



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB2857

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

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/4  
430 ILCS 65/8

from Ch. 38, par. 83-4  
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 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 not covered by a policy of liability insurance in the amount of at least \$100,000 specifically covering any damages resulting from negligent or willful acts involving the use of a firearm while owned or carried by the person. Provides that a person shall be deemed the owner of a firearm after the firearm is lost or stolen until the loss or theft is reported to the police department or sheriff of the jurisdiction in which the owner resides.

LRB099 16417 RLC 40750 b

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 Sections 4 and 8 as follows:

6 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

7 Sec. 4. (a) Each applicant for a Firearm Owner's  
8 Identification Card must:

9 (1) Make application on blank forms prepared and  
10 furnished at convenient locations throughout the State by  
11 the Department of State Police, or by electronic means, if  
12 and when made available by the Department of State Police;  
13 and

14 (2) Submit evidence to the Department of State Police  
15 that:

16 (i) He or she is 21 years of age or over, or if he  
17 or she is under 21 years of age that he or she has the  
18 written consent of his or her parent or legal guardian  
19 to possess and acquire firearms and firearm ammunition  
20 and that he or she has never been convicted of a  
21 misdemeanor other than a traffic offense or adjudged  
22 delinquent, provided, however, that such parent or  
23 legal guardian is not an individual prohibited from

1 having a Firearm Owner's Identification Card and files  
2 an affidavit with the Department as prescribed by the  
3 Department stating that he or she is not an individual  
4 prohibited from having a Card;

5 (ii) He or she has not been convicted of a felony  
6 under the laws of this or any other jurisdiction;

7 (iii) He or she is not addicted to narcotics;

8 (iv) He or she has not been a patient in a mental  
9 health facility within the past 5 years or, if he or  
10 she has been a patient in a mental health facility more  
11 than 5 years ago submit the certification required  
12 under subsection (u) of Section 8 of this Act;

13 (v) He or she is not a person with an intellectual  
14 disability;

15 (vi) He or she is not an alien who is unlawfully  
16 present in the United States under the laws of the  
17 United States;

18 (vii) He or she is not subject to an existing order  
19 of protection prohibiting him or her from possessing a  
20 firearm;

21 (viii) He or she has not been convicted within the  
22 past 5 years of battery, assault, aggravated assault,  
23 violation of an order of protection, or a substantially  
24 similar offense in another jurisdiction, in which a  
25 firearm was used or possessed;

26 (ix) He or she has not been convicted of domestic

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

16 (x) (Blank);

17 (xi) He or she is not an alien who has been  
18 admitted to the United States under a non-immigrant  
19 visa (as that term is defined in Section 101(a)(26) of  
20 the Immigration and Nationality Act (8 U.S.C.  
21 1101(a)(26))), or that he or she is an alien who has  
22 been lawfully admitted to the United States under a  
23 non-immigrant visa if that alien is:

24 (1) admitted to the United States for lawful  
25 hunting or sporting purposes;

26 (2) an official representative of a foreign

1 government who is:

2 (A) accredited to the United States  
3 Government or the Government's mission to an  
4 international organization having its  
5 headquarters in the United States; or

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

8 (3) an official of a foreign government or  
9 distinguished foreign visitor who has been so  
10 designated by the Department of State;

11 (4) a foreign law enforcement officer of a  
12 friendly foreign government entering the United  
13 States on official business; or

14 (5) one who has received a waiver from the  
15 Attorney General of the United States pursuant to  
16 18 U.S.C. 922 (y) (3);

17 (xii) He or she is not a minor subject to a  
18 petition filed under Section 5-520 of the Juvenile  
19 Court Act of 1987 alleging that the minor is a  
20 delinquent minor for the commission of an offense that  
21 if committed by an adult would be a felony;

22 (xiii) He or she is not an adult who had been  
23 adjudicated a delinquent minor under the Juvenile  
24 Court Act of 1987 for the commission of an offense that  
25 if committed by an adult would be a felony;

26 (xiv) He or she is a resident of the State of

1 Illinois;

2 (xv) He or she has not been adjudicated as a person  
3 with a mental disability;

4 (xvi) He or she has not been involuntarily admitted  
5 into a mental health facility; ~~and~~

6 (xvii) He or she is not a person with a  
7 developmental disability; and

8 (xviii) He or she has been issued a policy of  
9 liability insurance in the amount of at least \$100,000  
10 specifically covering any damages resulting from  
11 negligent or willful acts involving the use of a  
12 firearm while owned or carried by the person. For the  
13 purposes of this clause (xviii), a person shall be  
14 deemed the owner of a firearm after the firearm is lost  
15 or stolen until the loss or theft is reported to the  
16 police department or sheriff of the jurisdiction in  
17 which the owner resides; and

18 (3) Upon request by the Department of State Police,  
19 sign a release on a form prescribed by the Department of  
20 State Police waiving any right to confidentiality and  
21 requesting the disclosure to the Department of State Police  
22 of limited mental health institution admission information  
23 from another state, the District of Columbia, any other  
24 territory of the United States, or a foreign nation  
25 concerning the applicant for the sole purpose of  
26 determining whether the applicant is or was a patient in a

1           mental health institution and disqualified because of that  
2           status from receiving a Firearm Owner's Identification  
3           Card. No mental health care or treatment records may be  
4           requested. The information received shall be destroyed  
5           within one year of receipt.

6           (a-5) Each applicant for a Firearm Owner's Identification  
7           Card who is over the age of 18 shall furnish to the Department  
8           of State Police either his or her Illinois driver's license  
9           number or Illinois Identification Card number, except as  
10          provided in subsection (a-10).

11          (a-10) Each applicant for a Firearm Owner's Identification  
12          Card, who is employed as a law enforcement officer, an armed  
13          security officer in Illinois, or by the United States Military  
14          permanently assigned in Illinois and who is not an Illinois  
15          resident, shall furnish to the Department of State Police his  
16          or her driver's license number or state identification card  
17          number from his or her state of residence. The Department of  
18          State Police may adopt rules to enforce the provisions of this  
19          subsection (a-10).

20          (a-15) If an applicant applying for a Firearm Owner's  
21          Identification Card moves from the residence address named in  
22          the application, he or she shall immediately notify in a form  
23          and manner prescribed by the Department of State Police of that  
24          change of address.

25          (a-20) Each applicant for a Firearm Owner's Identification  
26          Card shall furnish to the Department of State Police his or her

1 photograph. An applicant who is 21 years of age or older  
2 seeking a religious exemption to the photograph requirement  
3 must furnish with the application an approved copy of United  
4 States Department of the Treasury Internal Revenue Service Form  
5 4029. In lieu of a photograph, an applicant regardless of age  
6 seeking a religious exemption to the photograph requirement  
7 shall submit fingerprints on a form and manner prescribed by  
8 the Department with his or her application.

9 (b) Each application form shall include the following  
10 statement printed in bold type: "Warning: Entering false  
11 information on an application for a Firearm Owner's  
12 Identification Card is punishable as a Class 2 felony in  
13 accordance with subsection (d-5) of Section 14 of the Firearm  
14 Owners Identification Card Act."

15 (c) Upon such written consent, pursuant to Section 4,  
16 paragraph (a)(2)(i), the parent or legal guardian giving the  
17 consent shall be liable for any damages resulting from the  
18 applicant's use of firearms or firearm ammunition.

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

20 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

21 Sec. 8. Grounds for denial and revocation. The Department  
22 of State Police has authority to deny an application for or to  
23 revoke and seize a Firearm Owner's Identification Card  
24 previously issued under this Act only if the Department finds  
25 that the applicant or the person to whom such card was issued



1 is or was at the time of issuance:

2 (a) A person under 21 years of age who has been  
3 convicted of a misdemeanor other than a traffic offense or  
4 adjudged delinquent;

5 (b) A person under 21 years of age who does not have  
6 the written consent of his parent or guardian to acquire  
7 and possess firearms and firearm ammunition, or whose  
8 parent or guardian has revoked such written consent, or  
9 where such parent or guardian does not qualify to have a  
10 Firearm Owner's Identification Card;

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

13 (d) A person addicted to narcotics;

14 (e) A person who has been a patient of a mental health  
15 facility within the past 5 years or a person who has been a  
16 patient in a mental health facility more than 5 years ago  
17 who has not received the certification required under  
18 subsection (u) of this Section. An active law enforcement  
19 officer employed by a unit of government who is denied,  
20 revoked, or has his or her Firearm Owner's Identification  
21 Card seized under this subsection (e) may obtain relief as  
22 described in subsection (c-5) of Section 10 of this Act if  
23 the officer did not act in a manner threatening to the  
24 officer, another person, or the public as determined by the  
25 treating clinical psychologist or physician, and the  
26 officer seeks mental health treatment;

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

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

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

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

9 (i-5) An alien who has been admitted to the United  
10 States under a non-immigrant visa (as that term is defined  
11 in Section 101(a)(26) of the Immigration and Nationality  
12 Act (8 U.S.C. 1101(a)(26))), except that this subsection  
13 (i-5) does not apply to any alien who has been lawfully  
14 admitted to the United States under a non-immigrant visa if  
15 that alien is:

16 (1) admitted to the United States for lawful  
17 hunting or sporting purposes;

18 (2) an official representative of a foreign  
19 government who is:

20 (A) accredited to the United States Government  
21 or the Government's mission to an international  
22 organization having its headquarters in the United  
23 States; or

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

26 (3) an official of a foreign government or

1 distinguished foreign visitor who has been so  
2 designated by the Department of State;

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

6 (5) one who has received a waiver from the Attorney  
7 General of the United States pursuant to 18 U.S.C.  
8 922(y) (3);

9 (j) (Blank);

10 (k) A person who has been convicted within the past 5  
11 years of battery, assault, aggravated assault, violation  
12 of an order of protection, or a substantially similar  
13 offense in another jurisdiction, in which a firearm was  
14 used or possessed;

15 (l) A person who has been convicted of domestic  
16 battery, aggravated domestic battery, or a substantially  
17 similar offense in another jurisdiction committed before,  
18 on or after January 1, 2012 (the effective date of Public  
19 Act 97-158). If the applicant or person who has been  
20 previously issued a Firearm Owner's Identification Card  
21 under this Act knowingly and intelligently waives the right  
22 to have an offense described in this paragraph (l) tried by  
23 a jury, and by guilty plea or otherwise, results in a  
24 conviction for an offense in which a domestic relationship  
25 is not a required element of the offense but in which a  
26 determination of the applicability of 18 U.S.C. 922(g) (9)

1 is made under Section 112A-11.1 of the Code of Criminal  
2 Procedure of 1963, an entry by the court of a judgment of  
3 conviction for that offense shall be grounds for denying an  
4 application for and for revoking and seizing a Firearm  
5 Owner's Identification Card previously issued to the  
6 person under this Act;

7 (m) (Blank);

8 (n) A person who is prohibited from acquiring or  
9 possessing firearms or firearm ammunition by any Illinois  
10 State statute or by federal law;

11 (o) A minor subject to a petition filed under Section  
12 5-520 of the Juvenile Court Act of 1987 alleging that the  
13 minor is a delinquent minor for the commission of an  
14 offense that if committed by an adult would be a felony;

15 (p) An adult who had been adjudicated a delinquent  
16 minor under the Juvenile Court Act of 1987 for the  
17 commission of an offense that if committed by an adult  
18 would be a felony;

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

22 (r) A person who has been adjudicated as a person with  
23 a mental disability;

24 (s) A person who has been found to have a developmental  
25 disability;

26 (t) A person involuntarily admitted into a mental

1 health facility; ~~or~~

2 (u) A person who has had his or her Firearm Owner's  
3 Identification Card revoked or denied under subsection (e)  
4 of this Section or item (iv) of paragraph (2) of subsection  
5 (a) of Section 4 of this Act because he or she was a  
6 patient in a mental health facility as provided in  
7 subsection (e) of this Section, shall not be permitted to  
8 obtain a Firearm Owner's Identification Card, after the  
9 5-year period has lapsed, unless he or she has received a  
10 mental health evaluation by a physician, clinical  
11 psychologist, or qualified examiner as those terms are  
12 defined in the Mental Health and Developmental  
13 Disabilities Code, and has received a certification that he  
14 or she is not a clear and present danger to himself,  
15 herself, or others. The physician, clinical psychologist,  
16 or qualified examiner making the certification and his or  
17 her employer shall not be held criminally, civilly, or  
18 professionally liable for making or not making the  
19 certification required under this subsection, except for  
20 willful or wanton misconduct. This subsection does not  
21 apply to a person whose firearm possession rights have been  
22 restored through administrative or judicial action under  
23 Section 10 or 11 of this Act; or.

24 (v) A person who has not been issued a policy of  
25 liability insurance in the amount of at least \$100,000  
26 specifically covering any damages resulting from negligent

1       or willful acts involving the use of a firearm while owned  
2       or carried by the person or whose liability insurance has  
3       been cancelled, not renewed, or revoked. For the purposes  
4       of this subsection (v), a person shall be deemed the owner  
5       of a firearm after the firearm is lost or stolen until the  
6       loss or theft is reported to the police department or  
7       sheriff of the jurisdiction in which the owner resides.

8       Upon revocation of a person's Firearm Owner's  
9       Identification Card, the Department of State Police shall  
10      provide notice to the person and the person shall comply with  
11      Section 9.5 of this Act.

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