



Rep. Barbara Wheeler

Filed: 4/16/2018

10000HB4855ham002

LRB100 18025 SLF 38577 a

1 AMENDMENT TO HOUSE BILL 4855

2 AMENDMENT NO. _____. Amend House Bill 4855 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, 5, 7, and 13.2 and by adding
6 Section 8.3 as follows:

7 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

8 Sec. 1.1. For purposes of this Act:

9 "Addicted to narcotics" means a person who has been:

10 (1) convicted of an offense involving the use or
11 possession of cannabis, a controlled substance, or
12 methamphetamine within the past year; or

13 (2) determined by the Department of State Police to be
14 addicted to narcotics based upon federal law or federal
15 guidelines.

16 "Addicted to narcotics" does not include possession or use

1 of a prescribed controlled substance under the direction and
2 authority of a physician or other person authorized to
3 prescribe the controlled substance when the controlled
4 substance is used in the prescribed manner.

5 "Adjudicated as a person with a mental disability" means
6 the person is the subject of a determination by a court, board,
7 commission or other lawful authority that the person, as a
8 result of marked subnormal intelligence, or mental illness,
9 mental impairment, incompetency, condition, or disease:

10 (1) presents a clear and present danger to himself,
11 herself, or to others;

12 (2) lacks the mental capacity to manage his or her own
13 affairs or is adjudicated a person with a disability as
14 defined in Section 11a-2 of the Probate Act of 1975;

15 (3) is not guilty in a criminal case by reason of
16 insanity, mental disease or defect;

17 (3.5) is guilty but mentally ill, as provided in
18 Section 5-2-6 of the Unified Code of Corrections;

19 (4) is incompetent to stand trial in a criminal case;

20 (5) is not guilty by reason of lack of mental
21 responsibility under Articles 50a and 72b of the Uniform
22 Code of Military Justice, 10 U.S.C. 850a, 876b;

23 (6) is a sexually violent person under subsection (f)
24 of Section 5 of the Sexually Violent Persons Commitment
25 Act;

26 (7) is a sexually dangerous person under the Sexually

1 Dangerous Persons Act;

2 (8) is unfit to stand trial under the Juvenile Court
3 Act of 1987;

4 (9) is not guilty by reason of insanity under the
5 Juvenile Court Act of 1987;

6 (10) is subject to involuntary admission as an
7 inpatient as defined in Section 1-119 of the Mental Health
8 and Developmental Disabilities Code;

9 (11) is subject to involuntary admission as an
10 outpatient as defined in Section 1-119.1 of the Mental
11 Health and Developmental Disabilities Code;

12 (12) is subject to judicial admission as set forth in
13 Section 4-500 of the Mental Health and Developmental
14 Disabilities Code; or

15 (13) is subject to the provisions of the Interstate
16 Agreements on Sexually Dangerous Persons Act.

17 "Clear and present danger" means a person who:

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

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

1 school administrator, or law enforcement official.

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

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

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

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

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

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

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

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

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

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

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

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

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

20 "Gun show" means an event or function:

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

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

1 firearms.

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

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

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

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

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

1 Developmental Disabilities Code.

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

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

16 "Patient" means:

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

1 ~~abuse disorder or mental illness; or~~

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

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

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

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

1 years.

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

4 "Qualified examiner" has the meaning provided in Section
5 1-122 of the Mental Health and Developmental Disabilities Code.

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

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

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

15 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
16 eff. 7-27-15; 99-642, eff. 7-28-16.)

17 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

18 Sec. 5. Application and renewal.

19 (a) The Department of State Police shall either approve or
20 deny all applications within 30 days from the date they are
21 received, except as provided in subsection (b) of this Section,
22 and every applicant found qualified under Section 8 of this Act
23 by the Department shall be entitled to a Firearm Owner's
24 Identification Card upon the payment of a \$10 fee. Any
25 applicant who is an active duty member of the Armed Forces of

1 the United States, a member of the Illinois National Guard, or
2 a member of the Reserve Forces of the United States is exempt
3 from the application fee. \$6 of each fee derived from the
4 issuance of Firearm Owner's Identification Cards, or renewals
5 thereof, shall be deposited in the Wildlife and Fish Fund in
6 the State Treasury; \$1 of the fee shall be deposited in the
7 State Police Services Fund and \$3 of the fee shall be deposited
8 in the State Police Firearm Services Fund.

9 (b) Renewal applications shall be approved or denied within
10 60 business days, provided the applicant submitted his or her
11 renewal application prior to the expiration of his or her
12 Firearm Owner's Identification Card. If a renewal application
13 has been submitted prior to the expiration date of the
14 applicant's Firearm Owner's Identification Card, the Firearm
15 Owner's Identification Card shall remain valid while the
16 Department processes the application, unless the person is
17 subject to or becomes subject to revocation under this Act. The
18 cost for a renewal application shall be \$10 which shall be
19 deposited into the State Police Firearm Services Fund.

20 (Source: P.A. 98-63, eff. 7-9-13.)

21 (430 ILCS 65/7) (from Ch. 38, par. 83-7)

22 Sec. 7. Validity of Firearm Owner's Identification Card.

23 (a) Except as provided in Section 8 of this Act or
24 subsection (b) of this Section, a Firearm Owner's
25 Identification Card issued under the provisions of this Act

1 shall be valid for the person to whom it is issued for a period
2 of 10 years from the date of issuance.

3 (b) If a renewal application is submitted to the Department
4 before the expiration date of the applicant's current Firearm
5 Owner's Identification Card, the Firearm Owner's
6 Identification Card shall remain valid for a period of 60
7 business days, unless the person is subject to or becomes
8 subject to revocation under this Act.

9 (Source: P.A. 95-581, eff. 6-1-08.)

10 (430 ILCS 65/8.3 new)

11 Sec. 8.3. Suspension of Firearm Owner's Identification
12 Card. The Department of State Police may, by rule in a manner
13 consistent with the Department's rules concerning revocation,
14 provide for the suspension of the Firearm Owner's
15 Identification Card of a person whose Firearm Owner's
16 Identification Card is subject to revocation and seizure under
17 this Act for the duration of the disqualification if the
18 disqualification is not a permanent grounds for revocation of a
19 Firearm Owner's Identification Card under this Act.

20 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

21 Sec. 13.2. Renewal; name or address change; replacement
22 card. The Department of State Police shall, 60 days prior to
23 the expiration of a Firearm Owner's Identification Card,
24 forward by first class mail to each person whose card is to

1 expire a notification of the expiration of the card and
2 instructions for renewal ~~an application which may be used to~~
3 ~~apply for renewal of the card~~. It is the obligation of the
4 holder of a Firearm Owner's Identification Card to notify the
5 Department of State Police of any address change since the
6 issuance of the Firearm Owner's Identification Card. Whenever
7 any person moves from the residence address named on his or her
8 card, the person shall within 21 calendar days thereafter
9 notify in a form and manner prescribed by the Department of his
10 or her old and new residence addresses and the card number held
11 by him or her. Any person whose legal name has changed from the
12 name on the card that he or she has been previously issued must
13 apply for a corrected card within 30 calendar days after the
14 change. The cost for a corrected card shall be \$5. The cost for
15 replacement of a card which has been lost, destroyed, or stolen
16 shall be \$5 if the loss, destruction, or theft of the card is
17 reported to the Department of State Police. The fees collected
18 under this Section ~~which~~ shall be deposited into the State
19 Police Firearm Services Fund.
20 (Source: P.A. 97-1131, eff. 1-1-13; 98-63, eff. 7-9-13.)".