



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3762

by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

430 ILCS 65/4	from Ch. 38, par. 83-4
430 ILCS 65/8	from Ch. 38, par. 83-8

Amends the Firearm Owners Identification Card Act. Lowers the age in which a person may apply for a Firearm Owner's Identification Card without parental or legal guardian consent from 21 years of age to 18 years of age. Provides that an applicant who is 18 (rather than 21) years of age or older seeking a religious exemption to the photograph requirement must furnish with the application an approved copy of United States Department of the Treasury Internal Revenue Service Form 4029. Effective immediately.

LRB098 14640 RLC 49467 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 18 ~~21~~ years of age or over, or if
17 he or she is under 18 ~~21~~ years of age that he or she has
18 the written consent of his or her parent or legal
19 guardian to possess and acquire firearms and firearm
20 ammunition and that, if he or she is under 21 years of
21 age, he or she has never been convicted of a
22 misdemeanor other than a traffic offense or adjudged
23 delinquent, provided, however, that, if the applicant

1 is under 18 years of age, the ~~such~~ parent or legal
2 guardian is not an individual prohibited from having a
3 Firearm Owner's Identification Card and files an
4 affidavit with the Department as prescribed by the
5 Department stating that he or she is not an individual
6 prohibited from having a Card;

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

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

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

15 (v) He or she is not intellectually disabled;

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

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

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

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

17 (x) (Blank);

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

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

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

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

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

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

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

15 (5) one who has received a waiver from the
16 Attorney General of the United States pursuant to
17 18 U.S.C. 922(y) (3);

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

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

1 (xiv) He or she is a resident of the State of
2 Illinois;

3 (xv) He or she has not been adjudicated as a
4 mentally disabled person;

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

7 (xvii) He or she is not developmentally disabled;
8 and

9 (3) Upon request by the Department of State Police,
10 sign a release on a form prescribed by the Department of
11 State Police waiving any right to confidentiality and
12 requesting the disclosure to the Department of State Police
13 of limited mental health institution admission information
14 from another state, the District of Columbia, any other
15 territory of the United States, or a foreign nation
16 concerning the applicant for the sole purpose of
17 determining whether the applicant is or was a patient in a
18 mental health institution and disqualified because of that
19 status from receiving a Firearm Owner's Identification
20 Card. No mental health care or treatment records may be
21 requested. The information received shall be destroyed
22 within one year of receipt.

23 (a-5) Each applicant for a Firearm Owner's Identification
24 Card who is over the age of 18 shall furnish to the Department
25 of State Police either his or her Illinois driver's license
26 number or Illinois Identification Card number, except as

1 provided in subsection (a-10).

2 (a-10) Each applicant for a Firearm Owner's Identification
3 Card, who is employed as a law enforcement officer, an armed
4 security officer in Illinois, or by the United States Military
5 permanently assigned in Illinois and who is not an Illinois
6 resident, shall furnish to the Department of State Police his
7 or her driver's license number or state identification card
8 number from his or her state of residence. The Department of
9 State Police may adopt rules to enforce the provisions of this
10 subsection (a-10).

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

16 (a-20) Each applicant for a Firearm Owner's Identification
17 Card shall furnish to the Department of State Police his or her
18 photograph. An applicant who is 18 ~~21~~ years of age or older
19 seeking a religious exemption to the photograph requirement
20 must furnish with the application an approved copy of United
21 States Department of the Treasury Internal Revenue Service Form
22 4029. In lieu of a photograph, an applicant regardless of age
23 seeking a religious exemption to the photograph requirement
24 shall submit fingerprints on a form and manner prescribed by
25 the Department with his or her application.

26 (b) Each application form shall include the following

1 statement printed in bold type: "Warning: Entering false
2 information on an application for a Firearm Owner's
3 Identification Card is punishable as a Class 2 felony in
4 accordance with subsection (d-5) of Section 14 of the Firearm
5 Owners Identification Card Act."

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

10 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,
11 eff. 7-13-12; 97-1131, eff. 1-1-13; 97-1167, eff. 6-1-13;
12 98-63, eff. 7-9-13.)

13 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

23 (b) A person under 18 ~~21~~ years of age who does not have
24 the written consent of his parent or guardian to acquire
25 and possess firearms and firearm ammunition, or whose

1 parent or guardian has revoked such written consent, or
2 where such parent or guardian does not qualify to have a
3 Firearm Owner's Identification Card;

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

6 (d) A person addicted to narcotics;

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

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

23 (g) A person who is intellectually disabled;

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

26 (i) An alien who is unlawfully present in the United

1 States under the laws of the United States;

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

9 (1) admitted to the United States for lawful
10 hunting or sporting purposes;

11 (2) an official representative of a foreign
12 government who is:

13 (A) accredited to the United States Government
14 or the Government's mission to an international
15 organization having its headquarters in the United
16 States; or

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

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

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

25 (5) one who has received a waiver from the Attorney
26 General of the United States pursuant to 18 U.S.C.

1 922 (y) (3);

2 (j) (Blank);

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

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

26 (m) (Blank);

1 (n) A person who is prohibited from acquiring or
2 possessing firearms or firearm ammunition by any Illinois
3 State statute or by federal law;

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

8 (p) An adult who had been adjudicated a delinquent
9 minor under the Juvenile Court Act of 1987 for the
10 commission of an offense that if committed by an adult
11 would be a felony;

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

15 (r) A person who has been adjudicated as a mentally
16 disabled person;

17 (s) A person who has been found to be developmentally
18 disabled;

19 (t) A person involuntarily admitted into a mental
20 health facility; or

21 (u) A person who has had his or her Firearm Owner's
22 Identification Card revoked or denied under subsection (e)
23 of this Section or item (iv) of paragraph (2) of subsection
24 (a) of Section 4 of this Act because he or she was a
25 patient in a mental health facility as provided in ~~item (2)~~
26 ~~of~~ subsection (e) of this Section, shall not be permitted

1 to obtain a Firearm Owner's Identification Card, after the
2 5-year ~~5-year~~ period has lapsed, unless he or she has
3 received a mental health evaluation by a physician,
4 clinical psychologist, or qualified examiner as those
5 terms are defined in the Mental Health and Developmental
6 Disabilities Code, and has received a certification that he
7 or she is not a clear and present danger to himself,
8 herself, or others. The physician, clinical psychologist,
9 or qualified examiner making the certification and his or
10 her employer shall not be held criminally, civilly, or
11 professionally liable for making or not making the
12 certification required under this subsection, except for
13 willful or wanton misconduct. This subsection does not
14 apply to a person whose firearm possession rights have been
15 restored through administrative or judicial action under
16 Section 10 or 11 of this Act. ~~or~~

17 ~~(v)~~ Upon revocation of a person's Firearm Owner's
18 Identification Card, the Department of State Police shall
19 provide notice to the person and the person shall comply with
20 Section 9.5 of this Act.

21 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,
22 eff. 7-13-12; 97-1131, eff. 1-1-13; 97-1167, eff. 6-1-13;
23 98-63, eff. 7-9-13; 98-508, eff. 8-19-13; revised 9-24-13.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.