



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2213

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

SYNOPSIS AS INTRODUCED:

430 ILCS 65/8.1

from Ch. 38, par. 83-8.1

Amends the Firearm Owners Identification Card Act. Provides that upon adjudication of any individual as a person with a mental disability or a finding that a person has been involuntarily admitted, the circuit court clerk shall (rather than the court shall direct the circuit court clerk to) immediately notify the Department of State Police, Firearm Owner's Identification (FOID) department. Provides that beginning July 1, 2016, and each July 1 and December 30 of every year thereafter, the court shall direct the circuit court clerk to notify the Department of State Police, Firearm Owner's Identification (FOID) department if the court has not adjudicated any individual as a person with a mentally disability within the preceding 6 months. Provides that any clerk who knowingly fails to perform these duties is guilty of a petty offense and shall be fined by the court not exceeding \$100, and for any subsequent offense he or she is guilty of a Class A misdemeanor and if convicted may be removed from office by the court. Effective immediately.

LRB099 15827 RLC 40202 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

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

4 Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Section 8.1 as follows:

6 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

7 Sec. 8.1. Notifications to the Department of State Police.

8 (a) The Circuit Clerk shall, in the form and manner
9 required by the Supreme Court, notify the Department of State
10 Police of all final dispositions of cases for which the
11 Department has received information reported to it under
12 Sections 2.1 and 2.2 of the Criminal Identification Act.

13 (b) Upon adjudication of any individual as a person with a
14 mental disability as defined in Section 1.1 of this Act or a
15 finding that a person has been involuntarily admitted, ~~the~~
16 ~~court shall direct~~ the circuit court clerk shall ~~to~~ immediately
17 notify the Department of State Police, Firearm Owner's
18 Identification (FOID) department, and shall forward a copy of
19 the court order to the Department. Beginning July 1, 2016, and
20 each July 1 and December 30 of every year thereafter, the court
21 shall direct the circuit court clerk to notify the Department
22 of State Police, Firearm Owner's Identification (FOID)
23 department if the court has not adjudicated any individual as a

1 person with a mentally disability within the preceding 6
2 months. Any clerk who knowingly fails to perform the duties
3 under this subsection (b) is guilty of a petty offense and
4 shall be fined by the court not exceeding \$100, and for any
5 subsequent offense he or she is guilty of a Class A misdemeanor
6 and if convicted may be removed from office by the court.

7 (c) The Department of Human Services shall, in the form and
8 manner prescribed by the Department of State Police, report all
9 information collected under subsection (b) of Section 12 of the
10 Mental Health and Developmental Disabilities Confidentiality
11 Act for the purpose of determining whether a person who may be
12 or may have been a patient in a mental health facility is
13 disqualified under State or federal law from receiving or
14 retaining a Firearm Owner's Identification Card, or purchasing
15 a weapon.

16 (d) If a person is determined to pose a clear and present
17 danger to himself, herself, or to others:

18 (1) by a physician, clinical psychologist, or
19 qualified examiner, or is determined to have a
20 developmental disability by a physician, clinical
21 psychologist, or qualified examiner, whether employed by
22 the State or privately, then the physician, clinical
23 psychologist, or qualified examiner shall, within 24 hours
24 of making the determination, notify the Department of Human
25 Services that the person poses a clear and present danger
26 or has a developmental disability; or

1 (2) by a law enforcement official or school
2 administrator, then the law enforcement official or school
3 administrator shall, within 24 hours of making the
4 determination, notify the Department of State Police that
5 the person poses a clear and present danger.

6 The Department of Human Services shall immediately update
7 its records and information relating to mental health and
8 developmental disabilities, and if appropriate, shall notify
9 the Department of State Police in a form and manner prescribed
10 by the Department of State Police. The Department of State
11 Police shall determine whether to revoke the person's Firearm
12 Owner's Identification Card under Section 8 of this Act. Any
13 information disclosed under this subsection shall remain
14 privileged and confidential, and shall not be redisclosed,
15 except as required under subsection (e) of Section 3.1 of this
16 Act, nor used for any other purpose. The method of providing
17 this information shall guarantee that the information is not
18 released beyond what is necessary for the purpose of this
19 Section and shall be provided by rule by the Department of
20 Human Services. The identity of the person reporting under this
21 Section shall not be disclosed to the subject of the report.
22 The physician, clinical psychologist, qualified examiner, law
23 enforcement official, or school administrator making the
24 determination and his or her employer shall not be held
25 criminally, civilly, or professionally liable for making or not
26 making the notification required under this subsection, except

1 for willful or wanton misconduct.

2 (e) The Department of State Police shall adopt rules to
3 implement this Section.

4 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-143,
5 eff. 7-27-15.)

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