



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1857

Introduced 2/26/2021, by Sen. Terri Bryant

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-2-13 new

Amends the Unified Code of Corrections. Provides that the Department of Corrections shall not make possession of a Firearm Owner's Identification Card a condition of continued employment if the Department of Corrections officer's Firearm Owner's Identification Card is revoked or seized because the Department of Corrections officer has been a patient of a mental health facility and the Department of Corrections officer has not been determined to pose a clear and present danger to himself, herself, or others as determined by a physician, clinical psychologist, or qualified examiner. Provides that nothing in this provision shall otherwise impair an employer's ability to determine a Department of Corrections officer's fitness for duty. Provides that a collective bargaining agreement in effect on this issue on the effective date of the amendatory Act cannot be modified, but on or after the effective date of the amendatory Act, the employer cannot require a Firearm Owner's Identification Card as a condition of continued employment in a collective bargaining agreement. Provides that the employer shall document if and why a Department of Corrections officer has been determined to pose a clear and present danger. Defines terms.

LRB102 12095 RLC 17432 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 adding Section 3-2-13 as follows:

6 (730 ILCS 5/3-2-13 new)

7 Sec. 3-2-13. Possession of a Firearm Owner's
8 Identification Card. The Department shall not make possession
9 of a Firearm Owner's Identification Card a condition of
10 continued employment if the Department of Corrections
11 officer's Firearm Owner's Identification Card is revoked or
12 seized because the Department of Corrections officer has been
13 a patient of a mental health facility and the Department of
14 Corrections officer has not been determined to pose a clear
15 and present danger to himself, herself, or others as
16 determined by a physician, clinical psychologist, or qualified
17 examiner. Nothing in this Section shall otherwise impair an
18 employer's ability to determine a Department of Corrections
19 officer's fitness for duty. A collective bargaining agreement
20 in effect on this issue on the effective date of this
21 amendatory Act of the 102nd General Assembly cannot be
22 modified, but on or after the effective date of this
23 amendatory Act of the 102nd General Assembly, the employer

1 cannot require a Firearm Owner's Identification Card as a
2 condition of continued employment in a collective bargaining
3 agreement. The employer shall document if and why a Department
4 of Corrections officer has been determined to pose a clear and
5 present danger. In this Section, "mental health facility",
6 "physician", "clinical psychologist", and "qualified examiner"
7 have the meanings ascribed to them in the Mental Health and
8 Developmental Disabilities Code.