



Rep. Barbara Wheeler

Filed: 3/13/2018

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LRB100 16482 SLF 37262 a

1 AMENDMENT TO HOUSE BILL 4218

2 AMENDMENT NO. _____. Amend House Bill 4218 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 Section 1.1 as follows:

6 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

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 Department of 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 "Clear and present danger" means a person who:

17 (1) communicates a serious threat of physical violence
18 against a reasonably identifiable victim or poses a clear
19 and imminent risk of serious physical injury to himself,
20 herself, or another person as determined by a physician,
21 clinical psychologist, or qualified examiner; or

22 (2) demonstrates threatening physical or verbal
23 behavior, such as violent, suicidal, or assaultive
24 threats, actions, or other behavior, as determined by a
25 physician, clinical psychologist, qualified examiner,
26 school administrator, or law enforcement official.

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

4 "Controlled substance" means a controlled substance or
5 controlled substance analog as defined in the Illinois
6 Controlled Substances Act.

7 "Counterfeit" means to copy or imitate, without legal
8 authority, with intent to deceive.

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

12 "Firearm" means any device, by whatever name known, which
13 is designed to expel a projectile or projectiles by the action
14 of an explosion, expansion of gas or escape of gas; excluding,
15 however:

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

20 (1.1) any pneumatic gun, spring gun, paint ball gun, or
21 B-B gun which expels breakable paint balls containing
22 washable marking colors;

23 (2) any device used exclusively for signalling or
24 safety and required or recommended by the United States
25 Coast Guard or the Interstate Commerce Commission;

26 (3) any device used exclusively for the firing of stud

1 cartridges, explosive rivets or similar industrial
2 ammunition; and

3 (4) an antique firearm (other than a machine-gun)
4 which, although designed as a weapon, the Department of
5 State Police finds by reason of the date of its
6 manufacture, value, design, and other characteristics is
7 primarily a collector's item and is not likely to be used
8 as a weapon.

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

12 (1) any ammunition exclusively designed for use with a
13 device used exclusively for signalling or safety and
14 required or recommended by the United States Coast Guard or
15 the Interstate Commerce Commission; and

16 (2) any ammunition designed exclusively for use with a
17 stud or rivet driver or other similar industrial
18 ammunition.

19 "Gun show" means an event or function:

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

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

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

11 Unless otherwise expressly stated, "gun show" does not
12 include training or safety classes, competitive shooting
13 events, such as rifle, shotgun, or handgun matches, trap,
14 skeet, or sporting clays shoots, dinners, banquets, raffles, or
15 any other event where the sale or transfer of firearms is not
16 the primary course of business.

17 "Gun show promoter" means a person who organizes or
18 operates a gun show.

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

24 "Involuntarily admitted" has the meaning as prescribed in
25 Sections 1-119 and 1-119.1 of the Mental Health and
26 Developmental Disabilities Code.

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

12 "National governing body" means a group of persons who
13 adopt rules and formulate policy on behalf of a national
14 firearm sporting organization.

15 "Patient" means:

16 (1) a person who is admitted as an inpatient or
17 resident of a public or private mental health facility for
18 mental health treatment under Chapter III of the Mental
19 Health and Developmental Disabilities Code as an informal
20 admission, a voluntary admission, a minor admission, an
21 emergency admission, or an involuntary admission,
22 ~~voluntarily receives mental health treatment as an~~
23 ~~in-patient or resident of any public or private mental~~
24 ~~health facility,~~ unless the treatment was solely for an
25 alcohol abuse disorder ~~and no other secondary substance~~
26 ~~abuse disorder or mental illness; or~~

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

6 "Person with a developmental disability" means a person
7 with a disability which is attributable to any other condition
8 which results in impairment similar to that caused by an
9 intellectual disability and which requires services similar to
10 those required by persons with intellectual disabilities. The
11 disability must originate before the age of 18 years, be
12 expected to continue indefinitely, and constitute a
13 substantial disability. This disability results, in the
14 professional opinion of a physician, clinical psychologist, or
15 qualified examiner, in significant functional limitations in 3
16 or more of the following areas of major life activity:

- 17 (i) self-care;
18 (ii) receptive and expressive language;
19 (iii) learning;
20 (iv) mobility; or
21 (v) self-direction.

22 "Person with an intellectual disability" means a person
23 with a significantly subaverage general intellectual
24 functioning which exists concurrently with impairment in
25 adaptive behavior and which originates before the age of 18
26 years.

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

3 "Qualified examiner" has the meaning provided in Section
4 1-122 of the Mental Health and Developmental Disabilities 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 Clear
11 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. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
15 eff. 7-27-15; 99-642, eff. 7-28-16.)".