammunition. Any resident purchasing ammunition within
23 or outside the State of Illinois must provide the seller with a
24 copy of his or her valid Firearm Owner's Identification Card or
25 valid concealed carry license and either his or her Illinois
26 driver's license or Illinois State Identification Card prior to

1 the shipment of the ammunition. The ammunition may be shipped
2 only to an address on either of those 2 documents.

3 (c) The provisions of this Section regarding the transfer
4 of firearm ammunition shall not apply to those persons
5 specified in paragraph (b) of Section 2 of this Act.

6 (Source: P.A. 97-1135, eff. 12-4-12; 98-508, eff. 8-19-13.)

7 (430 ILCS 65/3a) (from Ch. 38, par. 83-3a)

8 Sec. 3a. (a) Any resident of Illinois who has obtained a
9 firearm owner's identification card pursuant to this Act and
10 who is not otherwise prohibited from obtaining, possessing or
11 using a firearm may purchase or obtain a rifle or shotgun or
12 ammunition for a rifle or shotgun in Iowa, Missouri, Indiana,
13 Wisconsin or Kentucky.

14 (b) Any resident of Iowa, Missouri, Indiana, Wisconsin or
15 Kentucky or a non-resident with a valid non-resident hunting
16 license, who is 18 years of age or older and who is not
17 prohibited by the laws of Illinois, the state of his domicile,
18 or the United States from obtaining, possessing or using a
19 firearm, may purchase or obtain a rifle, shotgun or ammunition
20 for a rifle or shotgun in Illinois.

21 (b-5) Any non-resident who is participating in a sanctioned
22 competitive shooting event, who is 18 years of age or older and
23 who is not prohibited by the laws of Illinois, the state of his
24 or her domicile, or the United States from obtaining,
25 possessing, or using a firearm, may purchase or obtain a

1 shotgun or shotgun ammunition in Illinois for the purpose of
2 participating in that event. A person may purchase or obtain a
3 shotgun or shotgun ammunition under this subsection only at the
4 site where the sanctioned competitive shooting event is being
5 held.

6 (b-10) Any non-resident registered competitor or attendee
7 of a competitive shooting event held at the World Shooting
8 Complex sanctioned by a national governing body, who is not
9 prohibited by the laws of Illinois, the state of his or her
10 domicile, or the United States from obtaining, possessing, or
11 using a firearm may purchase or obtain a rifle, shotgun, or
12 other long gun or ammunition for a rifle, shotgun, or other
13 long gun at the competitive shooting event. The sanctioning
14 body shall provide a list of registered competitors and
15 attendees as required under subparagraph (5) of paragraph (g)
16 of subsection (A) of Section 24-3 of the Criminal Code of 2012.
17 A competitor or attendee of a competitive shooting event who
18 does not wish to purchase a firearm at the event is not
19 required to register or have his or her name appear on a list
20 of registered competitors and attendees provided to the
21 Department of State Police by the sanctioning body.

22 (c) Any transaction under this Section is subject to the
23 provisions of the Gun Control Act of 1968 (18 U.S.C. 922
24 (b) (3)).

25 (Source: P.A. 94-353, eff. 7-29-05.)

1 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

2 Sec. 10. Appeal to director; hearing; relief from firearm
3 prohibitions.

4 (a) Whenever an application for a Firearm Owner's
5 Identification Card is denied, whenever the Department fails to
6 act on an application within 30 days of its receipt, or
7 whenever such a Card is revoked or seized as provided for in
8 Section 8 of this Act, the aggrieved party may appeal to the
9 Director of State Police for a hearing upon such denial,
10 revocation or seizure, unless the denial, revocation, or
11 seizure was based upon a forcible felony, stalking, aggravated
12 stalking, domestic battery, any violation of the Illinois
13 Controlled Substances Act, the Methamphetamine Control and
14 Community Protection Act, or the Cannabis Control Act that is
15 classified as a Class 2 or greater felony, any felony violation
16 of Article 24 of the Criminal Code of 1961 or the Criminal Code
17 of 2012, or any adjudication as a delinquent minor for the
18 commission of an offense that if committed by an adult would be
19 a felony, in which case the aggrieved party may petition the
20 circuit court in writing in the county of his or her residence
21 for a hearing upon such denial, revocation, or seizure.

22 (b) At least 30 days before any hearing in the circuit
23 court, the petitioner shall serve the relevant State's Attorney
24 with a copy of the petition. The State's Attorney may object to
25 the petition and present evidence. At the hearing the court
26 shall determine whether substantial justice has been done.

1 Should the court determine that substantial justice has not
2 been done, the court shall issue an order directing the
3 Department of State Police to issue a Card. However, the court
4 shall not issue the order if the petitioner is otherwise
5 prohibited from obtaining, possessing, or using a firearm under
6 federal law.

7 (c) Any person prohibited from possessing a firearm under
8 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
9 acquiring a Firearm Owner's Identification Card under Section 8
10 of this Act may apply to the Director of State Police or
11 petition the circuit court in the county where the petitioner
12 resides, whichever is applicable in accordance with subsection
13 (a) of this Section, requesting relief from such prohibition
14 and the Director or court may grant such relief if it is
15 established by the applicant to the court's or Director's
16 satisfaction that:

17 (0.05) when in the circuit court, the State's Attorney
18 has been served with a written copy of the petition at
19 least 30 days before any such hearing in the circuit court
20 and at the hearing the State's Attorney was afforded an
21 opportunity to present evidence and object to the petition;

22 (1) the applicant has not been convicted of a forcible
23 felony under the laws of this State or any other
24 jurisdiction within 20 years of the applicant's
25 application for a Firearm Owner's Identification Card, or
26 at least 20 years have passed since the end of any period

1 of imprisonment imposed in relation to that conviction;

2 (2) the circumstances regarding a criminal conviction,
3 where applicable, the applicant's criminal history and his
4 reputation are such that the applicant will not be likely
5 to act in a manner dangerous to public safety;

6 (3) granting relief would not be contrary to the public
7 interest; and

8 (4) granting relief would not be contrary to federal
9 law.

10 (c-5) (1) An active law enforcement officer employed by a
11 unit of government, who is denied, revoked, or has his or her
12 Firearm Owner's Identification Card seized under subsection
13 (e) of Section 8 of this Act may apply to the Director of State
14 Police requesting relief if the officer did not act in a manner
15 threatening to the officer, another person, or the public as
16 determined by the treating clinical psychologist or physician,
17 and as a result of his or her work is referred by the employer
18 for or voluntarily seeks mental health evaluation or treatment
19 by a licensed clinical psychologist, psychiatrist, or
20 qualified examiner, and:

21 (A) the officer has not received treatment
22 involuntarily at a mental health facility, regardless of
23 the length of admission; or has not been voluntarily
24 admitted to a mental health facility for more than 30 days
25 and not for more than one incident within the past 5 years;
26 and

1 (B) the officer has not left the mental institution
2 against medical advice.

3 (2) The Director of State Police shall grant expedited
4 relief to active law enforcement officers described in
5 paragraph (1) of this subsection (c-5) upon a determination by
6 the Director that the officer's possession of a firearm does
7 not present a threat to themselves, others, or public safety.
8 The Director shall act on the request for relief within 30
9 business days of receipt of:

10 (A) a notarized statement from the officer in the form
11 prescribed by the Director detailing the circumstances
12 that led to the hospitalization;

13 (B) all documentation regarding the admission,
14 evaluation, treatment and discharge from the treating
15 licensed clinical psychologist or psychiatrist of the
16 officer;

17 (C) a psychological fitness for duty evaluation of the
18 person completed after the time of discharge; and

19 (D) written confirmation in the form prescribed by the
20 Director from the treating licensed clinical psychologist
21 or psychiatrist that the provisions set forth in paragraph
22 (1) of this subsection (c-5) have been met, the person
23 successfully completed treatment, and their professional
24 opinion regarding the person's ability to possess
25 firearms.

26 (3) Officers eligible for the expedited relief in paragraph

1 (2) of this subsection (c-5) have the burden of proof on
2 eligibility and must provide all information required. The
3 Director may not consider granting expedited relief until the
4 proof and information is received.

5 (4) "Clinical psychologist", "psychiatrist", and
6 "qualified examiner" shall have the same meaning as provided in
7 Chapter I ± of the Mental Health and Developmental Disabilities
8 Code.

9 (c-10) (1) An applicant, who is denied, revoked, or has his
10 or her Firearm Owner's Identification Card seized under
11 subsection (e) of Section 8 of this Act based upon a
12 determination of a developmental disability or an intellectual
13 disability may apply to the Director of State Police requesting
14 relief.

15 (2) The Director shall act on the request for relief within
16 60 business days of receipt of written certification, in the
17 form prescribed by the Director, from a physician or clinical
18 psychologist, or qualified examiner, that the aggrieved
19 party's developmental disability or intellectual disability
20 condition is determined by a physician, clinical psychologist,
21 or qualified to be mild. If a fact-finding conference is
22 scheduled to obtain additional information concerning the
23 circumstances of the denial or revocation, the 60 business days
24 the Director has to act shall be tolled until the completion of
25 the fact-finding conference.

26 (3) The Director may grant relief if the aggrieved party's

1 developmental disability or intellectual disability is mild as
2 determined by a physician, clinical psychologist, or qualified
3 examiner and it is established by the applicant to the
4 Director's satisfaction that:

5 (A) granting relief would not be contrary to the public
6 interest; and

7 (B) granting relief would not be contrary to federal
8 law.

9 (4) The Director may not grant relief if the condition is
10 determined by a physician, clinical psychologist, or qualified
11 examiner to be moderate, severe, or profound.

12 (5) The changes made to this Section by this amendatory Act
13 of the 99th General Assembly apply to requests for relief
14 pending on or before the effective date of this amendatory Act,
15 except that the 60-day period for the Director to act on
16 requests pending before the effective date shall begin on the
17 effective date of this amendatory Act.

18 (d) When a minor is adjudicated delinquent for an offense
19 which if committed by an adult would be a felony, the court
20 shall notify the Department of State Police.

21 (e) The court shall review the denial of an application or
22 the revocation of a Firearm Owner's Identification Card of a
23 person who has been adjudicated delinquent for an offense that
24 if committed by an adult would be a felony if an application
25 for relief has been filed at least 10 years after the
26 adjudication of delinquency and the court determines that the

1 applicant should be granted relief from disability to obtain a
2 Firearm Owner's Identification Card. If the court grants
3 relief, the court shall notify the Department of State Police
4 that the disability has been removed and that the applicant is
5 eligible to obtain a Firearm Owner's Identification Card.

6 (f) Any person who is subject to the disabilities of 18
7 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
8 of 1968 because of an adjudication or commitment that occurred
9 under the laws of this State or who was determined to be
10 subject to the provisions of subsections (e), (f), or (g) of
11 Section 8 of this Act may apply to the Department of State
12 Police requesting relief from that prohibition. The Director
13 shall grant the relief if it is established by a preponderance
14 of the evidence that the person will not be likely to act in a
15 manner dangerous to public safety and that granting relief
16 would not be contrary to the public interest. In making this
17 determination, the Director shall receive evidence concerning
18 (i) the circumstances regarding the firearms disabilities from
19 which relief is sought; (ii) the petitioner's mental health and
20 criminal history records, if any; (iii) the petitioner's
21 reputation, developed at a minimum through character witness
22 statements, testimony, or other character evidence; and (iv)
23 changes in the petitioner's condition or circumstances since
24 the disqualifying events relevant to the relief sought. If
25 relief is granted under this subsection or by order of a court
26 under this Section, the Director shall as soon as practicable

1 but in no case later than 15 business days, update, correct,
2 modify, or remove the person's record in any database that the
3 Department of State Police makes available to the National
4 Instant Criminal Background Check System and notify the United
5 States Attorney General that the basis for the record being
6 made available no longer applies. The Department of State
7 Police shall adopt rules for the administration of this
8 Section.

9 (Source: P.A. 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13;
10 97-1167, eff. 6-1-13; 98-63, eff. 7-9-13; revised 12-10-14.)

11 Section 15. The Firearm Concealed Carry Act is amended by
12 changing Sections 10, 30, 55, and 65 as follows:

13 (430 ILCS 66/10)

14 Sec. 10. Issuance of licenses to carry a concealed firearm.

15 (a) The Department shall issue a license to carry a
16 concealed firearm under this Act to an applicant who:

17 (1) meets the qualifications of Section 25 of this Act;

18 (2) has provided the application and documentation
19 required in Section 30 of this Act;

20 (3) has submitted the requisite fees; and

21 (4) does not pose a danger to himself, herself, or
22 others, or a threat to public safety as determined by the
23 Concealed Carry Licensing Review Board in accordance with
24 Section 20.

1 (b) The Department shall issue a renewal, corrected, or
2 duplicate license as provided in this Act.

3 (c) A license shall be valid throughout the State for a
4 period of 5 years from the date of issuance. A license shall
5 permit the licensee to:

6 (1) carry a loaded or unloaded concealed firearm, fully
7 concealed or partially concealed, on or about his or her
8 person; and

9 (2) keep or carry a loaded or unloaded concealed
10 firearm on or about his or her person within a vehicle.

11 (d) The Department shall make applications for a license
12 available no later than 180 days after the effective date of
13 this Act. The Department shall establish rules for the
14 availability and submission of applications in accordance with
15 this Act.

16 (e) An application for a license submitted to the
17 Department that contains all the information and materials
18 required by this Act, including the requisite fee, shall be
19 deemed completed. Except as otherwise provided in this Act, no
20 later than 90 days after receipt of a completed application,
21 the Department shall issue or deny the applicant a license.

22 (f) The Department shall deny the applicant a license if
23 the applicant fails to meet the requirements under this Act or
24 the Department receives a determination from the Board that the
25 applicant is ineligible for a license. The Department must
26 notify the applicant stating the grounds for the denial. The

1 notice of denial must inform the applicant of his or her right
2 to an appeal through administrative and judicial review.

3 (g) A licensee shall possess a license at all times the
4 licensee carries a concealed firearm except:

5 (1) when the licensee is carrying or possessing a
6 concealed firearm on his or her land or in his or her
7 abode, legal dwelling, or fixed place of business, or on
8 the land or in the legal dwelling of another person as an
9 invitee with that person's permission;

10 (2) when the person is authorized to carry a firearm
11 under Section 24-2 of the Criminal Code of 2012, except
12 subsection (a-5) of that Section; or

13 (3) when the handgun is broken down in a
14 non-functioning state, is not immediately accessible, or
15 is unloaded and enclosed in a case.

16 (h) If an officer of a law enforcement agency initiates an
17 investigative stop, including but not limited to a traffic
18 stop, of a licensee or a non-resident carrying a concealed
19 firearm under subsection (e) of Section 40 of this Act, upon
20 the request of the officer the licensee or non-resident shall
21 disclose to the officer that he or she is in possession of a
22 concealed firearm under this Act, or present the license upon
23 the request of the officer if he or she is a licensee or
24 present upon the request of the officer evidence under
25 paragraph (2) of subsection (e) of Section 40 of this Act that
26 he or she is a non-resident qualified to carry under that

1 subsection. The disclosure requirement under this subsection
2 (h) is satisfied if the licensee presents his or her license to
3 the officer or the non-resident presents to the officer
4 evidence under paragraph (2) of subsection (e) of Section 40 of
5 this Act that he or she is qualified to carry under that
6 subsection. Upon the request of the officer, the licensee or
7 non-resident shall also ~~and~~ identify the location of the
8 concealed firearm and permit the officer to safely secure the
9 firearm for the duration of the investigative stop. During a
10 traffic stop, any passenger within the vehicle who is a
11 licensee or a non-resident carrying under subsection (e) of
12 Section 40 of this Act must comply with the requirements of
13 this subsection (h).

14 (h-1) If a licensee carrying a firearm or a non-resident
15 carrying a firearm in a vehicle under subsection (e) of Section
16 40 of this Act is contacted by a law enforcement officer or
17 emergency services personnel, the law enforcement officer or
18 emergency services personnel may secure the firearm or direct
19 that it be secured during the duration of the contact if the
20 law enforcement officer or emergency services personnel
21 determines that it is necessary for the safety of any person
22 present, including the law enforcement officer or emergency
23 services personnel. The licensee or nonresident shall submit to
24 the order to secure the firearm. When the law enforcement
25 officer or emergency services personnel have determined that
26 the licensee or non-resident is not a threat to the safety of

1 any person present, including the law enforcement officer or
2 emergency services personnel, and if the licensee or
3 non-resident is physically and mentally capable of possessing
4 the firearm, the law enforcement officer or emergency services
5 personnel shall return the firearm to the licensee or
6 non-resident before releasing him or her from the scene and
7 breaking contact. If the licensee or non-resident is
8 transported for treatment to another location, the firearm
9 shall be turned over to any peace officer. The peace officer
10 shall provide a receipt which includes the make, model,
11 caliber, and serial number of the firearm.

12 (i) The Department shall maintain a database of license
13 applicants and licensees. The database shall be available to
14 all federal, State, and local law enforcement agencies, State's
15 Attorneys, the Attorney General, and authorized court
16 personnel. Within 180 days after the effective date of this
17 Act, the database shall be searchable and provide all
18 information included in the application, including the
19 applicant's previous addresses within the 10 years prior to the
20 license application and any information related to violations
21 of this Act. No law enforcement agency, State's Attorney,
22 Attorney General, or member or staff of the judiciary shall
23 provide any information to a requester who is not entitled to
24 it by law.

25 (j) No later than 10 days after receipt of a completed
26 application, the Department shall enter the relevant

1 information about the applicant into the database under
2 subsection (i) of this Section which is accessible by law
3 enforcement agencies.

4 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

5 (430 ILCS 66/30)

6 Sec. 30. Contents of license application.

7 (a) The license application shall be in writing, under
8 penalty of perjury, on a standard form adopted by the
9 Department and shall be accompanied by the documentation
10 required in this Section and the applicable fee. Each
11 application form shall include the following statement printed
12 in bold type: "Warning: Entering false information on this form
13 is punishable as perjury under Section 32-2 of the Criminal
14 Code of 2012."

15 (b) The application shall contain the following:

16 (1) the applicant's name, current address, date and
17 year of birth, place of birth, height, weight, hair color,
18 eye color, maiden name or any other name the applicant has
19 used or identified with, and any address where the
20 applicant resided for more than 30 days within the 10 years
21 preceding the date of the license application;

22 (2) the applicant's valid driver's license number or
23 valid state identification card number;

24 (3) a waiver of the applicant's privacy and
25 confidentiality rights and privileges under all federal

1 and state laws, including those limiting access to juvenile
2 court, criminal justice, psychological, or psychiatric
3 records or records relating to any institutionalization of
4 the applicant, and an affirmative request that a person
5 having custody of any of these records provide it or
6 information concerning it to the Department. The waiver
7 only applies to records sought in connection with
8 determining whether the applicant qualifies for a license
9 to carry a concealed firearm under this Act, or whether the
10 applicant remains in compliance with the Firearm Owners
11 Identification Card Act;

12 (4) an affirmation that the applicant possesses a
13 currently valid Firearm Owner's Identification Card and
14 card number if possessed or notice the applicant is
15 applying for a Firearm Owner's Identification Card in
16 conjunction with the license application;

17 (5) an affirmation that the applicant has not been
18 convicted or found guilty of:

19 (A) a felony;

20 (B) a misdemeanor involving the use or threat of
21 physical force or violence to any person within the 5
22 years preceding the date of the application; or

23 (C) 2 or more violations related to driving while
24 under the influence of alcohol, other drug or drugs,
25 intoxicating compound or compounds, or any combination
26 thereof, within the 5 years preceding the date of the

1 license application; and

2 (6) whether the applicant has failed a drug test for a
3 drug for which the applicant did not have a prescription,
4 within the previous year, and if so, the provider of the
5 test, the specific substance involved, and the date of the
6 test;

7 (7) written consent for the Department to review and
8 use the applicant's Illinois digital driver's license or
9 Illinois identification card photograph and signature;

10 (8) a full set of fingerprints submitted to the
11 Department in electronic format, provided the Department
12 may accept an application submitted without a set of
13 fingerprints in which case the Department shall be granted
14 30 days in addition to the 90 days provided under
15 subsection (e) of Section 10 of this Act to issue or deny a
16 license;

17 (9) a head and shoulder color photograph in a size
18 specified by the Department taken within the 30 days
19 preceding the date of the license application; and

20 (10) a photocopy of any certificates or other evidence
21 of compliance with the training requirements under this
22 Act.

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

24 (430 ILCS 66/55)

25 Sec. 55. Change of address or name; lost, destroyed, or

1 stolen licenses.

2 (a) A licensee shall notify the Department within 30 days
3 of moving or changing residence or any change of name. The
4 licensee shall submit the requisite fee and the Department may
5 require a notarized statement that the licensee has changed his
6 or her residence or his or her name, including the prior and
7 current address or name and the date the applicant moved or
8 changed his or her name.+

9 ~~(1) a notarized statement that the licensee has changed~~
10 ~~his or her residence or his or her name, including the~~
11 ~~prior and current address or name and the date the~~
12 ~~applicant moved or changed his or her name; and~~

13 ~~(2) the requisite fee.~~

14 (b) A licensee shall notify the Department within 10 days
15 of discovering that a license has been lost, destroyed, or
16 stolen. A lost, destroyed, or stolen license is invalid. To
17 request a replacement license, the licensee shall submit:

18 (1) a notarized statement that the licensee no longer
19 possesses the license, and that it was lost, destroyed, or
20 stolen;

21 (2) if applicable, a copy of a police report stating
22 that the license was stolen; and

23 (3) the requisite fee.

24 (c) A violation of this Section is a petty offense with a
25 fine of \$150 which shall be deposited into the Mental Health
26 Reporting Fund.

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

2 (430 ILCS 66/65)

3 Sec. 65. Prohibited areas.

4 (a) A licensee under this Act shall not knowingly carry a
5 firearm on or into:

6 (1) Any building, real property, and parking area under
7 the control of a public or private elementary or secondary
8 school.

9 (2) Any building, real property, and parking area under
10 the control of a pre-school or child care facility,
11 including any room or portion of a building under the
12 control of a pre-school or child care facility. Nothing in
13 this paragraph shall prevent the operator of a child care
14 facility in a family home from owning or possessing a
15 firearm in the home or license under this Act, if no child
16 under child care at the home is present in the home or the
17 firearm in the home is stored in a locked container when a
18 child under child care at the home is present in the home.

19 (3) Any building, parking area, or portion of a
20 building under the control of an officer of the executive
21 or legislative branch of government, provided that nothing
22 in this paragraph shall prohibit a licensee from carrying a
23 concealed firearm onto the real property, bikeway, or trail
24 in a park regulated by the Department of Natural Resources
25 or any other designated public hunting area or building

1 where firearm possession is permitted as established by the
2 Department of Natural Resources under Section 1.8 of the
3 Wildlife Code.

4 (4) Any building designated for matters before a
5 circuit court, appellate court, or the Supreme Court, or
6 any building or portion of a building under the control of
7 the Supreme Court.

8 (5) Any building or portion of a building under the
9 control of a unit of local government.

10 (6) Any building, real property, and parking area under
11 the control of an adult or juvenile detention or
12 correctional institution, prison, or jail.

13 (7) Any building, real property, and parking area under
14 the control of a public or private hospital or hospital
15 affiliate, mental health facility, or nursing home.

16 (8) Any bus, train, or form of transportation paid for
17 in whole or in part with public funds, and any building,
18 real property, and parking area under the control of a
19 public transportation facility paid for in whole or in part
20 with public funds.

21 (9) Any building, real property, and parking area under
22 the control of an establishment that serves alcohol on its
23 premises, if more than 50% of the establishment's gross
24 receipts within the prior 3 months is from the sale of
25 alcohol. The owner of an establishment who knowingly fails
26 to prohibit concealed firearms on its premises as provided

1 in this paragraph or who knowingly makes a false statement
2 or record to avoid the prohibition on concealed firearms
3 under this paragraph is subject to the penalty under
4 subsection (c-5) of Section 10-1 of the Liquor Control Act
5 of 1934.

6 (10) Any public gathering or special event conducted on
7 property open to the public that requires the issuance of a
8 permit from the unit of local government, provided this
9 prohibition shall not apply to a licensee who must walk
10 through a public gathering in order to access his or her
11 residence, place of business, or vehicle.

12 (11) Any building or real property that has been issued
13 a Special Event Retailer's license as defined in Section
14 1-3.17.1 of the Liquor Control Act during the time
15 designated for the sale of alcohol by the Special Event
16 Retailer's license, or a Special use permit license as
17 defined in subsection (q) of Section 5-1 of the Liquor
18 Control Act during the time designated for the sale of
19 alcohol by the Special use permit license.

20 (12) Any public playground.

21 (13) Any public park, athletic area, or athletic
22 facility under the control of a municipality or park
23 district, provided nothing in this Section shall prohibit a
24 licensee from carrying a concealed firearm while on a trail
25 or bikeway if only a portion of the trail or bikeway
26 includes a public park.

1 (14) Any real property under the control of the Cook
2 County Forest Preserve District.

3 (15) Any building, classroom, laboratory, medical
4 clinic, hospital, artistic venue, athletic venue,
5 entertainment venue, officially recognized
6 university-related organization property, whether owned or
7 leased, and any real property, including parking areas,
8 sidewalks, and common areas under the control of a public
9 or private community college, college, or university.

10 (16) Any building, real property, or parking area under
11 the control of a gaming facility licensed under the
12 Riverboat Gambling Act or the Illinois Horse Racing Act of
13 1975, including an inter-track wagering location licensee.

14 (17) Any stadium, arena, or the real property or
15 parking area under the control of a stadium, arena, or any
16 collegiate or professional sporting event.

17 (18) Any building, real property, or parking area under
18 the control of a public library.

19 (19) Any building, real property, or parking area under
20 the control of an airport.

21 (20) Any building, real property, or parking area under
22 the control of an amusement park.

23 (21) Any building, real property, or parking area under
24 the control of a zoo or museum.

25 (22) Any street, driveway, parking area, property,
26 building, or facility, owned, leased, controlled, or used

1 by a nuclear energy, storage, weapons, or development site
2 or facility regulated by the federal Nuclear Regulatory
3 Commission. The licensee shall not under any circumstance
4 store a firearm or ammunition in his or her vehicle or in a
5 compartment or container within a vehicle located anywhere
6 in or on the street, driveway, parking area, property,
7 building, or facility described in this paragraph.

8 (23) Any area where firearms are prohibited under
9 federal law.

10 (a-5) Nothing in this Act shall prohibit a public or
11 private community college, college, or university from:

12 (1) prohibiting persons from carrying a firearm within
13 a vehicle owned, leased, or controlled by the college or
14 university;

15 (2) developing resolutions, regulations, or policies
16 regarding student, employee, or visitor misconduct and
17 discipline, including suspension and expulsion;

18 (3) developing resolutions, regulations, or policies
19 regarding the storage or maintenance of firearms, which
20 must include designated areas where persons can park
21 vehicles that carry firearms; and

22 (4) permitting the carrying or use of firearms for the
23 purpose of instruction and curriculum of officially
24 recognized programs, including but not limited to military
25 science and law enforcement training programs, or in any
26 designated area used for hunting purposes or target

1 shooting.

2 (a-10) The owner of private real property of any type may
3 prohibit the carrying of concealed firearms on the property
4 under his or her control. The owner must post a sign in
5 accordance with subsection (d) of this Section indicating that
6 firearms are prohibited on the property, unless the property is
7 a private residence.

8 (b) Notwithstanding subsections (a), (a-5), and (a-10) of
9 this Section except under paragraph (22) or (23) of subsection
10 (a), any licensee prohibited from carrying a concealed firearm
11 into the parking area of a prohibited location specified in
12 subsection (a), (a-5), or (a-10) of this Section shall be
13 permitted to carry a concealed firearm on or about his or her
14 person within a vehicle into the parking area and may store a
15 firearm or ammunition concealed in a case within a locked
16 vehicle or locked container out of plain view within the
17 vehicle in the parking area. A licensee may carry a concealed
18 firearm in the immediate area surrounding his or her vehicle
19 within a prohibited parking lot area only for the limited
20 purpose of storing or retrieving a firearm within the vehicle's
21 trunk, ~~provided the licensee ensures the concealed firearm is~~
22 ~~unloaded prior to exiting the vehicle.~~ For purposes of this
23 subsection, "case" includes a glove compartment or console that
24 completely encloses the concealed firearm or ammunition, the
25 trunk of the vehicle, or a firearm carrying box, shipping box,
26 or other container.

1 (c) A licensee shall not be in violation of this Section
2 while he or she is traveling along a public right of way that
3 touches or crosses any of the premises under subsection (a),
4 (a-5), or (a-10) of this Section if the concealed firearm is
5 carried on his or her person in accordance with the provisions
6 of this Act or is being transported in a vehicle by the
7 licensee in accordance with all other applicable provisions of
8 law.

9 (d) Signs stating that the carrying of firearms is
10 prohibited shall be clearly and conspicuously posted at the
11 entrance of a building, premises, or real property specified in
12 this Section as a prohibited area, unless the building or
13 premises is a private residence. Signs shall be of a uniform
14 design as established by the Department and shall be 4 inches
15 by 6 inches in size. The Department shall adopt rules for
16 standardized signs to be used under this subsection.

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

18 Section 20. The Criminal Code of 2012 is amended by
19 changing Section 24-3 as follows:

20 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

21 Sec. 24-3. Unlawful sale or delivery of firearms.

22 (A) A person commits the offense of unlawful sale or
23 delivery of firearms when he or she knowingly does any of the
24 following:

1 (a) Sells or gives any firearm of a size which may be
2 concealed upon the person to any person under 18 years of
3 age.

4 (b) Sells or gives any firearm to a person under 21
5 years of age who has been convicted of a misdemeanor other
6 than a traffic offense or adjudged delinquent.

7 (c) Sells or gives any firearm to any narcotic addict.

8 (d) Sells or gives any firearm to any person who has
9 been convicted of a felony under the laws of this or any
10 other jurisdiction.

11 (e) Sells or gives any firearm to any person who has
12 been a patient in a mental institution within the past 5
13 years. In this subsection (e):

14 "Mental institution" means any hospital,
15 institution, clinic, evaluation facility, mental
16 health center, or part thereof, which is used primarily
17 for the care or treatment of persons with mental
18 illness.

19 "Patient in a mental institution" means the person
20 was admitted, either voluntarily or involuntarily, to
21 a mental institution for mental health treatment,
22 unless the treatment was voluntary and solely for an
23 alcohol abuse disorder and no other secondary
24 substance abuse disorder or mental illness.

25 (f) Sells or gives any firearms to any person who is
26 intellectually disabled.

1 (g) Delivers any firearm of a size which may be
2 concealed upon the person, incidental to a sale, without
3 withholding delivery of such firearm for at least 72 hours
4 after application for its purchase has been made, or
5 delivers any rifle, shotgun or other long gun, or a stun
6 gun or taser, incidental to a sale, without withholding
7 delivery of such rifle, shotgun or other long gun, or a
8 stun gun or taser for at least 24 hours after application
9 for its purchase has been made. However, this paragraph (g)
10 does not apply to: (1) the sale of a firearm to a law
11 enforcement officer if the seller of the firearm knows that
12 the person to whom he or she is selling the firearm is a
13 law enforcement officer or the sale of a firearm to a
14 person who desires to purchase a firearm for use in
15 promoting the public interest incident to his or her
16 employment as a bank guard, armed truck guard, or other
17 similar employment; (2) a mail order sale of a firearm from
18 a federally licensed firearms dealer to a nonresident of
19 Illinois under which the firearm is mailed to a federally
20 licensed firearms dealer ~~point~~ outside the boundaries of
21 Illinois; (3) the sale of a firearm to a nonresident of
22 Illinois while at a firearm showing or display recognized
23 by the Illinois Department of State Police; ~~or~~ (4) the sale
24 of a firearm to a dealer licensed as a federal firearms
25 dealer under Section 923 of the federal Gun Control Act of
26 1968 (18 U.S.C. 923); or (5) the transfer or sale of any

1 rifle, shotgun, or other long gun to a resident registered
2 competitor or attendee or non-resident registered
3 competitor or attendee by any dealer licensed as a federal
4 firearms dealer under Section 923 of the federal Gun
5 Control Act of 1968 at competitive shooting events held at
6 the World Shooting Complex sanctioned by a national
7 governing body. For purposes of transfers or sales under
8 subparagraph (5) of this paragraph (g), the Department of
9 Natural Resources shall give notice to the Department of
10 State Police at least 30 calendar days prior to any
11 competitive shooting events at the World Shooting Complex
12 sanctioned by a national governing body. The notification
13 shall be made on a form prescribed by the Department of
14 State Police. The sanctioning body shall provide a list of
15 all registered competitors and attendees at least 24 hours
16 before the events to the Department of State Police. Any
17 changes to the list of registered competitors and attendees
18 shall be forwarded to the Department of State Police as
19 soon as practicable. The Department of State Police must
20 destroy the list of registered competitors and attendees no
21 later than 30 days after the date of the event. Nothing in
22 this paragraph (g) relieves a federally licensed firearm
23 dealer from the requirements of conducting a NICS
24 background check through the Illinois Point of Contact
25 under 18 U.S.C. 922(t). For purposes of this paragraph (g),
26 "application" means when the buyer and seller reach an

1 agreement to purchase a firearm. For purposes of this
2 paragraph (g), "national governing body" means a group of
3 persons who adopt rules and formulate policy on behalf of a
4 national firearm sporting organization.

5 (h) While holding any license as a dealer, importer,
6 manufacturer or pawnbroker under the federal Gun Control
7 Act of 1968, manufactures, sells or delivers to any
8 unlicensed person a handgun having a barrel, slide, frame
9 or receiver which is a die casting of zinc alloy or any
10 other nonhomogeneous metal which will melt or deform at a
11 temperature of less than 800 degrees Fahrenheit. For
12 purposes of this paragraph, (1) "firearm" is defined as in
13 the Firearm Owners Identification Card Act; and (2)
14 "handgun" is defined as a firearm designed to be held and
15 fired by the use of a single hand, and includes a
16 combination of parts from which such a firearm can be
17 assembled.

18 (i) Sells or gives a firearm of any size to any person
19 under 18 years of age who does not possess a valid Firearm
20 Owner's Identification Card.

21 (j) Sells or gives a firearm while engaged in the
22 business of selling firearms at wholesale or retail without
23 being licensed as a federal firearms dealer under Section
24 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
25 In this paragraph (j):

26 A person "engaged in the business" means a person who

1 devotes time, attention, and labor to engaging in the
2 activity as a regular course of trade or business with the
3 principal objective of livelihood and profit, but does not
4 include a person who makes occasional repairs of firearms
5 or who occasionally fits special barrels, stocks, or
6 trigger mechanisms to firearms.

7 "With the principal objective of livelihood and
8 profit" means that the intent underlying the sale or
9 disposition of firearms is predominantly one of obtaining
10 livelihood and pecuniary gain, as opposed to other intents,
11 such as improving or liquidating a personal firearms
12 collection; however, proof of profit shall not be required
13 as to a person who engages in the regular and repetitive
14 purchase and disposition of firearms for criminal purposes
15 or terrorism.

16 (k) Sells or transfers ownership of a firearm to a
17 person who does not display to the seller or transferor of
18 the firearm either: (1) a currently valid Firearm Owner's
19 Identification Card that has previously been issued in the
20 transferee's name by the Department of State Police under
21 the provisions of the Firearm Owners Identification Card
22 Act; or (2) a currently valid license to carry a concealed
23 firearm that has previously been issued in the transferee's
24 name by the Department of State Police under the Firearm
25 Concealed Carry Act. This paragraph (k) does not apply to
26 the transfer of a firearm to a person who is exempt from

1 the requirement of possessing a Firearm Owner's
2 Identification Card under Section 2 of the Firearm Owners
3 Identification Card Act. For the purposes of this Section,
4 a currently valid Firearm Owner's Identification Card
5 means (i) a Firearm Owner's Identification Card that has
6 not expired or (ii) an approval number issued in accordance
7 with subsection (a-10) of subsection 3 or Section 3.1 of
8 the Firearm Owners Identification Card Act shall be proof
9 that the Firearm Owner's Identification Card was valid.

10 (1) In addition to the other requirements of this
11 paragraph (k), all persons who are not federally
12 licensed firearms dealers must also have complied with
13 subsection (a-10) of Section 3 of the Firearm Owners
14 Identification Card Act by determining the validity of
15 a purchaser's Firearm Owner's Identification Card.

16 (2) All sellers or transferors who have complied
17 with the requirements of subparagraph (1) of this
18 paragraph (k) shall not be liable for damages in any
19 civil action arising from the use or misuse by the
20 transferee of the firearm transferred, except for
21 willful or wanton misconduct on the part of the seller
22 or transferor.

23 (1) Not being entitled to the possession of a firearm,
24 delivers the firearm, knowing it to have been stolen or
25 converted. It may be inferred that a person who possesses a
26 firearm with knowledge that its serial number has been

1 removed or altered has knowledge that the firearm is stolen
2 or converted.

3 (B) Paragraph (h) of subsection (A) does not include
4 firearms sold within 6 months after enactment of Public Act
5 78-355 (approved August 21, 1973, effective October 1, 1973),
6 nor is any firearm legally owned or possessed by any citizen or
7 purchased by any citizen within 6 months after the enactment of
8 Public Act 78-355 subject to confiscation or seizure under the
9 provisions of that Public Act. Nothing in Public Act 78-355
10 shall be construed to prohibit the gift or trade of any firearm
11 if that firearm was legally held or acquired within 6 months
12 after the enactment of that Public Act.

13 (C) Sentence.

14 (1) Any person convicted of unlawful sale or delivery
15 of firearms in violation of paragraph (c), (e), (f), (g),
16 or (h) of subsection (A) commits a Class 4 felony.

17 (2) Any person convicted of unlawful sale or delivery
18 of firearms in violation of paragraph (b) or (i) of
19 subsection (A) commits a Class 3 felony.

20 (3) Any person convicted of unlawful sale or delivery
21 of firearms in violation of paragraph (a) of subsection (A)
22 commits a Class 2 felony.

23 (4) Any person convicted of unlawful sale or delivery
24 of firearms in violation of paragraph (a), (b), or (i) of
25 subsection (A) in any school, on the real property
26 comprising a school, within 1,000 feet of the real property

1 comprising a school, at a school related activity, or on or
2 within 1,000 feet of any conveyance owned, leased, or
3 contracted by a school or school district to transport
4 students to or from school or a school related activity,
5 regardless of the time of day or time of year at which the
6 offense was committed, commits a Class 1 felony. Any person
7 convicted of a second or subsequent violation of unlawful
8 sale or delivery of firearms in violation of paragraph (a),
9 (b), or (i) of subsection (A) in any school, on the real
10 property comprising a school, within 1,000 feet of the real
11 property comprising a school, at a school related activity,
12 or on or within 1,000 feet of any conveyance owned, leased,
13 or contracted by a school or school district to transport
14 students to or from school or a school related activity,
15 regardless of the time of day or time of year at which the
16 offense was committed, commits a Class 1 felony for which
17 the sentence shall be a term of imprisonment of no less
18 than 5 years and no more than 15 years.

19 (5) Any person convicted of unlawful sale or delivery
20 of firearms in violation of paragraph (a) or (i) of
21 subsection (A) in residential property owned, operated, or
22 managed by a public housing agency or leased by a public
23 housing agency as part of a scattered site or mixed-income
24 development, in a public park, in a courthouse, on
25 residential property owned, operated, or managed by a
26 public housing agency or leased by a public housing agency

1 as part of a scattered site or mixed-income development, on
2 the real property comprising any public park, on the real
3 property comprising any courthouse, or on any public way
4 within 1,000 feet of the real property comprising any
5 public park, courthouse, or residential property owned,
6 operated, or managed by a public housing agency or leased
7 by a public housing agency as part of a scattered site or
8 mixed-income development commits a Class 2 felony.

9 (6) Any person convicted of unlawful sale or delivery
10 of firearms in violation of paragraph (j) of subsection (A)
11 commits a Class A misdemeanor. A second or subsequent
12 violation is a Class 4 felony.

13 (7) Any person convicted of unlawful sale or delivery
14 of firearms in violation of paragraph (k) of subsection (A)
15 commits a Class 4 felony, except that a violation of
16 subparagraph (1) of paragraph (k) of subsection (A) shall
17 not be punishable as a crime or petty offense. A third or
18 subsequent conviction for a violation of paragraph (k) of
19 subsection (A) is a Class 1 felony.

20 (8) A person 18 years of age or older convicted of
21 unlawful sale or delivery of firearms in violation of
22 paragraph (a) or (i) of subsection (A), when the firearm
23 that was sold or given to another person under 18 years of
24 age was used in the commission of or attempt to commit a
25 forcible felony, shall be fined or imprisoned, or both, not
26 to exceed the maximum provided for the most serious

1 forcible felony so committed or attempted by the person
2 under 18 years of age who was sold or given the firearm.

3 (9) Any person convicted of unlawful sale or delivery
4 of firearms in violation of paragraph (d) of subsection (A)
5 commits a Class 3 felony.

6 (10) Any person convicted of unlawful sale or delivery
7 of firearms in violation of paragraph (l) of subsection (A)
8 commits a Class 2 felony if the delivery is of one firearm.

9 Any person convicted of unlawful sale or delivery of
10 firearms in violation of paragraph (l) of subsection (A)
11 commits a Class 1 felony if the delivery is of not less
12 than 2 and not more than 5 firearms at the same time or
13 within a one year period. Any person convicted of unlawful
14 sale or delivery of firearms in violation of paragraph (l)
15 of subsection (A) commits a Class X felony for which he or
16 she shall be sentenced to a term of imprisonment of not
17 less than 6 years and not more than 30 years if the
18 delivery is of not less than 6 and not more than 10
19 firearms at the same time or within a 2 year period. Any
20 person convicted of unlawful sale or delivery of firearms
21 in violation of paragraph (l) of subsection (A) commits a
22 Class X felony for which he or she shall be sentenced to a
23 term of imprisonment of not less than 6 years and not more
24 than 40 years if the delivery is of not less than 11 and
25 not more than 20 firearms at the same time or within a 3
26 year period. Any person convicted of unlawful sale or

1 delivery of firearms in violation of paragraph (l) of
2 subsection (A) commits a Class X felony for which he or she
3 shall be sentenced to a term of imprisonment of not less
4 than 6 years and not more than 50 years if the delivery is
5 of not less than 21 and not more than 30 firearms at the
6 same time or within a 4 year period. Any person convicted
7 of unlawful sale or delivery of firearms in violation of
8 paragraph (l) of subsection (A) commits a Class X felony
9 for which he or she shall be sentenced to a term of
10 imprisonment of not less than 6 years and not more than 60
11 years if the delivery is of 31 or more firearms at the same
12 time or within a 5 year period.

13 (D) For purposes of this Section:

14 "School" means a public or private elementary or secondary
15 school, community college, college, or university.

16 "School related activity" means any sporting, social,
17 academic, or other activity for which students' attendance or
18 participation is sponsored, organized, or funded in whole or in
19 part by a school or school district.

20 (E) A prosecution for a violation of paragraph (k) of
21 subsection (A) of this Section may be commenced within 6 years
22 after the commission of the offense. A prosecution for a
23 violation of this Section other than paragraph (g) of
24 subsection (A) of this Section may be commenced within 5 years
25 after the commission of the offense defined in the particular
26 paragraph.

1 (Source: P.A. 97-227, eff. 1-1-12; 97-347, eff. 1-1-12; 97-813,
2 eff. 7-13-12; 97-1167, eff. 6-1-13; 98-508, eff. 8-19-13.)

3 Section 25. The Mental Health and Developmental
4 Disabilities Confidentiality Act is amended by changing
5 Section 12 as follows:

6 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

7 Sec. 12. (a) If the United States Secret Service or the
8 Department of State Police requests information from a mental
9 health or developmental disability facility, as defined in
10 Section 1-107 and 1-114 of the Mental Health and Developmental
11 Disabilities Code, relating to a specific recipient and the
12 facility director determines that disclosure of such
13 information may be necessary to protect the life of, or to
14 prevent the infliction of great bodily harm to, a public
15 official, or a person under the protection of the United States
16 Secret Service, only the following information may be
17 disclosed: the recipient's name, address, and age and the date
18 of any admission to or discharge from a facility; and any
19 information which would indicate whether or not the recipient
20 has a history of violence or presents a danger of violence to
21 the person under protection. Any information so disclosed shall
22 be used for investigative purposes only and shall not be
23 publicly disseminated. Any person participating in good faith
24 in the disclosure of such information in accordance with this

1 provision shall have immunity from any liability, civil,
2 criminal or otherwise, if such information is disclosed relying
3 upon the representation of an officer of the United States
4 Secret Service or the Department of State Police that a person
5 is under the protection of the United States Secret Service or
6 is a public official.

7 For the purpose of this subsection (a), the term "public
8 official" means the Governor, Lieutenant Governor, Attorney
9 General, Secretary of State, State Comptroller, State
10 Treasurer, member of the General Assembly, member of the United
11 States Congress, Judge of the United States as defined in 28
12 U.S.C. 451, Justice of the United States as defined in 28
13 U.S.C. 451, United States Magistrate Judge as defined in 28
14 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
15 Supreme, Appellate, Circuit, or Associate Judge of the State of
16 Illinois. The term shall also include the spouse, child or
17 children of a public official.

18 (b) The Department of Human Services (acting as successor
19 to the Department of Mental Health and Developmental
20 Disabilities) and all public or private hospitals and mental
21 health facilities are required, as hereafter described in this
22 subsection, to furnish the Department of State Police only such
23 information as may be required for the sole purpose of
24 determining whether an individual who may be or may have been a
25 patient is disqualified because of that status from receiving
26 or retaining a Firearm Owner's Identification Card or falls

1 within the federal prohibitors under subsection (e), (f), (g),
2 (r), (s), or (t) of Section 8 of the Firearm Owners
3 Identification Card Act, or falls within the federal
4 prohibitors in 18 U.S.C. 922(g) and (n). All physicians,
5 clinical psychologists, or qualified examiners at public or
6 private mental health facilities or parts thereof as defined in
7 this subsection shall, in the form and manner required by the
8 Department, provide notice directly to the Department of Human
9 Services, or to his or her employer who shall then report to
10 the Department, within 24 hours after determining that a person
11 ~~patient as described in clause (2) of the definition of~~
12 ~~"patient" in Section 1.1 of the Firearm Owners Identification~~
13 ~~Card Act~~ poses a clear and present danger to himself, herself,
14 or others, or within 7 days after a person 14 years or older is
15 determined to be developmentally disabled by a physician,
16 clinical psychologist, or qualified examiner as described in
17 Section 1.1 of the Firearm Owners Identification Card Act. If a
18 person is a patient as described in clause (1) of the
19 definition of "patient" in Section 1.1 of the Firearm Owners
20 Identification Card Act, this ~~This~~ information shall be
21 furnished ~~within 24 hours after the physician, clinical~~
22 ~~psychologist, or qualified examiner has made a determination,~~
23 ~~or~~ within 7 days after admission to a public or private
24 hospital or mental health facility or the provision of services
25 ~~to a patient described in clause (1) of the definition of~~
26 ~~"patient" in Section 1.1 of the Firearm Owners Identification~~

1 ~~Card Act~~. Any such information disclosed under this subsection
2 shall remain privileged and confidential, and shall not be
3 redisclosed, except as required by subsection (e) of Section
4 3.1 of the Firearm Owners Identification Card Act, nor utilized
5 for any other purpose. The method of requiring the providing of
6 such information shall guarantee that no information is
7 released beyond what is necessary for this purpose. In
8 addition, the information disclosed shall be provided by the
9 Department within the time period established by Section 24-3
10 of the Criminal Code of 2012 regarding the delivery of
11 firearms. The method used shall be sufficient to provide the
12 necessary information within the prescribed time period, which
13 may include periodically providing lists to the Department of
14 Human Services or any public or private hospital or mental
15 health facility of Firearm Owner's Identification Card
16 applicants on which the Department or hospital shall indicate
17 the identities of those individuals who are to its knowledge
18 disqualified from having a Firearm Owner's Identification Card
19 for reasons described herein. The Department may provide for a
20 centralized source of information for the State on this subject
21 under its jurisdiction. The identity of the person reporting
22 under this subsection shall not be disclosed to the subject of
23 the report. For the purposes of this subsection, the physician,
24 clinical psychologist, or qualified examiner making the
25 determination and his or her employer shall not be held
26 criminally, civilly, or professionally liable for making or not

1 making the notification required under this subsection, except
2 for willful or wanton misconduct.

3 Any person, institution, or agency, under this Act,
4 participating in good faith in the reporting or disclosure of
5 records and communications otherwise in accordance with this
6 provision or with rules, regulations or guidelines issued by
7 the Department shall have immunity from any liability, civil,
8 criminal or otherwise, that might result by reason of the
9 action. For the purpose of any proceeding, civil or criminal,
10 arising out of a report or disclosure in accordance with this
11 provision, the good faith of any person, institution, or agency
12 so reporting or disclosing shall be presumed. The full extent
13 of the immunity provided in this subsection (b) shall apply to
14 any person, institution or agency that fails to make a report
15 or disclosure in the good faith belief that the report or
16 disclosure would violate federal regulations governing the
17 confidentiality of alcohol and drug abuse patient records
18 implementing 42 U.S.C. 290dd-3 and 290ee-3.

19 For purposes of this subsection (b) only, the following
20 terms shall have the meaning prescribed:

21 (1) (Blank).

22 (1.3) "Clear and present danger" has the meaning as
23 defined in Section 1.1 of the Firearm Owners Identification
24 Card Act.

25 (1.5) "Developmentally disabled" has the meaning as
26 defined in Section 1.1 of the Firearm Owners Identification

1 Card Act.

2 (2) "Patient" has the meaning as defined in Section 1.1
3 of the Firearm Owners Identification Card Act.

4 (3) "Mental health facility" has the meaning as defined
5 in Section 1.1 of the Firearm Owners Identification Card
6 Act.

7 (c) Upon the request of a peace officer who takes a person
8 into custody and transports such person to a mental health or
9 developmental disability facility pursuant to Section 3-606 or
10 4-404 of the Mental Health and Developmental Disabilities Code
11 or who transports a person from such facility, a facility
12 director shall furnish said peace officer the name, address,
13 age and name of the nearest relative of the person transported
14 to or from the mental health or developmental disability
15 facility. In no case shall the facility director disclose to
16 the peace officer any information relating to the diagnosis,
17 treatment or evaluation of the person's mental or physical
18 health.

19 For the purposes of this subsection (c), the terms "mental
20 health or developmental disability facility", "peace officer"
21 and "facility director" shall have the meanings ascribed to
22 them in the Mental Health and Developmental Disabilities Code.

23 (d) Upon the request of a peace officer or prosecuting
24 authority who is conducting a bona fide investigation of a
25 criminal offense, or attempting to apprehend a fugitive from
26 justice, a facility director may disclose whether a person is

1 present at the facility. Upon request of a peace officer or
2 prosecuting authority who has a valid forcible felony warrant
3 issued, a facility director shall disclose: (1) whether the
4 person who is the subject of the warrant is present at the
5 facility and (2) the date of that person's discharge or future
6 discharge from the facility. The requesting peace officer or
7 prosecuting authority must furnish a case number and the
8 purpose of the investigation or an outstanding arrest warrant
9 at the time of the request. Any person, institution, or agency
10 participating in good faith in disclosing such information in
11 accordance with this subsection (d) is immune from any
12 liability, civil, criminal or otherwise, that might result by
13 reason of the action.

14 (Source: P.A. 97-1150, eff. 1-25-13; 98-63, eff. 7-9-13.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."