



Rep. Kelly M. Cassidy

**Filed: 3/2/2012**

09700HB4456ham001

LRB097 18381 RLC 66817 a

1 AMENDMENT TO HOUSE BILL 4456

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4456 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is  
5 amended by changing Sections 4, 8, 8.1, and 10 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 21 years of age or over, or if he

1 or she is under 21 years of age that he or she has the  
2 written consent of his or her parent or legal guardian  
3 to possess and acquire firearms and firearm ammunition  
4 and that he or she has never been convicted of a  
5 misdemeanor other than a traffic offense or adjudged  
6 delinquent, provided, however, that such parent or  
7 legal guardian is not an individual prohibited from  
8 having a Firearm Owner's Identification Card and files  
9 an affidavit with the Department as prescribed by the  
10 Department stating that he or she is not an individual  
11 prohibited from having a Card;

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

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

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

18 (v) He or she is not intellectually disabled;

19 (vi) He or she is not an alien who is unlawfully  
20 present in the United States under the laws of the  
21 United States;

22 (vii) He or she is not subject to an existing order  
23 of protection prohibiting him or her from possessing a  
24 firearm;

25 (viii) He or she has not been convicted within the  
26 past 5 years of battery, assault, aggravated assault,

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

4 (ix) He or she has not been convicted of domestic  
5 battery, aggravated domestic battery, or a  
6 substantially similar offense in another jurisdiction  
7 committed before, on or after January 1, 2012 (the  
8 effective date of Public Act 97-158) ~~this amendatory  
9 Act of the 97th General Assembly;~~

10 (x) (Blank);

11 (xi) He or she is not an alien who has been  
12 admitted to the United States under a non-immigrant  
13 visa (as that term is defined in Section 101(a)(26) of  
14 the Immigration and Nationality Act (8 U.S.C.  
15 1101(a)(26))), or that he or she is an alien who has  
16 been lawfully admitted to the United States under a  
17 non-immigrant visa if that alien is:

18 (1) admitted to the United States for lawful  
19 hunting or sporting purposes;

20 (2) an official representative of a foreign  
21 government who is:

22 (A) accredited to the United States  
23 Government or the Government's mission to an  
24 international organization having its  
25 headquarters in the United States; or

26 (B) en route to or from another country to

1           which that alien is accredited;

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

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

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

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

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

20           (xiv) He or she is a resident of the State of  
21 Illinois; and

22           (3) Upon request by the Department of State Police,  
23 sign a release on a form prescribed by the Department of  
24 State Police waiving any right to confidentiality and  
25 requesting the disclosure to the Department of State Police  
26 of limited mental health institution admission information

1 from another state, the District of Columbia, any other  
2 territory of the United States, or a foreign nation  
3 concerning the applicant for the sole purpose of  
4 determining whether the applicant is or was a patient in a  
5 mental health institution and disqualified because of that  
6 status from receiving a Firearm Owner's Identification  
7 Card. No mental health care or treatment records may be  
8 requested. The information received shall be destroyed  
9 within one year of receipt.

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

14 (a-10) Each applicant for a Firearm Owner's Identification  
15 Card, who is employed as an armed security officer at a nuclear  
16 energy, storage, weapons, or development facility regulated by  
17 the Nuclear Regulatory Commission and who is not an Illinois  
18 resident, shall furnish to the Department of State Police his  
19 or her driver's license number or state identification card  
20 number from his or her state of residence. The Department of  
21 State Police may promulgate rules to enforce the provisions of  
22 this subsection (a-10).

23 (b) Each application form shall include the following  
24 statement printed in bold type: "Warning: Entering false  
25 information on an application for a Firearm Owner's  
26 Identification Card is punishable as a Class 2 felony in

1 accordance with subsection (d-5) of Section 14 of the Firearm  
2 Owners Identification Card Act.".

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

7 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; revised  
8 10-4-11.)

9 (430 ILCS 65/8) (from Ch. 38, par. 83-8)

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

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

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

24 (c) A person convicted of a felony under the laws of this  
25 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 or has been adjudicated as a mental  
4 defective;

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

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

11 (g) A person who is intellectually disabled;

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

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

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

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

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

26 (A) accredited to the United States Government or

1           the Government's mission to an international  
2           organization having its headquarters in the United  
3           States; or

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

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

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

12          (5) one who has received a waiver from the Attorney  
13          General of the United States pursuant to 18 U.S.C.  
14          922(y)(3);

15          (j) (Blank);

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,  
21          aggravated domestic battery, or a substantially similar  
22          offense in another jurisdiction committed before, on or after  
23          January 1, 2012 (the effective date of Public Act 97-158) ~~this~~  
24          ~~amendatory Act of the 97th General Assembly;~~

25          (m) (Blank);

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; or

10 (q) A person who is not a resident of the State of  
11 Illinois.

12 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,  
13 eff. 1-1-12; revised 10-4-11.)

14 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

15 Sec. 8.1. Circuit Clerk to notify Department of State  
16 Police.

17 (a) The Circuit Clerk shall, in the form and manner  
18 required by the Supreme Court, notify the Department of State  
19 Police of all final dispositions of cases for which the  
20 Department has received information reported to it under  
21 Section 2.1 of the Criminal Identification Act.

22 (b) Upon adjudication of any individual as a mental  
23 defective, as defined in Section 1.1, ~~the court shall direct~~  
24 the circuit court clerk shall ~~to~~ immediately notify the  
25 Department of State Police, Firearm Owner's Identification

1 (FOID) department, and shall forward a copy of the court order  
2 to the Department.

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

4 (430 ILCS 65/10) (from Ch. 38, par. 83-10)

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

23 (b) At least 30 days before any hearing in the circuit  
24 court, the petitioner shall serve the relevant State's Attorney  
25 with a copy of the petition. The State's Attorney may object to

1 the petition and present evidence. At the hearing the court  
2 shall determine whether substantial justice has been done.  
3 Should the court determine that substantial justice has not  
4 been done, the court shall issue an order directing the  
5 Department of State Police to issue a Card. However, the court  
6 shall not order a Card to be issued if the petitioner is  
7 otherwise prohibited from acquiring, possessing, or using a  
8 firearm under federal law.

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

19 (0.05) when in the circuit court, the State's Attorney  
20 has been served with a written copy of the petition at  
21 least 30 days before any such hearing in the circuit court  
22 and at the hearing the State's Attorney was afforded an  
23 opportunity to present evidence and object to the petition;

24 (1) the applicant has not been convicted of a forcible  
25 felony under the laws of this State or any other  
26 jurisdiction within 20 years of the applicant's

1 application for a Firearm Owner's Identification Card, or  
2 at least 20 years have passed since the end of any period  
3 of imprisonment imposed in relation to that conviction;

4 (2) the circumstances regarding a criminal conviction,  
5 where applicable, the applicant's criminal history and his  
6 reputation are such that the applicant will not be likely  
7 to act in a manner dangerous to public safety; ~~and~~

8 (3) granting relief would not be contrary to the public  
9 interest; and

10 (4) granting relief would not be contrary to federal  
11 law.

12  
13 (d) When a minor is adjudicated delinquent for an offense  
14 which if committed by an adult would be a felony, the court  
15 shall notify the Department of State Police.

16 (e) The court shall review the denial of an application or  
17 the revocation of a Firearm Owner's Identification Card of a  
18 person who has been adjudicated delinquent for an offense that  
19 if committed by an adult would be a felony if an application  
20 for relief has been filed at least 10 years after the  
21 adjudication of delinquency and the court determines that the  
22 applicant should be granted relief from disability to obtain a  
23 Firearm Owner's Identification Card. If the court grants  
24 relief, the court shall notify the Department of State Police  
25 that the disability has been removed and that the applicant is  
26 eligible to obtain a Firearm Owner's Identification Card.

1           (f) Any person who is prohibited from possessing a firearm  
2 under 18 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun  
3 Control Act of 1968 may apply to the Department of State Police  
4 requesting relief from such prohibition and the Director shall  
5 grant such relief if it is established to the Director's  
6 satisfaction that the person will not be likely to act in a  
7 manner dangerous to public safety and granting relief would not  
8 be contrary to the public interest.

9           (Source: P.A. 96-1368, eff. 7-28-10.)".