

# SB2844



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

**SB2844**

Introduced 2/17/2016, by Sen. Ira I. Silverstein

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/8

from Ch. 38, par. 83-8

Amends the Firearm Owners Identification Card Act. Provides that the Department of State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card (FOID card) previously issued under the Act if the Department finds that the applicant or the person to whom the card was issued is or was at the time of issuance a person named on the consolidated Terrorist Watchlist maintained by the Terrorist Screening Center administered by the Federal Bureau of Investigation.

LRB099 17738 RLC 42098 b

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 as follows:

6 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

7 Sec. 8. Grounds for denial and revocation. The Department  
8 of State Police has authority to deny an application for or to  
9 revoke and seize a Firearm Owner's Identification Card  
10 previously issued under this Act only if the Department finds  
11 that the applicant or the person to whom such card was issued  
12 is or was at the time of issuance:

13 (a) A person under 21 years of age who has been  
14 convicted of a misdemeanor other than a traffic offense or  
15 adjudged delinquent;

16 (b) A person under 21 years of age who does not have  
17 the written consent of his parent or guardian to acquire  
18 and possess firearms and firearm ammunition, or whose  
19 parent or guardian has revoked such written consent, or  
20 where such parent or guardian does not qualify to have a  
21 Firearm Owner's Identification Card;

22 (c) A person convicted of a felony under the laws of  
23 this or any other jurisdiction;

1 (d) A person addicted to narcotics;

2 (e) A person who has been a patient of a mental health  
3 facility within the past 5 years or a person who has been a  
4 patient in a mental health facility more than 5 years ago  
5 who has not received the certification required under  
6 subsection (u) of this Section. An active law enforcement  
7 officer employed by a unit of government who is denied,  
8 revoked, or has his or her Firearm Owner's Identification  
9 Card seized under this subsection (e) may obtain relief as  
10 described in subsection (c-5) of Section 10 of this Act if  
11 the officer did not act in a manner threatening to the  
12 officer, another person, or the public as determined by the  
13 treating clinical psychologist or physician, and the  
14 officer seeks mental health treatment;

15 (f) A person whose mental condition is of such a nature  
16 that it poses a clear and present danger to the applicant,  
17 any other person or persons or the community;

18 (g) A person who has an intellectual disability;

19 (h) A person who intentionally makes a false statement  
20 in the Firearm Owner's Identification Card application;

21 (i) An alien who is unlawfully present in the United  
22 States under the laws of the United States;

23 (i-5) An alien who has been admitted to the United  
24 States under a non-immigrant visa (as that term is defined  
25 in Section 101(a)(26) of the Immigration and Nationality  
26 Act (8 U.S.C. 1101(a)(26))), except that this subsection

1 (i-5) does not apply to any alien who has been lawfully  
2 admitted to the United States under a non-immigrant visa if  
3 that alien is:

4 (1) admitted to the United States for lawful  
5 hunting or sporting purposes;

6 (2) an official representative of a foreign  
7 government who is:

8 (A) accredited to the United States Government  
9 or the Government's mission to an international  
10 organization having its headquarters in the United  
11 States; or

12 (B) en route to or from another country to  
13 which that alien is accredited;

14 (3) an official of a foreign government or  
15 distinguished foreign visitor who has been so  
16 designated by the Department of State;

17 (4) a foreign law enforcement officer of a friendly  
18 foreign government entering the United States on  
19 official business; or

20 (5) one who has received a waiver from the Attorney  
21 General of the United States pursuant to 18 U.S.C.  
22 922(y)(3);

23 (j) (Blank);

24 (k) A person who has been convicted within the past 5  
25 years of battery, assault, aggravated assault, violation  
26 of an order of protection, or a substantially similar

1 offense in another jurisdiction, in which a firearm was  
2 used or possessed;

3 (l) A person who has been convicted of domestic  
4 battery, aggravated domestic battery, or a substantially  
5 similar offense in another jurisdiction committed before,  
6 on or after January 1, 2012 (the effective date of Public  
7 Act 97-158). If the applicant or person who has been  
8 previously issued a Firearm Owner's Identification Card  
9 under this Act knowingly and intelligently waives the right  
10 to have an offense described in this paragraph (l) tried by  
11 a jury, and by guilty plea or otherwise, results in a  
12 conviction for an offense in which a domestic relationship  
13 is not a required element of the offense but in which a  
14 determination of the applicability of 18 U.S.C. 922(g)(9)  
15 is made under Section 112A-11.1 of the Code of Criminal  
16 Procedure of 1963, an entry by the court of a judgment of  
17 conviction for that offense shall be grounds for denying an  
18 application for and for revoking and seizing a Firearm  
19 Owner's Identification Card previously issued to the  
20 person under this Act;

21 (m) (Blank);

22 (n) A person who is prohibited from acquiring or  
23 possessing firearms or firearm ammunition by any Illinois  
24 State statute or by federal law;

25 (o) A minor subject to a petition filed under Section  
26 5-520 of the Juvenile Court Act of 1987 alleging that the

1 minor is a delinquent minor for the commission of an  
2 offense that if committed by an adult would be a felony;

3 (p) An adult who had been adjudicated a delinquent  
4 minor under the Juvenile Court Act of 1987 for the  
5 commission of an offense that if committed by an adult  
6 would be a felony;

7 (q) A person who is not a resident of the State of  
8 Illinois, except as provided in subsection (a-10) of  
9 Section 4;

10 (r) A person who has been adjudicated as a person with  
11 a mental disability;

12 (s) A person who has been found to have a developmental  
13 disability;

14 (t) A person involuntarily admitted into a mental  
15 health facility; ~~or~~

16 (u) A person who has had his or her Firearm Owner's  
17 Identification Card revoked or denied under subsection (e)  
18 of this Section or item (iv) of paragraph (2) of subsection  
19 (a) of Section 4 of this Act because he or she was a  
20 patient in a mental health facility as provided in  
21 subsection (e) of this Section, shall not be permitted to  
22 obtain a Firearm Owner's Identification Card, after the  
23 5-year period has lapsed, unless he or she has received a  
24 mental health evaluation by a physician, clinical  
25 psychologist, or qualified examiner as those terms are  
26 defined in the Mental Health and Developmental

1           Disabilities Code, and has received a certification that he  
2           or she is not a clear and present danger to himself,  
3           herself, or others. The physician, clinical psychologist,  
4           or qualified examiner making the certification and his or  
5           her employer shall not be held criminally, civilly, or  
6           professionally liable for making or not making the  
7           certification required under this subsection, except for  
8           willful or wanton misconduct. This subsection does not  
9           apply to a person whose firearm possession rights have been  
10          restored through administrative or judicial action under  
11          Section 10 or 11 of this Act; or

12                 (v) A person named on the consolidated Terrorist  
13                 Watchlist maintained by the Terrorist Screening Center  
14                 administered by the Federal Bureau of Investigation.

15          Upon revocation of a person's Firearm Owner's  
16          Identification Card, the Department of State Police shall  
17          provide notice to the person and the person shall comply with  
18          Section 9.5 of this Act.

19          (Source: P.A. 98-63, eff. 7-9-13; 98-508, eff. 8-19-13; 98-756,  
20          eff. 7-16-14; 99-143, eff. 7-27-15.)