



Sen. Michael E. Hastings

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1 AMENDMENT TO SENATE BILL 44

2 AMENDMENT NO. _____. Amend Senate Bill 44 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 1-2-1.1 as follows:

6 (65 ILCS 5/1-2-1.1) (from Ch. 24, par. 1-2-1.1)

7 Sec. 1-2-1.1. The corporate authorities of each
8 municipality may pass ordinances, not inconsistent with the
9 criminal laws of this State, to regulate any matter expressly
10 within the authorized powers of the municipality, or incidental
11 thereto, making violation thereof a misdemeanor punishable by
12 incarceration in a penal institution other than the
13 penitentiary not to exceed 6 months. The municipality is
14 authorized to prosecute violations of penal ordinances enacted
15 under this Section as criminal offenses by its corporate
16 attorney in the circuit court by an information, or complaint

1 sworn to, charging such offense. The prosecution shall be under
2 and conform to the rules of criminal procedure. Conviction
3 shall require the municipality to establish the guilt of the
4 defendant beyond reasonable doubt.

5 A penalty imposed for violation of an ordinance may
6 include, or consist of, a requirement that the defendant do one
7 or both of the following:

8 (1) Complete an education program, except that a holder
9 of a valid commercial driver's license who commits a
10 vehicle weight or size restriction violation shall not be
11 required to complete an education program under this
12 Section.

13 (2) Perform some reasonable public service work such as
14 but not limited to the picking up of litter in public parks
15 or along public highways or the maintenance of public
16 facilities.

17 A low-income individual required to complete an education
18 program under this Section who provides proof of eligibility
19 for the federal earned income tax credit under Section 32 of
20 the Internal Revenue Code or the Illinois earned income tax
21 credit under Section 212 of the Illinois Income Tax Act shall
22 not be required to pay any fee for participating in a required
23 education program.

24 A municipality shall report to the Department of State
25 Police, for the purpose of reporting to the National Instant
26 Criminal Background Check System database, the name and all

1 other identifying information of an individual who was
2 convicted or adjudicated of an offense listed in Section 8 of
3 the Firearm Owners Identification Card Act.

4 This Section shall not apply to or affect ordinances now or
5 hereafter enacted pursuant to Sections 11-5-1, 11-5-2, 11-5-3,
6 11-5-4, 11-5-5, 11-5-6, 11-40-1, 11-40-2, 11-40-2a, 11-40-3,
7 11-80-9 and 11-80-16 of the Illinois Municipal Code, as now or
8 hereafter amended, nor to Sections enacted after this 1969
9 amendment which replace or add to the Sections herein
10 enumerated, nor to ordinances now in force or hereafter enacted
11 pursuant to authority granted to local authorities by Section
12 11-208 of "The Illinois Vehicle Code", approved September 29,
13 1969, as now or hereafter amended.

14 (Source: P.A. 96-288, eff. 8-11-09.)

15 Section 10. The Firearm Owners Identification Card Act is
16 amended by changing Sections 1, 3.1, 8, and 8.1 as follows:

17 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

18 Sec. 1. It is hereby declared as a matter of legislative
19 determination that in order to promote and protect the health,
20 safety and welfare of the public, it is necessary and in the
21 public interest to provide a system of identifying persons who
22 are not qualified to acquire or possess firearms, firearm
23 ammunition, stun guns, and tasers within the State of Illinois
24 by the establishment of a system of Firearm Owner's

1 Identification Cards, thereby establishing a practical and
2 workable system by which law enforcement authorities will be
3 afforded an opportunity to identify those persons who are
4 prohibited by Section 24-3.1 of the Criminal Code of 2012, from
5 acquiring or possessing firearms and firearm ammunition and who
6 are prohibited by this Act from acquiring stun guns and tasers.
7 It is also in the best interest of the public to require
8 mandatory reporting of involuntary judicial commitments or
9 certain adjudications for certain offenses and to provide the
10 procedures by which that information is reported to the
11 Department of State Police and to the National Instant Criminal
12 Background Check System.

13 (Source: P.A. 97-1150, eff. 1-25-13.)

14 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

15 Sec. 3.1. Dial up system.

16 (a) The Department of State Police shall provide a dial up
17 telephone system or utilize other existing technology which
18 shall be used by any federally licensed firearm dealer, gun
19 show promoter, or gun show vendor who is to transfer a firearm,
20 stun gun, or taser under the provisions of this Act. The
21 Department of State Police may utilize existing technology
22 which allows the caller to be charged a fee not to exceed \$2.
23 Fees collected by the Department of State Police shall be
24 deposited in the State Police Services Fund and used to provide
25 the service.

1 (b) Upon receiving a request from a federally licensed
2 firearm dealer, gun show promoter, or gun show vendor, the
3 Department of State Police shall immediately approve, or within
4 the time period established by Section 24-3 of the Criminal
5 Code of 2012 regarding the delivery of firearms, stun guns, and
6 tasers notify the inquiring dealer, gun show promoter, or gun
7 show vendor of any objection that would disqualify the
8 transferee from acquiring or possessing a firearm, stun gun, or
9 taser. In conducting the inquiry, the Department of State
10 Police shall initiate and complete an automated search of its
11 criminal history record information files and those of the
12 Federal Bureau of Investigation, including the National
13 Instant Criminal Background Check System, and of the files of
14 the Department of Human Services relating to mental health and
15 developmental disabilities to obtain any felony conviction or
16 patient hospitalization information which would disqualify a
17 person from obtaining or require revocation of a currently
18 valid Firearm Owner's Identification Card.

19 (c) If receipt of a firearm would not violate Section 24-3
20 of the Criminal Code of 2012, federal law, or this Act the
21 Department of State Police shall:

22 (1) assign a unique identification number to the
23 transfer; and

24 (2) provide the licensee, gun show promoter, or gun
25 show vendor with the number.

26 (d) Approvals issued by the Department of State Police for

1 the purchase of a firearm are valid for 30 days from the date
2 of issue.

3 (e) (1) The Department of State Police must act as the
4 Illinois Point of Contact for the National Instant Criminal
5 Background Check System and must comply with Section 8.

6 (2) The Department of State Police and the Department of
7 Human Services shall, in accordance with State and federal law
8 regarding confidentiality, enter into a memorandum of
9 understanding with the Federal Bureau of Investigation for the
10 purpose of implementing the National Instant Criminal
11 Background Check System in the State. The Department of State
12 Police shall report the name, date of birth, and physical
13 description of any person prohibited from possessing a firearm
14 pursuant to the Firearm Owners Identification Card Act or 18
15 U.S.C. 922(g) and (n) to the National Instant Criminal
16 Background Check System Index, Denied Persons Files.

17 (3) The Department of State Police shall provide notice of
18 the disqualification of a person under subsection (b) of this
19 Section or the revocation of a person's Firearm Owner's
20 Identification Card under Section 8 or Section 8.2 of this Act,
21 and the reason for the disqualification or revocation, to all
22 law enforcement agencies with jurisdiction to assist with the
23 seizure of the person's Firearm Owner's Identification Card.

24 (f) The Department of State Police shall adopt rules not
25 inconsistent with this Section to implement this system.

26 (Source: P.A. 98-63, eff. 7-9-13; 99-787, eff. 1-1-17.)

1 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

8 (a) A person under 21 years of age who has been
9 convicted of a misdemeanor other than a traffic offense or
10 adjudged delinquent;

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

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

19 (d) A person addicted to narcotics;

20 (e) A person who has been a patient of a mental health
21 facility within the past 5 years or a person who has been a
22 patient in a mental health facility more than 5 years ago
23 who has not received the certification required under
24 subsection (u) of this Section. An active law enforcement
25 officer employed by a unit of government who is denied,

1 revoked, or has his or her Firearm Owner's Identification
2 Card seized under this subsection (e) may obtain relief as
3 described in subsection (c-5) of Section 10 of this Act if
4 the officer did not act in a manner threatening to the
5 officer, another person, or the public as determined by the
6 treating clinical psychologist or physician, and the
7 officer seeks mental health treatment;

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

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

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

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

16 (i-5) An alien who has been admitted to the United
17 States under a non-immigrant visa (as that term is defined
18 in Section 101(a)(26) of the Immigration and Nationality
19 Act (8 U.S.C. 1101(a)(26))), except that this subsection
20 (i-5) does not apply to any alien who has been lawfully
21 admitted to the United States under a non-immigrant visa if
22 that alien is:

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

25 (2) an official representative of a foreign
26 government who is:

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

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

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

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

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

16 (j) (Blank);

17 (k) A person who has been convicted within the past 5
18 years of battery, assault, aggravated assault, violation
19 of an order of protection, or a substantially similar
20 offense in another jurisdiction, in which a firearm was
21 used or possessed;

22 (l) A person who has been convicted of domestic
23 battery, aggravated domestic battery, or a substantially
24 similar offense in another jurisdiction committed before,
25 on or after January 1, 2012 (the effective date of Public
26 Act 97-158). If the applicant or person who has been

1 previously issued a Firearm Owner's Identification Card
2 under this Act knowingly and intelligently waives the right
3 to have an offense described in this paragraph (l) tried by
4 a jury, and by guilty plea or otherwise, results in a
5 conviction for an offense in which a domestic relationship
6 is not a required element of the offense but in which a
7 determination of the applicability of 18 U.S.C. 922(g)(9)
8 is made under Section 112A-11.1 of the Code of Criminal
9 Procedure of 1963, an entry by the court of a judgment of
10 conviction for that offense shall be grounds for denying an
11 application for and for revoking and seizing a Firearm
12 Owner's Identification Card previously issued to the
13 person under this Act;

14 (m) (Blank);

15 (n) A person who is prohibited from acquiring or
16 possessing firearms or firearm ammunition by any Illinois
17 State statute or by federal law;

18 (o) A minor subject to a petition filed under Section
19 5-520 of the Juvenile Court Act of 1987 alleging that the
20 minor is a delinquent minor for the commission of an
21 offense that if committed by an adult would be a felony;

22 (p) An adult who had been adjudicated a delinquent
23 minor under the Juvenile Court Act of 1987 for the
24 commission of an offense that if committed by an adult
25 would be a felony;

26 (q) A person who is not a resident of the State of

1 Illinois, except as provided in subsection (a-10) of
2 Section 4;

3 (r) A person who has been adjudicated as a person with
4 a mental disability;

5 (s) A person who has been found to have a developmental
6 disability;

7 (t) A person involuntarily admitted into a mental
8 health facility; ~~or~~

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

1 willful or wanton misconduct. This subsection does not
2 apply to a person whose firearm possession rights have been
3 restored through administrative or judicial action under
4 Section 10 or 11 of this Act; -

5 (v) A person who has been convicted of a felony under
6 the laws of the United States, this State, or other
7 jurisdiction;

8 (w) A person who is ordered to not possess firearms as
9 a condition of probation or other court order;

10 (x) A person who is subject to a temporary restraining
11 order or a protective order;

12 (y) A person who is under guardianship under the
13 Probate Act of 1975 because he or she is a person with a
14 disability as defined in Section 11a-2 of the Probate Act
15 of 1975;

16 (aa) A person who has been discharged from the military
17 under dishonorable conditions;

18 (bb) A person who has renounced his or her United
19 States citizenship; or

20 (cc) A person who is a fugitive from justice.

21 Upon revocation of a person's Firearm Owner's
22 Identification Card, the Department of State Police shall (i)
23 provide notice to the person; (ii) confiscate the person's
24 Firearm Owner's Identification Card, firearms, and ammunition
25 that are in his or her possession; and (iii) report the name
26 and other identifying information of that person to the

1 National Instant Criminal Background Check System database
2 within 15 business days. The ~~and the~~ person shall comply with
3 Section 9.5 of this Act. It is unlawful for a person whose
4 Firearm Owner's Identification Card was revoked or denied to
5 possess a Firearm Owner's Identification Card, firearms, or
6 ammunition.

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

9 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

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

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

16 (b) Upon adjudication of any individual as a person with a
17 mental disability as defined in Section 1.1 of this Act or a
18 finding that a person has been involuntarily admitted, the
19 court shall direct the circuit court clerk to immediately
20 notify the Department of State Police, Firearm Owner's
21 Identification (FOID) department, and shall forward a copy of
22 the court order to the Department.

23 (b-1) Beginning July 1, 2016, and each July 1 and December
24 30 of every year thereafter, the circuit court clerk shall, in
25 the form and manner prescribed by the Department of State

1 Police, notify the Department of State Police, Firearm Owner's
2 Identification (FOID) department if the court has not directed
3 the circuit court clerk to notify the Department of State
4 Police, Firearm Owner's Identification (FOID) department under
5 subsection (b) of this Section, within the preceding 6 months,
6 because no person has been adjudicated as a person with a
7 mental disability by the court as defined in Section 1.1 of
8 this Act or if no person has been involuntarily admitted. The
9 Supreme Court may adopt any orders or rules necessary to
10 identify the persons who shall be reported to the Department of
11 State Police under subsection (b), or any other orders or rules
12 necessary to implement the requirements of this Act.

13 (b-2) The circuit court clerk shall report to the
14 Department of State Police, for the purpose of reporting to the
15 National Instant Criminal Background Check System database,
16 the name and all other identifying information of an individual
17 who is prohibited from possessing a firearm under this Act, the
18 laws of this State, or 18 U.S.C. 922(d)(4) and (g)(4). The
19 report shall be submitted to the Department of State Police, in
20 an electronic form and manner prescribed by the Department,
21 within 10 business days of the date of the conviction,
22 adjudication, or order of involuntary commitment.

23 (c) The Department of Human Services shall, in the form and
24 manner prescribed by the Department of State Police, report all
25 information collected under subsection (b) of Section 12 of the
26 Mental Health and Developmental Disabilities Confidentiality

1 Act for the purpose of determining whether a person who may be
2 or may have been a patient in a mental health facility is
3 disqualified under State or federal law from receiving or
4 retaining a Firearm Owner's Identification Card, or purchasing
5 a weapon.

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

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

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

22 The Department of Human Services shall immediately update
23 its records and information relating to mental health and
24 developmental disabilities, and if appropriate, shall notify
25 the Department of State Police in a form and manner prescribed
26 by the Department of State Police. The Department of State

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

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

20 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-143,
21 eff. 7-27-15; 99-696, eff. 7-29-16.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."