

SB0069



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB0069

Introduced 1/16/2013, by Sen. Dan Kotowski

SYNOPSIS AS INTRODUCED:

430 ILCS 65/8

from Ch. 38, par. 83-8

720 ILCS 5/24-4.1 new

Amends the Firearm Owners Identification Card Act. Provides that the Department of State Police may revoke and seize a Firearm Owner's Identification Card previously issued under the Act of a person who fails to report the loss or theft of a handgun a second time to the local law enforcement agency within 72 hours after obtaining knowledge of the second loss or theft. Amends the Criminal Code of 2012. Provides that if a person who possesses a valid Firearm Owner's Identification Card and who possesses or acquires a handgun thereafter loses or misplaces the handgun, or if the handgun is stolen from the person, the person must report the loss or theft to the local law enforcement agency within 72 hours after obtaining knowledge of the loss or theft. Effective immediately.

LRB098 06109 RLC 36149 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

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 Sec. 8. Grounds for denial and revocation.

8 (A) The Department of State Police has authority to deny an
9 application for or to revoke and seize a Firearm Owner's
10 Identification Card previously issued under this Act only if
11 the Department finds that the applicant or the person to whom
12 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 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). If
24 the applicant or person who has been previously issued a
25 Firearm Owner's Identification Card under this Act knowingly
26 and intelligently waives the right to have an offense described

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

11 (m) (Blank);

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

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

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

22 (q) A person who is not a resident of the State of
23 Illinois, except as provided in subsection (a-10) of Section 4.

24 (B) The Department of State Police may revoke and seize a
25 Firearm Owner's Identification Card previously issued under
26 this Act of a person who fails to report the loss or theft of a

1 handgun a second time to the local law enforcement agency
2 within 72 hours after obtaining knowledge of the second loss or
3 theft.

4 (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12; 97-227,
5 eff. 1-1-12; 97-813, eff. 7-13-12; 97-1131, eff. 1-1-13.)

6 Section 10. The Criminal Code of 2012 is amended by adding
7 Section 24-4.1 as follows:

8 (720 ILCS 5/24-4.1 new)

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

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

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.