



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB2840

Introduced 1/13/2026, by Sen. Willie Preston

SYNOPSIS AS INTRODUCED:

430 ILCS 65/8
430 ILCS 65/10 from Ch. 38, par. 83-10
430 ILCS 65/10.7 new
430 ILCS 65/10.8 new
430 ILCS 65/10.9 new

Amends the Firearm Owners Identification Card Act. Provides that the Illinois State Police shall not deny an application for a Firearm Owner's Identification Card or revoke a Firearm Owner's Identification Card on the basis of: (1) any conviction, adjudication, or delinquency finding that has been vacated, reversed, or set aside by a court; or (2) any record that has been expunged, sealed, or otherwise ordered removed under the Criminal Identification Act or Juvenile Court Act of 1987. Provides that the Illinois State Police shall eliminate from all internal databases any of these records within 45 days after receipt of the court order. Provides that use of any such record in connection with a Firearm Owner's Identification Card determination is prohibited. Provides that when a circuit court issues a final order directing the Illinois State Police to issue or reinstate a Firearm Owner's Identification Card of a person whose application for a card has been denied or whose card has been revoked, the Illinois State Police shall comply with the order and issue the card within 30 days after receipt of the order, unless the Illinois State Police files a petition for review in the Appellate Court within that 30-day period. Provides that if the Illinois State Police fails to comply with that provision, the person's application for a Firearm Owner's Identification Card shall be automatically granted by the Illinois State Police by operation of law or the person's Firearm Owner's Identification Card shall be automatically restored by operation of law on the 31st day after receipt of the order. Provides for the submission of certain quarterly reports by the Illinois State Police to the General Assembly and to the Governor. Effective immediately.

LRB104 16612 BDA 30012 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 8 and 10 and by adding Sections
6 10.7, 10.8, and 10.9 as follows:

7 (430 ILCS 65/8)

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

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

17 (b) This subsection (b) applies through the 180th day
18 following July 12, 2019 (the effective date of Public Act
19 101-80). A person under 21 years of age who does not have
20 the written consent of his parent or guardian to acquire
21 and possess firearms and firearm ammunition, or whose
22 parent or guardian has revoked such written consent, or
23 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 physician, clinical
15 psychologist, advanced practice psychiatric nurse, or
16 qualified examiner as those terms are defined in the
17 Mental Health and Developmental Disabilities Code, and has
18 received a certification that he or she is not a clear and
19 present danger to himself, herself, or others. The
20 physician, clinical psychologist, advanced practice
21 psychiatric nurse, or qualified examiner making the
22 certification and his or her employer shall not be held
23 criminally, civilly, or professionally liable for making
24 or not making the certification required under this
25 subsection, except for willful or wanton misconduct. This
26 subsection does not apply to a person whose firearm

1 possession rights have been restored through
2 administrative or judicial action under Section 10 or 11
3 of this Act; or

4 (v) A person who fails 2 or more times to report a loss
5 or theft of a firearm within 48 hours of the discovery of
6 such loss or theft to local law enforcement as required
7 under subsection (a) of Section 24-4.1 of the Criminal
8 Code of 2012.

9 The Illinois State Police shall not deny an application
10 for a Firearm Owner's Identification Card or revoke a Firearm
11 Owner's Identification Card on the basis of:

12 (1) any conviction, adjudication, or delinquency
13 finding that has been vacated, reversed, or set aside by a
14 court; or

15 (2) any record that has been expunged, sealed, or
16 otherwise ordered removed under the Criminal
17 Identification Act or Juvenile Court Act of 1987.

18 The Illinois State Police shall eliminate from all
19 internal databases any record described in paragraphs (1) and
20 (2) within 45 days after receipt of the court order. Use of any
21 such record in connection with a Firearm Owner's
22 Identification Card determination is prohibited.

23 Upon revocation of a person's Firearm Owner's
24 Identification Card, the Illinois State Police shall provide
25 notice to the person and the person shall comply with Section
26 9.5 of this Act.

1 (Source: P.A. 104-31, eff. 1-1-26; 104-270, eff. 8-15-25;
2 revised 11-21-25.)

3 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

4 Sec. 10. Appeals; hearing; relief from firearm
5 prohibitions.

6 (a) Whenever an application for a Firearm Owner's
7 Identification Card is denied or whenever such a Card is
8 suspended or revoked as provided for in Section 8, 8.2, or 8.3
9 of this Act, upon complying with the requirements of Section
10 9.5 of the Act, the aggrieved party may (1) file a record
11 challenge with the Director regarding the record upon which
12 the decision to deny or revoke the Firearm Owner's
13 Identification Card was based under subsection (a-5); or (2)
14 appeal to the Director of the Illinois State Police through
15 December 31, 2022, or beginning January 1, 2023, the Firearm
16 Owner's Identification Card Review Board for a hearing seeking
17 relief from such denial, suspension, or revocation unless the
18 denial, suspension, or revocation was based upon a forcible
19 felony, stalking, aggravated stalking, domestic battery, any
20 violation of the Illinois Controlled Substances Act, the
21 Methamphetamine Control and Community Protection Act, or the
22 Cannabis Control Act that is classified as a Class 2 or greater
23 felony, any felony violation of Article 24 of the Criminal
24 Code of 1961 or the Criminal Code of 2012, or any adjudication
25 as a delinquent minor for the commission of an offense that if

1 committed by an adult would be a felony, in which case the
2 aggrieved party may petition the circuit court in writing in
3 the county of his or her residence for a hearing seeking relief
4 from such denial or revocation.

5 (a-5) There is created a Firearm Owner's Identification
6 Card Review Board to consider any appeal under subsection (a)
7 beginning January 1, 2023, other than an appeal directed to
8 the circuit court and except when the applicant is challenging
9 the record upon which the decision to deny or revoke was based
10 as provided in subsection (a-10).

11 (0.05) In furtherance of the policy of this Act that
12 the Board shall exercise its powers and duties in an
13 independent manner, subject to the provisions of this Act
14 but free from the direction, control, or influence of any
15 other agency or department of State government. All
16 expenses and liabilities incurred by the Board in the
17 performance of its responsibilities hereunder shall be
18 paid from funds which shall be appropriated to the Board
19 by the General Assembly for the ordinary and contingent
20 expenses of the Board.

21 (1) The Board shall consist of 7 members appointed by
22 the Governor, with the advice and consent of the Senate,
23 with 3 members residing within the First Judicial District
24 and one member residing within each of the 4 remaining
25 Judicial Districts. No more than 4 members shall be
26 members of the same political party. The Governor shall

1 designate one member as the chairperson. The members shall
2 have actual experience in law, education, social work,
3 behavioral sciences, law enforcement, or community affairs
4 or in a combination of those areas.

5 (2) The terms of the members initially appointed after
6 January 1, 2022 (the effective date of Public Act 102-237)
7 shall be as follows: one of the initial members shall be
8 appointed for a term of one year, 3 shall be appointed for
9 terms of 2 years, and 3 shall be appointed for terms of 4
10 years. Thereafter, members shall hold office for 4 years,
11 with terms expiring on the second Monday in January
12 immediately following the expiration of their terms and
13 every 4 years thereafter. Members may be reappointed.
14 Vacancies in the office of member shall be filled in the
15 same manner as the original appointment, for the remainder
16 of the unexpired term. The Governor may remove a member
17 for incompetence, neglect of duty, malfeasance, or
18 inability to serve. Members shall receive compensation in
19 an amount equal to the compensation of members of the
20 Executive Ethics Commission and, beginning July 1, 2023,
21 shall be compensated from appropriations provided to the
22 Comptroller for this purpose. Members may be reimbursed,
23 from funds appropriated for such a purpose, for reasonable
24 expenses actually incurred in the performance of their
25 Board duties. The Illinois State Police shall designate an
26 employee to serve as Executive Director of the Board and

1 provide logistical and administrative assistance to the
2 Board.

3 (3) The Board shall meet at least quarterly each year
4 and at the call of the chairperson as often as necessary to
5 consider appeals of decisions made with respect to
6 applications for a Firearm Owner's Identification Card
7 under this Act. If necessary to ensure the participation
8 of a member, the Board shall allow a member to participate
9 in a Board meeting by electronic communication. Any member
10 participating electronically shall be deemed present for
11 purposes of establishing a quorum and voting.

12 (4) The Board shall adopt rules for the review of
13 appeals and the conduct of hearings. The Board shall
14 maintain a record of its decisions and all materials
15 considered in making its decisions. All Board decisions
16 and voting records shall be kept confidential and all
17 materials considered by the Board shall be exempt from
18 inspection except upon order of a court.

19 (5) In considering an appeal, the Board shall review
20 the materials received concerning the denial or revocation
21 by the Illinois State Police. By a vote of at least 4
22 members, the Board may request additional information from
23 the Illinois State Police or the applicant or the
24 testimony of the Illinois State Police or the applicant.
25 The Board may require that the applicant submit electronic
26 fingerprints to the Illinois State Police for an updated

1 background check if the Board determines it lacks
2 sufficient information to determine eligibility. The Board
3 may consider information submitted by the Illinois State
4 Police, a law enforcement agency, or the applicant. The
5 Board shall review each denial or revocation and determine
6 by a majority of members whether an applicant should be
7 granted relief under subsection (c).

8 (6) The Board shall by order issue summary decisions.
9 The Board shall issue a decision within 45 days of
10 receiving all completed appeal documents from the Illinois
11 State Police and the applicant. However, the Board need
12 not issue a decision within 45 days if:

13 (A) the Board requests information from the
14 applicant, including, but not limited to, electronic
15 fingerprints to be submitted to the Illinois State
16 Police, in accordance with paragraph (5) of this
17 subsection, in which case the Board shall make a
18 decision within 30 days of receipt of the required
19 information from the applicant;

20 (B) the applicant agrees, in writing, to allow the
21 Board additional time to consider an appeal; or

22 (C) the Board notifies the applicant and the
23 Illinois State Police that the Board needs an
24 additional 30 days to issue a decision. The Board may
25 only issue 2 extensions under this subparagraph (C).
26 The Board's notification to the applicant and the

1 Illinois State Police shall include an explanation for
2 the extension.

3 (7) If the Board determines that the applicant is
4 eligible for relief under subsection (c), the Board shall
5 notify the applicant and the Illinois State Police that
6 relief has been granted and the Illinois State Police
7 shall issue the Card.

8 (8) Meetings of the Board shall not be subject to the
9 Open Meetings Act and records of the Board shall not be
10 subject to the Freedom of Information Act.

11 (9) The Board shall report monthly to the Governor and
12 the General Assembly on the number of appeals received and
13 provide details of the circumstances in which the Board
14 has determined to deny Firearm Owner's Identification
15 Cards under this subsection (a-5). The report shall not
16 contain any identifying information about the applicants.

17 (a-10) Whenever an applicant or cardholder is not seeking
18 relief from a firearms prohibition under subsection (c) but
19 rather does not believe the applicant is appropriately denied
20 or revoked and is challenging the record upon which the
21 decision to deny or revoke the Firearm Owner's Identification
22 Card was based, or whenever the Illinois State Police fails to
23 act on an application within 30 days of its receipt, the
24 applicant shall file such challenge with the Director. The
25 Director shall render a decision within 60 business days of
26 receipt of all information supporting the challenge. The

1 Illinois State Police shall adopt rules for the review of a
2 record challenge.

3 (a-15) When a circuit court issues a final order directing
4 the Illinois State Police to issue or reinstate a Firearm
5 Owner's Identification Card of a person whose application for
6 a card has been denied or whose card has been revoked, the
7 Illinois State Police shall comply with the order and issue
8 the card within 30 days after receipt of the order, unless the
9 Illinois State Police files a petition for review in the
10 Appellate Court within that 30-day period.

11 (a-20) If the Illinois State Police fails to comply with
12 subsection (a-15), the person's application for a Firearm
13 Owner's Identification Card shall be automatically granted by
14 the Illinois State Police by operation of law or the person's
15 Firearm Owner's Identification Card shall be automatically
16 restored by operation of law on the 31st day after receipt of
17 the order.

18 (b) At least 30 days before any hearing in the circuit
19 court, the petitioner shall serve the relevant State's
20 Attorney with a copy of the petition. The State's Attorney may
21 object to the petition and present evidence. At the hearing,
22 the court shall determine whether substantial justice has been
23 done. Should the court determine that substantial justice has
24 not been done, the court shall issue an order directing the
25 Illinois State Police to issue a Card. However, the court
26 shall not issue the order if the petitioner is otherwise

1 prohibited from obtaining, possessing, or using a firearm
2 under federal law.

3 (c) Any person prohibited from possessing a firearm under
4 Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 or
5 acquiring a Firearm Owner's Identification Card under Section
6 8 of this Act may apply to the Firearm Owner's Identification
7 Card Review Board or petition the circuit court in the county
8 where the petitioner resides, whichever is applicable in
9 accordance with subsection (a) of this Section, requesting
10 relief from such prohibition and the Board or court may grant
11 such relief if it is established by the applicant to the
12 court's or the Board's satisfaction that:

13 (0.05) when in the circuit court, the State's Attorney
14 has been served with a written copy of the petition at
15 least 30 days before any such hearing in the circuit court
16 and at the hearing the State's Attorney was afforded an
17 opportunity to present evidence and object to the
18 petition;

19 (1) the applicant has not been convicted of a forcible
20 felony under the laws of this State or any other
21 jurisdiction within 20 years of the applicant's
22 application for a Firearm Owner's Identification Card, or
23 at least 20 years have passed since the end of any period
24 of imprisonment imposed in relation to that conviction;

25 (2) the circumstances regarding a criminal conviction,
26 where applicable, the applicant's criminal history and his

1 reputation are such that the applicant will not be likely
2 to act in a manner dangerous to public safety;

3 (3) granting relief would not be contrary to the
4 public interest; and

5 (4) granting relief would not be contrary to federal
6 law.

7 (c-5) (1) An active law enforcement officer employed by a
8 unit of government or a Department of Corrections employee
9 authorized to possess firearms who is denied, revoked, or has
10 his or her Firearm Owner's Identification Card seized under
11 subsection (e) of Section 8 of this Act may apply to the
12 Firearm Owner's Identification Card Review Board requesting
13 relief if the officer or employee did not act in a manner
14 threatening to the officer or employee, another person, or the
15 public as determined by the treating clinical psychologist or
16 physician, and as a result of his or her work is referred by
17 the employer for or voluntarily seeks mental health evaluation
18 or treatment by a licensed clinical psychologist,
19 psychiatrist, advanced practice psychiatric nurse, or
20 qualified examiner, and:

21 (A) the officer or employee has not received treatment
22 involuntarily at a mental health facility, regardless of
23 the length of admission; or has not been voluntarily
24 admitted to a mental health facility for more than 30 days
25 and not for more than one incident within the past 5 years;
26 and

1 (B) the officer or employee has not left the mental
2 institution against medical advice.

3 (2) The Firearm Owner's Identification Card Review Board
4 shall grant expedited relief to active law enforcement
5 officers and employees described in paragraph (1) of this
6 subsection (c-5) upon a determination by the Board that the
7 officer's or employee's possession of a firearm does not
8 present a threat to themselves, others, or public safety. The
9 Board shall act on the request for relief within 30 business
10 days of receipt of:

11 (A) a notarized statement from the officer or employee
12 in the form prescribed by the Board detailing the
13 circumstances that led to the hospitalization;

14 (B) all documentation regarding the admission,
15 evaluation, treatment and discharge from the treating
16 licensed clinical psychologist or psychiatrist of the
17 officer;

18 (C) a psychological fitness for duty evaluation of the
19 person completed after the time of discharge; and

20 (D) written confirmation in the form prescribed by the
21 Board from the treating licensed clinical psychologist or
22 psychiatrist that the provisions set forth in paragraph
23 (1) of this subsection (c-5) have been met, the person
24 successfully completed treatment, and their professional
25 opinion regarding the person's ability to possess
26 firearms.

1 (3) Officers and employees eligible for the expedited
2 relief in paragraph (2) of this subsection (c-5) have the
3 burden of proof on eligibility and must provide all
4 information required. The Board may not consider granting
5 expedited relief until the proof and information is received.

6 (4) "Clinical psychologist", "psychiatrist", "advanced
7 practice psychiatric nurse", and "qualified examiner" shall
8 have the same meaning as provided in Chapter I of the Mental
9 Health and Developmental Disabilities Code.

10 (5) No later than January 1, 2026, the Firearm Owner's
11 Identification Card Review Board shall establish a process by
12 which any person who is subject to the provisions of
13 subsection (f) of Section 8 of this Act may request expedited
14 review from the Firearm Owner's Identification Card Review
15 Board.

16 (A) The Board shall disclose to an individual
17 requesting an expedited review any information relating to
18 the individual that was provided by the Department under
19 subsection (d) of Section 8.1, subject to redactions.

20 (B) The individual requesting expedited review may
21 submit to the Firearm Owner's Identification Card Review
22 Board an objection to any redaction made pursuant to
23 subparagraph (A) of paragraph (5) of subsection (c-5) of
24 this Section. The objection must specify the basis for the
25 individual's belief that the redacted information is
26 necessary for a full and fair review.

1 (C) In determining whether information should be
2 unredacted, the Board may consider any relevant factor,
3 including, but not limited to, (i) the extent to which the
4 disclosure of such information is necessary to provide the
5 individual with a meaningful opportunity to understand,
6 respond to, or rebut evidence for the basis for the denial
7 or revocation and (ii) the safety and well-being of any
8 person who, directly or indirectly, is the source or
9 reporter of such information.

10 (D) The Board, Illinois State Police, or the employees
11 and agents of the Board and Illinois State Police
12 participating in this process under this Act shall not be
13 held liable for damages in any civil action arising from
14 the disclosure or non-disclosure of the information
15 released to an individual as part of this process.

16 (c-10) (1) An applicant, who is denied, revoked, or has
17 his or her Firearm Owner's Identification Card seized under
18 subsection (e) of Section 8 of this Act based upon a
19 determination of a developmental disability or an intellectual
20 disability may apply to the Firearm Owner's Identification
21 Card Review Board requesting relief.

22 (2) The Board shall act on the request for relief within 60
23 business days of receipt of written certification, in the form
24 prescribed by the Board, from a physician or clinical
25 psychologist, advanced practice psychiatric nurse, or
26 qualified examiner, that the aggrieved party's developmental

1 disability or intellectual disability condition is determined
2 by a physician, clinical psychologist, or qualified to be
3 mild. If a fact-finding conference is scheduled to obtain
4 additional information concerning the circumstances of the
5 denial or revocation, the 60 business days the Director has to
6 act shall be tolled until the completion of the fact-finding
7 conference.

8 (3) The Board may grant relief if the aggrieved party's
9 developmental disability or intellectual disability is mild as
10 determined by a physician, clinical psychologist, advanced
11 practice psychiatric nurse, or qualified examiner and it is
12 established by the applicant to the Board's satisfaction that:

13 (A) granting relief would not be contrary to the
14 public interest; and

15 (B) granting relief would not be contrary to federal
16 law.

17 (4) The Board may not grant relief if the condition is
18 determined by a physician, clinical psychologist, advanced
19 practice psychiatric nurse, or qualified examiner to be
20 moderate, severe, or profound.

21 (5) The changes made to this Section by Public Act 99-29
22 apply to requests for relief pending on or before July 10, 2015
23 (the effective date of Public Act 99-29), except that the
24 60-day period for the Director to act on requests pending
25 before the effective date shall begin on July 10, 2015 (the
26 effective date of Public Act 99-29). All appeals as provided

1 in subsection (a-5) pending on January 1, 2023 shall be
2 considered by the Board.

3 (d) When a minor is adjudicated delinquent for an offense
4 which if committed by an adult would be a felony, the court
5 shall notify the Illinois State Police.

6 (e) The court shall review the denial of an application or
7 the revocation of a Firearm Owner's Identification Card of a
8 person who has been adjudicated delinquent for an offense that
9 if committed by an adult would be a felony if an application
10 for relief has been filed at least 10 years after the
11 adjudication of delinquency and the court determines that the
12 applicant should be granted relief from disability to obtain a
13 Firearm Owner's Identification Card. If the court grants
14 relief, the court shall notify the Illinois State Police that
15 the disability has been removed and that the applicant is
16 eligible to obtain a Firearm Owner's Identification Card.

17 (f) Any person who is subject to the disabilities of 18
18 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act
19 of 1968 because of an adjudication or commitment that occurred
20 under the laws of this State or who was determined to be
21 subject to the provisions of subsections (e), (f), or (g) of
22 Section 8 of this Act may apply to the Board requesting relief
23 from that prohibition. The Board shall grant the relief if it
24 is established by a preponderance of the evidence that the
25 person will not be likely to act in a manner dangerous to
26 public safety and that granting relief would not be contrary

1 to the public interest. In making this determination, the
2 Board shall receive evidence concerning (i) the circumstances
3 regarding the firearms disabilities from which relief is
4 sought; (ii) the petitioner's mental health and criminal
5 history records, if any; (iii) the petitioner's reputation,
6 developed at a minimum through character witness statements,
7 testimony, or other character evidence; and (iv) changes in
8 the petitioner's condition or circumstances since the
9 disqualifying events relevant to the relief sought.
10 Notwithstanding any other provision of this Act or any other
11 law to the contrary, the Illinois State Police shall provide
12 the Board or any court with jurisdiction with all records
13 relevant to the request for relief under Section 8.1. If
14 relief is granted under this subsection or by order of a court
15 under this Section, the Director shall as soon as practicable
16 but in no case later than 15 business days, update, correct,
17 modify, or remove the person's record in any database that the
18 Illinois State Police makes available to the National Instant
19 Criminal Background Check System and notify the United States
20 Attorney General that the basis for the record being made
21 available no longer applies. The Illinois State Police shall
22 adopt rules for the administration of this Section.

23 (Source: P.A. 103-605, eff. 7-1-24; 104-5, eff. 6-16-25;
24 104-270, eff. 8-15-25; revised 9-12-25.)

1 Sec. 10.7. Prohibited reliance on vacated or expunged
2 records.

3 (a) The Illinois State Police, and any other State agency
4 participating in the background check process under Section
5 3.1 or updated background check under Section 10 shall not
6 rely on, reference, or access any criminal history record
7 information if an applicant for a Firearm Owner's
8 Identification Card or a card holder's conviction for an
9 offense that would disqualify the person for a Firearm Owner's
10 Identification Card if:

11 (1) the applicant or card holder's conviction was
12 vacated, reversed, or set aside;

13 (2) the applicant or card holder's record was expunged
14 or sealed; or

15 (3) the applicant or card holder's record was ordered
16 removed or destroyed.

17 (b) A denial or revocation of a Firearm Owner's
18 Identification Card issued in violation of this Section is
19 void.

20 (c) An applicant or card holder who receives a denial or
21 revocation of a Firearm Owner's Identification Card in
22 violation of this Section is entitled to reasonable attorney's
23 fees and costs, payable by the Illinois State Police.

24 (430 ILCS 65/10.8 new)

25 Sec. 10.8. Court-order compliance reporting.

1 (a) The Illinois State Police shall submit a quarterly
2 report to the General Assembly and to the Governor that
3 includes:

4 (1) the number of court orders received directing
5 issuance or reinstatement of Firearm Owner's
6 Identification Cards;

7 (2) the number of orders complied with within 30 days;

8 (3) the number of orders not complied with within 30
9 days and the reason for delay; and

10 (4) the number of denials reversed due to reliance on
11 vacated or expunged records.

12 (b) Reports under this Section are public documents.

13 (430 ILCS 65/10.9 new)

14 Sec. 10.9. Enforcement and remedies.

15 (a) If the Illinois State Police fails to comply with a
16 court order issued under this Act within the time prescribed
17 in subsection (a-5) of Section 10), the petitioner is entitled
18 to:

19 (1) automatic issuance or reinstatement of the Firearm
20 Owner's Identification Card;

21 (2) reasonable attorney's fees and costs incurred to
22 enforce the order; and

23 (3) recovery of statutory damages in the amount of
24 \$500 per day, beginning on the 31st day after the Illinois
25 State Police received the court order, not to exceed

1 \$10,000.

2 (b) The Attorney General shall adopt rules to implement
3 this Section.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.