



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2211

Introduced 1/13/2016, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

430 ILCS 65/9.5

Amends the Firearm Owners Identification Card Act. 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 If the person whose FOID card has been revoked fails to comply with the requirements of the Act, the sheriff or law enforcement agency where the person resides shall (rather than may) petition the court for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 15826 RLC 40135 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 10. The Firearm Owners Identification Card Act is
5 amended by changing Section 9.5 as follows:

6 (430 ILCS 65/9.5)

7 Sec. 9.5. Revocation of Firearm Owner's Identification
8 Card.

9 (a) A person who receives a revocation notice under Section
10 9 of this Act shall, within 48 hours of receiving notice of the
11 revocation:

12 (1) surrender his or her Firearm Owner's
13 Identification Card to the local law enforcement agency
14 where the person resides. The local law enforcement agency
15 shall provide the person a receipt and transmit the Firearm
16 Owner's Identification Card to the Department of State
17 Police; and

18 (2) complete a Firearm Disposition Record on a form
19 prescribed by the Department of State Police and place his
20 or her firearms in the location or with the person reported
21 in the Firearm Disposition Record. The form shall require
22 the person to disclose:

23 (A) the make, model, and serial number of each

1 firearm owned by or under the custody and control of
2 the revoked person;

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

5 (C) if any firearm will be transferred to the
6 custody of another person, the name, address and
7 Firearm Owner's Identification Card number of the
8 transferee.

9 (b) The local law enforcement agency shall provide a copy
10 of the Firearm Disposition Record to the person whose Firearm
11 Owner's Identification Card has been revoked and to the
12 Department of State Police.

13 (c) If the person whose Firearm Owner's Identification Card
14 has been revoked fails to comply with the requirements of this
15 Section, the sheriff or law enforcement agency where the person
16 resides shall ~~may~~ petition the circuit court to issue a warrant
17 to search for and seize the Firearm Owner's Identification Card
18 and firearms in the possession or under the custody or control
19 of the person whose Firearm Owner's Identification Card has
20 been revoked.

21 (c-5) If the Department of State Police has not received
22 the Firearm Disposition Record within 5 business days after
23 sending notice under Section 9 of this Act, the Department must
24 send a second notice to the sheriff and law enforcement agency
25 where the person resides. The second notice shall include the
26 requirements under this Section. Upon receiving the second

1 notice, the sheriff or law enforcement agency shall report to
2 the Department of State Police the status and efforts pursued
3 regarding compliance under this Section, in a form prescribed
4 by the Department.

5 (d) A violation of subsection (a) of this Section is a
6 Class A misdemeanor.

7 (e) The observation of a Firearm Owner's Identification
8 Card in the possession of a person whose Firearm Owner's
9 Identification Card has been revoked constitutes a sufficient
10 basis for the arrest of that person for violation of this
11 Section.

12 (f) Within 30 days after the effective date of this
13 amendatory Act of the 98th General Assembly, the Department of
14 State Police shall provide written notice of the requirements
15 of this Section to persons whose Firearm Owner's Identification
16 Cards have been revoked, suspended, or expired and who have
17 failed to surrender their cards to the Department. Within 30
18 days after the effective date of this amendatory Act of the
19 99th General Assembly, and by January 31 of each year
20 thereafter, the Department of State Police shall provide
21 written notice of the requirements of this Section to every
22 sheriff and law enforcement agency within this State.

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

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

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.