



Rep. Maura Hirschauer

Filed: 3/19/2026

10400HB5209ham001

LRB104 19512 BDA 34938 a

1 AMENDMENT TO HOUSE BILL 5209

2 AMENDMENT NO. _____. Amend House Bill 5209 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Sections 1.1 and 8 as follows:

6 (430 ILCS 65/1.1)

7 Sec. 1.1. For purposes of this Act:

8 "Addicted to narcotics" means a person who has been:

9 (1) convicted of an offense involving the use or
10 possession of cannabis, a controlled substance, or
11 methamphetamine within the past year; or

12 (2) determined by the Illinois State Police to be
13 addicted to narcotics based upon federal law or federal
14 guidelines.

15 "Addicted to narcotics" does not include possession or use
16 of a prescribed controlled substance under the direction and

1 authority of a physician or other person authorized to
2 prescribe the controlled substance when the controlled
3 substance is used in the prescribed manner.

4 "Adjudicated as a person with a mental disability" means
5 the person is the subject of a determination by a court, board,
6 commission or other lawful authority that the person, as a
7 result of marked subnormal intelligence, or mental illness,
8 mental impairment, incompetency, condition, or disease:

9 (1) presents a clear and present danger to himself,
10 herself, or to others;

11 (2) lacks the mental capacity to manage his or her own
12 affairs or is adjudicated a person with a disability as
13 defined in Section 11a-2 of the Probate Act of 1975;

14 (3) is not guilty in a criminal case by reason of
15 insanity, mental disease or defect;

16 (3.5) is guilty but mentally ill, as provided in
17 Section 5-2-6 of the Unified Code of Corrections;

18 (4) is incompetent to stand trial in a criminal case;

19 (5) is not guilty by reason of lack of mental
20 responsibility under Articles 50a and 72b of the Uniform
21 Code of Military Justice, 10 U.S.C. 850a, 876b;

22 (6) is a sexually violent person under subsection (f)
23 of Section 5 of the Sexually Violent Persons Commitment
24 Act;

25 (7) is a sexually dangerous person under the Sexually
26 Dangerous Persons Act;

1 (8) is unfit to stand trial under the Juvenile Court
2 Act of 1987;

3 (9) is not guilty by reason of insanity under the
4 Juvenile Court Act of 1987;

5 (10) is subject to involuntary admission as an
6 inpatient as defined in Section 1-119 of the Mental Health
7 and Developmental Disabilities Code;

8 (11) is subject to involuntary admission as an
9 outpatient as defined in Section 1-119.1 of the Mental
10 Health and Developmental Disabilities Code;

11 (12) is subject to judicial admission as set forth in
12 Section 4-500 of the Mental Health and Developmental
13 Disabilities Code; or

14 (13) is subject to the provisions of the Interstate
15 Agreements on Sexually Dangerous Persons Act.

16 "Advanced practice psychiatric nurse" has the meaning
17 ascribed to that term in Section 1-101.3 of the Mental Health
18 and Developmental Disabilities Code.

19 "Clear and present danger" means a person who:

20 (1) communicates a serious threat of physical violence
21 against a reasonably identifiable victim or poses a clear
22 and imminent risk of serious physical injury to himself,
23 herself, or another person as determined by a physician,
24 clinical psychologist, advanced practice psychiatric
25 nurse, or qualified examiner; or

26 (2) demonstrates threatening physical or verbal

1 behavior, such as violent, suicidal, or assaultive
2 threats, actions, or other behavior, as determined by a
3 physician, clinical psychologist, advanced practice
4 psychiatric nurse, qualified examiner, school
5 administrator, or law enforcement official.

6 "Clinical psychologist" has the meaning provided in
7 Section 1-103 of the Mental Health and Developmental
8 Disabilities Code.

9 "Collateral records" means (1) any medical records related
10 to the patient's current and past clinical or mental status
11 and history from the last 5 years from all current and prior
12 physicians, qualified examiners, or any other individuals who
13 provided health care services, as that term is defined in
14 Managed Care Reform and Patient Rights Act, to the patient and
15 (2) correspondence or other communication between the licensed
16 clinical mental health professional and the patient's current
17 and prior physicians, qualified examiners, or any other
18 individuals who provided health care services, as that term is
19 defined in Managed Care Reform and Patient Rights Act, to the
20 patient, if any.

21 "Controlled substance" means a controlled substance or
22 controlled substance analog as defined in the Illinois
23 Controlled Substances Act.

24 "Counterfeit" means to copy or imitate, without legal
25 authority, with intent to deceive.

26 "Department-approved continuing education sponsor" means a

1 person, firm, association, corporation, or any other group
2 which is approved by the Department of Financial and
3 Professional Regulation to coordinate and present continuing
4 education courses or programs.

5 "Developmental disability" means a severe, chronic
6 disability of an individual that:

7 (1) is attributable to a mental or physical impairment
8 or combination of mental and physical impairments;

9 (2) is manifested before the individual attains age
10 22;

11 (3) is likely to continue indefinitely;

12 (4) results in substantial functional limitations in 3
13 or more of the following areas of major life activity:

14 (A) Self-care.

15 (B) Receptive and expressive language.

16 (C) Learning.

17 (D) Mobility.

18 (E) Self-direction.

19 (F) Capacity for independent living.

20 (G) Economic self-sufficiency; and

21 (5) reflects the individual's need for a combination
22 and sequence of special, interdisciplinary, or generic
23 services, individualized supports, or other forms of
24 assistance that are of lifelong or extended duration and
25 are individually planned and coordinated.

26 "Federally licensed firearm dealer" means a person who is

1 licensed as a federal firearms dealer under Section 923 of the
2 federal Gun Control Act of 1968 (18 U.S.C. 923).

3 "Firearm" means any device, by whatever name known, which
4 is designed to expel a projectile or projectiles by the action
5 of an explosion, expansion of gas or escape of gas; excluding,
6 however:

7 (1) any pneumatic gun, spring gun, paint ball gun, or
8 B-B gun which expels a single globular projectile not
9 exceeding .18 inch in diameter or which has a maximum
10 muzzle velocity of less than 700 feet per second;

11 (1.1) any pneumatic gun, spring gun, paint ball gun,
12 or B-B gun which expels breakable paint balls containing
13 washable marking colors;

14 (2) any device used exclusively for signaling or
15 safety and required or recommended by the United States
16 Coast Guard or the Interstate Commerce Commission;

17 (3) any device used exclusively for the firing of stud
18 cartridges, explosive rivets or similar industrial
19 ammunition; and

20 (4) an antique firearm (other than a machine-gun)
21 which, although designed as a weapon, the Illinois State
22 Police finds by reason of the date of its manufacture,
23 value, design, and other characteristics is primarily a
24 collector's item and is not likely to be used as a weapon.

25 "Firearm ammunition" means any self-contained cartridge or
26 shotgun shell, by whatever name known, which is designed to be

1 used or adaptable to use in a firearm; excluding, however:

2 (1) any ammunition exclusively designed for use with a
3 device used exclusively for signaling or safety and
4 required or recommended by the United States Coast Guard
5 or the Interstate Commerce Commission; and

6 (2) any ammunition designed exclusively for use with a
7 stud or rivet driver or other similar industrial
8 ammunition.

9 "Gun show" means an event or function:

10 (1) at which the sale and transfer of firearms is the
11 regular and normal course of business and where 50 or more
12 firearms are displayed, offered, or exhibited for sale,
13 transfer, or exchange; or

14 (2) at which not less than 10 gun show vendors
15 display, offer, or exhibit for sale, sell, transfer, or
16 exchange firearms.

17 "Gun show" includes the entire premises provided for an
18 event or function, including parking areas for the event or
19 function, that is sponsored to facilitate the purchase, sale,
20 transfer, or exchange of firearms as described in this
21 Section. Nothing in this definition shall be construed to
22 exclude a gun show held in conjunction with competitive
23 shooting events at the World Shooting Complex sanctioned by a
24 national governing body in which the sale or transfer of
25 firearms is authorized under subparagraph (5) of paragraph (g)
26 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

1 Unless otherwise expressly stated, "gun show" does not
2 include training or safety classes, competitive shooting
3 events, such as rifle, shotgun, or handgun matches, trap,
4 skeet, or sporting clays shoots, dinners, banquets, raffles,
5 or any other event where the sale or transfer of firearms is
6 not the primary course of business.

7 "Gun show promoter" means a person who organizes or
8 operates a gun show.

9 "Gun show vendor" means a person who exhibits, sells,
10 offers for sale, transfers, or exchanges any firearms at a gun
11 show, regardless of whether the person arranges with a gun
12 show promoter for a fixed location from which to exhibit,
13 sell, offer for sale, transfer, or exchange any firearm.

14 "Intellectual disability" means significantly subaverage
15 general intellectual functioning, existing concurrently with
16 deficits in adaptive behavior and manifested during the
17 developmental period, which is defined as before the age of
18 22, that adversely affects a child's educational performance.

19 "Involuntarily admitted" has the meaning as prescribed in
20 Sections 1-119 and 1-119.1 of the Mental Health and
21 Developmental Disabilities Code.

22 "Licensed clinical mental health professional" means an
23 individual who (1) is a licensed marriage and family therapist
24 under the Marriage and Family Therapy Licensing Act, a
25 licensed clinical social worker under the Clinical Social Work
26 and Social Work Practice Act, a licensed clinical professional

1 counselor under the Professional Counselor and Clinical
2 Professional Counselor Licensing Act, a clinical psychologist
3 under the Clinical Psychologist Licensing Act, or a physician
4 licensed to practice medicine in all its branches under the
5 Medical Practice Act of 1987 who is board-certified in
6 psychiatry by the American Board of Psychiatry and Neurology
7 or the American Osteopathic Board of Neurology and Psychiatry;
8 (2) has successfully completed at least 3 hours of continuing
9 education, provided by a Department-approved continuing
10 education sponsor, that included education regarding suicide
11 prevention and trauma evaluation; (3) has successfully
12 completed training provided by the Illinois Department of
13 Human Services Division of Mental Health Firearm Owners
14 Identification Mental Health Reporting Team on the issuance,
15 revocation, and reinstatement of Firearm Owners Identification
16 Cards under this Act; and (4) maintains a practice location
17 within the State of Illinois or is authorized to provide
18 telehealth services to Illinois residents in compliance with
19 Illinois law. An individual practicing in Illinois under
20 temporary practice authority, reciprocity provisions,
21 interstate compact provisions, or any other mechanism that
22 does not constitute full Illinois licensure shall not qualify
23 as a licensed clinical mental health professional for purposes
24 of this Act.

25 "Mental health evaluation" means a mental health
26 evaluation performed by a licensed clinical mental health

1 professional during at least 2 office visits on separate,
2 nonconsecutive days. "Mental health evaluation" includes a
3 mental health evaluation that may require more than 2 office
4 visits, subject to the professional discretion of the
5 evaluating licensed clinical mental health professional.

6 "Mental health facility" means any licensed private
7 hospital or hospital affiliate, institution, or facility, or
8 part thereof, and any facility, or part thereof, operated by
9 the State or a political subdivision thereof which provides
10 treatment of persons with mental illness and includes all
11 hospitals, institutions, clinics, evaluation facilities,
12 mental health centers, colleges, universities, long-term care
13 facilities, and nursing homes, or parts thereof, which provide
14 treatment of persons with mental illness whether or not the
15 primary purpose is to provide treatment of persons with mental
16 illness.

17 "National governing body" means a group of persons who
18 adopt rules and formulate policy on behalf of a national
19 firearm sporting organization.

20 "Noncitizen" means a person who is not a citizen of the
21 United States, but is a person who is a foreign-born person who
22 lives in the United States, has not been naturalized, and is
23 still a citizen of a foreign country.

24 "Patient" means:

25 (1) a person who is admitted as an inpatient or
26 resident of a public or private mental health facility for

1 mental health treatment under Chapter III of the Mental
2 Health and Developmental Disabilities Code as an informal
3 admission, a voluntary admission, a minor admission, an
4 emergency admission, or an involuntary admission, unless
5 the treatment was solely for an alcohol abuse disorder; or

6 (2) a person who voluntarily or involuntarily receives
7 mental health treatment as an out-patient or is otherwise
8 provided services by a public or private mental health
9 facility and who poses a clear and present danger to
10 himself, herself, or others.

11 "Physician" has the meaning as defined in Section 1-120 of
12 the Mental Health and Developmental Disabilities Code.

13 "Protective order" means any orders of protection issued
14 under the Illinois Domestic Violence Act of 1986, stalking no
15 contact orders issued under the Stalking No Contact Order Act,
16 civil no contact orders issued under the Civil No Contact
17 Order Act, and firearms restraining orders issued under the
18 Firearms Restraining Order Act or a substantially similar
19 order issued by the court of another state, tribe, or United
20 States territory or military judge.

21 "Qualified examiner" has the meaning provided in Section
22 1-122 of the Mental Health and Developmental Disabilities
23 Code.

24 "Sanctioned competitive shooting event" means a shooting
25 contest officially recognized by a national or state shooting
26 sport association, and includes any sight-in or practice

1 conducted in conjunction with the event.

2 "School administrator" means the person required to report
3 under the School Administrator Reporting of Mental Health
4 Clear and Present Danger Determinations Law.

5 "Stun gun or taser" has the meaning ascribed to it in
6 Section 24-1 of the Criminal Code of 2012.

7 (Source: P.A. 103-154, eff. 6-30-23; 103-407, eff. 7-28-23;
8 104-270, eff. 8-15-25.)

9 (430 ILCS 65/8)

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

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

19 (b) This subsection (b) applies through the 180th day
20 following July 12, 2019 (the effective date of Public Act
21 101-80). A person under 21 years of age who does not have
22 the written consent of his parent or guardian to acquire
23 and possess firearms and firearm ammunition, or whose
24 parent or guardian has revoked such written consent, or
25 where such parent or guardian does not qualify to have a

1 Firearm Owner's Identification Card;

2 (b-5) This subsection (b-5) applies on and after the
3 181st day following July 12, 2019 (the effective date of
4 Public Act 101-80). A person under 21 years of age who is
5 not an active duty member of the United States Armed
6 Forces or the Illinois National Guard and does not have
7 the written consent of his or her parent or guardian to
8 acquire and possess firearms and firearm ammunition, or
9 whose parent or guardian has revoked such written consent,
10 or where such parent or guardian does not qualify to have a
11 Firearm Owner's Identification Card;

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

14 (d) A person addicted to narcotics;

15 (e) A person who has been a patient of a mental health
16 facility within the past 5 years or a person who has been a
17 patient in a mental health facility more than 5 years ago
18 who has not received the certification required under
19 subsection (u) of this Section. An active law enforcement
20 officer employed by a unit of government or a Department
21 of Corrections employee authorized to possess firearms who
22 is denied, revoked, or has his or her Firearm Owner's
23 Identification Card seized under this subsection (e) may
24 obtain relief as described in subsection (c-5) of Section
25 10 of this Act if the officer or employee did not act in a
26 manner threatening to the officer or employee, another

1 person, or the public as determined by the treating
2 clinical psychologist or physician, and the officer or
3 employee seeks mental health treatment;

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

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

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

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

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

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

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

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

1 States; or

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

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

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

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

13 (j) (Blank);

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

19 (l) A person who has been convicted of domestic
20 battery, aggravated domestic battery, or a substantially
21 similar offense in another jurisdiction committed before,
22 on or after January 1, 2012 (the effective date of Public
23 Act 97-158). If the applicant or person who has been
24 previously issued a Firearm Owner's Identification Card
25 under this Act knowingly and intelligently waives the
26 right to have an offense described in this paragraph (l)

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

11 (m) (Blank);

12 (n) A person who is prohibited from acquiring or
13 possessing firearms or firearm ammunition by any Illinois
14 State statute or by federal law;

15 (o) A minor subject to a petition filed under Section
16 5-520 of the Juvenile Court Act of 1987 alleging that the
17 minor is a delinquent minor for the commission of an
18 offense that if committed by an adult would be a felony;

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

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

26 (r) A person who has been adjudicated as a person with

1 a mental disability;

2 (s) A person who has been found to have a
3 developmental disability;

4 (t) A person involuntarily admitted into a mental
5 health facility;

6 (u) A person who has had his or her Firearm Owner's
7 Identification Card revoked or denied under subsection (e)
8 of this Section or item (iv) of paragraph (2) of
9 subsection (a) of Section 4 of this Act because he or she
10 was a patient in a mental health facility as provided in
11 subsection (e) of this Section, shall not be permitted to
12 obtain a Firearm Owner's Identification Card, after the
13 5-year period has lapsed, unless he or she has received a
14 mental health evaluation by a licensed clinical mental
15 health professional ~~physician, clinical psychologist,~~
16 ~~advanced practice psychiatric nurse, or qualified examiner~~
17 ~~as those terms are defined in the Mental Health and~~
18 ~~Developmental Disabilities Code,~~ and ~~has received~~ a
19 certification that he or she is not a clear and present
20 danger to himself, herself, or others. The person
21 receiving a mental health evaluation shall provide, or
22 approve the sharing of, all collateral records to the
23 licensed clinical mental health professional making the
24 certification, and the person shall attest, by signature,
25 that all collateral records have been provided to the
26 licensed clinical mental health professional before the

1 mental health evaluation. The licensed clinical mental
2 health professional, as part of the certification, shall
3 attest that the licensed clinical mental health
4 professional has requested, received, reviewed, and
5 considered all of the person's collateral records known to
6 the licensed clinical mental health professional in making
7 the determination that the person is not a clear and
8 present danger to self or others. In addition, the
9 licensed clinical mental health professional shall
10 identify the types of collateral records received. If no
11 collateral records are obtained, the licensed clinical
12 mental health professional must document the efforts used
13 to obtain the collateral records. The licensed clinical
14 mental health professional ~~physician, clinical~~
15 ~~psychologist, advanced practice psychiatric nurse, or~~
16 ~~qualified examiner making the certification~~ and his or her
17 employer shall not be held criminally, civilly, or
18 professionally liable for making or not making the
19 certification required under this subsection, except for
20 willful or wanton misconduct. This subsection does not
21 apply to a person whose firearm possession rights have
22 been restored through administrative or judicial action
23 under Section 10 or 11 of this Act. The results of all
24 mental health evaluations that are performed under this
25 subsection (u) on or after the effective date of this
26 amendatory Act of the 104th General Assembly shall be

1 transmitted to the Illinois State Police. A licensed
2 clinical mental health professional who complies with the
3 requirements of this subsection and documents reasonable
4 attempts to obtain collateral records shall not be subject
5 to professional discipline, civil liability, or criminal
6 liability based on: (1) the person's failure to disclose
7 all treatment history; (2) the existence of collateral
8 records that were not identified by the person and not
9 discovered through the licensed clinical mental health
10 professional's documented reasonable attempts; or (3) the
11 licensed clinical mental health professional's
12 determination that was made in good faith based on
13 information available at the time of the evaluation, even
14 if additional records are later discovered. This liability
15 protection shall not apply in cases of willful or wanton
16 misconduct; or

17 (v) A person who fails 2 or more times to report a loss
18 or theft of a firearm within 48 hours of the discovery of
19 such loss or theft to local law enforcement as required
20 under subsection (a) of Section 24-4.1 of the Criminal
21 Code of 2012.

22 Upon revocation of a person's Firearm Owner's
23 Identification Card, the Illinois State Police shall provide
24 notice to the person and the person shall comply with Section
25 9.5 of this Act.

26 (Source: P.A. 104-31, eff. 1-1-26; 104-270, eff. 8-15-25;

1 revised 11-21-25.)".