

HB3873



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3873

by Rep. Michelle Mussman

SYNOPSIS AS INTRODUCED:

430 ILCS 65/8.1

from Ch. 38, par. 83-8.1

Amends the Firearm Owners Identification Card Act. Provides that a person who holds a Firearm Owner's Identification Card under the Act shall report to the Department of State Police within 30 days if a federal agency has determined that the person is unable manage his or her own affairs, estate, or benefits. Provides that the Department of State Police shall report that determination to the Federal Bureau of Investigation and the Department of Human Services.

LRB100 11351 SLF 21735 b

A BILL FOR

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 Section 8.1 as follows:

6 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

7 Sec. 8.1. Notifications to the Department of State Police.

8 (a) The Circuit Clerk shall, in the form and manner
9 required by the Supreme Court, notify the Department of State
10 Police of all final dispositions of cases for which the
11 Department has received information reported to it under
12 Sections 2.1 and 2.2 of the Criminal Identification Act.

13 (b) Upon adjudication of any individual as a person with a
14 mental disability as defined in Section 1.1 of this Act or a
15 finding that a person has been involuntarily admitted, the
16 court shall direct the circuit court clerk to immediately
17 notify the Department of State Police, Firearm Owner's
18 Identification (FOID) department, and shall forward a copy of
19 the court order to the Department.

20 (b-1) Beginning July 1, 2016, and each July 1 and December
21 30 of every year thereafter, the circuit court clerk shall, in
22 the form and manner prescribed by the Department of State
23 Police, notify the Department of State Police, Firearm Owner's

1 Identification (FOID) department if the court has not directed
2 the circuit court clerk to notify the Department of State
3 Police, Firearm Owner's Identification (FOID) department under
4 subsection (b) of this Section, within the preceding 6 months,
5 because no person has been adjudicated as a person with a
6 mental disability by the court as defined in Section 1.1 of
7 this Act or if no person has been involuntarily admitted. The
8 Supreme Court may adopt any orders or rules necessary to
9 identify the persons who shall be reported to the Department of
10 State Police under subsection (b), or any other orders or rules
11 necessary to implement the requirements of this Act.

12 (c) The Department of Human Services shall, in the form and
13 manner prescribed by the Department of State Police, report all
14 information collected under subsection (b) of Section 12 of the
15 Mental Health and Developmental Disabilities Confidentiality
16 Act for the purpose of determining whether a person who may be
17 or may have been a patient in a mental health facility is
18 disqualified under State or federal law from receiving or
19 retaining a Firearm Owner's Identification Card, or purchasing
20 a weapon.

21 (d) If a person is determined to pose a clear and present
22 danger to himself, herself, or to others:

23 (1) by a physician, clinical psychologist, or
24 qualified examiner, or is determined to have a
25 developmental disability by a physician, clinical
26 psychologist, or qualified examiner, whether employed by

1 the State or privately, then the physician, clinical
2 psychologist, or qualified examiner shall, within 24 hours
3 of making the determination, notify the Department of Human
4 Services that the person poses a clear and present danger
5 or has a developmental disability; or

6 (2) by a law enforcement official or school
7 administrator, then the law enforcement official or school
8 administrator shall, within 24 hours of making the
9 determination, notify the Department of State Police that
10 the person poses a clear and present danger.

11 The Department of Human Services shall immediately update
12 its records and information relating to mental health and
13 developmental disabilities, and if appropriate, shall notify
14 the Department of State Police in a form and manner prescribed
15 by the Department of State Police. The Department of State
16 Police shall determine whether to revoke the person's Firearm
17 Owner's Identification Card under Section 8 of this Act. Any
18 information disclosed under this subsection shall remain
19 privileged and confidential, and shall not be redisclosed,
20 except as required under subsection (e) of Section 3.1 of this
21 Act, nor used for any other purpose. The method of providing
22 this information shall guarantee that the information is not
23 released beyond what is necessary for the purpose of this
24 Section and shall be provided by rule by the Department of
25 Human Services. The identity of the person reporting under this
26 Section shall not be disclosed to the subject of the report.

1 The physician, clinical psychologist, qualified examiner, law
2 enforcement official, or school administrator making the
3 determination and his or her employer shall not be held
4 criminally, civilly, or professionally liable for making or not
5 making the notification required under this subsection, except
6 for willful or wanton misconduct.

7 (d-5) A person who holds a Firearm Owner's Identification
8 Card under this Act shall report to the Department of State
9 Police within 30 days if a federal agency has determined that
10 the person is unable manage his or her own affairs, estate, or
11 benefits. The Department of State Police shall report that
12 determination to the Federal Bureau of Investigation and the
13 Department of Human Services.

14 (e) The Department of State Police shall adopt rules to
15 implement this Section.

16 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-143,
17 eff. 7-27-15; 99-696, eff. 7-29-16.)