



Rep. Kelly M. Cassidy

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LRB098 08475 MRW 42948 a

1 AMENDMENT TO HOUSE BILL 1155

2 AMENDMENT NO. _____. Amend House Bill 1155, AS AMENDED, by
3 inserting the following in its proper numeric sequence:

4 "Section 835. The Nursing Home Care Act is amended by
5 changing Section 3-119 as follows:

6 (210 ILCS 45/3-119) (from Ch. 111 1/2, par. 4153-119)

7 Sec. 3-119. (a) The Department, after notice to the
8 applicant or licensee, may suspend, revoke or refuse to renew a
9 license in any case in which the Department finds any of the
10 following:

11 (1) There has been a substantial failure to comply with
12 this Act or the rules and regulations promulgated by the
13 Department under this Act. A substantial failure by a
14 facility shall include, but not be limited to, any of the
15 following:

16 (A) termination of Medicare or Medicaid

1 certification by the Centers for Medicare and Medicaid
2 Services; or

3 (B) a failure by the facility to pay any fine
4 assessed under this Act after the Department has sent
5 to the facility at least 2 notices of assessment that
6 include a schedule of payments as determined by the
7 Department, taking into account extenuating
8 circumstances and financial hardships of the facility.

9 (2) Conviction of the licensee, or of the person
10 designated to manage or supervise the facility, of a
11 felony, or of 2 or more misdemeanors involving moral
12 turpitude, during the previous 5 years as shown by a
13 certified copy of the record of the court of conviction.

14 (3) Personnel is insufficient in number or unqualified
15 by training or experience to properly care for the number
16 and type of residents served by the facility.

17 (4) Financial or other resources are insufficient to
18 conduct and operate the facility in accordance with
19 standards promulgated by the Department under this Act.

20 (5) The facility is not under the direct supervision of
21 a full-time administrator, as defined by regulation, who is
22 licensed, if required, under the Nursing Home
23 Administrators Licensing and Disciplinary Act.

24 (6) The facility has committed 2 Type "AA" violations
25 within a 2-year period.

26 (7) There has been a substantial failure to comply with

1 the provisions of subsection (b) of Section 12 of the
2 Mental Health and Developmental Disabilities
3 Confidentiality Act.

4 (b) Notice under this Section shall include a clear and
5 concise statement of the violations on which the nonrenewal or
6 revocation is based, the statute or rule violated and notice of
7 the opportunity for a hearing under Section 3-703.

8 (c) If a facility desires to contest the nonrenewal or
9 revocation of a license, the facility shall, within 10 days
10 after receipt of notice under subsection (b) of this Section,
11 notify the Department in writing of its request for a hearing
12 under Section 3-703. Upon receipt of the request the Department
13 shall send notice to the facility and hold a hearing as
14 provided under Section 3-703.

15 (d) The effective date of nonrenewal or revocation of a
16 license by the Department shall be any of the following:

17 (1) Until otherwise ordered by the circuit court,
18 revocation is effective on the date set by the Department
19 in the notice of revocation, or upon final action after
20 hearing under Section 3-703, whichever is later.

21 (2) Until otherwise ordered by the circuit court,
22 nonrenewal is effective on the date of expiration of any
23 existing license, or upon final action after hearing under
24 Section 3-703, whichever is later; however, a license shall
25 not be deemed to have expired if the Department fails to
26 timely respond to a timely request for renewal under this

1 Act or for a hearing to contest nonrenewal under paragraph
2 (c).

3 (3) The Department may extend the effective date of
4 license revocation or expiration in any case in order to
5 permit orderly removal and relocation of residents.

6 (e) The Department may impose fines on hospitals, not to
7 exceed \$500 per occurrence, for failing to report the admission
8 of a person for mental health treatment when the admission
9 would disqualify the person from receiving or retaining a
10 Firearm Owner's Identification Card under subsection (e) of
11 Section 8 of the Firearm Owners Identification Card Act.

12 The Department may refuse to issue or may suspend the
13 license of any person who fails to file a return, or to pay the
14 tax, penalty or interest shown in a filed return, or to pay any
15 final assessment of tax, penalty or interest, as required by
16 any tax Act administered by the Illinois Department of Revenue,
17 until such time as the requirements of any such tax Act are
18 satisfied.

19 (Source: P.A. 95-331, eff. 8-21-07; 96-1372, eff. 7-29-10.)

20 Section 836. The Hospital Licensing Act is amended by
21 changing Section 7 as follows:

22 (210 ILCS 85/7) (from Ch. 111 1/2, par. 148)

23 Sec. 7. (a) The Director after notice and opportunity for
24 hearing to the applicant or licensee may deny, suspend, or

1 revoke a permit to establish a hospital or deny, suspend, or
2 revoke a license to open, conduct, operate, and maintain a
3 hospital in any case in which he finds that there has been a
4 substantial failure to comply with the provisions of this Act,
5 the Hospital Report Card Act, or the Illinois Adverse Health
6 Care Events Reporting Law of 2005, or subsection (b) of Section
7 12 of the Mental Health and Developmental Disabilities
8 Confidentiality Act, or the standards, rules, and regulations
9 established by virtue of any of those Acts. The Department may
10 impose fines on hospitals, not to exceed \$500 per occurrence,
11 for failing to (1) initiate a criminal background check on a
12 patient that meets the criteria for hospital-initiated
13 background checks, ~~or~~ (2) report the death of a person known to
14 be a resident of a facility licensed under the MR/DD Community
15 Care Act to the coroner or medical examiner within 24 hours as
16 required by Section 6.09a of this Act, or (3) report the
17 admission of a person for mental health treatment when the
18 admission would disqualify the person from receiving or
19 retaining a Firearm Owner's Identification Card under
20 subsection (e) of Section 8 of the Firearm Owners
21 Identification Card Act. In assessing whether to impose such a
22 fine for failure to initiate a criminal background check, the
23 Department shall consider various factors including, but not
24 limited to, whether the hospital has engaged in a pattern or
25 practice of failing to initiate criminal background checks.
26 Money from fines shall be deposited into the Long Term Care

1 Provider Fund.

2 (b) Such notice shall be effected by registered mail or by
3 personal service setting forth the particular reasons for the
4 proposed action and fixing a date, not less than 15 days from
5 the date of such mailing or service, at which time the
6 applicant or licensee shall be given an opportunity for a
7 hearing. Such hearing shall be conducted by the Director or by
8 an employee of the Department designated in writing by the
9 Director as Hearing Officer to conduct the hearing. On the
10 basis of any such hearing, or upon default of the applicant or
11 licensee, the Director shall make a determination specifying
12 his findings and conclusions. In case of a denial to an
13 applicant of a permit to establish a hospital, such
14 determination shall specify the subsection of Section 6 under
15 which the permit was denied and shall contain findings of fact
16 forming the basis of such denial. A copy of such determination
17 shall be sent by registered mail or served personally upon the
18 applicant or licensee. The decision denying, suspending, or
19 revoking a permit or a license shall become final 35 days after
20 it is so mailed or served, unless the applicant or licensee,
21 within such 35 day period, petitions for review pursuant to
22 Section 13.

23 (c) The procedure governing hearings authorized by this
24 Section shall be in accordance with rules promulgated by the
25 Department and approved by the Hospital Licensing Board. A full
26 and complete record shall be kept of all proceedings, including

1 the notice of hearing, complaint, and all other documents in
2 the nature of pleadings, written motions filed in the
3 proceedings, and the report and orders of the Director and
4 Hearing Officer. All testimony shall be reported but need not
5 be transcribed unless the decision is appealed pursuant to
6 Section 13. A copy or copies of the transcript may be obtained
7 by any interested party on payment of the cost of preparing
8 such copy or copies.

9 (d) The Director or Hearing Officer shall upon his own
10 motion, or on the written request of any party to the
11 proceeding, issue subpoenas requiring the attendance and the
12 giving of testimony by witnesses, and subpoenas duces tecum
13 requiring the production of books, papers, records, or
14 memoranda. All subpoenas and subpoenas duces tecum issued under
15 the terms of this Act may be served by any person of full age.
16 The fees of witnesses for attendance and travel shall be the
17 same as the fees of witnesses before the Circuit Court of this
18 State, such fees to be paid when the witness is excused from
19 further attendance. When the witness is subpoenaed at the
20 instance of the Director, or Hearing Officer, such fees shall
21 be paid in the same manner as other expenses of the Department,
22 and when the witness is subpoenaed at the instance of any other
23 party to any such proceeding the Department may require that
24 the cost of service of the subpoena or subpoena duces tecum and
25 the fee of the witness be borne by the party at whose instance
26 the witness is summoned. In such case, the Department in its

1 discretion, may require a deposit to cover the cost of such
2 service and witness fees. A subpoena or subpoena duces tecum
3 issued as aforesaid shall be served in the same manner as a
4 subpoena issued out of a court.

5 (e) Any Circuit Court of this State upon the application of
6 the Director, or upon the application of any other party to the
7 proceeding, may, in its discretion, compel the attendance of
8 witnesses, the production of books, papers, records, or
9 memoranda and the giving of testimony before the Director or
10 Hearing Officer conducting an investigation or holding a
11 hearing authorized by this Act, by an attachment for contempt,
12 or otherwise, in the same manner as production of evidence may
13 be compelled before the court.

14 (f) The Director or Hearing Officer, or any party in an
15 investigation or hearing before the Department, may cause the
16 depositions of witnesses within the State to be taken in the
17 manner prescribed by law for like depositions in civil actions
18 in courts of this State, and to that end compel the attendance
19 of witnesses and the production of books, papers, records, or
20 memoranda.

21 (Source: P.A. 96-1372, eff. 7-29-10; 97-38, eff. 6-28-11.)

22 Section 837. The Firearm Owners Identification Card Act is
23 amended by changing Sections 8, 8.1, 8.2, and 9 as follows:

24 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

1 (Text of Section before amendment by P.A. 97-1167)

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

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

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

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

18 (d) A person addicted to narcotics;

19 (e) A person who has been a patient of a mental institution
20 within the past 5 years or has been adjudicated as a mental
21 defective;

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

25 For the purposes of this Section, "mental condition" means
26 a state of mind determined to be inconsistent with the

1 possession of weapons as determined by a treating clinical
2 psychologist or physician or manifested by threatening
3 behavior, for example violent, suicidal, ~~threatening~~ or
4 assaultive behavior as determined by a clinician, school
5 administrator, or law enforcement official.

6 (g) A person who is intellectually disabled;

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

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

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

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

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

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

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

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

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

7 (5) one who has received a waiver from the Attorney
8 General of the United States pursuant to 18 U.S.C.
9 922 (y) (3);

10 (j) (Blank);

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

15 (l) A person who has been convicted of domestic battery,
16 aggravated domestic battery, or a substantially similar
17 offense in another jurisdiction committed before, on or after
18 January 1, 2012 (the effective date of Public Act 97-158). If
19 the applicant or person who has been previously issued a
20 Firearm Owner's Identification Card under this Act knowingly
21 and intelligently waives the right to have an offense described
22 in this paragraph (l) tried by a jury, and by guilty plea or
23 otherwise, results in a conviction for an offense in which a
24 domestic relationship is not a required element of the offense
25 but in which a determination of the applicability of 18 U.S.C.
26 922 (g) (9) is made under Section 112A-11.1 of the Code of

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

6 (m) (Blank);

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

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

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

17 (q) A person who is not a resident of the State of
18 Illinois, except as provided in subsection (a-10) of Section 4.
19 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
20 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

21 (Text of Section after amendment by P.A. 97-1167)

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

1 to whom such card was issued is or was at the time of issuance:

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

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

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

13 (d) A person addicted to narcotics;

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

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

1 For the purposes of this Section, "mental condition" means
2 a state of mind determined to be inconsistent with the
3 possession of weapons as determined by a treating clinical
4 psychologist or physician or manifested by threatening
5 behavior, for example violent, suicidal, ~~threatening~~ or
6 assaultive behavior as determined by a clinician, school
7 administrator, or law enforcement official.

8 (g) A person who is intellectually disabled;

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

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

13 (i-5) An alien who has been admitted to the United States
14 under a non-immigrant visa (as that term is defined in Section
15 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
16 1101(a)(26))), except that this subsection (i-5) does not apply
17 to any alien who has been lawfully admitted to the United
18 States under a non-immigrant visa if that alien is:

19 (1) admitted to the United States for lawful hunting or
20 sporting purposes;

21 (2) an official representative of a foreign government
22 who is:

23 (A) accredited to the United States Government or
24 the Government's mission to an international
25 organization having its headquarters in the United
26 States; or

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

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

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

9 (5) one who has received a waiver from the Attorney
10 General of the United States pursuant to 18 U.S.C.
11 922 (y) (3);

12 (j) (Blank);

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

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

1 but in which a determination of the applicability of 18 U.S.C.
2 922(g)(9) is made under Section 112A-11.1 of the Code of
3 Criminal Procedure of 1963, an entry by the court of a judgment
4 of conviction for that offense shall be grounds for denying an
5 application for and for revoking and seizing a Firearm Owner's
6 Identification Card previously issued to the person under this
7 Act;

8 (m) (Blank);

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

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

16 (p) An adult who had been adjudicated a delinquent minor
17 under the Juvenile Court Act of 1987 for the commission of an
18 offense that if committed by an adult 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 Section 4;
21 or

22 (r) A person who has been adjudicated as a mental
23 defective.

24 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
25 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13;
26 97-1167, eff. 6-1-13.)

1 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

2 Sec. 8.1. Mental health notifications to ~~Circuit Clerk to~~
3 ~~notify~~ Department of State Police.

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

9 (b) Upon adjudication of any individual as a mental
10 defective, as defined in Section 1.1 or as provided in
11 paragraph (3.5) of subsection (c) of Section 104-26 of the Code
12 of Criminal Procedure of 1963, the court shall direct the
13 circuit court clerk to immediately notify the Department of
14 State Police, Firearm Owner's Identification (FOID)
15 department, and shall forward a copy of the court order to the
16 Department.

17 (c) The Department of Human Services shall, in the form and
18 manner required by the Department of State Police, report all
19 information collected under subsection (b) of Section 12 of the
20 Mental Health and Developmental Disabilities Confidentiality
21 Act for the purpose of determining whether an individual who
22 may be or may have been a patient in a mental institution is
23 disqualified under State or federal law because of that status
24 from (1) receiving or retaining a Firearm Owner's
25 Identification Card or (2) purchasing a weapon.

1 (d) Any clinical psychologist or physician treating an
2 individual whose mental condition is of such a nature that it
3 poses a clear and present danger to the individual, any other
4 person or persons or the community shall report the identity of
5 that person and his or her assessment of that person's mental
6 condition to the Department of State Police within 24 hours.

7 (e) Any college or university that finds one of its
8 students has a mental condition of such a nature that it poses
9 a clear and present danger to the student, any other person or
10 persons or the student population shall report the identity of
11 that person and his or her assessment of that student's mental
12 condition to the Department of State Police within 24 hours.

13 (f) The Department of State Police shall adopt rules to
14 implement this Section.

15 (Source: P.A. 97-1131, eff. 1-1-13.)

16 (430 ILCS 65/8.2)

17 Sec. 8.2. Firearm Owner's Identification Card denial or
18 revocation.

19 (a) The Department of State Police shall deny an
20 application or shall revoke and seize a Firearm Owner's
21 Identification Card previously issued under this Act if the
22 Department finds that the applicant or person to whom such card
23 was issued is or was at the time of issuance subject to ~~any~~ any
24 existing order of protection interim, emergency, or plenary
25 issued under the Illinois Domestic Violence Act of 1986 or the

1 Stalking No Contact Order Act.

2 (b) The Department of State Police shall provide notice of
3 all revocations made under subsection (a) of this Section or
4 Section 8 of this Act, and the reason therefor to all law
5 enforcement agencies with jurisdiction to assist with the
6 revocation and seizure of the Firearm Owner's Identification
7 Card.

8 (Source: P.A. 96-701, eff. 1-1-10.)

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

10 Sec. 9. Notice of denial or revocation.

11 (a) Every person whose application for a Firearm Owner's
12 Identification Card is denied, and every holder of such a Card
13 whose Card is revoked or seized, shall receive a written notice
14 from the Department of State Police stating specifically the
15 grounds upon which his application has been denied or upon
16 which his Identification Card has been revoked.

17 (b) Any person who has received notice from the Department
18 of State Police stating his or her card is revoked shall
19 immediately return the card to the Department of State Police.
20 Failure to return the card is a petty offense with a minimum
21 fine of \$100. After being served notice, a person who uses his
22 or her revoked card to purchase any firearm, firearm
23 ammunition, or firearm ammunition feeding device is guilty of a
24 Class 4 felony.

25 (Source: P.A. 97-1131, eff. 1-1-13.)

1 Section 838. The Mental Health and Developmental
2 Disabilities Confidentiality Act is amended by changing
3 Section 12 as follows:

4 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

5 Sec. 12. (a) If the United States Secret Service or the
6 Department of State Police requests information from a mental
7 health or developmental disability facility, as defined in
8 Section 1-107 and 1-114 of the Mental Health and Developmental
9 Disabilities Code, relating to a specific recipient and the
10 facility director determines that disclosure of such
11 information may be necessary to protect the life of, or to
12 prevent the infliction of great bodily harm to, a public
13 official, or a person under the protection of the United States
14 Secret Service, only the following information may be
15 disclosed: the recipient's name, address, and age and the date
16 of any admission to or discharge from a facility; and any
17 information which would indicate whether or not the recipient
18 has a history of violence or presents a danger of violence to
19 the person under protection. Any information so disclosed shall
20 be used for investigative purposes only and shall not be
21 publicly disseminated. Any person participating in good faith
22 in the disclosure of such information in accordance with this
23 provision shall have immunity from any liability, civil,
24 criminal or otherwise, if such information is disclosed relying

1 upon the representation of an officer of the United States
2 Secret Service or the Department of State Police that a person
3 is under the protection of the United States Secret Service or
4 is a public official.

5 For the purpose of this subsection (a), the term "public
6 official" means the Governor, Lieutenant Governor, Attorney
7 General, Secretary of State, State Comptroller, State
8 Treasurer, member of the General Assembly, member of the United
9 States Congress, Judge of the United States as defined in 28
10 U.S.C. 451, Justice of the United States as defined in 28
11 U.S.C. 451, United States Magistrate Judge as defined in 28
12 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
13 Supreme, Appellate, Circuit, or Associate Judge of the State of
14 Illinois. The term shall also include the spouse, child or
15 children of a public official.

16 (b) ~~All The Department of Human Services (acting as~~
17 ~~successor to the Department of Mental Health and Developmental~~
18 ~~Disabilities) and all public or private hospitals, nursing
19 homes or long term care facilities, colleges or universities
20 providing mental health services to its student population, and
21 mental health facilities are required, as hereafter described
22 in this subsection, to furnish the Department of Human Services
23 (acting as successor to the Department of Mental Health and
24 Developmental Disabilities) ~~State Police only~~ such information
25 as defined by the Department of State Police that is ~~may be~~
26 required for the ~~sole~~ purpose of determining whether an~~

1 individual who may be or may have been a patient is
2 disqualified under State or federal law because of that status
3 from (1) receiving or retaining a Firearm Owner's
4 Identification Card or (2) purchasing a weapon, and submitting
5 identifying information regarding the disqualified individual
6 to the National Instant Criminal Background Check System Index
7 program under subsection (e) or (f) of Section 8 of the Firearm
8 Owners Identification Card Act or 18 U.S.C. 922(g) and (n). All
9 public or private hospitals, nursing homes or long term care
10 facilities, and mental health facilities shall, in the form and
11 manner required by the Department, provide such information as
12 shall be necessary for the Department to comply with the
13 reporting requirements to the Department of State Police in the
14 manner required by the Department of State Police. Such
15 information shall be furnished within 7 days after admission to
16 a public or private hospital, nursing home or long term care
17 facility, or mental health facility or the provision of
18 services to a patient described in clause (2) of this
19 subsection (b). Any such information disclosed under this
20 subsection shall remain privileged and confidential, and shall
21 only not be used and redisclosed as provided by , except as
22 required by clause (c) (2) of Section 3.1 of the Firearm Owners
23 Identification Card Act and may not be, nor utilized for any
24 other purpose. The method of requiring the providing of such
25 information shall guarantee that no information is released
26 beyond what is necessary for this purpose. In addition, the

1 information disclosed shall be provided by the Department
2 within the time period established by Section 24-3 of the
3 Criminal Code of 2012 regarding the delivery of firearms. ~~The~~
4 ~~method used shall be sufficient to provide the necessary~~
5 ~~information within the prescribed time period, which may~~
6 ~~include periodically providing lists to the Department of Human~~
7 ~~Services or any public or private hospital or mental health~~
8 ~~facility of Firearm Owner's Identification Card applicants on~~
9 ~~which the Department or hospital shall indicate the identities~~
10 ~~of those individuals who are to its knowledge disqualified from~~
11 ~~having a Firearm Owner's Identification Card for reasons~~
12 ~~described herein. The Department may provide for a centralized~~
13 ~~source of information for the State on this subject under its~~
14 ~~jurisdiction.~~

15 Any person, institution, or agency, under this Act,
16 participating in good faith in the reporting or disclosure of
17 records and communications otherwise in accordance with this
18 provision or with rules, regulations or guidelines issued by
19 the Department shall have immunity from any liability, civil,
20 criminal or otherwise, that might result by reason of the
21 action. For the purpose of any proceeding, civil or criminal,
22 arising out of a report or disclosure in accordance with this
23 provision, the good faith of any person, institution, or agency
24 so reporting or disclosing shall be presumed. The full extent
25 of the immunity provided in this subsection (b) shall apply to
26 any person, institution or agency that fails to make a report

1 or disclosure in the good faith belief that the report or
2 disclosure would violate federal regulations governing the
3 confidentiality of alcohol and drug abuse patient records
4 implementing 42 U.S.C. 290dd-3 and 290ee-3.

5 For purposes of this subsection (b) only, the following
6 terms shall have the meaning prescribed:

7 (1) "Hospital" means only that type of institution
8 which is providing full-time residential facilities and
9 treatment.

10 (2) "Patient" shall include only: (i) a person who is
11 an in-patient or resident of any public or private hospital
12 or mental health facility or (ii) a person who is an
13 out-patient or provided services by a public or private
14 hospital or mental health facility whose mental condition
15 is of such a nature that it is manifested by violent,
16 suicidal, threatening, or assaultive behavior or reported
17 behavior, for which there is a reasonable belief by a
18 physician, clinical psychologist, or qualified examiner
19 that the condition poses a clear and present or imminent
20 danger to the patient, any other person or the community
21 meaning the patient's condition poses a clear and present
22 danger in accordance with subsection (f) of Section 8 of
23 the Firearm Owners Identification Card Act. The terms
24 physician, clinical psychologist, and qualified examiner
25 are defined in Sections 1-120, 1-103, and 1-122 of the
26 Mental Health and Developmental Disabilities Code.

1 (3) "Mental health facility" is defined by Section
2 1-114 of the Mental Health and Developmental Disabilities
3 Code.

4 (c) Upon the request of a peace officer who takes a person
5 into custody and transports such person to a mental health or
6 developmental disability facility pursuant to Section 3-606 or
7 4-404 of the Mental Health and Developmental Disabilities Code
8 or who transports a person from such facility, a facility
9 director shall furnish said peace officer the name, address,
10 age and name of the nearest relative of the person transported
11 to or from the mental health or developmental disability
12 facility. In no case shall the facility director disclose to
13 the peace officer any information relating to the diagnosis,
14 treatment or evaluation of the person's mental or physical
15 health.

16 For the purposes of this subsection (c), the terms "mental
17 health or developmental disability facility", "peace officer"
18 and "facility director" shall have the meanings ascribed to
19 them in the Mental Health and Developmental Disabilities Code.

20 (d) Upon the request of a peace officer or prosecuting
21 authority who is conducting a bona fide investigation of a
22 criminal offense, or attempting to apprehend a fugitive from
23 justice, a facility director may disclose whether a person is
24 present at the facility. Upon request of a peace officer or
25 prosecuting authority who has a valid forcible felony warrant
26 issued, a facility director shall disclose: (1) whether the

1 person who is the subject of the warrant is present at the
2 facility and (2) the date of that person's discharge or future
3 discharge from the facility. The requesting peace officer or
4 prosecuting authority must furnish a case number and the
5 purpose of the investigation or an outstanding arrest warrant
6 at the time of the request. Any person, institution, or agency
7 participating in good faith in disclosing such information in
8 accordance with this subsection (d) is immune from any
9 liability, civil, criminal or otherwise, that might result by
10 reason of the action.

11 (Source: P.A. 96-193, eff. 8-10-09; 97-1150, eff. 1-25-13.)

12 Section 839. No acceleration or delay. Where this Act makes
13 changes in a statute that is represented in this Act by text
14 that is not yet or no longer in effect (for example, a Section
15 represented by multiple versions), the use of that text does
16 not accelerate or delay the taking effect of (i) the changes
17 made by this Act or (ii) provisions derived from any other
18 Public Act.".