

HB5478



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5478

by Rep. Martin J. Moylan

SYNOPSIS AS INTRODUCED:

430 ILCS 65/1.1

from Ch. 38, par. 83-1.1

Amends the Firearm Owners Identification Card Act. Adds to the definition of "firearm" for purposes of the Act includes any combination of parts designed or intended to be used to convert a device into a firearm or from which a firearm may be readily assembled. Effective immediately.

LRB100 15880 SLF 30991 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 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
17 authority of a physician or other person authorized to
18 prescribe the controlled substance when the controlled
19 substance is used in the prescribed manner.

20 "Adjudicated as a person with a mental disability" means
21 the person is the subject of a determination by a court, board,
22 commission or other lawful authority that the person, as a
23 result of marked subnormal intelligence, or mental illness,

1 mental impairment, incompetency, condition, or disease:

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

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

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

9 (3.5) is guilty but mentally ill, as provided in
10 Section 5-2-6 of the Unified Code of Corrections;

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

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

15 (6) is a sexually violent person under subsection (f)
16 of Section 5 of the Sexually Violent Persons Commitment
17 Act;

18 (7) is a sexually dangerous person under the Sexually
19 Dangerous Persons Act;

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

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

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

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

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

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

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

10 (1) communicates a serious threat of physical violence
11 against a reasonably identifiable victim or poses a clear
12 and imminent risk of serious physical injury to himself,
13 herself, or another person as determined by a physician,
14 clinical psychologist, or qualified examiner; or

15 (2) demonstrates threatening physical or verbal
16 behavior, such as violent, suicidal, or assaultive
17 threats, actions, or other behavior, as determined by a
18 physician, clinical psychologist, qualified examiner,
19 school administrator, or law enforcement official.

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

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

5 "Firearm" means any device, by whatever name known, which
6 is designed to expel a projectile or projectiles by the action
7 of an explosion, expansion of gas or escape of gas, or any
8 combination of parts designed or intended to be used to convert
9 a device into a firearm or from which a firearm may be readily
10 assembled; excluding, however:

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

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

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

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

24 (4) an antique firearm (other than a machine-gun)
25 which, although designed as a weapon, the Department of
26 State Police finds by reason of the date of its

1 manufacture, value, design, and other characteristics is
2 primarily a collector's item and is not likely to be used
3 as a weapon.

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

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

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

14 "Gun show" means an event or function:

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

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

22 "Gun show" includes the entire premises provided for an
23 event or function, including parking areas for the event or
24 function, that is sponsored to facilitate the purchase, sale,
25 transfer, or exchange of firearms as described in this Section.
26 Nothing in this definition shall be construed to exclude a gun

1 show held in conjunction with competitive shooting events at
2 the World Shooting Complex sanctioned by a national governing
3 body in which the sale or transfer of firearms is authorized
4 under subparagraph (5) of paragraph (g) of subsection (A) of
5 Section 24-3 of the Criminal Code of 2012.

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

12 "Gun show promoter" means a person who organizes or
13 operates a gun show.

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

19 "Involuntarily admitted" has the meaning as prescribed in
20 Sections 1-119 and 1-119.1 of the Mental Health and
21 Developmental Disabilities Code.

22 "Mental health facility" means any licensed private
23 hospital or hospital affiliate, institution, or facility, or
24 part thereof, and any facility, or part thereof, operated by
25 the State or a political subdivision thereof which provide
26 treatment of persons with mental illness and includes all

1 hospitals, institutions, clinics, evaluation facilities,
2 mental health centers, colleges, universities, long-term care
3 facilities, and nursing homes, or parts thereof, which provide
4 treatment of persons with mental illness whether or not the
5 primary purpose is to provide treatment of persons with mental
6 illness.

7 "National governing body" means a group of persons who
8 adopt rules and formulate policy on behalf of a national
9 firearm sporting organization.

10 "Patient" means:

11 (1) a person who voluntarily receives mental health
12 treatment as an in-patient or resident of any public or
13 private mental health facility, unless the treatment was
14 solely for an alcohol abuse disorder and no other secondary
15 substance abuse disorder or mental illness; or

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

20 "Person with a developmental disability" means a person
21 with a disability which is attributable to any other condition
22 which results in impairment similar to that caused by an
23 intellectual disability and which requires services similar to
24 those required by persons with intellectual disabilities. The
25 disability must originate before the age of 18 years, be
26 expected to continue indefinitely, and constitute a

1 substantial disability. This disability results, in the
2 professional opinion of a physician, clinical psychologist, or
3 qualified examiner, in significant functional limitations in 3
4 or more of the following areas of major life activity:

- 5 (i) self-care;
- 6 (ii) receptive and expressive language;
- 7 (iii) learning;
- 8 (iv) mobility; or
- 9 (v) self-direction.

10 "Person with an intellectual disability" means a person
11 with a significantly subaverage general intellectual
12 functioning which exists concurrently with impairment in
13 adaptive behavior and which originates before the age of 18
14 years.

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

17 "Qualified examiner" has the meaning provided in Section
18 1-122 of the Mental Health and Developmental Disabilities Code.

19 "Sanctioned competitive shooting event" means a shooting
20 contest officially recognized by a national or state shooting
21 sport association, and includes any sight-in or practice
22 conducted in conjunction with the event.

23 "School administrator" means the person required to report
24 under the School Administrator Reporting of Mental Health Clear
25 and Present Danger Determinations Law.

26 "Stun gun or taser" has the meaning ascribed to it in

1 Section 24-1 of the Criminal Code of 2012.

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

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