



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2241

Introduced 3/13/2019, by Sen. Donald P. DeWitte

SYNOPSIS AS INTRODUCED:

430 ILCS 65/9.5
725 ILCS 5/113-4

from Ch. 38, par. 113-4

Amends the Firearm Owners Identification Card Act. Provides that a person who receives a revocation notice under the Act and refuses to surrender his or her Firearm Owner's Identification Card to the local law enforcement agency where the person resides and complete a Firearm Disposition Record within 48 hours commits a Class 2 felony when he or she has been admonished by the court under the Code of Criminal Procedure regarding his or her inability to own or possess firearms or firearm ammunition. Amends the Code of Criminal Procedure of 1963. Provides that if the defendant pleads guilty to any felony offense, domestic battery, aggravated domestic battery, or any other offense which would prohibit the defendant from acquiring or possessing firearms or firearm ammunition, the plea shall not be accepted until the defendant signs a written acknowledgement indicating whether the defendant is currently in possession of any firearms, that the defendant understands he or she cannot own or possess a firearm or firearm ammunition under State and federal law, and that any firearms in his or her possession must be confiscated by the local law enforcement agency where the defendant resides in accordance with the Firearm Owners Identification Card Act. Makes other changes. Effective immediately.

LRB101 11578 SLF 57553 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning firearms.

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 9.5 as follows:

6 (430 ILCS 65/9.5)

7 Sec. 9.5. Revocation of Firearm Owner's Identification
8 Card.

9 (a) A person who receives a revocation notice under Section
10 9 of this Act shall, within 48 hours of receiving notice of the
11 revocation:

12 (1) surrender his or her Firearm Owner's
13 Identification Card to the local law enforcement agency
14 where the person resides. The local law enforcement agency
15 shall provide the person a receipt and transmit the Firearm
16 Owner's Identification Card to the Department of State
17 Police; and

18 (2) complete a Firearm Disposition Record on a form
19 prescribed by the Department of State Police and place his
20 or her firearms in the location or with the person reported
21 in the Firearm Disposition Record. The form shall require
22 the person to disclose:

23 (A) the make, model, and serial number of each

1 firearm owned by or under the custody and control of
2 the revoked person;

3 (B) the location where each firearm will be
4 maintained during the prohibited term; and

5 (C) if any firearm will be transferred to the
6 custody of another person, the name, address and
7 Firearm Owner's Identification Card number of the
8 transferee.

9 (b) The local law enforcement agency shall provide a copy
10 of the Firearm Disposition Record to the person whose Firearm
11 Owner's Identification Card has been revoked and to the
12 Department of State Police.

13 (c) If the person whose Firearm Owner's Identification Card
14 has been revoked fails to comply with the requirements of this
15 Section, the sheriff or law enforcement agency where the person
16 resides may petition the circuit court to issue a warrant to
17 search for and seize the Firearm Owner's Identification Card
18 and firearms in the possession or under the custody or control
19 of the person whose Firearm Owner's Identification Card has
20 been revoked.

21 (c-5) If the Department of State Police has not received
22 the Firearm Disposition Record within 5 business days after
23 sending notice under Section 9, the Department must send a
24 second notice to the sheriff and law enforcement agency where
25 the person resides, in addition to the individual's residence.
26 The second notice shall include the requirements under this

1 Section. Upon receiving the second notice, the sheriff or law
2 enforcement agency shall report to the Department of State
3 Police the status and efforts pursued regarding compliance
4 under this Section, in a form prescribed by the Department.
5 Provided the sheriff or law enforcement agency does not provide
6 information detailing the submission of a Firearm Disposition
7 Record within 5 days of the second notice, the Department of
8 State Police may request that the circuit court issue an arrest
9 warrant for the individual who has failed to submit a Firearm
10 Disposition Record.

11 (d) A violation of subsection (a) of this Section is a
12 Class A misdemeanor. A violation of subsection (a) of this
13 Section is a Class 2 felony when the defendant has been
14 admonished by the court under Section 113-4 of the Code of
15 Criminal Procedure regarding his or her inability to own or
16 possess firearms or firearm ammunition.

17 (e) The observation of a Firearm Owner's Identification
18 Card in the possession of a person whose Firearm Owner's
19 Identification Card has been revoked constitutes a sufficient
20 basis for the arrest of that person for violation of this
21 Section.

22 (f) Within 30 days after the effective date of this
23 amendatory Act of the 98th General Assembly, the Department of
24 State Police shall provide written notice of the requirements
25 of this Section to persons whose Firearm Owner's Identification
26 Cards have been revoked, suspended, or expired and who have

1 failed to surrender their cards to the Department. Within 30
2 days after the effective date of this amendatory Act of the
3 101st General Assembly, and by January 31 of each year
4 thereafter, the Department of State Police shall provide
5 written notice of the requirements of this Section to every
6 sheriff and law enforcement agency within this State.

7 (g) A person whose Firearm Owner's Identification Card has
8 been revoked and who received notice under subsection (f) shall
9 comply with the requirements of this Section within 48 hours of
10 receiving notice.

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

12 Section 10. The Code of Criminal Procedure of 1963 is
13 amended by changing Section 113-4 as follows:

14 (725 ILCS 5/113-4) (from Ch. 38, par. 113-4)

15 Sec. 113-4. Plea.

16 (a) When called upon to plead at arraignment the defendant
17 shall be furnished with a copy of the charge and shall plead
18 guilty, guilty but mentally ill, or not guilty.

19 (b) If the defendant stands mute a plea of not guilty shall
20 be entered for him and the trial shall proceed on such plea.

21 (c) If the defendant pleads guilty such plea shall not be
22 accepted until the court shall have fully explained to the
23 defendant the following:

24 (1) the maximum and minimum penalty provided by law for

1 the offense which may be imposed by the court;

2 (2) as a consequence of a conviction or a plea of
3 guilty, the sentence for any future conviction may be
4 increased or there may be a higher possibility of the
5 imposition of consecutive sentences;

6 (3) as a consequence of a conviction or a plea of
7 guilty, there may be registration requirements that
8 restrict where the defendant may work, live, or be present;
9 and

10 (4) as a consequence of a conviction or a plea of
11 guilty, there may be an impact upon the defendant's ability
12 to, among others:

13 (A) retain or obtain housing in the public or
14 private market;

15 (B) retain or obtain employment; and

16 (C) retain or obtain a firearm, an occupational
17 license, or a driver's license.

18 After such explanation if the defendant understandingly
19 persists in his plea it shall be accepted by the court and
20 recorded.

21 (c-5) If the defendant pleads guilty to any felony offense,
22 domestic battery, aggravated domestic battery, or any other
23 offense which would prohibit the defendant from acquiring or
24 possessing firearms or firearm ammunition, the plea shall not
25 be accepted until the defendant signs a written acknowledgement
26 indicating whether the defendant is currently in possession of

1 any firearms, that the defendant understands he or she cannot
2 own or possess a firearm or firearm ammunition under State and
3 federal law, and that any firearms in his or her possession
4 must be confiscated by the local law enforcement agency where
5 the defendant resides in accordance with Section 9.5 of the
6 Firearm Owners Identification Card Act.

7 (d) If the defendant pleads guilty but mentally ill, the
8 court shall not accept such a plea until the defendant has
9 undergone examination by a clinical psychologist or
10 psychiatrist and the judge has examined the psychiatric or
11 psychological report or reports, held a hearing on the issue of
12 the defendant's mental condition and is satisfied that there is
13 a factual basis that the defendant was mentally ill at the time
14 of the offense to which the plea is entered.

15 (e) If a defendant pleads not guilty, the court shall
16 advise him at that time or at any later court date on which he
17 is present that if he escapes from custody or is released on
18 bond and fails to appear in court when required by the court
19 that his failure to appear would constitute a waiver of his
20 right to confront the witnesses against him and trial could
21 proceed in his absence.

22 (Source: P.A. 99-871, eff. 1-1-17.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.