



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2964

Introduced 1/20/2006, by Sen. Cheryl Axley

SYNOPSIS AS INTRODUCED:

430 ILCS 65/10

from Ch. 38, par. 83-10

Amends the Firearm Owners Identification Card Act. Provides that a person who petitions the circuit court for the issuance of an order directing the Department of State Police to issue a Firearm Owner's Identification Card because the Department has denied his or her application, failed to act upon the person's request for issuance of the Card, or has revoked his or her Card must serve the State's Attorney of the county in which the petition is brought and the State's Attorney of the county in which the conviction occurred with a copy of the petition. Provides that the State's Attorney of the county where the petition is brought may object to the petition and present evidence at the hearing on the petition.

LRB094 18578 RLC 53917 b

1 AN ACT concerning 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 Section 10 as follows:

6 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

7 Sec. 10. (a) Whenever an application for a Firearm Owner's
8 Identification Card is denied, whenever the Department fails to
9 act on an application within 30 days of its receipt, or
10 whenever such a Card is revoked or seized as provided for in
11 Section 8 of this Act, the aggrieved party may appeal to the
12 Director of the Department of State Police for a hearing upon
13 such denial, revocation or seizure, unless the denial,
14 revocation, or seizure was based upon a forcible felony,
15 stalking, aggravated stalking, domestic battery, any violation
16 of the Illinois Controlled Substances Act, the Methamphetamine
17 Control and Community Protection Act, or the Cannabis Control
18 Act that is classified as a Class 2 or greater felony, any
19 felony violation of Article 24 of the Criminal Code of 1961, or
20 any adjudication as a delinquent minor for the commission of an
21 offense that if committed by an adult would be a felony, in
22 which case the aggrieved party may petition the circuit court
23 in writing in the county of his or her residence for a hearing
24 upon such denial, revocation, or seizure.

25 (b) At least 30 days before any hearing in the circuit
26 court, the petitioner shall serve the ~~relevant~~ State's Attorney
27 of the county where the petition is brought and the State's
28 Attorney of the county where the conviction occurred with a
29 copy of the petition. The State's Attorney of the county where
30 the petition is brought may object to the petition and present
31 evidence. At the hearing the court shall determine whether
32 substantial justice has been done. Should the court determine

1 that substantial justice has not been done, the court shall
2 issue an order directing the Department of State Police to
3 issue a Card.

4 (c) Any person prohibited from possessing a firearm under
5 Sections 24-1.1 or 24-3.1 of the Criminal Code of 1961 or
6 acquiring a Firearm Owner's Identification Card under Section 8
7 of this Act may apply to the Director of the Department of
8 State Police or petition the circuit court in the county where
9 the petitioner resides, whichever is applicable in accordance
10 with subsection (a) of this Section, requesting relief from
11 such prohibition and the Director or court may grant such
12 relief if it is established by the applicant to the court's or
13 Director's satisfaction that:

14 (0.05) when in the circuit court, the State's Attorney
15 of the county where the petition was brought has been
16 served with a written copy of the petition at least 30 days
17 before any such hearing in the circuit court and at the
18 hearing the State's Attorney of the county where the
19 petition was brought was afforded an opportunity to present
20 evidence and object to the petition;

21 (1) the applicant has not been convicted of a forcible
22 felony under the laws of this State or any other
23 jurisdiction within 20 years of the applicant's
24 application for a Firearm Owner's Identification Card, or
25 at least 20 years have passed since the end of any period
26 of imprisonment imposed in relation to that conviction;

27 (2) the circumstances regarding a criminal conviction,
28 where applicable, the applicant's criminal history and his
29 reputation are such that the applicant will not be likely
30 to act in a manner dangerous to public safety; and

31 (3) granting relief would not be contrary to the public
32 interest.

33 (d) When a minor is adjudicated delinquent for an offense
34 which if committed by an adult would be a felony, the court
35 shall notify the Department of State Police.

36 (e) The court shall review the denial of an application or

1 the revocation of a Firearm Owner's Identification Card of a
2 person who has been adjudicated delinquent for an offense that
3 if committed by an adult would be a felony if an application
4 for relief has been filed at least 10 years after the
5 adjudication of delinquency and the court determines that the
6 applicant should be granted relief from disability to obtain a
7 Firearm Owner's Identification Card. If the court grants
8 relief, the court shall notify the Department of State Police
9 that the disability has been removed and that the applicant is
10 eligible to obtain a Firearm Owner's Identification Card.

11 (Source: P.A. 93-367, eff. 1-1-04; 94-556, eff. 9-11-05.)