



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2179

Introduced 2/7/2023, by Rep. Adam M. Niemerg

#### 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

Amends the Firearm Owners Identification Card Act. Lowers the age at which a person who is not an active duty member of the United States Armed Forces may apply for a Firearm Owner's Identification Card from 21 to 18 and provides that a person who is under 18 years of 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. Provides that if the applicant is under 18 (rather than 21) years of age that he or she has never been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and is an active duty member of the United States Armed Forces.

LRB103 25995 RLC 52349 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 Illinois State Police under  
13 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  
17 or her name by the Illinois State Police under the provisions  
18 of this Act.

19 (b) The provisions of this Section regarding the  
20 possession of firearms, firearm ammunition, stun guns, and  
21 tasers do not 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  
2           or the National Guard, while engaged in the operation of  
3           their 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  
13          and in all other places these persons must have their  
14          firearms 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 Illinois State Police; however, these  
21          persons must at all other times and in all other places  
22          have their firearms unloaded and enclosed in a case;

23          (8) Nonresidents while at a firearm showing or display  
24          recognized by the Illinois State Police; however, at all  
25          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; and

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.

11 (c) The provisions of this Section regarding the  
12 acquisition and possession of firearms, firearm ammunition,  
13 stun guns, and tasers do not apply to law enforcement  
14 officials of this or any other jurisdiction, while engaged in  
15 the operation of their official duties.

16 (c-5) The provisions of paragraphs (1) and (2) of  
17 subsection (a) of this Section regarding the possession of  
18 firearms and firearm ammunition do not apply to the holder of a  
19 valid concealed carry license issued under the Firearm  
20 Concealed Carry Act who is in physical possession of the  
21 concealed carry license.

22 (d) Any person who becomes a resident of this State, who is  
23 not otherwise prohibited from obtaining, possessing, or using  
24 a firearm or firearm ammunition, shall not be required to have  
25 a Firearm Owner's Identification Card to possess firearms or  
26 firearms ammunition until 60 calendar days after he or she

1 obtains an Illinois driver's license or Illinois  
2 Identification Card.

3 (Source: P.A. 102-538, eff. 8-20-21; 102-1116, eff. 1-10-23.)

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

5 Sec. 4. Application for Firearm Owner's Identification  
6 Cards.

7 (a) Each applicant for a Firearm Owner's Identification  
8 Card must:

9 (1) Submit an application as made available by the  
10 Illinois State Police; and

11 (2) Submit evidence to the Illinois State Police that:

12 (i) (Blank); ~~This subparagraph (i) applies through~~  
13 ~~the 180th day following July 12, 2019 (the effective~~  
14 ~~date of Public Act 101-80). He or she is 21 years of~~  
15 ~~age or over, or if he or she is under 21 years of age~~  
16 ~~that he or she has the written consent of his or her~~  
17 ~~parent or legal guardian to possess and acquire~~  
18 ~~firearms and firearm ammunition and that he or she has~~  
19 ~~never been convicted of a misdemeanor other than a~~  
20 ~~traffic offense or adjudged delinquent, provided,~~  
21 ~~however, that such parent or legal guardian is not an~~  
22 ~~individual prohibited from having a Firearm Owner's~~  
23 ~~Identification Card and files an affidavit with the~~  
24 ~~Department as prescribed by the Department stating~~  
25 ~~that he or she is not an individual prohibited from~~

1 ~~having a Card;~~

2 (i-5) ~~This subparagraph (i-5) applies on and after~~  
3 ~~the 181st day following July 12, 2019 (the effective~~  
4 ~~date of Public Act 101-80).~~ He or she is 18 ~~21~~ years of  
5 age or over, or if he or she is under 18 ~~21~~ years of  
6 age that he or she has never been convicted of a  
7 misdemeanor other than a traffic offense or adjudged  
8 delinquent and is an active duty member of the United  
9 States Armed Forces or the Illinois National Guard or  
10 has the written consent of his or her parent or legal  
11 guardian to possess and acquire firearms and firearm  
12 ammunition, provided, however, that such parent or  
13 legal guardian is not an individual prohibited from  
14 having a Firearm Owner's Identification Card and files  
15 an affidavit with the Illinois State Police as  
16 prescribed by the Illinois State Police stating that  
17 he or she is not an individual prohibited from having a  
18 Card ~~or the active duty member of the United States~~  
19 ~~Armed Forces or the Illinois National Guard under 21~~  
20 ~~years of age annually submits proof to the Illinois~~  
21 ~~State Police, in a manner prescribed by the Illinois~~  
22 ~~State Police;~~

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

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

26 (iv) He or she has not been a patient in a mental

1 health facility within the past 5 years or, if he or  
2 she has been a patient in a mental health facility more  
3 than 5 years ago submit the certification required  
4 under subsection (u) of Section 8 of this Act;

5 (v) He or she is not a person with an intellectual  
6 disability;

7 (vi) He or she is not a noncitizen who is  
8 unlawfully present in the United States under the laws  
9 of the United States;

10 (vii) He or she is not subject to an existing order  
11 of protection prohibiting him or her from possessing a  
12 firearm;

13 (viii) He or she has not been convicted within the  
14 past 5 years of battery, assault, aggravated assault,  
15 violation of an order of protection, or a  
16 substantially similar offense in another jurisdiction,  
17 in which a firearm was used or possessed;

18 (ix) He or she has not been convicted of domestic  
19 battery, aggravated domestic battery, or a  
20 substantially similar offense in another jurisdiction  
21 committed before, on or after January 1, 2012 (the  
22 effective date of Public Act 97-158). If the applicant  
23 knowingly and intelligently waives the right to have  
24 an offense described in this clause (ix) tried by a  
25 jury, and by guilty plea or otherwise, results in a  
26 conviction for an offense in which a domestic



1 relationship is not a required element of the offense  
2 but in which a determination of the applicability of  
3 18 U.S.C. 922(g) (9) is made under Section 112A-11.1 of  
4 the Code of Criminal Procedure of 1963, an entry by the  
5 court of a judgment of conviction for that offense  
6 shall be grounds for denying the issuance of a Firearm  
7 Owner's Identification Card under this Section;

8 (x) (Blank);

9 (xi) He or she is not a noncitizen who has been  
10 admitted to the United States under a non-immigrant  
11 visa (as that term is defined in Section 101(a) (26) of  
12 the Immigration and Nationality Act (8 U.S.C.  
13 1101(a) (26))), or that he or she is a noncitizen who  
14 has been lawfully admitted to the United States under  
15 a non-immigrant visa if that noncitizen is:

16 (1) admitted to the United States for lawful  
17 hunting or sporting purposes;

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

20 (A) accredited to the United States  
21 Government or the Government's mission to an  
22 international organization having its  
23 headquarters in the United States; or

24 (B) en route to or from another country to  
25 which that noncitizen is accredited;

26 (3) an official of a foreign government or

1 distinguished foreign visitor who has been so  
2 designated by the Department of State;

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

6 (5) one who has received a waiver from the  
7 Attorney General of the United States pursuant to  
8 18 U.S.C. 922 (y) (3);

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

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

18 (xiv) He or she is a resident of the State of  
19 Illinois;

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

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

24 (xvii) He or she is not a person with a  
25 developmental disability; and

26 (3) Upon request by the Illinois State Police, sign a

1 release on a form prescribed by the Illinois State Police  
2 waiving any right to confidentiality and requesting the  
3 disclosure to the Illinois State Police of limited mental  
4 health institution admission information from another  
5 state, the District of Columbia, any other territory of  
6 the United States, or a foreign nation concerning the  
7 applicant for the sole purpose of determining whether the  
8 applicant is or was a patient in a mental health  
9 institution and disqualified because of that status from  
10 receiving a Firearm Owner's Identification Card. No mental  
11 health care or treatment records may be requested. The  
12 information received shall be destroyed within one year of  
13 receipt.

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

19 (a-10) Each applicant for a Firearm Owner's Identification  
20 Card, who is employed as a law enforcement officer, an armed  
21 security officer in Illinois, or by the United States Military  
22 permanently assigned in Illinois and who is not an Illinois  
23 resident, shall furnish to the Illinois State Police his or  
24 her driver's license number or state identification card  
25 number from his or her state of residence. The Illinois State  
26 Police may adopt rules to enforce the provisions of this

1 subsection (a-10).

2 (a-15) If an applicant applying for a Firearm Owner's  
3 Identification Card moves from the residence address named in  
4 the application, he or she shall immediately notify in a form  
5 and manner prescribed by the Illinois State Police of that  
6 change of address.

7 (a-20) Each applicant for a Firearm Owner's Identification  
8 Card shall furnish to the Illinois State Police his or her  
9 photograph. An applicant who is 21 years of age or older  
10 seeking a religious exemption to the photograph requirement  
11 must furnish with the application an approved copy of United  
12 States Department of the Treasury Internal Revenue Service  
13 Form 4029. In lieu of a photograph, an applicant regardless of  
14 age seeking a religious exemption to the photograph  
15 requirement shall submit fingerprints on a form and manner  
16 prescribed by the Illinois State Police with his or her  
17 application.

18 (a-25) Beginning January 1, 2023, each applicant for the  
19 issuance of a Firearm Owner's Identification Card may include  
20 a full set of his or her fingerprints in electronic format to  
21 the Illinois State Police, unless the applicant has previously  
22 provided a full set of his or her fingerprints to the Illinois  
23 State Police under this Act or the Firearm Concealed Carry  
24 Act.

25 The fingerprints must be transmitted through a live scan  
26 fingerprint vendor licensed by the Department of Financial and

1 Professional Regulation. The fingerprints shall be checked  
2 against the fingerprint records now and hereafter filed in the  
3 Illinois State Police and Federal Bureau of Investigation  
4 criminal history records databases, including all available  
5 State and local criminal history record information files.

6 The Illinois State Police shall charge applicants a  
7 one-time fee for conducting the criminal history record check,  
8 which shall be deposited into the State Police Services Fund  
9 and shall not exceed the actual cost of the State and national  
10 criminal history record check.

11 (a-26) The Illinois State Police shall research, explore,  
12 and report to the General Assembly by January 1, 2022 on the  
13 feasibility of permitting voluntarily submitted fingerprints  
14 obtained for purposes other than Firearm Owner's  
15 Identification Card enforcement that are contained in the  
16 Illinois State Police database for purposes of this Act.

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

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

1 (Source: P.A. 101-80, eff. 7-12-19; 102-237, eff. 1-1-22;  
2 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1030, eff.  
3 5-27-22; 102-1116, eff. 1-10-23.)

4 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

5 Sec. 8. Grounds for denial and revocation. The Illinois  
6 State Police has authority to deny an application for or to  
7 revoke and seize a Firearm Owner's Identification Card  
8 previously issued under this Act only if the Illinois State  
9 Police finds that the applicant or the person to whom such card  
10 was issued is or was at the time of issuance:

11 (a) A person under 21 years of age who has been  
12 convicted of a misdemeanor other than a traffic offense or  
13 adjudged delinquent;

14 (b) (Blank); ~~This subsection (b) applies through the~~  
15 ~~180th day following July 12, 2019 (the effective date of~~  
16 ~~Public Act 101-80). A person under 21 years of age who does~~  
17 ~~not have the written consent of his parent or guardian to~~  
18 ~~acquire and possess firearms and firearm ammunition, or~~  
19 ~~whose parent or guardian has revoked such written consent,~~  
20 ~~or where such parent or guardian does not qualify to have a~~  
21 ~~Firearm Owner's Identification Card;~~

22 (b-5) ~~This subsection (b-5) applies on and after the~~  
23 ~~181st day following July 12, 2019 (the effective date of~~  
24 ~~Public Act 101-80). A person under 18 ~~21~~ years of age who~~  
25 is not an active duty member of the United States Armed

1 Forces or the Illinois National Guard and does not have  
2 the written consent of his or her parent or guardian to  
3 acquire and possess firearms and firearm ammunition, or  
4 whose parent or guardian has revoked such written consent,  
5 or where such parent or guardian does not qualify to have a  
6 Firearm Owner's Identification Card;

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

9 (d) A person addicted to narcotics;

10 (e) A person who has been a patient of a mental health  
11 facility within the past 5 years or a person who has been a  
12 patient in a mental health facility more than 5 years ago  
13 who has not received the certification required under  
14 subsection (u) of this Section. An active law enforcement  
15 officer employed by a unit of government or a Department  
16 of Corrections employee authorized to possess firearms who  
17 is denied, revoked, or has his or her Firearm Owner's  
18 Identification Card seized under this subsection (e) may  
19 obtain relief as described in subsection (c-5) of Section  
20 10 of this Act if the officer or employee did not act in a  
21 manner threatening to the officer or employee, another  
22 person, or the public as determined by the treating  
23 clinical psychologist or physician, and the officer or  
24 employee seeks mental health treatment;

25 (f) A person whose mental condition is of such a  
26 nature that it poses a clear and present danger to the

1 applicant, any other person or persons, or the community;

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

3 (h) A person who intentionally makes a false statement  
4 in the Firearm Owner's Identification Card application or  
5 endorsement affidavit;

6 (i) A noncitizen who is unlawfully present in the  
7 United States under the laws of the United States;

8 (i-5) A noncitizen who has been admitted to the United  
9 States under a non-immigrant visa (as that term is defined  
10 in Section 101(a)(26) of the Immigration and Nationality  
11 Act (8 U.S.C. 1101(a)(26))), except that this subsection  
12 (i-5) does not apply to any noncitizen who has been  
13 lawfully admitted to the United States under a  
14 non-immigrant visa if that noncitizen is:

15 (1) admitted to the United States for lawful  
16 hunting or sporting purposes;

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

19 (A) accredited to the United States Government  
20 or the Government's mission to an international  
21 organization having its headquarters in the United  
22 States; or

23 (B) en route to or from another country to  
24 which that noncitizen is accredited;

25 (3) an official of a foreign government or  
26 distinguished foreign visitor who has been so



1 designated by the Department of State;

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

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

8 (j) (Blank);

9 (k) A person who has been convicted within the past 5  
10 years of battery, assault, aggravated assault, violation  
11 of an order of protection, or a substantially similar  
12 offense in another jurisdiction, in which a firearm was  
13 used or possessed;

14 (l) A person who has been convicted of domestic  
15 battery, aggravated domestic battery, or a substantially  
16 similar offense in another jurisdiction committed before,  
17 on or after January 1, 2012 (the effective date of Public  
18 Act 97-158). If the applicant or person who has been  
19 previously issued a Firearm Owner's Identification Card  
20 under this Act knowingly and intelligently waives the  
21 right to have an offense described in this paragraph (l)  
22 tried by a jury, and by guilty plea or otherwise, results  
23 in a conviction for an offense in which a domestic  
24 relationship is not a required element of the offense but  
25 in which a determination of the applicability of 18 U.S.C.  
26 922(g) (9) is made under Section 112A-11.1 of the Code of

1 Criminal Procedure of 1963, an entry by the court of a  
2 judgment of conviction for that offense shall be grounds  
3 for denying an application for and for revoking and  
4 seizing a Firearm Owner's Identification Card previously  
5 issued to the person under this Act;

6 (m) (Blank);

7 (n) A person who is prohibited from acquiring or  
8 possessing firearms or firearm ammunition by any Illinois  
9 State statute or by federal law;

10 (o) A minor subject to a petition filed under Section  
11 5-520 of the Juvenile Court Act of 1987 alleging that the  
12 minor is a delinquent minor for the commission of an  
13 offense that if committed by an adult would be a felony;

14 (p) An adult who had been adjudicated a delinquent  
15 minor under the Juvenile Court Act of 1987 for the  
16 commission of an offense that if committed by an adult  
17 would be a felony;

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

21 (r) A person who has been adjudicated as a person with  
22 a mental disability;

23 (s) A person who has been found to have a  
24 developmental disability;

25 (t) A person involuntarily admitted into a mental  
26 health facility; or

1           (u) A person who has had his or her Firearm Owner's  
2 Identification Card revoked or denied under subsection (e)  
3 of this Section or item (iv) of paragraph (2) of  
4 subsection (a) of Section 4 of this Act because he or she  
5 was a patient in a mental health facility as provided in  
6 subsection (e) of this Section, shall not be permitted to  
7 obtain a Firearm Owner's Identification Card, after the  
8 5-year period has lapsed, unless he or she has received a  
9 mental health evaluation by a physician, clinical  
10 psychologist, or qualified examiner as those terms are  
11 defined in the Mental Health and Developmental  
12 Disabilities Code, and has received a certification that  
13 he or she is not a clear and present danger to himself,  
14 herself, or others. The physician, clinical psychologist,  
15 or qualified examiner making the certification and his or  
16 her employer shall not be held criminally, civilly, or  
17 professionally liable for making or not making the  
18 certification required under this subsection, except for  
19 willful or wanton misconduct. This subsection does not  
20 apply to a person whose firearm possession rights have  
21 been restored through administrative or judicial action  
22 under Section 10 or 11 of this Act.

23           Upon revocation of a person's Firearm Owner's  
24 Identification Card, the Illinois State Police shall provide  
25 notice to the person and the person shall comply with Section  
26 9.5 of this Act.

1 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;  
2 102-645, eff. 1-1-22; 102-813, eff. 5-13-22; 102-1030, eff.  
3 5-27-22; 102-1116, eff. 1-10-23.)