

# HB0051



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB0051

Introduced 1/9/2013, by Rep. Jack D. Franks

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/8

from Ch. 38, par. 83-8

Amends the Firearm Owners Identification Card Act. Makes a technical change in the Section relating to grounds for denying an application for and for revoking and seizing a Firearm Owner's Identification Card.

LRB098 02859 RLC 32870 b

A BILL FOR

1 AN ACT concerning safety.

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

12 (a) A person under 21 years of age who has been convicted  
13 of a misdemeanor other than a traffic offense or adjudged  
14 delinquent;

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

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

23 (d) A person addicted to narcotics;

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

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 intellectually disabled;

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) (Blank);

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

19 (l) A person who has been convicted of domestic battery,  
20 aggravated domestic battery, or a substantially similar  
21 offense in another jurisdiction committed before, on or after  
22 January 1, 2012 (the effective date of Public Act 97-158). If  
23 the applicant or person who has been previously issued a  
24 Firearm Owner's Identification Card under this Act knowingly  
25 and intelligently waives the right to have an offense described  
26 in this paragraph (l) tried by a jury, and by guilty plea or

1 otherwise, results in a conviction for an offense in which a  
2 domestic relationship is not a required element of the offense  
3 but in which a determination of the applicability of 18 U.S.C.  
4 922(g)(9) is made under Section 112A-11.1 of the Code of  
5 Criminal Procedure of 1963, an entry by the court of a judgment  
6 of conviction for that offense shall be grounds for denying an  
7 application for and for revoking and seizing a Firearm Owner's  
8 Identification Card previously issued to the person under this  
9 Act;

10 (m) (Blank);

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

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

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

21 (q) A person who is not a resident of the State of  
22 Illinois, except as provided in subsection (a-10) of Section 4.  
23 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,  
24 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)