



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2445

Introduced 2/4/2025, by Rep. Amy Elik

SYNOPSIS AS INTRODUCED:

430 ILCS 65/8.1

from Ch. 38, par. 83-8.1

Amends the Firearm Owner's Identification Card Act. In provisions regarding notification to the Illinois State Police, allows a physician, clinical psychologist, qualified examiner, law enforcement official, or school administrator who notifies the Department of Human Services or the Illinois State Police of a person who is determined to pose a clear and present danger to himself, herself, or to others to rescind and cancel the notification within 5 days, putting the person back in the position as if the notification had not occurred. Requires the Illinois State Police to adopt rules to implement the provisions added by this amendatory Act.

LRB104 06948 BDA 16985 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 Section 8.1 as follows:

6 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

7 Sec. 8.1. Notifications to the Illinois State Police.

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

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

20 (b-1) Beginning July 1, 2016, and each July 1 and December
21 30 of every year thereafter, the circuit court clerk shall, in
22 the form and manner prescribed by the Illinois State Police,
23 notify the Illinois State Police, Firearm Owner's

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

12 (c) The Department of Human Services shall, in the form
13 and manner prescribed by the Illinois State Police, report all
14 information collected under subsection (b) of Section 12 of
15 the Mental Health and Developmental Disabilities
16 Confidentiality Act for the purpose of determining whether a
17 person who may be or may have been a patient in a mental health
18 facility is disqualified under State or federal law from
19 receiving or retaining a Firearm Owner's Identification Card,
20 or purchasing a weapon.

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

23 (1) by a physician, clinical psychologist, or
24 qualified examiner, or is determined to have a
25 developmental disability by a physician, clinical
26 psychologist, or qualified examiner, whether employed by

1 the State or privately, then the physician, clinical
2 psychologist, or qualified examiner shall, within 24 hours
3 of making the determination, notify the Department of
4 Human Services that the person poses a clear and present
5 danger or has a developmental disability; or

6 (2) by a law enforcement official or school
7 administrator, then the law enforcement official or school
8 administrator shall, within 24 hours of making the
9 determination, notify the Illinois State Police that the
10 person poses a clear and present danger.

11 The Department of Human Services shall immediately update
12 its records and information relating to mental health and
13 developmental disabilities, and if appropriate, shall notify
14 the Illinois State Police in a form and manner prescribed by
15 the Illinois State Police. The Illinois State Police shall
16 determine whether to revoke the person's Firearm Owner's
17 Identification Card under Section 8 of this Act. Any
18 information disclosed under this subsection shall remain
19 privileged and confidential, and shall not be redisclosed,
20 except as required under subsection (e) of Section 3.1 of this
21 Act, nor used for any other purpose. The method of providing
22 this information shall guarantee that the information is not
23 released beyond what is necessary for the purpose of this
24 Section and shall be provided by rule by the Department of
25 Human Services. The identity of the person reporting under
26 this Section shall not be disclosed to the subject of the

1 report. The physician, clinical psychologist, qualified
2 examiner, law enforcement official, or school administrator
3 making the determination and his or her employer shall not be
4 held criminally, civilly, or professionally liable for making
5 or not making the notification required under this subsection,
6 except for willful or wanton misconduct.

7 A physician, clinical psychologist, qualified examiner,
8 law enforcement official, or school administrator who notifies
9 the Department of Human Services or the Illinois State Police
10 under paragraph (1) or (2) of this subsection (d) may rescind
11 and cancel the notification within 5 days of the notification
12 for any reason. Upon such rescission and cancellation of
13 notification within 5 days, the Department of Human Services
14 and the Illinois State Police shall put the person who was
15 determined to pose a clear and present danger to himself,
16 herself, or to others back in the position as if the
17 notification had not occurred. The identity of the person
18 rescinding and cancelling under this Section shall not be
19 disclosed to the subject of the report. The physician,
20 clinical psychologist, qualified examiner, law enforcement
21 official, or school administrator and his or her employer
22 shall not be held criminally, civilly, or professionally
23 liable for rescinding and cancelling the notification under
24 this subsection, except for willful or wanton misconduct.

25 (e) The Illinois State Police shall adopt rules to
26 implement this Section. The Illinois State Police shall adopt

1 rules to implement the provisions added by this amendatory Act
2 of the 104th General Assembly.

3 (Source: P.A. 102-538, eff. 8-20-21.)