



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3528

Introduced 2/17/2023, by Rep. Nabeela Syed

SYNOPSIS AS INTRODUCED:

430 ILCS 67/5

Amends the Firearms Restraining Order Act. Includes in the definition of "petitioner" under the Act any of the following health care professionals who have treated the person against whom the order is sought in the 6 months immediately preceding the filing of the petition: (1) a physician licensed to practice medicine in all its branches under the Medical Practice Act of 1987; (2) a psychiatrist as defined in the Mental Health and Developmental Disabilities Code; (3) a clinical psychologist licensed under the Clinical Psychologist Licensing Act; (4) a licensed clinical social worker licensed under the Clinical Social Work and Social Work Practice Act; (5) an advanced practice registered nurse, nationally certified as a mental health or psychiatric nurse practitioner and licensed under the Nurse Practice Act; or (6) a licensed marriage and family therapist licensed under the Marriage and Family Therapy Licensing Act.

LRB103 29617 RLC 56013 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 Firearms Restraining Order Act is amended
5 by changing Section 5 as follows:

6 (430 ILCS 67/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Family member of the respondent" means a spouse, former
9 spouse, person with whom the respondent has a minor child in
10 common, parent, child, or step-child of the respondent, any
11 other person related by blood or present marriage to the
12 respondent, or a person who shares a common dwelling with the
13 respondent.

14 "Firearms restraining order" means an order issued by the
15 court, prohibiting and enjoining a named person from having in
16 his or her custody or control, purchasing, possessing, or
17 receiving any firearms or ammunition, or removing firearm
18 parts that could be assembled to make an operable firearm.

19 "Intimate partner" means a spouse, former spouse, a person
20 with whom the respondent has or allegedly has a child in
21 common, or a person with whom the respondent has or has had a
22 dating or engagement relationship.

23 "Petitioner" means:

1 (1) a family member of the respondent as defined in
2 this Act; ~~or~~

3 (2) a law enforcement officer who files a petition
4 alleging that the respondent poses a danger of causing
5 personal injury to himself, herself, or another by having
6 in his or her custody or control, purchasing, possessing,
7 or receiving a firearm, ammunition, or firearm parts that
8 could be assembled to make an operable firearm or removing
9 firearm parts that could be assembled to make an operable
10 firearm; or

11 (3) any of the following health care professionals who
12 have treated the person against whom the order is sought
13 in the 6 months immediately preceding the filing of the
14 petition:

15 (A) a physician licensed to practice medicine in
16 all its branches under the Medical Practice Act of
17 1987;

18 (B) a psychiatrist as defined in Section 1-121 of
19 the Mental Health and Developmental Disabilities Code;

20 (C) a clinical psychologist licensed under the
21 Clinical Psychologist Licensing Act;

22 (D) a licensed clinical social worker licensed
23 under the Clinical Social Work and Social Work
24 Practice Act;

25 (E) an advanced practice registered nurse,
26 nationally certified as a mental health or psychiatric

1 nurse practitioner and licensed under the Nurse
2 Practice Act; or

3 (F) a licensed marriage and family therapist
4 licensed under the Marriage and Family Therapy
5 Licensing Act.

6 "Respondent" means the person alleged in the petition to
7 pose a danger of causing personal injury to himself, herself,
8 or another by having in his or her custody or control,
9 purchasing, possessing, or receiving a firearm, ammunition, or
10 firearm parts that could be assembled to make an operable
11 firearm or removing firearm parts that could be assembled to
12 make an operable firearm.

13 (Source: P.A. 101-81, eff. 7-12-19; 102-345, eff. 6-1-22.)