



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4855

by Rep. Barbara Wheeler

SYNOPSIS AS INTRODUCED:

See Index

Amends the Firearm Owners Identification Card Act. Defines "patient" for purposes of the Act. Provides that renewal applications shall be approved or denied within 60 business days, provided the applicant submitted his or her renewal application prior to the expiration of his or her Firearm Owner's Identification Card. Provides that if a renewal application has been submitted prior to the expiration date of the applicant's Firearm Owner's Identification Card, the Firearm Owner's Identification Card shall remain valid while the Department processes the application, unless the person is subject to or becomes subject to revocation under the Act. Provides that the cost for a renewal application shall be \$10 which shall be deposited into the State Police Firearm Services Fund. Provides that the Department of State Police may, by rule in a manner consistent with the Department's rules concerning revocation, provide for the suspension of the Firearm Owner's Identification Card of a person whose Firearm Owner's Identification Card is subject to revocation and seizure under the Act for the duration of the disqualification if the disqualification is not a permanent grounds for revocation of a Firearm Owner's Identification Card under the Act. Provides that the cost for replacement of a lost, destroyed, or stolen card shall be \$5 if the loss, destruction, or theft of the card is reported to the Department of State Police. Provides the fee shall be deposited into the State Police Firearm Services Fund. Makes other changes.

LRB100 18025 SLF 33213 b

FISCAL 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 Sections 1.1, 5, 7, and 13.2 and by adding
6 Section 8.3 as follows:

7 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

8 Sec. 1.1. For purposes of this Act:

9 "Addicted to narcotics" means a person who has been:

10 (1) convicted of an offense involving the use or
11 possession of cannabis, a controlled substance, or
12 methamphetamine within the past year; or

13 (2) determined by the Department of State Police to be
14 addicted to narcotics based upon federal law or federal
15 guidelines.

16 "Addicted to narcotics" does not include possession or use
17 of a prescribed controlled substance under the direction and
18 authority of a physician or other person authorized to
19 prescribe the controlled substance when the controlled
20 substance is used in the prescribed manner.

21 "Adjudicated as a person with a mental disability" means
22 the person is the subject of a determination by a court, board,
23 commission or other lawful authority that the person, as a

1 result of marked subnormal intelligence, or mental illness,
2 mental impairment, incompetency, condition, or disease:

3 (1) presents a clear and present danger to himself,
4 herself, or to others;

5 (2) lacks the mental capacity to manage his or her own
6 affairs or is adjudicated a person with a disability as
7 defined in Section 11a-2 of the Probate Act of 1975;

8 (3) is not guilty in a criminal case by reason of
9 insanity, mental disease or defect;

10 (3.5) is guilty but mentally ill, as provided in
11 Section 5-2-6 of the Unified Code of Corrections;

12 (4) is incompetent to stand trial in a criminal case;

13 (5) is not guilty by reason of lack of mental
14 responsibility under Articles 50a and 72b of the Uniform
15 Code of Military Justice, 10 U.S.C. 850a, 876b;

16 (6) is a sexually violent person under subsection (f)
17 of Section 5 of the Sexually Violent Persons Commitment
18 Act;

19 (7) is a sexually dangerous person under the Sexually
20 Dangerous Persons Act;

21 (8) is unfit to stand trial under the Juvenile Court
22 Act of 1987;

23 (9) is not guilty by reason of insanity under the
24 Juvenile Court Act of 1987;

25 (10) is subject to involuntary admission as an
26 inpatient as defined in Section 1-119 of the Mental Health

1 and Developmental Disabilities Code;

2 (11) is subject to involuntary admission as an
3 outpatient as defined in Section 1-119.1 of the Mental
4 Health and Developmental Disabilities Code;

5 (12) is subject to judicial admission as set forth in
6 Section 4-500 of the Mental Health and Developmental
7 Disabilities Code; or

8 (13) is subject to the provisions of the Interstate
9 Agreements on Sexually Dangerous Persons Act.

10 "Clear and present danger" means a person who:

11 (1) communicates a serious threat of physical violence
12 against a reasonably identifiable victim or poses a clear
13 and imminent risk of serious physical injury to himself,
14 herself, or another person as determined by a physician,
15 clinical psychologist, or qualified examiner; or

16 (2) demonstrates threatening physical or verbal
17 behavior, such as violent, suicidal, or assaultive
18 threats, actions, or other behavior, as determined by a
19 physician, clinical psychologist, qualified examiner,
20 school administrator, or law enforcement official.

21 "Clinical psychologist" has the meaning provided in
22 Section 1-103 of the Mental Health and Developmental
23 Disabilities Code.

24 "Controlled substance" means a controlled substance or
25 controlled substance analog as defined in the Illinois
26 Controlled Substances Act.

1 "Counterfeit" means to copy or imitate, without legal
2 authority, with intent to deceive.

3 "Federally licensed firearm dealer" means a person who is
4 licensed as a federal firearms dealer under Section 923 of the
5 federal Gun Control Act of 1968 (18 U.S.C. 923).

6 "Firearm" means any device, by whatever name known, which
7 is designed to expel a projectile or projectiles by the action
8 of an explosion, expansion of gas or escape of gas; excluding,
9 however:

10 (1) any pneumatic gun, spring gun, paint ball gun, or
11 B-B gun which expels a single globular projectile not
12 exceeding .18 inch in diameter or which has a maximum
13 muzzle velocity of less than 700 feet per second;

14 (1.1) any pneumatic gun, spring gun, paint ball gun, or
15 B-B gun which expels breakable paint balls containing
16 washable marking colors;

17 (2) any device used exclusively for signalling or
18 safety and required or recommended by the United States
19 Coast Guard or the Interstate Commerce Commission;

20 (3) any device used exclusively for the firing of stud
21 cartridges, explosive rivets or similar industrial
22 ammunition; and

23 (4) an antique firearm (other than a machine-gun)
24 which, although designed as a weapon, the Department of
25 State Police finds by reason of the date of its
26 manufacture, value, design, and other characteristics is

1 primarily a collector's item and is not likely to be used
2 as a weapon.

3 "Firearm ammunition" means any self-contained cartridge or
4 shotgun shell, by whatever name known, which is designed to be
5 used or adaptable to use in a firearm; excluding, however:

6 (1) any ammunition exclusively designed for use with a
7 device used exclusively for signalling or safety and
8 required or recommended by the United States Coast Guard or
9 the Interstate Commerce Commission; and

10 (2) any ammunition designed exclusively for use with a
11 stud or rivet driver or other similar industrial
12 ammunition.

13 "Gun show" means an event or function:

14 (1) at which the sale and transfer of firearms is the
15 regular and normal course of business and where 50 or more
16 firearms are displayed, offered, or exhibited for sale,
17 transfer, or exchange; or

18 (2) at which not less than 10 gun show vendors display,
19 offer, or exhibit for sale, sell, transfer, or exchange
20 firearms.

21 "Gun show" includes the entire premises provided for an
22 event or function, including parking areas for the event or
23 function, that is sponsored to facilitate the purchase, sale,
24 transfer, or exchange of firearms as described in this Section.
25 Nothing in this definition shall be construed to exclude a gun
26 show held in conjunction with competitive shooting events at

1 the World Shooting Complex sanctioned by a national governing
2 body in which the sale or transfer of firearms is authorized
3 under subparagraph (5) of paragraph (g) of subsection (A) of
4 Section 24-3 of the Criminal Code of 2012.

5 Unless otherwise expressly stated, "gun show" does not
6 include training or safety classes, competitive shooting
7 events, such as rifle, shotgun, or handgun matches, trap,
8 skeet, or sporting clays shoots, dinners, banquets, raffles, or
9 any other event where the sale or transfer of firearms is not
10 the primary course of business.

11 "Gun show promoter" means a person who organizes or
12 operates a gun show.

13 "Gun show vendor" means a person who exhibits, sells,
14 offers for sale, transfers, or exchanges any firearms at a gun
15 show, regardless of whether the person arranges with a gun show
16 promoter for a fixed location from which to exhibit, sell,
17 offer for sale, transfer, or exchange any firearm.

18 "Involuntarily admitted" has the meaning as prescribed in
19 Sections 1-119 and 1-119.1 of the Mental Health and
20 Developmental Disabilities Code.

21 "Mental health facility" means any licensed private
22 hospital or hospital affiliate, institution, or facility, or
23 part thereof, and any facility, or part thereof, operated by
24 the State or a political subdivision thereof which provide
25 treatment of persons with mental illness and includes all
26 hospitals, institutions, clinics, evaluation facilities,

1 mental health centers, colleges, universities, long-term care
2 facilities, and nursing homes, or parts thereof, which provide
3 treatment of persons with mental illness whether or not the
4 primary purpose is to provide treatment of persons with mental
5 illness.

6 "National governing body" means a group of persons who
7 adopt rules and formulate policy on behalf of a national
8 firearm sporting organization.

9 "Patient" means:

10 (1) a person who:

11 (a) is admitted as an in-patient or resident of a
12 public or private mental health facility for mental
13 health treatment under Chapter III of the Mental Health
14 and Developmental Disabilities Code as an informal
15 admission under Article III, a voluntary admission
16 under Article IV, a minor admission under Article V, an
17 emergency admission under Article VI, or an
18 involuntary admission under Article VII; or

19 (b) is otherwise provided mental health treatment
20 as an in-patient or resident by a ~~voluntarily receives~~
21 ~~mental health treatment as an in-patient or resident of~~
22 ~~any~~ public or private mental health facility, unless
23 the treatment was solely for an alcohol abuse disorder
24 and no other secondary substance abuse disorder or
25 mental illness; or

26 (2) a person who voluntarily or involuntarily receives

1 mental health treatment as an out-patient or is otherwise
2 provided services by a public or private mental health
3 facility, and who poses a clear and present danger to
4 himself, herself, or to others.

5 "Person with a developmental disability" means a person
6 with a disability which is attributable to any other condition
7 which results in impairment similar to that caused by an
8 intellectual disability and which requires services similar to
9 those required by persons with intellectual disabilities. The
10 disability must originate before the age of 18 years, be
11 expected to continue indefinitely, and constitute a
12 substantial disability. This disability results, in the
13 professional opinion of a physician, clinical psychologist, or
14 qualified examiner, in significant functional limitations in 3
15 or more of the following areas of major life activity:

- 16 (i) self-care;
17 (ii) receptive and expressive language;
18 (iii) learning;
19 (iv) mobility; or
20 (v) self-direction.

21 "Person with an intellectual disability" means a person
22 with a significantly subaverage general intellectual
23 functioning which exists concurrently with impairment in
24 adaptive behavior and which originates before the age of 18
25 years.

26 "Physician" has the meaning as defined in Section 1-120 of

1 the Mental Health and Developmental Disabilities Code.

2 "Qualified examiner" has the meaning provided in Section
3 1-122 of the Mental Health and Developmental Disabilities Code.

4 "Sanctioned competitive shooting event" means a shooting
5 contest officially recognized by a national or state shooting
6 sport association, and includes any sight-in or practice
7 conducted in conjunction with the event.

8 "School administrator" means the person required to report
9 under the School Administrator Reporting of Mental Health Clear
10 and Present Danger Determinations Law.

11 "Stun gun or taser" has the meaning ascribed to it in
12 Section 24-1 of the Criminal Code of 2012.

13 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
14 eff. 7-27-15; 99-642, eff. 7-28-16.)

15 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

16 Sec. 5. Application and renewal.

17 (a) The Department of State Police shall either approve or
18 deny all applications within 30 days from the date they are
19 received, except as provided in subsection (b) of this Section,
20 and every applicant found qualified under Section 8 of this Act
21 by the Department shall be entitled to a Firearm Owner's
22 Identification Card upon the payment of a \$10 fee. Any
23 applicant who is an active duty member of the Armed Forces of
24 the United States, a member of the Illinois National Guard, or
25 a member of the Reserve Forces of the United States is exempt

1 from the application fee. \$6 of each fee derived from the
2 issuance of Firearm Owner's Identification Cards, or renewals
3 thereof, shall be deposited in the Wildlife and Fish Fund in
4 the State Treasury; \$1 of the fee shall be deposited in the
5 State Police Services Fund and \$3 of the fee shall be deposited
6 in the State Police Firearm Services Fund.

7 (b) Renewal applications shall be approved or denied within
8 60 business days, provided the applicant submitted his or her
9 renewal application prior to the expiration of his or her
10 Firearm Owner's Identification Card. If a renewal application
11 has been submitted prior to the expiration date of the
12 applicant's Firearm Owner's Identification Card, the Firearm
13 Owner's Identification Card shall remain valid while the
14 Department processes the application, unless the person is
15 subject to or becomes subject to revocation under this Act. The
16 cost for a renewal application shall be \$10 which shall be
17 deposited into the State Police Firearm Services Fund.

18 (Source: P.A. 98-63, eff. 7-9-13.)

19 (430 ILCS 65/7) (from Ch. 38, par. 83-7)

20 Sec. 7. Validity of Firearm Owner's Identification Card.

21 (a) Except as provided in Section 8 of this Act or
22 subsection (b) of this Section, a Firearm Owner's
23 Identification Card issued under the provisions of this Act
24 shall be valid for the person to whom it is issued for a period
25 of 10 years from the date of issuance.

1 (b) If a renewal application is submitted to the Department
2 before the expiration date of the applicant's current Firearm
3 Owner's Identification Card, the Firearm Owner's
4 Identification Card shall remain valid for a period of 60
5 business days, unless the person is subject to or becomes
6 subject to revocation under this Act.

7 (Source: P.A. 95-581, eff. 6-1-08.)

8 (430 ILCS 65/8.3 new)

9 Sec. 8.3. Suspension of Firearm Owner's Identification
10 Card. The Department of State Police may, by rule in a manner
11 consistent with the Department's rules concerning revocation,
12 provide for the suspension of the Firearm Owner's
13 Identification Card of a person whose Firearm Owner's
14 Identification Card is subject to revocation and seizure under
15 this Act for the duration of the disqualification if the
16 disqualification is not a permanent grounds for revocation of a
17 Firearm Owner's Identification Card under this Act.

18 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

19 Sec. 13.2. Renewal; name or address change; replacement
20 card. The Department of State Police shall, 60 days prior to
21 the expiration of a Firearm Owner's Identification Card,
22 forward by first class mail to each person whose card is to
23 expire a notification of the expiration of the card and
24 instructions for renewal ~~an application which may be used to~~

1 ~~apply for renewal of the card.~~ It is the obligation of the
2 holder of a Firearm Owner's Identification Card to notify the
3 Department of State Police of any address change since the
4 issuance of the Firearm Owner's Identification Card. Whenever
5 any person moves from the residence address named on his or her
6 card, the person shall within 21 calendar days thereafter
7 notify in a form and manner prescribed by the Department of his
8 or her old and new residence addresses and the card number held
9 by him or her. Any person whose legal name has changed from the
10 name on the card that he or she has been previously issued must
11 apply for a corrected card within 30 calendar days after the
12 change. The cost for a corrected card shall be \$5. The cost for
13 replacement of a card which has been lost, destroyed, or stolen
14 shall be \$5 if the loss, destruction, or theft of the card is
15 reported to the Department of State Police. The fees collected
16 under this Section ~~which~~ shall be deposited into the State
17 Police Firearm Services Fund.

18 (Source: P.A. 97-1131, eff. 1-1-13; 98-63, eff. 7-9-13.)

1 INDEX

2 Statutes amended in order of appearance

3	430 ILCS 65/1.1	from Ch. 38, par. 83-1.1
4	430 ILCS 65/5	from Ch. 38, par. 83-5
5	430 ILCS 65/7	from Ch. 38, par. 83-7
6	430 ILCS 65/8.3 new	
7	430 ILCS 65/13.2	from Ch. 38, par. 83-13.2