

SB2404



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2404

Introduced 2/7/2025, by Sen. Lakesia Collins

SYNOPSIS AS INTRODUCED:

740 ILCS 110/12

from Ch. 91 1/2, par. 812

Amends the Mental Health and Developmental Disabilities Confidentiality Act. Requires any physician, clinical psychologist, or qualified examiner evaluating a patient on whether the patient qualifies to receive a FOID card or have one revoked to be trained and certified in mental illness and treating suicidal tendencies. Requires that each patient must undergo a minimum number of evaluations before such a determination may be made as adopted by rule by the Department of Human Services.

LRB104 10270 JRC 20344 b

A BILL FOR

1 AN ACT concerning civil law.

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 Confidentiality Act is amended by changing
6 Section 12 as follows:

7 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

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

1 publicly disseminated. Any person participating in good faith
2 in the disclosure of such information in accordance with this
3 provision shall have immunity from any liability, civil,
4 criminal or otherwise, if such information is disclosed
5 relying upon the representation of an officer of the United
6 States Secret Service or the Illinois State Police that a
7 person is under the protection of the United States Secret
8 Service or is a public official.

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

20 (b) The Department of Human Services (acting as successor
21 to the Department of Mental Health and Developmental
22 Disabilities) and all public or private hospitals and mental
23 health facilities are required, as hereafter described in this
24 subsection, to furnish the Illinois State Police only such
25 information as may be required for the sole purpose of
26 determining whether an individual who may be or may have been a

1 patient is disqualified because of that status from receiving
2 or retaining a Firearm Owner's Identification Card or falls
3 within the federal prohibitors under subsection (e), (f), (g),
4 (r), (s), or (t) of Section 8 of the Firearm Owners
5 Identification Card Act, or falls within the federal
6 prohibitors in 18 U.S.C. 922(g) and (n). All physicians,
7 clinical psychologists, or qualified examiners at public or
8 private mental health facilities or parts thereof as defined
9 in this subsection shall, in the form and manner required by
10 the Department, provide notice directly to the Department of
11 Human Services, or to his or her employer who shall then report
12 to the Department, within 24 hours after determining that a
13 person poses a clear and present danger to himself, herself,
14 or others, or within 7 days after a person 14 years or older is
15 determined to be a person with a developmental disability by a
16 physician, clinical psychologist, or qualified examiner as
17 described in Section 1.1 of the Firearm Owners Identification
18 Card Act. Any physician, clinical psychologist, or qualified
19 examiner evaluating a patient under this Section must be
20 trained and certified in mental illness and treating suicidal
21 tendencies. The Department of Human Services must adopt rules
22 providing the minimum number of evaluations a patient must
23 receive under this Section. If a person is a patient as
24 described in clause (1) of the definition of "patient" in
25 Section 1.1 of the Firearm Owners Identification Card Act,
26 this information shall be furnished within 7 days after

1 admission to a public or private hospital or mental health
2 facility or the provision of services. Any such information
3 disclosed under this subsection shall remain privileged and
4 confidential, and shall not be redisclosed, except as required
5 by subsection (e) of Section 3.1 of the Firearm Owners
6 Identification Card Act, nor utilized for any other purpose.
7 The method of requiring the providing of such information
8 shall guarantee that no information is released beyond what is
9 necessary for this purpose. In addition, the information
10 disclosed shall be provided by the Department within the time
11 period established by Section 24-3 of the Criminal Code of
12 2012 regarding the delivery of firearms. The method used shall
13 be sufficient to provide the necessary information within the
14 prescribed time period, which may include periodically
15 providing lists to the Department of Human Services or any
16 public or private hospital or mental health facility of
17 Firearm Owner's Identification Card applicants on which the
18 Department or hospital shall indicate the identities of those
19 individuals who are to its knowledge disqualified from having
20 a Firearm Owner's Identification Card for reasons described
21 herein. The Department may provide for a centralized source of
22 information for the State on this subject under its
23 jurisdiction. The identity of the person reporting under this
24 subsection shall not be disclosed to the subject of the
25 report. For the purposes of this subsection, the physician,
26 clinical psychologist, or qualified examiner making the

1 determination and his or her employer shall not be held
2 criminally, civilly, or professionally liable for making or
3 not making the notification required under this subsection,
4 except for willful or wanton misconduct.

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

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

23 (1) (Blank).

24 (1.3) "Clear and present danger" has the meaning as
25 defined in Section 1.1 of the Firearm Owners
26 Identification Card Act.

1 (1.5) "Person with a developmental disability" has the
2 meaning as defined in Section 1.1 of the Firearm Owners
3 Identification Card Act.

4 (2) "Patient" has the meaning as defined in Section
5 1.1 of the Firearm Owners Identification Card Act.

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

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

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

25 (d) Upon the request of a peace officer or prosecuting
26 authority who is conducting a bona fide investigation of a

1 criminal offense, or attempting to apprehend a fugitive from
2 justice, a facility director may disclose whether a person is
3 present at the facility. Upon request of a peace officer or
4 prosecuting authority who has a valid forcible felony warrant
5 issued, a facility director shall disclose: (1) whether the
6 person who is the subject of the warrant is present at the
7 facility and (2) the date of that person's discharge or future
8 discharge from the facility. The requesting peace officer or
9 prosecuting authority must furnish a case number and the
10 purpose of the investigation or an outstanding arrest warrant
11 at the time of the request. Any person, institution, or agency
12 participating in good faith in disclosing such information in
13 accordance with this subsection (d) is immune from any
14 liability, civil, criminal or otherwise, that might result by
15 reason of the action.

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