

1 AN ACT in relation to 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  
5 is amended by changing Section 8 as follows:

6 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

16 (b) A person under 21 years of age who does not have the  
17 written consent of his parent or guardian to acquire and  
18 possess firearms and firearm ammunition, or whose parent or  
19 guardian has revoked such written consent, or where such  
20 parent or guardian does not qualify to have a Firearm Owner's  
21 Identification Card;

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

24 (d) A person addicted to narcotics;

25 (e) A person who has been a patient of a mental  
26 institution within the past 5 years;

27 (f) A person whose mental condition is of such a nature  
28 that it poses a clear and present danger to the applicant,  
29 any other person or persons or the community;

30 For the purposes of this Section, "mental condition"  
31 means a state of mind manifested by violent, suicidal,

1 threatening or assaultive behavior.

2 (g) A person who is mentally retarded;

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

5 (i) An alien who is unlawfully present in the United  
6 States under the laws of the United States;

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

13 (1) admitted to the United States for lawful  
14 hunting or sporting purposes;

15 (2) an official representative of a foreign  
16 government who is:

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

21 (B) en route to or from another country to  
22 which that alien is accredited;

23 (3) an official of a foreign government or  
24 distinguished foreign visitor who has been so designated  
25 by the Department of State;

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

29 (5) one who has received a waiver from the Attorney  
30 General of the United States pursuant to 18 U.S.C.  
31 922(y)(3);

32 (j) A person who is subject to an existing order of  
33 protection prohibiting him or her from possessing a firearm;

34 (k) A person who has been convicted within the past 5

1 years of battery, assault, aggravated assault, violation of  
2 an order of protection, or a substantially similar offense in  
3 another jurisdiction, in which a firearm was used or  
4 possessed;

5 (l) A person who has been convicted of domestic battery  
6 or a substantially similar offense in another jurisdiction  
7 committed on or after January 1, 1998;

8 (m) A person who has been convicted within the past 5  
9 years of domestic battery or a substantially similar offense  
10 in another jurisdiction committed before January 1, 1998; or

11 (n) A person who is prohibited from acquiring or  
12 possessing firearms or firearm ammunition by any Illinois  
13 State statute or by federal law.

14 (Source: P.A. 91-694, eff. 4-13-00; 92-854, eff. 12-5-02.)