



Rep. Dan Reitz

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1 AMENDMENT TO SENATE BILL 1094

2 AMENDMENT NO. _____. Amend Senate Bill 1094, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Firearm Owners Identification Card Act is
6 amended by changing Sections 1.1, 4, 5, 7, 8, and 8.1 as
7 follows:

8 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

9 Sec. 1.1. For purposes of this Act:

10 "Has been adjudicated as a mental defective" means the
11 person is the subject of a determination by a court, board,
12 commission or other lawful authority that a person, as a result
13 of marked subnormal intelligence, or mental illness, mental
14 impairment, incompetency, condition, or disease:

15 (1) is a danger to himself, herself, or to others;

16 (2) lacks the mental capacity to manage his or her own
17 affairs;

1 (3) is not guilty in a criminal case by reason of
2 insanity, mental disease or defect;

3 (4) is incompetent to stand trial in a criminal case;
4 (5) is not guilty by reason of lack of mental responsibility
5 pursuant to Articles 50a and 72b of the Uniform Code of
6 Military Justice, 10 U.S.C. 850a, 876b.

7 "Counterfeit" means to copy or imitate, without legal
8 authority, with intent to deceive.

9 "Federally licensed firearm dealer" means a person who is
10 licensed as a federal firearms dealer under Section 923 of the
11 federal Gun Control Act of 1968 (18 U.S.C. 923).

12 "Firearm" means any device, by whatever name known, which
13 is designed to expel a projectile or projectiles by the action
14 of an explosion, expansion of gas or escape of gas; excluding,
15 however:

16 (1) any pneumatic gun, spring gun, paint ball gun or
17 B-B gun which either expels a single globular projectile
18 not exceeding .18 inch in diameter and which has a maximum
19 muzzle velocity of less than 700 feet per second or
20 breakable paint balls containing washable marking colors;

21 (2) any device used exclusively for signalling or
22 safety and required or recommended by the United States
23 Coast Guard or the Interstate Commerce Commission;

24 (3) any device used exclusively for the firing of stud
25 cartridges, explosive rivets or similar industrial
26 ammunition; and

1 (4) an antique firearm (other than a machine-gun)
2 which, although designed as a weapon, the Department of
3 State Police finds by reason of the date of its
4 manufacture, value, design, and other characteristics is
5 primarily a collector's item and is not likely to be used
6 as a weapon.

7 "Firearm ammunition" means any self-contained cartridge or
8 shotgun shell, by whatever name known, which is designed to be
9 used or adaptable to use in a firearm; excluding, however:

10 (1) any ammunition exclusively designed for use with a
11 device used exclusively for signalling or safety and
12 required or recommended by the United States Coast Guard or
13 the Interstate Commerce Commission; and

14 (2) any ammunition designed exclusively for use with a
15 stud or rivet driver or other similar industrial
16 ammunition.

17 "Gun show" means an event or function:

18 (1) at which the sale and transfer of firearms is the
19 regular and normal course of business and where 50 or more
20 firearms are displayed, offered, or exhibited for sale,
21 transfer, or exchange; or

22 (2) at which not less than 10 gun show vendors display,
23 offer, or exhibit for sale, sell, transfer, or exchange
24 firearms.

25 "Gun show" includes the entire premises provided for an
26 event or function, including parking areas for the event or

1 function, that is sponsored to facilitate the purchase, sale,
2 transfer, or exchange of firearms as described in this Section.

3 "Gun show" does not include training or safety classes,
4 competitive shooting events, such as rifle, shotgun, or handgun
5 matches, trap, skeet, or sporting clays shoots, dinners,
6 banquets, raffles, or any other event where the sale or
7 transfer of firearms is not the primary course of business.

8 "Gun show promoter" means a person who organizes or
9 operates a gun show.

10 "Gun show vendor" means a person who exhibits, sells,
11 offers for sale, transfers, or exchanges any firearms at a gun
12 show, regardless of whether the person arranges with a gun show
13 promoter for a fixed location from which to exhibit, sell,
14 offer for sale, transfer, or exchange any firearm.

15 "Sanctioned competitive shooting event" means a shooting
16 contest officially recognized by a national or state shooting
17 sport association, and includes any sight-in or practice
18 conducted in conjunction with the event.

19 "Stun gun or taser" has the meaning ascribed to it in
20 Section 24-1 of the Criminal Code of 1961.

21 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised
22 8-19-05.)

23 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

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

1 (1) Make application on blank forms prepared and
2 furnished at convenient locations throughout the State by
3 the Department of State Police, or by electronic means, if
4 and when made available by the Department of State Police;
5 and

6 (2) Submit evidence to the Department of State Police
7 that:

8 (i) He or she is 21 years of age or over, or if he
9 or she is under 21 years of age that he or she has the
10 written consent of his or her parent or legal guardian
11 to possess and acquire firearms and firearm ammunition
12 and that he or she has never been convicted of a
13 misdemeanor other than a traffic offense or adjudged
14 delinquent, provided, however, that such parent or
15 legal guardian is not an individual prohibited from
16 having a Firearm Owner's Identification Card and files
17 an affidavit with the Department as prescribed by the
18 Department stating that he or she is not an individual
19 prohibited from having a Card;

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

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

23 (iv) He or she has not been a patient in a mental
24 institution within the past 5 years and he or she has
25 not been adjudicated as a mental defective;

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

1 (vi) He or she is not an alien who is unlawfully
2 present in the United States under the laws of the
3 United States;

4 (vii) He or she is not subject to an existing order
5 of protection prohibiting him or her from possessing a
6 firearm;

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

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

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

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

1 non-immigrant visa if that alien is:

2 (1) admitted to the United States for lawful
3 hunting or sporting purposes;

4 (2) an official representative of a foreign
5 government who is:

6 (A) accredited to the United States
7 Government or the Government's mission to an
8 international organization having its
9 headquarters in the United States; or

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

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

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

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

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

26 (xiii) He or she is not an adult who had been

1 adjudicated a delinquent minor under the Juvenile
2 Court Act of 1987 for the commission of an offense that
3 if committed by an adult would be a felony; and

4 (3) Upon request by the Department of State Police,
5 sign a release on a form prescribed by the Department of
6 State Police waiving any right to confidentiality and
7 requesting the disclosure to the Department of State Police
8 of limited mental health institution admission information
9 from another state, the District of Columbia, any other
10 territory of the United States, or a foreign nation
11 concerning the applicant for the sole purpose of
12 determining whether the applicant is or was a patient in a
13 mental health institution and disqualified because of that
14 status from receiving a Firearm Owner's Identification
15 Card. No mental health care or treatment records may be
16 requested. The information received shall be destroyed
17 within one year of receipt.

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

22 (a-10) Each applicant for a Firearm Owner's Identification
23 Card, who is employed as an armed security officer at a nuclear
24 energy, storage, weapons, or development facility regulated by
25 the Nuclear Regulatory Commission and who is not an Illinois
26 resident, shall furnish to the Department of State Police his

1 or her driver's license number or state identification card
2 number from his or her state of residence. The Department of
3 State Police may promulgate rules to enforce the provisions of
4 this subsection (a-10).

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

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

15 (Source: P.A. 92-442, eff. 8-17-01; 92-839, eff. 8-22-02;
16 92-854, eff. 12-5-02; 93-367, eff. 1-1-04.)

17 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

18 Sec. 5. The Department of State Police shall either approve
19 or deny all applications within 30 days from the date they are
20 received, and every applicant found qualified pursuant to
21 Section 8 of this Act by the Department shall be entitled to a
22 Firearm Owner's Identification Card upon the payment of a \$10
23 ~~\$5~~ fee. \$6 ~~\$3~~ of each fee derived from the issuance of Firearm
24 Owner's Identification Cards, or renewals thereof, shall be
25 deposited in the Wildlife and Fish Fund in the State Treasury;

1 \$1 of such fee shall be deposited in the State Police Services
2 Fund and \$3 ~~\$1~~ of such fee shall be deposited in the Firearm
3 Owner's Notification Fund. Monies in the Firearm Owner's
4 Notification Fund shall be used exclusively to pay for the cost
5 of sending notices of expiration of Firearm Owner's
6 Identification Cards under Section 13.2 of this Act. Excess
7 monies in the Firearm Owner's Notification Fund shall be used
8 to ensure the prompt and efficient processing of applications
9 received under Section 4 of this Act.

10 (Source: P.A. 94-353, eff. 7-29-05.)

11 (430 ILCS 65/7) (from Ch. 38, par. 83-7)

12 Sec. 7. Except as provided in Section 8 of this Act, a
13 Firearm Owner's Identification Card issued under the
14 provisions of this Act shall be valid for the person to whom it
15 is issued for a period of 10 ~~5~~ years from the date of issuance.

16 (Source: Laws 1967, p. 2600.)

17 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

23 (a) A person under 21 years of age who has been convicted
24 of a misdemeanor other than a traffic offense or adjudged

1 delinquent;

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

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

10 (d) A person addicted to narcotics;

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

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

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

20 (g) A person who is mentally retarded;

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

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

25 (i-5) An alien who has been admitted to the United States
26 under a non-immigrant visa (as that term is defined in Section

1 101(a)(26) of the Immigration and Nationality Act (8 U.S.C.
2 1101(a)(26))), except that this subsection (i-5) does not apply
3 to any alien who has been lawfully admitted to the United
4 States under a non-immigrant visa if that alien is:

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

7 (2) an official representative of a foreign government
8 who is:

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

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

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

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

21 (5) one who has received a waiver from the Attorney
22 General of the United States pursuant to 18 U.S.C.
23 922(y)(3);

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

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

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

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

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

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

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

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

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

21 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

22 Sec. 8.1. Circuit Clerk to notify Department of State
23 Police.

24 (a) The Circuit Clerk shall, in the form and manner
25 required by the Supreme Court, notify the Department of State

1 Police of all final dispositions of cases for which the
2 Department has received information reported to it under
3 Section 2.1 of the Criminal Identification Act.

4 (b) Upon adjudication of any individual as a mental
5 defective, as defined in Section 1.1, the court shall direct
6 the circuit court clerk to immediately notify the Department of
7 State Police, Firearm Owner's Identification (FOID)
8 department, and shall forward a copy of the court order to the
9 Department.

10 (Source: P.A. 87-905.)".