



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5423

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SYNOPSIS AS INTRODUCED:

430 ILCS 65/2	from Ch. 38, par. 83-2
430 ILCS 65/4	from Ch. 38, par. 83-4
430 ILCS 65/8	from Ch. 38, par. 83-8
430 ILCS 66/25	

Amends the Firearm Owners Identification Card Act. Lowers the age at which a person may apply for a Firearm Owner's Identification Card from 21 to 18 and provides that a person who is under that age may apply for a Firearm Owner's Identification Card without parental consent required if he or she is an active duty member of the United States Armed Forces. Amends the Firearm Concealed Carry Act. Provides that the Department of State Police shall issue a concealed carry license to an applicant who is at least 18 (currently, 21) years of age or is an active duty member of the United States Armed Forces.

LRB101 17716 CPF 67143 b

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 Sections 2, 4, and 8 as follows:

6 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

7 Sec. 2. Firearm Owner's Identification Card required;
8 exceptions.

9 (a) (1) No person may acquire or possess any firearm, stun
10 gun, or taser within this State without having in his or her
11 possession a Firearm Owner's Identification Card previously
12 issued in his or her name by the Department of State Police
13 under the provisions of this Act.

14 (2) No person may acquire or possess firearm ammunition
15 within this State without having in his or her possession a
16 Firearm Owner's Identification Card previously issued in his or
17 her name by the Department of State Police under the provisions
18 of this Act.

19 (b) The provisions of this Section regarding the possession
20 of firearms, firearm ammunition, stun guns, and tasers do not
21 apply to:

22 (1) United States Marshals, while engaged in the
23 operation of their official duties;

1 (2) Members of the Armed Forces of the United States or
2 the National Guard, while engaged in the operation of their
3 official duties;

4 (3) Federal officials required to carry firearms,
5 while engaged in the operation of their official duties;

6 (4) Members of bona fide veterans organizations which
7 receive firearms directly from the armed forces of the
8 United States, while using the firearms for ceremonial
9 purposes with blank ammunition;

10 (5) Nonresident hunters during hunting season, with
11 valid nonresident hunting licenses and while in an area
12 where hunting is permitted; however, at all other times and
13 in all other places these persons must have their firearms
14 unloaded and enclosed in a case;

15 (6) Those hunters exempt from obtaining a hunting
16 license who are required to submit their Firearm Owner's
17 Identification Card when hunting on Department of Natural
18 Resources owned or managed sites;

19 (7) Nonresidents while on a firing or shooting range
20 recognized by the Department of State Police; however,
21 these persons must at all other times and in all other
22 places have their firearms unloaded and enclosed in a case;

23 (8) Nonresidents while at a firearm showing or display
24 recognized by the Department of State Police; however, at
25 all other times and in all other places these persons must
26 have their firearms unloaded and enclosed in a case;

1 (9) Nonresidents whose firearms are unloaded and
2 enclosed in a case;

3 (10) Nonresidents who are currently licensed or
4 registered to possess a firearm in their resident state;

5 (11) Unemancipated minors while in the custody and
6 immediate control of their parent or legal guardian or
7 other person in loco parentis to the minor if the parent or
8 legal guardian or other person in loco parentis to the
9 minor has a currently valid Firearm Owner's Identification
10 Card;

11 (12) Color guards of bona fide veterans organizations
12 or members of bona fide American Legion bands while using
13 firearms for ceremonial purposes with blank ammunition;

14 (13) Nonresident hunters whose state of residence does
15 not require them to be licensed or registered to possess a
16 firearm and only during hunting season, with valid hunting
17 licenses, while accompanied by, and using a firearm owned
18 by, a person who possesses a valid Firearm Owner's
19 Identification Card and while in an area within a
20 commercial club licensed under the Wildlife Code where
21 hunting is permitted and controlled, but in no instance
22 upon sites owned or managed by the Department of Natural
23 Resources;

24 (14) Resident hunters who are properly authorized to
25 hunt and, while accompanied by a person who possesses a
26 valid Firearm Owner's Identification Card, hunt in an area

1 within a commercial club licensed under the Wildlife Code
2 where hunting is permitted and controlled;

3 (15) A person who is otherwise eligible to obtain a
4 Firearm Owner's Identification Card under this Act and is
5 under the direct supervision of a holder of a Firearm
6 Owner's Identification Card who is 18 ~~21~~ years of age or
7 older while the person is on a firing or shooting range or
8 is a participant in a firearms safety and training course
9 recognized by a law enforcement agency or a national,
10 statewide shooting sports organization; and

11 (16) Competitive shooting athletes whose competition
12 firearms are sanctioned by the International Olympic
13 Committee, the International Paralympic Committee, the
14 International Shooting Sport Federation, or USA Shooting
15 in connection with such athletes' training for and
16 participation in shooting competitions at the 2016 Olympic
17 and Paralympic Games and sanctioned test events leading up
18 to the 2016 Olympic and Paralympic Games.

19 (c) The provisions of this Section regarding the
20 acquisition and possession of firearms, firearm ammunition,
21 stun guns, and tasers do not apply to law enforcement officials
22 of this or any other jurisdiction, while engaged in the
23 operation of their official duties.

24 (c-5) The provisions of paragraphs (1) and (2) of
25 subsection (a) of this Section regarding the possession of
26 firearms and firearm ammunition do not apply to the holder of a

1 valid concealed carry license issued under the Firearm
2 Concealed Carry Act who is in physical possession of the
3 concealed carry license.

4 (d) Any person who becomes a resident of this State, who is
5 not otherwise prohibited from obtaining, possessing, or using a
6 firearm or firearm ammunition, shall not be required to have a
7 Firearm Owner's Identification Card to possess firearms or
8 firearms ammunition until 60 calendar days after he or she
9 obtains an Illinois driver's license or Illinois
10 Identification Card.

11 (Source: P.A. 99-29, eff. 7-10-15.)

12 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

13 Sec. 4. Application for Firearm Owner's Identification
14 Cards.

15 (a) Each applicant for a Firearm Owner's Identification
16 Card must:

17 (1) Make application on blank forms prepared and
18 furnished at convenient locations throughout the State by
19 the Department of State Police, or by electronic means, if
20 and when made available by the Department of State Police;
21 and

22 (2) Submit evidence to the Department of State Police
23 that:

24 (i) This subparagraph (i) applies through the
25 180th day following the effective date of this

1 amendatory Act of the 101st General Assembly. He or she
2 is 18 ~~21~~ years of age or over, or if he or she is under
3 18 ~~21~~ years of age that he or she has never been
4 convicted of a misdemeanor other than a traffic offense
5 or adjudged delinquent and is an active duty member of
6 the United States Armed Forces or has the written
7 consent of his or her parent or legal guardian to
8 possess and acquire firearms and firearm ammunition
9 ~~and that he or she has never been convicted of a~~
10 ~~misdemeanor other than a traffic offense or adjudged~~
11 ~~delinquent~~, provided, however, that such parent or
12 legal guardian is not an individual prohibited from
13 having a Firearm Owner's Identification Card and files
14 an affidavit with the Department as prescribed by the
15 Department stating that he or she is not an individual
16 prohibited from having a Card;

17 (i-5) This subparagraph (i-5) applies on and after
18 the 181st day following the effective date of this
19 amendatory Act of the 101st General Assembly. He or she
20 is 18 ~~21~~ years of age or over, or if he or she is under
21 18 ~~21~~ years of age that he or she has never been
22 convicted of a misdemeanor other than a traffic offense
23 or adjudged delinquent and is an active duty member of
24 the United States Armed Forces or has the written
25 consent of his or her parent or legal guardian to
26 possess and acquire firearms and firearm ammunition,

1 provided, however, that such parent or legal guardian
2 is not an individual prohibited from having a Firearm
3 Owner's Identification Card and files an affidavit
4 with the Department as prescribed by the Department
5 stating that he or she is not an individual prohibited
6 from having a Card or the active duty member of the
7 United States Armed Forces under 18 ~~21~~ years of age
8 annually submits proof to the Department of State
9 Police, in a manner prescribed by the Department;

10 (ii) He or she has not been convicted of a felony
11 under the laws of this or any other jurisdiction;

12 (iii) He or she is not addicted to narcotics;

13 (iv) He or she has not been a patient in a mental
14 health facility within the past 5 years or, if he or
15 she has been a patient in a mental health facility more
16 than 5 years ago submit the certification required
17 under subsection (u) of Section 8 of this Act;

18 (v) He or she is not a person with an intellectual
19 disability;

20 (vi) He or she is not an alien who is unlawfully
21 present in the United States under the laws of the
22 United States;

23 (vii) He or she is not subject to an existing order
24 of protection prohibiting him or her from possessing a
25 firearm;

26 (viii) He or she has not been convicted within the

1 past 5 years of battery, assault, aggravated assault,
2 violation of an order of protection, or a substantially
3 similar offense in another jurisdiction, in which a
4 firearm was used or possessed;

5 (ix) He or she has not been convicted of domestic
6 battery, aggravated domestic battery, or a
7 substantially similar offense in another jurisdiction
8 committed before, on or after January 1, 2012 (the
9 effective date of Public Act 97-158). If the applicant
10 knowingly and intelligently waives the right to have an
11 offense described in this clause (ix) tried by a jury,
12 and by guilty plea or otherwise, results in a
13 conviction for an offense in which a domestic
14 relationship is not a required element of the offense
15 but in which a determination of the applicability of 18
16 U.S.C. 922(g)(9) is made under Section 112A-11.1 of the
17 Code of Criminal Procedure of 1963, an entry by the
18 court of a judgment of conviction for that offense
19 shall be grounds for denying the issuance of a Firearm
20 Owner's Identification Card under this Section;

21 (x) (Blank);

22 (xi) He or she is not an alien who has been
23 admitted to the United States under a non-immigrant
24 visa (as that term is defined in Section 101(a)(26) of
25 the Immigration and Nationality Act (8 U.S.C.
26 1101(a)(26))), or that he or she is an alien who has

1 been lawfully admitted to the United States under a
2 non-immigrant visa if that alien is:

3 (1) admitted to the United States for lawful
4 hunting or sporting purposes;

5 (2) an official representative of a foreign
6 government who is:

7 (A) accredited to the United States
8 Government or the Government's mission to an
9 international organization having its
10 headquarters in the United States; or

11 (B) en route to or from another country to
12 which that alien is accredited;

13 (3) an official of a foreign government or
14 distinguished foreign visitor who has been so
15 designated by the Department of State;

16 (4) a foreign law enforcement officer of a
17 friendly foreign government entering the United
18 States on official business; or

19 (5) one who has received a waiver from the
20 Attorney General of the United States pursuant to
21 18 U.S.C. 922 (y) (3);

22 (xii) He or she is not a minor subject to a
23 petition filed under Section 5-520 of the Juvenile
24 Court Act of 1987 alleging that the minor is a
25 delinquent minor for the commission of an offense that
26 if committed by an adult would be a felony;

1 (xiii) He or she is not an adult who had been
2 adjudicated a delinquent minor under the Juvenile
3 Court Act of 1987 for the commission of an offense that
4 if committed by an adult would be a felony;

5 (xiv) He or she is a resident of the State of
6 Illinois;

7 (xv) He or she has not been adjudicated as a person
8 with a mental disability;

9 (xvi) He or she has not been involuntarily admitted
10 into a mental health facility; and

11 (xvii) He or she is not a person with a
12 developmental disability; and

13 (3) Upon request by the Department of State Police,
14 sign a release on a form prescribed by the Department of
15 State Police waiving any right to confidentiality and
16 requesting the disclosure to the Department of State Police
17 of limited mental health institution admission information
18 from another state, the District of Columbia, any other
19 territory of the United States, or a foreign nation
20 concerning the applicant for the sole purpose of
21 determining whether the applicant is or was a patient in a
22 mental health institution and disqualified because of that
23 status from receiving a Firearm Owner's Identification
24 Card. No mental health care or treatment records may be
25 requested. The information received shall be destroyed
26 within one year of receipt.

1 (a-5) Each applicant for a Firearm Owner's Identification
2 Card who is over the age of 18 shall furnish to the Department
3 of State Police either his or her Illinois driver's license
4 number or Illinois Identification Card number, except as
5 provided in subsection (a-10).

6 (a-10) Each applicant for a Firearm Owner's Identification
7 Card, who is employed as a law enforcement officer, an armed
8 security officer in Illinois, or by the United States Military
9 permanently assigned in Illinois and who is not an Illinois
10 resident, shall furnish to the Department of State Police his
11 or her driver's license number or state identification card
12 number from his or her state of residence. The Department of
13 State Police may adopt rules to enforce the provisions of this
14 subsection (a-10).

15 (a-15) If an applicant applying for a Firearm Owner's
16 Identification Card moves from the residence address named in
17 the application, he or she shall immediately notify in a form
18 and manner prescribed by the Department of State Police of that
19 change of address.

20 (a-20) Each applicant for a Firearm Owner's Identification
21 Card shall furnish to the Department of State Police his or her
22 photograph. An applicant who is 18 ~~21~~ years of age or older
23 seeking a religious exemption to the photograph requirement
24 must furnish with the application an approved copy of United
25 States Department of the Treasury Internal Revenue Service Form
26 4029. In lieu of a photograph, an applicant regardless of age

1 seeking a religious exemption to the photograph requirement
2 shall submit fingerprints on a form and manner prescribed by
3 the Department with his or her application.

4 (b) Each application form shall include the following
5 statement printed in bold type: "Warning: Entering false
6 information on an application for a Firearm Owner's
7 Identification Card is punishable as a Class 2 felony in
8 accordance with subsection (d-5) of Section 14 of the Firearm
9 Owners Identification Card Act."

10 (c) Upon such written consent, pursuant to Section 4,
11 paragraph (a)(2)(i), the parent or legal guardian giving the
12 consent shall be liable for any damages resulting from the
13 applicant's use of firearms or firearm ammunition.

14 (Source: P.A. 101-80, eff. 7-12-19.)

15 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

16 Sec. 8. Grounds for denial and revocation. The Department
17 of State Police has authority to deny an application for or to
18 revoke and seize a Firearm Owner's Identification Card
19 previously issued under this Act only if the Department finds
20 that the applicant or the person to whom such card was issued
21 is or was at the time of issuance:

22 (a) A person under 18 ~~21~~ years of age who has been
23 convicted of a misdemeanor other than a traffic offense or
24 adjudged delinquent;

25 (b) This subsection (b) applies through the 180th day

1 following the effective date of this amendatory Act of the
2 101st General Assembly. A person under 18 ~~21~~ years of age
3 who is not an active duty member of the of the United
4 States Armed Forces and does not have the written consent
5 of his parent or guardian to acquire and possess firearms
6 and firearm ammunition, or whose parent or guardian has
7 revoked such written consent, or where such parent or
8 guardian does not qualify to have a Firearm Owner's
9 Identification Card;

10 (b-5) This subsection (b-5) applies on and after the
11 181st day following the effective date of this amendatory
12 Act of the 101st General Assembly. A person under 18 ~~21~~
13 years of age who is not an active duty member of the United
14 States Armed Forces and does not have the written consent
15 of his or her parent or guardian to acquire and possess
16 firearms and firearm ammunition, or whose parent or
17 guardian has revoked such written consent, or where such
18 parent or guardian does not qualify to have a Firearm
19 Owner's Identification Card;

20 (c) A person convicted of a felony under the laws of
21 this or any other jurisdiction;

22 (d) A person addicted to narcotics;

23 (e) A person who has been a patient of a mental health
24 facility within the past 5 years or a person who has been a
25 patient in a mental health facility more than 5 years ago
26 who has not received the certification required under

1 subsection (u) of this Section. An active law enforcement
2 officer employed by a unit of government who is denied,
3 revoked, or has his or her Firearm Owner's Identification
4 Card seized under this subsection (e) may obtain relief as
5 described in subsection (c-5) of Section 10 of this Act if
6 the officer did not act in a manner threatening to the
7 officer, another person, or the public as determined by the
8 treating clinical psychologist or physician, and the
9 officer seeks mental health treatment;

10 (f) A person whose mental condition is of such a nature
11 that it poses a clear and present danger to the applicant,
12 any other person or persons or the community;

13 (g) A person who has an intellectual disability;

14 (h) A person who intentionally makes a false statement
15 in the Firearm Owner's Identification Card application;

16 (i) An alien who is unlawfully present in the United
17 States under the laws of the United States;

18 (i-5) An alien who has been admitted to the United
19 States under a non-immigrant visa (as that term is defined
20 in Section 101(a)(26) of the Immigration and Nationality
21 Act (8 U.S.C. 1101(a)(26))), except that this subsection
22 (i-5) does not apply to any alien who has been lawfully
23 admitted to the United States under a non-immigrant visa if
24 that alien is:

25 (1) admitted to the United States for lawful
26 hunting or sporting purposes;

1 (2) an official representative of a foreign
2 government who is:

3 (A) accredited to the United States Government
4 or the Government's mission to an international
5 organization having its headquarters in the United
6 States; or

7 (B) en route to or from another country to
8 which that alien is accredited;

9 (3) an official of a foreign government or
10 distinguished foreign visitor who has been so
11 designated by the Department of State;

12 (4) a foreign law enforcement officer of a friendly
13 foreign government entering the United States on
14 official business; or

15 (5) one who has received a waiver from the Attorney
16 General of the United States pursuant to 18 U.S.C.
17 922(y) (3);

18 (j) (Blank);

19 (k) A person who has been convicted within the past 5
20 years of battery, assault, aggravated assault, violation
21 of an order of protection, or a substantially similar
22 offense in another jurisdiction, in which a firearm was
23 used or possessed;

24 (l) A person who has been convicted of domestic
25 battery, aggravated domestic battery, or a substantially
26 similar offense in another jurisdiction committed before,

1 on or after January 1, 2012 (the effective date of Public
2 Act 97-158). If the applicant or person who has been
3 previously issued a Firearm Owner's Identification Card
4 under this Act knowingly and intelligently waives the right
5 to have an offense described in this paragraph (l) tried by
6 a jury, and by guilty plea or otherwise, results in a
7 conviction for an offense in which a domestic relationship
8 is not a required element of the offense but in which a
9 determination of the applicability of 18 U.S.C. 922(g)(9)
10 is made under Section 112A-11.1 of the Code of Criminal
11 Procedure of 1963, an entry by the court of a judgment of
12 conviction for that offense shall be grounds for denying an
13 application for and for revoking and seizing a Firearm
14 Owner's Identification Card previously issued to the
15 person under this Act;

16 (m) (Blank);

17 (n) A person who is prohibited from acquiring or
18 possessing firearms or firearm ammunition by any Illinois
19 State statute or by federal law;

20 (o) A minor subject to a petition filed under Section
21 5-520 of the Juvenile Court Act of 1987 alleging that the
22 minor is a delinquent minor for the commission of an
23 offense that if committed by an adult would be a felony;

24 (p) An adult who had been adjudicated a delinquent
25 minor under the Juvenile Court Act of 1987 for the
26 commission of an offense that if committed by an adult

1 would be a felony;

2 (q) A person who is not a resident of the State of
3 Illinois, except as provided in subsection (a-10) of
4 Section 4;

5 (r) A person who has been adjudicated as a person with
6 a mental disability;

7 (s) A person who has been found to have a developmental
8 disability;

9 (t) A person involuntarily admitted into a mental
10 health facility; or

11 (u) A person who has had his or her Firearm Owner's
12 Identification Card revoked or denied under subsection (e)
13 of this Section or item (iv) of paragraph (2) of subsection
14 (a) of Section 4 of this Act because he or she was a
15 patient in a mental health facility as provided in
16 subsection (e) of this Section, shall not be permitted to
17 obtain a Firearm Owner's Identification Card, after the
18 5-year period has lapsed, unless he or she has received a
19 mental health evaluation by a physician, clinical
20 psychologist, or qualified examiner as those terms are
21 defined in the Mental Health and Developmental
22 Disabilities Code, and has received a certification that he
23 or she is not a clear and present danger to himself,
24 herself, or others. The physician, clinical psychologist,
25 or qualified examiner making the certification and his or
26 her employer shall not be held criminally, civilly, or

1 professionally liable for making or not making the
2 certification required under this subsection, except for
3 willful or wanton misconduct. This subsection does not
4 apply to a person whose firearm possession rights have been
5 restored through administrative or judicial action under
6 Section 10 or 11 of this Act.

7 Upon revocation of a person's Firearm Owner's
8 Identification Card, the Department of State Police shall
9 provide notice to the person and the person shall comply with
10 Section 9.5 of this Act.

11 (Source: P.A. 101-80, eff. 7-12-19.)

12 Section 10. The Firearm Concealed Carry Act is amended by
13 changing Section 25 as follows:

14 (430 ILCS 66/25)

15 Sec. 25. Qualifications for a license.

16 The Department shall issue a license to an applicant
17 completing an application in accordance with Section 30 of this
18 Act if the person:

19 (1) is at least 18 ~~21~~ years of age or is an active duty
20 member of the United States Armed Forces;

21 (2) has a currently valid Firearm Owner's
22 Identification Card and at the time of application meets
23 the requirements for the issuance of a Firearm Owner's
24 Identification Card and is not prohibited under the Firearm

1 Owners Identification Card Act or federal law from
2 possessing or receiving a firearm;

3 (3) has not been convicted or found guilty in this
4 State or in any other state of:

5 (A) a misdemeanor involving the use or threat of
6 physical force or violence to any person within the 5
7 years preceding the date of the license application; or

8 (B) 2 or more violations related to driving while
9 under the influence of alcohol, other drug or drugs,
10 intoxicating compound or compounds, or any combination
11 thereof, within the 5 years preceding the date of the
12 license application;

13 (4) is not the subject of a pending arrest warrant,
14 prosecution, or proceeding for an offense or action that
15 could lead to disqualification to own or possess a firearm;

16 (5) has not been in residential or court-ordered
17 treatment for alcoholism, alcohol detoxification, or drug
18 treatment within the 5 years immediately preceding the date
19 of the license application; and

20 (6) has completed firearms training and any education
21 component required under Section 75 of this Act.

22 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14.)