



Sen. Julie A. Morrison

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09900SB2213sam001

LRB099 15827 RLC 46144 a

1 AMENDMENT TO SENATE BILL 2213

2 AMENDMENT NO. _____. Amend Senate Bill 2213 by replacing
3 everything after the enacting clause with the following:

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 to immediately

1 notify the Department of State Police, Firearm Owner's
2 Identification (FOID) department, and shall forward a copy of
3 the court order to the Department. Beginning July 1, 2016, and
4 each July 1 and December 30 of every year thereafter, the
5 circuit court clerk shall, in the form and manner prescribed by
6 the Department of State Police, notify the Department of State
7 Police, Firearm Owner's Identification (FOID) department, if
8 no person has been adjudicated as a person with a mental
9 disability by the court as defined in Section 1.1 of this Act
10 or if no person has been involuntarily admitted by the court
11 within the preceding 6 months. The Supreme Court may adopt any
12 orders or rules necessary to identify the individuals who shall
13 be reported to the Department of State Police under this
14 subsection (b), or any other orders or rules necessary to
15 implement the requirements of this Act.

16 (c) The Department of Human Services shall, in the form and
17 manner prescribed by the Department of State Police, report all
18 information collected under subsection (b) of Section 12 of the
19 Mental Health and Developmental Disabilities Confidentiality
20 Act for the purpose of determining whether a person who may be
21 or may have been a patient in a mental health facility is
22 disqualified under State or federal law from receiving or
23 retaining a Firearm Owner's Identification Card, or purchasing
24 a weapon.

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

1 (1) by a physician, clinical psychologist, or
2 qualified examiner, or is determined to have a
3 developmental disability by a physician, clinical
4 psychologist, or qualified examiner, whether employed by
5 the State or privately, then the physician, clinical
6 psychologist, or qualified examiner shall, within 24 hours
7 of making the determination, notify the Department of Human
8 Services that the person poses a clear and present danger
9 or has a developmental disability; or

10 (2) by a law enforcement official or school
11 administrator, then the law enforcement official or school
12 administrator shall, within 24 hours of making the
13 determination, notify the Department of State Police that
14 the person poses a clear and present danger.

15 The Department of Human Services shall immediately update
16 its records and information relating to mental health and
17 developmental disabilities, and if appropriate, shall notify
18 the Department of State Police in a form and manner prescribed
19 by the Department of State Police. The Department of State
20 Police shall determine whether to revoke the person's Firearm
21 Owner's Identification Card under Section 8 of this Act. Any
22 information disclosed under this subsection shall remain
23 privileged and confidential, and shall not be redisclosed,
24 except as required under subsection (e) of Section 3.1 of this
25 Act, nor used for any other purpose. The method of providing
26 this information shall guarantee that the information is not

1 released beyond what is necessary for the purpose of this
2 Section and shall be provided by rule by the Department of
3 Human Services. The identity of the person reporting under this
4 Section shall not be disclosed to the subject of the report.
5 The physician, clinical psychologist, qualified examiner, law
6 enforcement official, or school administrator making the
7 determination and his or her employer shall not be held
8 criminally, civilly, or professionally liable for making or not
9 making the notification required under this subsection, except
10 for willful or wanton misconduct.

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

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

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