



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4448

Introduced 2/3/2020, by Rep. Patrick Windhorst

SYNOPSIS AS INTRODUCED:

430 ILCS 65/5
430 ILCS 66/70

from Ch. 38, par. 83-5

Amends the Firearm Owners Identification Card Act and the Firearm Concealed Carry Act. Provides that if a Firearm Owner's Identification Card of a licensee under the Firearm Concealed Carry Act expires during the term of a concealed carry license, the Firearm Owner's Identification Card and the license remain valid and the licensee does not have to renew his or her Firearm Owner's Identification Card. Provides that the Illinois State Police shall automatically renew the licensee's Firearm Owner's Identification Card and send a renewed Firearm Owner's Identification Card to the licensee unless the Illinois State Police has reason to believe the person is no longer eligible for the Card.

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FISCAL NOTE ACT
MAY APPLY

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 5 as follows:

6 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

7 Sec. 5. Application and renewal.

8 (a) The Department of State Police shall either approve or
9 deny all applications within 30 days from the date they are
10 received, except as provided in subsection (b) of this Section,
11 and every applicant found qualified under Section 8 of this Act
12 by the Department shall be entitled to a Firearm Owner's
13 Identification Card upon the payment of a \$10 fee. Any
14 applicant who is an active duty member of the Armed Forces of
15 the United States, a member of the Illinois National Guard, or
16 a member of the Reserve Forces of the United States is exempt
17 from the application fee. \$6 of each fee derived from the
18 issuance of Firearm Owner's Identification Cards, or renewals
19 thereof, shall be deposited in the Wildlife and Fish Fund in
20 the State Treasury; \$1 of the fee shall be deposited in the
21 State Police Services Fund and \$3 of the fee shall be deposited
22 in the State Police Firearm Services Fund.

23 (b) Renewal applications shall be approved or denied within

1 60 business days, provided the applicant submitted his or her
2 renewal application prior to the expiration of his or her
3 Firearm Owner's Identification Card. If a renewal application
4 has been submitted prior to the expiration date of the
5 applicant's Firearm Owner's Identification Card, the Firearm
6 Owner's Identification Card shall remain valid while the
7 Department processes the application, unless the person is
8 subject to or becomes subject to revocation under this Act. The
9 cost for a renewal application shall be \$10 which shall be
10 deposited into the State Police Firearm Services Fund.

11 (c) If a Firearm Owner's Identification Card of a licensee
12 under the Firearm Concealed Carry Act expires during the term
13 of the licensee's concealed carry license, the Firearm Owner's
14 Identification Card and the license remain valid and the
15 licensee does not have to renew his or her Firearm Owner's
16 Identification Card. The Illinois State Police shall
17 automatically renew the licensee's Firearm Owner's
18 Identification Card and send a renewed Firearm Owner's
19 Identification Card to the licensee unless the Illinois State
20 Police has reason to believe the licensee is no longer eligible
21 for the Card.

22 (Source: P.A. 100-906, eff. 1-1-19.)

23 Section 10. The Firearm Concealed Carry Act is amended by
24 changing Section 70 as follows:

1 (430 ILCS 66/70)

2 Sec. 70. Violations.

3 (a) A license issued or renewed under this Act shall be
4 revoked if, at any time, the licensee is found to be ineligible
5 for a license under this Act or the licensee no longer meets
6 the eligibility requirements of the Firearm Owners
7 Identification Card Act.

8 (b) A license shall be suspended if an order of protection,
9 including an emergency order of protection, plenary order of
10 protection, or interim order of protection under Article 112A
11 of the Code of Criminal Procedure of 1963 or under the Illinois
12 Domestic Violence Act of 1986, or if a firearms restraining
13 order, including an emergency firearms restraining order,
14 under the Firearms Restraining Order Act, is issued against a
15 licensee for the duration of the order, or if the Department is
16 made aware of a similar order issued against the licensee in
17 any other jurisdiction. If an order of protection is issued
18 against a licensee, the licensee shall surrender the license,
19 as applicable, to the court at the time the order is entered or
20 to the law enforcement agency or entity serving process at the
21 time the licensee is served the order. The court, law
22 enforcement agency, or entity responsible for serving the order
23 of protection shall notify the Department within 7 days and
24 transmit the license to the Department.

25 (c) A license is invalid upon expiration of the license,
26 unless the licensee has submitted an application to renew the

1 license, and the applicant is otherwise eligible to possess a
2 license under this Act.

3 (d) A licensee shall not carry a concealed firearm while
4 under the influence of alcohol, other drug or drugs,
5 intoxicating compound or combination of compounds, or any
6 combination thereof, under the standards set forth in
7 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

8 A licensee in violation of this subsection (d) shall be
9 guilty of a Class A misdemeanor for a first or second violation
10 and a Class 4 felony for a third violation. The Department may
11 suspend a license for up to 6 months for a second violation and
12 shall permanently revoke a license for a third violation.

13 (e) Except as otherwise provided, a licensee in violation
14 of this Act shall be guilty of a Class B misdemeanor. A second
15 or subsequent violation is a Class A misdemeanor. The
16 Department may suspend a license for up to 6 months for a
17 second violation and shall permanently revoke a license for 3
18 or more violations of Section 65 of this Act. Any person
19 convicted of a violation under this Section shall pay a \$150
20 fee to be deposited into the Mental Health Reporting Fund, plus
21 any applicable court costs or fees.

22 (f) A licensee convicted or found guilty of a violation of
23 this Act who has a valid license and is otherwise eligible to
24 carry a concealed firearm shall only be subject to the
25 penalties under this Section and shall not be subject to the
26 penalties under Section 21-6, paragraph (4), (8), or (10) of

1 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)
2 of paragraph (3) of subsection (a) of Section 24-1.6 of the
3 Criminal Code of 2012. Except as otherwise provided in this
4 subsection, nothing in this subsection prohibits the licensee
5 from being subjected to penalties for violations other than
6 those specified in this Act.

7 (g) A licensee whose license is revoked, suspended, or
8 denied shall, within 48 hours of receiving notice of the
9 revocation, suspension, or denial, surrender his or her
10 concealed carry license to the local law enforcement agency
11 where the person resides. The local law enforcement agency
12 shall provide the licensee a receipt and transmit the concealed
13 carry license to the Department of State Police. If the
14 licensee whose concealed carry license has been revoked,
15 suspended, or denied fails to comply with the requirements of
16 this subsection, the law enforcement agency where the person
17 resides may petition the circuit court to issue a warrant to
18 search for and seize the concealed carry license in the
19 possession and under the custody or control of the licensee
20 whose concealed carry license has been revoked, suspended, or
21 denied. The observation of a concealed carry license in the
22 possession of a person whose license has been revoked,
23 suspended, or denied constitutes a sufficient basis for the
24 arrest of that person for violation of this subsection. A
25 violation of this subsection is a Class A misdemeanor.

26 (h) Except as otherwise provided in subsection (h-5), a ~~A~~

1 license issued or renewed under this Act shall be revoked if,
2 at any time, the licensee is found ineligible for a Firearm
3 Owner's Identification Card, or the licensee no longer
4 possesses a valid Firearm Owner's Identification Card. A
5 licensee whose license is revoked under this subsection (h)
6 shall surrender his or her concealed carry license as provided
7 for in subsection (g) of this Section.

8 This subsection shall not apply to a person who has filed
9 an application with the State Police for renewal of a Firearm
10 Owner's Identification Card and who is not otherwise ineligible
11 to obtain a Firearm Owner's Identification Card.

12 (h-5) If the Firearm Owner's Identification Card of a
13 licensee under this Act expires during the term of the license
14 issued under this Act, the license and the Firearm Owner's
15 Identification Card remain valid, and the Illinois State Police
16 shall automatically renew the licensee's Firearm Owner's
17 Identification Card as provided in subsection (c) of Section 5
18 of the Firearm Owners Identification Card Act.

19 (i) A certified firearms instructor who knowingly provides
20 or offers to provide a false certification that an applicant
21 has completed firearms training as required under this Act is
22 guilty of a Class A misdemeanor. A person guilty of a violation
23 of this subsection (i) is not eligible for court supervision.
24 The Department shall permanently revoke the firearms
25 instructor certification of a person convicted under this
26 subsection (i).

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1 (Source: P.A. 100-607, eff. 1-1-19.)