



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4999

by Rep. Bob Morgan

SYNOPSIS AS INTRODUCED:

405 ILCS 5/6-103.3
740 ILCS 110/12

from Ch. 91 1/2, par. 812

Amends the Mental Health and Developmental Disabilities Code. In provisions requiring specified medical and mental health professionals to notify the Department of Human Services whenever they determine a person who is under their professional care poses a clear and present danger to himself or herself, provides that the identity of the reporter shall not be disclosed to the subject of the report unless ordered by the Firearm Owner's Identification Card Review Board or a court with appropriate jurisdiction in accordance with the Firearm Owners Identification Card Act. Provides that the Department of Human Services and its employees or agents shall not be held liable for damages in any civil action arising from the disclosure or non-disclosure of the information released in accordance with the Firearm Owners Identification Card Act. Adds similar provisions to the Mental Health and Developmental Disabilities Confidentiality Act.

LRB104 18657 KTG 32100 b

1 AN ACT concerning mental health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Mental Health and Developmental
5 Disabilities Code is amended by changing Section 6-103.3 as
6 follows:

7 (405 ILCS 5/6-103.3)

8 Sec. 6-103.3. Clear and present danger; notice. If a
9 person is determined to pose a clear and present danger to
10 himself, herself, or to others by a physician, clinical
11 psychologist, advanced practice psychiatric nurse, or
12 qualified examiner, whether employed by the State, by any
13 public or private mental health facility or part thereof, or
14 by a law enforcement official or a school administrator, then
15 the physician, clinical psychologist, advanced practice
16 psychiatric nurse, or qualified examiner shall notify the
17 Department of Human Services and a law enforcement official or
18 school administrator shall notify the Illinois State Police,
19 within 24 hours of making the determination that the person
20 poses a clear and present danger. The Department of Human
21 Services shall immediately update its records and information
22 relating to mental health and developmental disabilities, and
23 if appropriate, shall notify the Illinois State Police in a

1 form and manner prescribed by the Illinois State Police.
2 Information disclosed under this Section shall remain
3 privileged and confidential, and shall not be redisclosed,
4 except as required under subsection (e) of Section 3.1 of the
5 Firearm Owners Identification Card Act, nor used for any other
6 purpose. The method of providing this information shall
7 guarantee that the information is not released beyond that
8 which is necessary for the purpose of this Section and shall be
9 provided by rule by the Department of Human Services.
10 Notwithstanding any other provision of this Act or any other
11 law to the contrary, the ~~The~~ identity of the person reporting
12 under this Section shall not be disclosed to the subject of the
13 report unless ordered by the Firearm Owner's Identification
14 Card Review Board or a court with appropriate jurisdiction in
15 accordance with Section 10 of the Firearm Owners
16 Identification Card Act. The physician, clinical psychologist,
17 advanced practice psychiatric nurse, qualified examiner, law
18 enforcement official, or school administrator making the
19 determination and his or her employer shall not be held
20 criminally, civilly, or professionally liable for making or
21 not making the notification required under this Section,
22 except for willful or wanton misconduct. The Department of
23 Human Services and its employees or agents shall not be held
24 liable for damages in any civil action arising from the
25 disclosure or non-disclosure of the information released to an
26 individual in accordance with Section 10 of the Firearm Owners

1 Identification Card Act. This Section does not apply to a law
2 enforcement official, if making the notification under this
3 Section will interfere with an ongoing or pending criminal
4 investigation.

5 For the purposes of this Section:

6 "Clear and present danger" has the meaning ascribed to
7 it in Section 1.1 of the Firearm Owners Identification
8 Card Act.

9 "Determined to pose a clear and present danger to
10 himself, herself, or to others by a physician, clinical
11 psychologist, advanced practice psychiatric nurse, or
12 qualified examiner" means in the professional opinion of
13 the physician, clinical psychologist, advanced practice
14 psychiatric nurse, or qualified examiner, a person, with
15 whom the physician, psychologist, nurse, or examiner has a
16 formal relationship in his or her official capacity, poses
17 a clear and present danger.

18 "School administrator" means the person required to
19 report under the School Administrator Reporting of Mental
20 Health Clear and Present Danger Determinations Law.

21 (Source: P.A. 104-270, eff. 8-15-25.)

22 Section 10. The Mental Health and Developmental
23 Disabilities Confidentiality Act is amended by changing
24 Section 12 as follows:

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

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

26 For the purpose of this subsection (a), the term "public

1 official" means the Governor, Lieutenant Governor, Attorney
2 General, Secretary of State, State Comptroller, State
3 Treasurer, member of the General Assembly, member of the
4 United States Congress, Judge of the United States as defined
5 in 28 U.S.C. 451, Justice of the United States as defined in 28
6 U.S.C. 451, United States Magistrate Judge as defined in 28
7 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
8 Supreme, Appellate, Circuit, or Associate Judge of the State
9 of Illinois. The term shall also include the spouse, child or
10 children of a public official.

11 (b) The Department of Human Services (acting as successor
12 to the Department of Mental Health and Developmental
13 Disabilities) and all public or private hospitals and mental
14 health facilities are required, as hereafter described in this
15 subsection, to furnish the Illinois State Police only such
16 information as may be required for the sole purpose of
17 determining whether an individual who may be or may have been a
18 patient is disqualified because of that status from receiving
19 or retaining a Firearm Owner's Identification Card or falls
20 within the federal prohibitors under subsection (e), (f), (g),
21 (r), (s), or (t) of Section 8 of the Firearm Owners
22 Identification Card Act, or falls within the federal
23 prohibitors in 18 U.S.C. 922(g) and (n). All physicians,
24 clinical psychologists, or qualified examiners at public or
25 private mental health facilities or parts thereof as defined
26 in this subsection shall, in the form and manner required by

1 the Department, provide notice directly to the Department of
2 Human Services, or to his or her employer who shall then report
3 to the Department, within 24 hours after determining that a
4 person poses a clear and present danger to himself, herself,
5 or others, or within 7 days after a person 14 years or older is
6 determined to be a person with a developmental disability by a
7 physician, clinical psychologist, or qualified examiner as
8 described in Section 1.1 of the Firearm Owners Identification
9 Card Act. If a person is a patient as described in clause (1)
10 of the definition of "patient" in Section 1.1 of the Firearm
11 Owners Identification Card Act, this information shall be
12 furnished within 7 days after admission to a public or private
13 hospital or mental health facility or the provision of
14 services. Any such information disclosed under this subsection
15 shall remain privileged and confidential, and shall not be
16 redisclosed, except as required by subsection (e) of Section
17 3.1 of the Firearm Owners Identification Card Act, nor
18 utilized for any other purpose. The method of requiring the
19 providing of such information shall guarantee that no
20 information is released beyond what is necessary for this
21 purpose. In addition, the information disclosed shall be
22 provided by the Department within the time period established
23 by Section 24-3 of the Criminal Code of 2012 regarding the
24 delivery of firearms. The method used shall be sufficient to
25 provide the necessary information within the prescribed time
26 period, which may include periodically providing lists to the

1 Department of Human Services or any public or private hospital
2 or mental health facility of Firearm Owner's Identification
3 Card applicants on which the Department or hospital shall
4 indicate the identities of those individuals who are to its
5 knowledge disqualified from having a Firearm Owner's
6 Identification Card for reasons described herein. The
7 Department may provide for a centralized source of information
8 for the State on this subject under its jurisdiction.
9 Notwithstanding any other provision of this Act or any other
10 law to the contrary, the ~~The~~ identity of the person reporting
11 under this subsection shall not be disclosed to the subject of
12 the report unless ordered by the Firearm Owner's
13 Identification Card Review Board or a court with appropriate
14 jurisdiction in accordance with Section 10 of the Firearm
15 Owners Identification Card Act. For the purposes of this
16 subsection, the physician, clinical psychologist, or qualified
17 examiner making the determination and his or her employer
18 shall not be held criminally, civilly, or professionally
19 liable for making or not making the notification required
20 under this subsection, except for willful or wanton
21 misconduct. The Department of Human Services and its employees
22 or agents shall not be held liable for damages in any civil
23 action arising from the disclosure or non-disclosure of the
24 information released to an individual in accordance with
25 Section 10 of the Firearm Owners Identification Card Act.

26 Any person, institution, or agency, under this Act,

1 participating in good faith in the reporting or disclosure of
2 records and communications otherwise in accordance with this
3 provision or with rules, regulations or guidelines issued by
4 the Department shall have immunity from any liability, civil,
5 criminal or otherwise, that might result by reason of the
6 action. For the purpose of any proceeding, civil or criminal,
7 arising out of a report or disclosure in accordance with this
8 provision, the good faith of any person, institution, or
9 agency so reporting or disclosing shall be presumed. The full
10 extent of the immunity provided in this subsection (b) shall
11 apply to any person, institution or agency that fails to make a
12 report or disclosure in the good faith belief that the report
13 or disclosure would violate federal regulations governing the
14 confidentiality of alcohol and drug abuse patient records
15 implementing 42 U.S.C. 290dd-3 and 290ee-3.

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

18 (1) (Blank).

19 (1.3) "Clear and present danger" has the meaning as
20 defined in Section 1.1 of the Firearm Owners
21 Identification Card Act.

22 (1.5) "Person with a developmental disability" has the
23 meaning as defined in Section 1.1 of the Firearm Owners
24 Identification Card Act.

25 (2) "Patient" has the meaning as defined in Section
26 1.1 of the Firearm Owners Identification Card Act.

1 (3) "Mental health facility" has the meaning as
2 defined in Section 1.1 of the Firearm Owners
3 Identification Card Act.

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. 102-538, eff. 8-20-21.)