

HB2925



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2925

Introduced 2/16/2023, by Rep. Dennis Tipsword, Jr.

SYNOPSIS AS INTRODUCED:

430 ILCS 65/1.1

Amends the Firearm Owners Identification Card Act. In the definition of "firearm", deletes language excluding any pneumatic gun, spring gun, paint ball gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter or which has a maximum muzzle velocity of less than 700 feet per second.

LRB103 27834 RLC 54212 b

A BILL FOR

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 1.1 as follows:

6 (430 ILCS 65/1.1)

7 Sec. 1.1. For purposes of this Act:

8 "Addicted to narcotics" means a person who has been:

9 (1) convicted of an offense involving the use or
10 possession of cannabis, a controlled substance, or
11 methamphetamine within the past year; or

12 (2) determined by the Illinois State Police to be
13 addicted to narcotics based upon federal law or federal
14 guidelines.

15 "Addicted to narcotics" does not include possession or use
16 of a prescribed controlled substance under the direction and
17 authority of a physician or other person authorized to
18 prescribe the controlled substance when the controlled
19 substance is used in the prescribed manner.

20 "Adjudicated as a person with a mental disability" means
21 the person is the subject of a determination by a court, board,
22 commission or other lawful authority that the person, as a
23 result of marked subnormal intelligence, or mental illness,

1 mental impairment, incompetency, condition, or disease:

2 (1) presents a clear and present danger to himself,
3 herself, or to others;

4 (2) lacks the mental capacity to manage his or her own
5 affairs or is adjudicated a person with a disability as
6 defined in Section 11a-2 of the Probate Act of 1975;

7 (3) is not guilty in a criminal case by reason of
8 insanity, mental disease or defect;

9 (3.5) is guilty but mentally ill, as provided in
10 Section 5-2-6 of the Unified Code of Corrections;

11 (4) is incompetent to stand trial in a criminal case;

12 (5) is not guilty by reason of lack of mental
13 responsibility under Articles 50a and 72b of the Uniform
14 Code of Military Justice, 10 U.S.C. 850a, 876b;

15 (6) is a sexually violent person under subsection (f)
16 of Section 5 of the Sexually Violent Persons Commitment
17 Act;

18 (7) is a sexually dangerous person under the Sexually
19 Dangerous Persons Act;

20 (8) is unfit to stand trial under the Juvenile Court
21 Act of 1987;

22 (9) is not guilty by reason of insanity under the
23 Juvenile Court Act of 1987;

24 (10) is subject to involuntary admission as an
25 inpatient as defined in Section 1-119 of the Mental Health
26 and Developmental Disabilities Code;

1 (11) is subject to involuntary admission as an
2 outpatient as defined in Section 1-119.1 of the Mental
3 Health and Developmental Disabilities Code;

4 (12) is subject to judicial admission as set forth in
5 Section 4-500 of the Mental Health and Developmental
6 Disabilities Code; or

7 (13) is subject to the provisions of the Interstate
8 Agreements on Sexually Dangerous Persons Act.

9 "Clear and present danger" means a person who:

10 (1) communicates a serious threat of physical violence
11 against a reasonably identifiable victim or poses a clear
12 and imminent risk of serious physical injury to himself,
13 herself, or another person as determined by a physician,
14 clinical psychologist, or qualified examiner; or

15 (2) demonstrates threatening physical or verbal
16 behavior, such as violent, suicidal, or assaultive
17 threats, actions, or other behavior, as determined by a
18 physician, clinical psychologist, qualified examiner,
19 school administrator, or law enforcement official.

20 "Clinical psychologist" has the meaning provided in
21 Section 1-103 of the Mental Health and Developmental
22 Disabilities Code.

23 "Controlled substance" means a controlled substance or
24 controlled substance analog as defined in the Illinois
25 Controlled Substances Act.

26 "Counterfeit" means to copy or imitate, without legal

1 authority, with intent to deceive.

2 "Developmental disability" means a severe, chronic
3 disability of an individual that:

4 (1) is attributable to a mental or physical impairment
5 or combination of mental and physical impairments;

6 (2) is manifested before the individual attains age
7 22;

8 (3) is likely to continue indefinitely;

9 (4) results in substantial functional limitations in 3
10 or more of the following areas of major life activity:

11 (A) Self-care.

12 (B) Receptive and expressive language.

13 (C) Learning.

14 (D) Mobility.

15 (E) Self-direction.

16 (F) Capacity for independent living.

17 (G) Economic self-sufficiency; and

18 (5) reflects the individual's need for a combination
19 and sequence of special, interdisciplinary, or generic
20 services, individualized supports, or other forms of
21 assistance that are of lifelong or extended duration and
22 are individually planned and coordinated.

23 "Federally licensed firearm dealer" means a person who is
24 licensed as a federal firearms dealer under Section 923 of the
25 federal Gun Control Act of 1968 (18 U.S.C. 923).

26 "Firearm" means any device, by whatever name known, which

1 is designed to expel a projectile or projectiles by the action
2 of an explosion, expansion of gas or escape of gas; excluding,
3 however:

4 (1) (blank); ~~any pneumatic gun, spring gun, paint ball~~
5 ~~gun, or B-B gun which expels a single globular projectile~~
6 ~~not exceeding .18 inch in diameter or which has a maximum~~
7 ~~muzzle velocity of less than 700 feet per second;~~

8 (1.1) any pneumatic gun, spring gun, paint ball gun,
9 or B-B gun which expels breakable paint balls containing
10 washable marking colors;

11 (2) any device used exclusively for signaling or
12 safety and required or recommended by the United States
13 Coast Guard or the Interstate Commerce Commission;

14 (3) any device used exclusively for the firing of stud
15 cartridges, explosive rivets or similar industrial
16 ammunition; and

17 (4) an antique firearm (other than a machine-gun)
18 which, although designed as a weapon, the Illinois State
19 Police finds by reason of the date of its manufacture,
20 value, design, and other characteristics is primarily a
21 collector's item and is not likely to be used as a weapon.

22 "Firearm ammunition" means any self-contained cartridge or
23 shotgun shell, by whatever name known, which is designed to be
24 used or adaptable to use in a firearm; excluding, however:

25 (1) any ammunition exclusively designed for use with a
26 device used exclusively for signaling or safety and

1 required or recommended by the United States Coast Guard
2 or the Interstate Commerce Commission; and

3 (2) any ammunition designed exclusively for use with a
4 stud or rivet driver or other similar industrial
5 ammunition.

6 "Gun show" means an event or function:

7 (1) at which the sale and transfer of firearms is the
8 regular and normal course of business and where 50 or more
9 firearms are displayed, offered, or exhibited for sale,
10 transfer, or exchange; or

11 (2) at which not less than 10 gun show vendors
12 display, offer, or exhibit for sale, sell, transfer, or
13 exchange firearms.

14 "Gun show" includes the entire premises provided for an
15 event or function, including parking areas for the event or
16 function, that is sponsored to facilitate the purchase, sale,
17 transfer, or exchange of firearms as described in this
18 Section. Nothing in this definition shall be construed to
19 exclude a gun show held in conjunction with competitive
20 shooting events at the World Shooting Complex sanctioned by a
21 national governing body in which the sale or transfer of
22 firearms is authorized under subparagraph (5) of paragraph (g)
23 of subsection (A) of Section 24-3 of the Criminal Code of 2012.

24 Unless otherwise expressly stated, "gun show" does not
25 include training or safety classes, competitive shooting
26 events, such as rifle, shotgun, or handgun matches, trap,

1 skeet, or sporting clays shoots, dinners, banquets, raffles,
2 or any other event where the sale or transfer of firearms is
3 not the primary course of business.

4 "Gun show promoter" means a person who organizes or
5 operates a gun show.

6 "Gun show vendor" means a person who exhibits, sells,
7 offers for sale, transfers, or exchanges any firearms at a gun
8 show, regardless of whether the person arranges with a gun
9 show promoter for a fixed location from which to exhibit,
10 sell, offer for sale, transfer, or exchange any firearm.

11 "Intellectual disability" means significantly subaverage
12 general intellectual functioning, existing concurrently with
13 deficits in adaptive behavior and manifested during the
14 developmental period, which is defined as before the age of
15 22, that adversely affects a child's educational performance.

16 "Involuntarily admitted" has the meaning as prescribed in
17 Sections 1-119 and 1-119.1 of the Mental Health and
18 Developmental Disabilities Code.

19 "Mental health facility" means any licensed private
20 hospital or hospital affiliate, institution, or facility, or
21 part thereof, and any facility, or part thereof, operated by
22 the State or a political subdivision thereof which provides
23 treatment of persons with mental illness and includes all
24 hospitals, institutions, clinics, evaluation facilities,
25 mental health centers, colleges, universities, long-term care
26 facilities, and nursing homes, or parts thereof, which provide

1 treatment of persons with mental illness whether or not the
2 primary purpose is to provide treatment of persons with mental
3 illness.

4 "National governing body" means a group of persons who
5 adopt rules and formulate policy on behalf of a national
6 firearm sporting organization.

7 "Noncitizen" means a person who is not a citizen of the
8 United States, but is a person who is a foreign-born person who
9 lives in the United States, has not been naturalized, and is
10 still a citizen of a foreign country.

11 "Patient" means:

12 (1) a person who is admitted as an inpatient or
13 resident of a public or private mental health facility for
14 mental health treatment under Chapter III of the Mental
15 Health and Developmental Disabilities Code as an informal
16 admission, a voluntary admission, a minor admission, an
17 emergency admission, or an involuntary admission, unless
18 the treatment was solely for an alcohol abuse disorder; or

19 (2) a person who voluntarily or involuntarily receives
20 mental health treatment as an out-patient or is otherwise
21 provided services by a public or private mental health
22 facility and who poses a clear and present danger to
23 himself, herself, or others.

24 "Physician" has the meaning as defined in Section 1-120 of
25 the Mental Health and Developmental Disabilities Code.

26 "Protective order" means any orders of protection issued

1 under the Illinois Domestic Violence Act of 1986, stalking no
2 contact orders issued under the Stalking No Contact Order Act,
3 civil no contact orders issued under the Civil No Contact
4 Order Act, and firearms restraining orders issued under the
5 Firearms Restraining Order Act or a substantially similar
6 order issued by the court of another state, tribe, or United
7 States territory or military tribunal.

8 "Qualified examiner" has the meaning provided in Section
9 1-122 of the Mental Health and Developmental Disabilities
10 Code.

11 "Sanctioned competitive shooting event" means a shooting
12 contest officially recognized by a national or state shooting
13 sport association, and includes any sight-in or practice
14 conducted in conjunction with the event.

15 "School administrator" means the person required to report
16 under the School Administrator Reporting of Mental Health
17 Clear and Present Danger Determinations Law.

18 "Stun gun or taser" has the meaning ascribed to it in
19 Section 24-1 of the Criminal Code of 2012.

20 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
21 102-813, eff. 5-13-22; 102-890, eff. 5-19-22; 102-972, eff.
22 1-1-23; 102-1030, eff. 5-27-22; revised 12-14-22.)