



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB3989

Introduced 1/7/2004, by Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

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. Changes, from 21 years of age or over to 18 years of age or over, the age at which a person may apply for and be issued a Firearm Owner's Identification Card without the consent of a parent or legal guardian. Effective immediately.

LRB093 14729 RLC 40274 b

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 is
5 amended by changing Sections 4 and 8 as follows:

6 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

7 Sec. 4. (a) Each applicant for a Firearm Owner's
8 Identification Card must:

9 (1) Make application on blank forms prepared and
10 furnished at convenient locations throughout the State by
11 the Department of State Police, or by electronic means, if
12 and when made available by the Department of State Police;
13 and

14 (2) Submit evidence to the Department of State Police
15 that:

16 (i) He or she is 18 ~~21~~ years of age or over, or if
17 he or she is under 18 ~~21~~ years of age that he or she has
18 the written consent of his or her parent or legal
19 guardian to possess and acquire firearms and firearm
20 ammunition and that, if he or she is under 21 years of
21 age, he or she has never been convicted of a
22 misdemeanor other than a traffic offense or adjudged
23 delinquent, provided, however, that such parent or
24 legal guardian of an applicant under 18 years of age is
25 not an individual prohibited from having a Firearm
26 Owner's Identification Card and files an affidavit
27 with the Department as prescribed by the Department
28 stating that he or she is not an individual prohibited
29 from having a Card;

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

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

1 (iv) He or she has not been a patient in a mental
2 institution within the past 5 years;

3 (v) He or she is not mentally retarded;

4 (vi) He or she is not an alien who is unlawfully
5 present in the United States under the laws of the
6 United States;

7 (vii) He or she is not subject to an existing order
8 of protection prohibiting him or her from possessing a
9 firearm;

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

15 (ix) He or she has not been convicted of domestic
16 battery or a substantially similar offense in another
17 jurisdiction committed on or after the effective date
18 of this amendatory Act of 1997;

19 (x) He or she has not been convicted within the
20 past 5 years of domestic battery or a substantially
21 similar offense in another jurisdiction committed
22 before the effective date of this amendatory Act of
23 1997;

24 (xi) He or she is not an alien who has been
25 admitted to the United States under a non-immigrant
26 visa (as that term is defined in Section 101(a)(26) of
27 the Immigration and Nationality Act (8 U.S.C.
28 1101(a)(26))), or that he or she is an alien who has
29 been lawfully admitted to the United States under a
30 non-immigrant visa if that alien is:

31 (1) admitted to the United States for lawful
32 hunting or sporting purposes;

33 (2) an official representative of a foreign
34 government who is:

35 (A) accredited to the United States
36 Government or the Government's mission to an

1 international organization having its
2 headquarters in the United States; or

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

5 (3) an official of a foreign government or
6 distinguished foreign visitor who has been so
7 designated by the Department of State;

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

11 (5) one who has received a waiver from the
12 Attorney General of the United States pursuant to
13 18 U.S.C. 922 (y) (3);

14 (xii) He or she is not a minor subject to a
15 petition filed under Section 5-520 of the Juvenile
16 Court Act of 1987 alleging that the minor is a
17 delinquent minor for the commission of an offense that
18 if committed by an adult would be a felony; and

19 (xiii) He or she is not an adult who had been
20 adjudicated a delinquent minor under the Juvenile
21 Court Act of 1987 for the commission of an offense that
22 if committed by an adult would be a felony; and

23 (3) Upon request by the Department of State Police,
24 sign a release on a form prescribed by the Department of
25 State Police waiving any right to confidentiality and
26 requesting the disclosure to the Department of State Police
27 of limited mental health institution admission information
28 from another state, the District of Columbia, any other
29 territory of the United States, or a foreign nation
30 concerning the applicant for the sole purpose of
31 determining whether the applicant is or was a patient in a
32 mental health institution and disqualified because of that
33 status from receiving a Firearm Owner's Identification
34 Card. No mental health care or treatment records may be
35 requested. The information received shall be destroyed
36 within one year of receipt.

1 (a-5) Each applicant for a Firearm Owner's Identification
2 Card who is over the age of 18 shall furnish to the Department
3 of State Police either his or her driver's license number or
4 Illinois Identification Card number.

5 (a-10) Each applicant for a Firearm Owner's Identification
6 Card, who is employed as an armed security officer at a nuclear
7 energy, storage, weapons, or development facility regulated by
8 the Nuclear Regulatory Commission and who is not an Illinois
9 resident, shall furnish to the Department of State Police his
10 or her driver's license number or state identification card
11 number from his or her state of residence. The Department of
12 State Police may promulgate rules to enforce the provisions of
13 this subsection (a-10).

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

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

24 (Source: P.A. 92-442, eff. 8-17-01; 92-839, eff. 8-22-02;
25 92-854, eff. 12-5-02; 93-367, eff. 1-1-04.)

26 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

27 Sec. 8. The Department of State Police has authority to
28 deny an application for or to revoke and seize a Firearm
29 Owner's Identification Card previously issued under this Act
30 only if the Department finds that the applicant or the person
31 to whom such card was issued is or was at the time of issuance:

32 (a) A person under 21 years of age who has been convicted
33 of a misdemeanor other than a traffic offense or adjudged
34 delinquent;

35 (b) A person under 18 ~~21~~ years of age who does not have the

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

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

8 (d) A person addicted to narcotics;

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

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

14 For the purposes of this Section, "mental condition" means
15 a state of mind manifested by violent, suicidal, threatening or
16 assaultive behavior.

17 (g) A person who is mentally retarded;

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

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

22 (i-5) An alien who has been admitted to the United States
23 under a non-immigrant visa (as that term is defined in Section
24 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
25 1101(a)(26))), except that this subsection (i-5) does not apply
26 to any alien who has been lawfully admitted to the United
27 States under a non-immigrant visa if that alien is:

28 (1) admitted to the United States for lawful hunting or
29 sporting purposes;

30 (2) an official representative of a foreign government
31 who is:

32 (A) accredited to the United States Government or
33 the Government's mission to an international
34 organization having its headquarters in the United
35 States; or

36 (B) en route to or from another country to which

1 that alien is accredited;

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

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

8 (5) one who has received a waiver from the Attorney
9 General of the United States pursuant to 18 U.S.C.
10 922 (y) (3);

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

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

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

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

23 (n) A person who is prohibited from acquiring or possessing
24 firearms or firearm ammunition by any Illinois State statute or
25 by federal law;

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

30 (p) An adult who had been adjudicated a delinquent minor
31 under the Juvenile Court Act of 1987 for the commission of an
32 offense that if committed by an adult would be a felony.

33 (Source: P.A. 92-854, eff. 12-5-02; 93-367, eff. 1-1-04.)

34 Section 99. Effective date. This Act takes effect upon
35 becoming law.