



Sen. Julie A. Morrison

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09900SB2213sam002

LRB099 15827 RLC 47450 a

1 AMENDMENT TO SENATE BILL 2213

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

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

7 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

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

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

14 (b) Upon adjudication of any individual as a person with a
15 mental disability as defined in Section 1.1 of this Act or a
16 finding that a person has been involuntarily admitted, the

1 court shall direct the circuit court clerk to immediately
2 notify the Department of State Police, Firearm Owner's
3 Identification (FOID) department, and shall forward a copy of
4 the court order to the Department.

5 (b-1) Beginning July 1, 2016, and each July 1 and December
6 30 of every year thereafter, the circuit court clerk shall, in
7 the form and manner prescribed by the Department of State
8 Police, notify the Department of State Police, Firearm Owner's
9 Identification (FOID) department if the court has not directed
10 the circuit court clerk to notify the Department of State
11 Police, Firearm Owner's Identification (FOID) department under
12 subsection (b) of this Section, within the preceding 6 months,
13 because no person has been adjudicated as a person with a
14 mental disability by the court as defined in Section 1.1 of
15 this Act or if no person has been involuntarily admitted. The
16 Supreme Court may adopt any orders or rules necessary to
17 identify the persons who shall be reported to the Department of
18 State Police under subsection (b), or any other orders or rules
19 necessary to implement the requirements of this Act.

20 (c) The Department of Human Services shall, in the form and
21 manner prescribed by the Department of State Police, report all
22 information collected under subsection (b) of Section 12 of the
23 Mental Health and Developmental Disabilities Confidentiality
24 Act for the purpose of determining whether a person who may be
25 or may have been a patient in a mental health facility is
26 disqualified under State or federal law from receiving or

1 retaining a Firearm Owner's Identification Card, or purchasing
2 a weapon.

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

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

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

19 The Department of Human Services shall immediately update
20 its records and information relating to mental health and
21 developmental disabilities, and if appropriate, shall notify
22 the Department of State Police in a form and manner prescribed
23 by the Department of State Police. The Department of State
24 Police shall determine whether to revoke the person's Firearm
25 Owner's Identification Card under Section 8 of this Act. Any
26 information disclosed under this subsection shall remain

1 privileged and confidential, and shall not be redisclosed,
2 except as required under subsection (e) of Section 3.1 of this
3 Act, nor used for any other purpose. The method of providing
4 this information shall guarantee that the information is not
5 released beyond what is necessary for the purpose of this
6 Section and shall be provided by rule by the Department of
7 Human Services. The identity of the person reporting under this
8 Section shall not be disclosed to the subject of the report.
9 The physician, clinical psychologist, qualified examiner, law
10 enforcement official, or school administrator making the
11 determination and his or her employer shall not be held
12 criminally, civilly, or professionally liable for making or not
13 making the notification required under this subsection, except
14 for willful or wanton misconduct.

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

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

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