

1 AN ACT concerning criminal law.

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 8 as follows:

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

7 (Text of Section before amendment by P.A. 95-581)

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

13 (a) A person under 21 years of age who has been convicted
14 of a misdemeanor other than a traffic offense or adjudged
15 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 parent
20 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 this
23 or any other jurisdiction;

1 (d) A person addicted to narcotics;

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

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

7 For the purposes of this Section, "mental condition" means
8 a state of mind manifested by violent, suicidal, threatening or
9 assaultive behavior.

10 (g) A person who is mentally retarded;

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

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

15 (i-5) An alien who has been admitted to the United States
16 under a non-immigrant visa (as that term is defined in Section
17 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
18 1101(a)(26))), except that this subsection (i-5) does not apply
19 to any alien who has been lawfully admitted to the United
20 States under a non-immigrant visa if that alien is:

21 (1) admitted to the United States for lawful hunting or
22 sporting purposes;

23 (2) an official representative of a foreign government
24 who is:

25 (A) accredited to the United States Government or
26 the Government's mission to an international

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

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

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

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

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

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

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

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

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

26 (n) A person who is prohibited from acquiring or possessing

1 firearms or firearm ammunition by any Illinois State statute or
2 by federal law;

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

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

10 The Department of State Police may revoke and seize a
11 Firearm Owner's Identification Card previously issued under
12 this Act of a person who fails to report the loss or theft of a
13 handgun a second time to the local law enforcement agency
14 within 72 hours after obtaining knowledge of the second loss or
15 theft.

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

17 (Text of Section after amendment by P.A. 95-581)

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20 Owner's Identification Card previously issued under this Act
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22 to whom such card was issued is or was at the time of issuance:

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24 of a misdemeanor other than a traffic offense or adjudged
25 delinquent;

1 (b) A person under 21 years of age who does not have the
2 written consent of his parent or guardian to acquire and
3 possess firearms and firearm ammunition, or whose parent or
4 guardian has revoked such written consent, or where such parent
5 or guardian does not qualify to have a Firearm Owner's
6 Identification Card;

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

9 (d) A person addicted to narcotics;

10 (e) A person who has been a patient of a mental institution
11 within the past 5 years or has been adjudicated as a mental
12 defective;

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

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

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21 the Firearm Owner's Identification Card application;

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26 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.

1 1101(a)(26))), except that this subsection (i-5) does not apply
2 to any alien who has been lawfully admitted to the United
3 States under a non-immigrant visa if that alien is:

4 (1) admitted to the United States for lawful hunting or
5 sporting purposes;

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7 who is:

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9 the Government's mission to an international
10 organization having its headquarters in the United
11 States; or

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

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

17 (4) a foreign law enforcement officer of a friendly
18 foreign government entering the United States on official
19 business; or

20 (5) one who has received a waiver from the Attorney
21 General of the United States pursuant to 18 U.S.C.
22 922(y)(3);

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

25 (k) A person who has been convicted within the past 5 years
26 of battery, assault, aggravated assault, violation of an order

1 of protection, or a substantially similar offense in another
2 jurisdiction, in which a firearm was used or possessed;

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

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20 Firearm Owner's Identification Card previously issued under
21 this Act of a person who fails to report the loss or theft of a
22 handgun a second time to the local law enforcement agency
23 within 72 hours after obtaining knowledge of the second loss or
24 theft.

25 (Source: P.A. 95-581, eff. 6-1-08.)

1 Section 10. The Criminal Code of 1961 is amended by adding
2 Section 24-4.1 as follows:

3 (720 ILCS 5/24-4.1 new)

4 Sec. 24-4.1. Report of lost or stolen handguns.

5 (a) If a person who possesses a valid Firearm Owner's
6 Identification Card and who possesses or acquires a handgun
7 thereafter loses or misplaces the handgun, or if the handgun is
8 stolen from the person, the person must report the loss or
9 theft to the local law enforcement agency within 72 hours after
10 obtaining knowledge of the loss or theft.

11 (b) Sentence. A person who violates this Section is guilty
12 of a petty offense for a first violation. A second or
13 subsequent violation of this Section is a Class A misdemeanor.

14 Section 95. No acceleration or delay. Where this Act makes
15 changes in a statute that is represented in this Act by text
16 that is not yet or no longer in effect (for example, a Section
17 represented by multiple versions), the use of that text does
18 not accelerate or delay the taking effect of (i) the changes
19 made by this Act or (ii) provisions derived from any other
20 Public Act.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.