



Sen. Graciela Guzmán

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LRB104 19528 BDA 37232 a

1 AMENDMENT TO SENATE BILL 3466

2 AMENDMENT NO. _____. Amend Senate Bill 3466 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, clinical psychologists,
13 advanced practice psychiatric nurses, or any other individuals
14 who provided health care services, as that term is defined in
15 Managed Care Reform and Patient Rights Act, to the patient and
16 (2) correspondence or other communication between the FOID
17 reinstatement mental health evaluator and the patient's
18 current and prior physicians, qualified examiners, clinical
19 psychologists, advanced practice psychiatric nurses, or any
20 other individuals who provided health care services, as that
21 term is defined in Managed Care Reform and Patient Rights Act,
22 to the patient, if any.

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

26 "Counterfeit" means to copy or imitate, without legal

1 authority, with intent to deceive.

2 "Department of Financial and Professional
3 Regulation-approved continuing education sponsor" means a
4 person, firm, association, corporation, or any other group
5 which is approved by the Department of Financial and
6 Professional Regulation to coordinate and present continuing
7 education courses or programs.

8 "Developmental disability" means a severe, chronic
9 disability of an individual that:

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

12 (2) is manifested before the individual attains age
13 22;

14 (3) is likely to continue indefinitely;

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

17 (A) Self-care.

18 (B) Receptive and expressive language.

19 (C) Learning.

20 (D) Mobility.

21 (E) Self-direction.

22 (F) Capacity for independent living.

23 (G) Economic self-sufficiency; and

24 (5) reflects the individual's need for a combination
25 and sequence of special, interdisciplinary, or generic
26 services, individualized supports, or other forms of

1 assistance that are of lifelong or extended duration and
2 are individually planned and coordinated.

3 "Federally licensed firearm dealer" means a person who is
4 licensed as a federal firearms dealer under Section 923 of the
5 federal Gun Control Act of 1968 (18 U.S.C. 923).

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

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

14 (1.1) any pneumatic gun, spring gun, paint ball gun,
15 or B-B gun which expels breakable paint balls containing
16 washable marking colors;

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

20 (3) any device used exclusively for the firing of stud
21 cartridges, explosive rivets or similar industrial
22 ammunition; and

23 (4) an antique firearm (other than a machine-gun)
24 which, although designed as a weapon, the Illinois State
25 Police finds by reason of the date of its manufacture,
26 value, design, and other characteristics is primarily a

1 collector's item and is not likely to be used as a weapon.

2 "Firearm ammunition" means any self-contained cartridge or
3 shotgun shell, by whatever name known, which is designed to be
4 used or adaptable to use in a firearm; excluding, however:

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

9 (2) any ammunition designed exclusively for use with a
10 stud or rivet driver or other similar industrial
11 ammunition.

12 "FOID reinstatement mental health evaluation" means a
13 mental health evaluation performed for the purpose of Firearm
14 Owner's Identification Card reinstatement by a FOID
15 reinstatement mental health evaluator during at least 2 office
16 visits on separate, nonconsecutive days. "FOID reinstatement
17 mental health evaluation" includes a mental health evaluation
18 that may require more than 2 office visits, subject to the
19 professional discretion of the FOID reinstatement mental
20 health evaluator conducting the FOID reinstatement mental
21 health evaluation.

22 "FOID reinstatement mental health evaluator" means an
23 individual who:

24 (1) is a qualified examiner, a licensed clinical
25 psychologist under the Clinical Psychologist Licensing
26 Act, a licensed advanced practice psychiatric nurse under

1 the Nurse Practice Act, or a physician licensed to
2 practice medicine in all its branches under the Medical
3 Practice Act of 1987 who is board-certified in psychiatry
4 by the American Board of Psychiatry and Neurology or the
5 American Osteopathic Board of Neurology and Psychiatry;

6 (2) has successfully completed at least 3 hours of
7 continuing education, provided by a Department of
8 Financial and Professional Regulation-approved continuing
9 education sponsor, that included education regarding
10 suicide prevention and trauma evaluation;

11 (3) has successfully completed training, developed by
12 the Department of Human Services in consultation with the
13 Illinois State Police, provided by the Department of Human
14 Services or a third-party training provider that has been
15 approved by the Department of Human Services, on the
16 issuance, revocation, and reinstatement of Firearm Owners
17 Identification Cards under this Act; and

18 (4) maintains a practice location within the State of
19 Illinois or is authorized to provide telehealth services
20 to Illinois residents in compliance with Illinois law.

21 "FOID reinstatement mental health evaluator" does not
22 include an individual practicing in Illinois under temporary
23 practice authority, reciprocity provisions, interstate compact
24 provisions, or any other mechanism that does not constitute
25 full Illinois licensure.

26 "Gun show" means an event or function:

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

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

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

18 Unless otherwise expressly stated, "gun show" does not
19 include training or safety classes, competitive shooting
20 events, such as rifle, shotgun, or handgun matches, trap,
21 skeet, or sporting clays shoots, dinners, banquets, raffles,
22 or any other event where the sale or transfer of firearms is
23 not the primary course of business.

24 "Gun show promoter" means a person who organizes or
25 operates a gun show.

26 "Gun show vendor" means a person who exhibits, sells,

1 offers for sale, transfers, or exchanges any firearms at a gun
2 show, regardless of whether the person arranges with a gun
3 show promoter for a fixed location from which to exhibit,
4 sell, offer for sale, transfer, or exchange any firearm.

5 "Intellectual disability" means significantly subaverage
6 general intellectual functioning, existing concurrently with
7 deficits in adaptive behavior and manifested during the
8 developmental period, which is defined as before the age of
9 22, that adversely affects a child's educational performance.

10 "Involuntarily admitted" has the meaning as prescribed in
11 Sections 1-119 and 1-119.1 of the Mental Health and
12 Developmental Disabilities Code.

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

24 "National governing body" means a group of persons who
25 adopt rules and formulate policy on behalf of a national
26 firearm sporting organization.

1 "Noncitizen" means a person who is not a citizen of the
2 United States, but is a person who is a foreign-born person who
3 lives in the United States, has not been naturalized, and is
4 still a citizen of a foreign country.

5 "Patient" means:

6 (1) a person who is admitted as an inpatient or
7 resident of a public or private mental health facility for
8 mental health treatment under Chapter III of the Mental
9 Health and Developmental Disabilities Code as an informal
10 admission, a voluntary admission, a minor admission, an
11 emergency admission, or an involuntary admission, unless
12 the treatment was solely for an alcohol abuse disorder; or

13 (2) a person who voluntarily or involuntarily receives
14 mental health treatment as an out-patient or is otherwise
15 provided services by a public or private mental health
16 facility and who poses a clear and present danger to
17 himself, herself, or others.

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

20 "Protective order" means any orders of protection issued
21 under the Illinois Domestic Violence Act of 1986, stalking no
22 contact orders issued under the Stalking No Contact Order Act,
23 civil no contact orders issued under the Civil No Contact
24 Order Act, and firearms restraining orders issued under the
25 Firearms Restraining Order Act or a substantially similar
26 order issued by the court of another state, tribe, or United

1 States territory or military judge.

2 "Qualified examiner" has the meaning provided in Section
3 1-122 of the Mental Health and Developmental Disabilities
4 Code.

5 "Sanctioned competitive shooting event" means a shooting
6 contest officially recognized by a national or state shooting
7 sport association, and includes any sight-in or practice
8 conducted in conjunction with the event.

9 "School administrator" means the person required to report
10 under the School Administrator Reporting of Mental Health
11 Clear and Present Danger Determinations Law.

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

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

16 (430 ILCS 65/8)

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

23 (a) A person under 21 years of age who has been
24 convicted of a misdemeanor other than a traffic offense or
25 adjudged delinquent;

1 (b) This subsection (b) applies through the 180th day
2 following July 12, 2019 (the effective date of Public Act
3 101-80). A person under 21 years of age who does not have
4 the written consent of his parent or guardian to acquire
5 and possess firearms and firearm ammunition, or whose
6 parent or guardian has revoked such written consent, or
7 where such parent or guardian does not qualify to have a
8 Firearm Owner's Identification Card;

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

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

21 (d) A person addicted to narcotics;

22 (e) A person who has been a patient of a mental health
23 facility within the past 5 years or a person who has been a
24 patient in a mental health facility more than 5 years ago
25 who has not received the certification required under
26 subsection (u) of this Section. An active law enforcement

1 officer employed by a unit of government or a Department
2 of Corrections employee authorized to possess firearms who
3 is denied, revoked, or has his or her Firearm Owner's
4 Identification Card seized under this subsection (e) may
5 obtain relief as described in subsection (c-5) of Section
6 10 of this Act if the officer or employee did not act in a
7 manner threatening to the officer or employee, another
8 person, or the public as determined by the treating
9 clinical psychologist or physician, and the officer or
10 employee seeks mental health treatment;

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

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

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

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

20 (i-5) A noncitizen who has been admitted to the United
21 States under a non-immigrant visa (as that term is defined
22 in Section 101(a)(26) of the Immigration and Nationality
23 Act (8 U.S.C. 1101(a)(26))), except that this subsection
24 (i-5) does not apply to any noncitizen who has been
25 lawfully admitted to the United States under a
26 non-immigrant visa if that noncitizen is:

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

3 (2) an official representative of a foreign
4 government who is:

5 (A) accredited to the United States Government
6 or the Government's mission to an international
7 organization having its headquarters in the United
8 States; or

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

11 (3) an official of a foreign government or
12 distinguished foreign visitor who has been so
13 designated by the Department of State;

14 (4) a foreign law enforcement officer of a
15 friendly foreign government entering the United States
16 on official business; or

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

20 (j) (Blank);

21 (k) A person who has been convicted within the past 5
22 years of battery, assault, aggravated assault, violation
23 of an order of protection, or a substantially similar
24 offense in another jurisdiction, in which a firearm was
25 used or possessed;

26 (l) A person who has been convicted of domestic

1 battery, aggravated domestic battery, or a substantially
2 similar offense in another jurisdiction committed before,
3 on or after January 1, 2012 (the effective date of Public
4 Act 97-158). If the applicant or person who has been
5 previously issued a Firearm Owner's Identification Card
6 under this Act knowingly and intelligently waives the
7 right to have an offense described in this paragraph (1)
8 tried by a jury, and by guilty plea or otherwise, results
9 in a conviction for an offense in which a domestic
10 relationship is not a required element of the offense but
11 in which a determination of the applicability of 18 U.S.C.
12 922(g)(9) is made under Section 112A-11.1 of the Code of
13 Criminal Procedure of 1963, an entry by the court of a
14 judgment of conviction for that offense shall be grounds
15 for denying an application for and for revoking and
16 seizing a Firearm Owner's Identification Card previously
17 issued to the person under this Act;

18 (m) (Blank);

19 (n) A person who is prohibited from acquiring or
20 possessing firearms or firearm ammunition by any Illinois
21 State statute or by federal law;

22 (o) A minor subject to a petition filed under Section
23 5-520 of the Juvenile Court Act of 1987 alleging that the
24 minor is a delinquent minor for the commission of an
25 offense that if committed by an adult would be a felony;

26 (p) An adult who had been adjudicated a delinquent

1 minor under the Juvenile Court Act of 1987 for the
2 commission of an offense that if committed by an adult
3 would be a felony;

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

7 (r) A person who has been adjudicated as a person with
8 a mental disability;

9 (s) A person who has been found to have a
10 developmental disability;

11 (t) A person involuntarily admitted into a mental
12 health facility;

13 (u) A person who has had his or her Firearm Owner's
14 Identification Card revoked or denied under subsection (e)
15 of this Section or item (iv) of paragraph (2) of
16 subsection (a) of Section 4 of this Act because he or she
17 was a patient in a mental health facility as provided in
18 subsection (e) of this Section, shall not be permitted to
19 obtain a Firearm Owner's Identification Card, after the
20 5-year period has lapsed, unless he or she has received a
21 FOID reinstatement mental health evaluation ~~mental health~~
22 ~~evaluation~~ by a FOID reinstatement mental health evaluator
23 ~~physician, clinical psychologist, advanced practice~~
24 ~~psychiatric nurse, or qualified examiner as those terms~~
25 ~~are defined in the Mental Health and Developmental~~
26 ~~Disabilities Code,~~ and has received a certification that

1 he or she is not a clear and present danger to himself,
2 herself, or others. The FOID reinstatement mental health
3 evaluator shall provide the person seeking a FOID
4 reinstatement mental health evaluation written notice
5 that, upon completion of the FOID reinstatement mental
6 health evaluation, the results will be sent to the
7 Illinois State Police regardless of outcome. To receive a
8 FOID reinstatement mental health evaluation, a person must
9 provide written consent for the evaluation and for the
10 results to be disclosed to the Illinois State Police. The
11 person receiving a FOID reinstatement mental health
12 evaluation shall provide, or approve the sharing of, all
13 collateral records to the FOID reinstatement mental health
14 evaluator making the certification, and the person shall
15 attest, by signature, that all collateral records have
16 been provided to the FOID reinstatement mental health
17 evaluator before the FOID reinstatement mental health
18 evaluation. The FOID reinstatement mental health
19 evaluator, as part of the certification, shall attest that
20 the FOID reinstatement mental health evaluator has
21 requested, received, reviewed, and considered all of the
22 person's collateral records known to the FOID
23 reinstatement mental health evaluator in making the
24 determination that the person is not a clear and present
25 danger to self or others. In addition, the FOID
26 reinstatement mental health evaluator shall identify the

1 types of collateral records received. The FOID
2 reinstatement mental health evaluator shall not redisclose
3 information contained in the collateral records. If no
4 collateral records are obtained, the FOID reinstatement
5 mental health evaluator must document the efforts used to
6 obtain the collateral records. The FOID reinstatement
7 mental health evaluator ~~physician, clinical psychologist,~~
8 ~~advanced practice psychiatric nurse, or qualified examiner~~
9 ~~making the certification~~ and his or her employer shall not
10 be held criminally, civilly, or professionally liable for
11 making or not making the certification required under this
12 subsection, except for willful or wanton misconduct. This
13 subsection does not apply to a person whose firearm
14 possession rights have been restored through
15 administrative or judicial action under Section 10 or 11
16 of this Act. The results of all FOID reinstatement mental
17 health evaluations that are performed under this
18 subsection (u) on or after the effective date of this
19 amendatory Act of the 104th General Assembly shall be
20 transmitted to the Illinois State Police. A FOID
21 reinstatement mental health evaluator who complies with
22 the requirements of this subsection and documents
23 reasonable attempts to obtain collateral records shall not
24 be subject to professional discipline, civil liability, or
25 criminal liability based on: (1) the person's failure to
26 disclose all treatment history; (2) the existence of

1 collateral records that were not identified by the person
2 and not discovered through the FOID reinstatement mental
3 health evaluator's documented reasonable attempts; or (3)
4 the FOID reinstatement mental health evaluator's
5 determination that was made in good faith based on
6 information available at the time of the evaluation, even
7 if additional records are later discovered. This liability
8 protection shall not apply in cases of willful or wanton
9 misconduct. The Illinois State Police may request all
10 records or documentation from the Department of Financial
11 and Professional Regulation and the FOID reinstatement
12 mental health evaluator to confirm that an individual is
13 qualified to perform FOID reinstatement mental health
14 evaluations under subsection (u) of Section 8 as a FOID
15 reinstatement mental health evaluator; or

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

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

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