



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5554

Introduced 2/9/2024, by Rep. Mary Gill

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/9.5  
625 ILCS 5/6-103

from Ch. 95 1/2, par. 6-103

Amends the Firearm Owners Identification Card Act. Provides that a person who fails to surrender a revoked Firearm Owner's Identification Card may not be issued a driver's license, renew a driver's license, retain a driver's license, or be issued a permit under the Illinois Vehicle Code. Provides that within 180 days after the date of revocation of an individual's Firearm Owner's Identification Card, the Illinois State Police shall provide the Secretary of State with a notice that the individual has failed to comply with the provisions. Amends the Illinois Vehicle Code. Makes corresponding changes. Allows the Secretary to issue, renew, or allow the retention of a driver's license or issue a permit if: (i) the applicant's Firearm Owner's Identification Card is successfully reinstated; or (ii) the applicant surrenders possession of the Firearm Owner's Identification Card to the State Police or to the local law enforcement agency where the applicant resides.

LRB103 36874 MXP 66986 b

1 AN ACT concerning transportation.

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 9.5 as follows:

6 (430 ILCS 65/9.5)

7 Sec. 9.5. Revocation of Firearm Owner's Identification  
8 Card.

9 (a) A person who receives a revocation notice under  
10 Section 9 of this Act shall, within 48 hours of receiving  
11 notice of the revocation:

12 (1) surrender his or her Firearm Owner's  
13 Identification Card to the local law enforcement agency  
14 where the person resides or to the Illinois State Police;  
15 and

16 (2) complete a Firearm Disposition Record on a form  
17 prescribed by the Illinois State Police and place his or  
18 her firearms in the location or with the person reported  
19 in the Firearm Disposition Record. The form shall require  
20 the person to disclose:

21 (A) the make, model, and serial number of each  
22 firearm owned by or under the custody and control of  
23 the revoked person;

1 (B) the location where each firearm will be  
2 maintained during the prohibited term;

3 (C) if any firearm will be transferred to the  
4 custody of another person, the name, address and  
5 Firearm Owner's Identification Card number of the  
6 transferee; and

7 (D) to whom his or her Firearm Owner's  
8 Identification Card was surrendered.

9 Once completed, the person shall retain a copy and  
10 provide a copy of the Firearm Disposition Record to the  
11 Illinois State Police.

12 (b) Upon confirming through the portal created under  
13 Section 2605-304 of the Illinois State Police Law of the Civil  
14 Administrative Code of Illinois that the Firearm Owner's  
15 Identification Card has been revoked by the Illinois State  
16 Police, surrendered cards shall be destroyed by the law  
17 enforcement agency receiving the cards. If a card has not been  
18 revoked, the card shall be returned to the cardholder.

19 (b-5) If a court orders the surrender of a Firearm Owner's  
20 Identification Card and accepts receipt of the Card, the court  
21 shall destroy the Card and direct the person whose Firearm  
22 Owner's Identification Card has been surrendered to comply  
23 with paragraph (2) of subsection (a).

24 (b-10) If the person whose Firearm Owner's Identification  
25 Card has been revoked has either lost or destroyed the Card,  
26 the person must still comply with paragraph (2) of subsection

1 (a).

2 (b-15) A notation shall be made in the portal created  
3 under Section 2605-304 of the Illinois State Police Law of the  
4 Civil Administrative Code of Illinois that the revoked Firearm  
5 Owner's Identification Card has been destroyed.

6 (c) If the person whose Firearm Owner's Identification  
7 Card has been revoked fails to comply with the requirements of  
8 this Section, the sheriff or law enforcement agency where the  
9 person resides may petition the circuit court to issue a  
10 warrant to search for and seize the Firearm Owner's  
11 Identification Card and firearms in the possession or under  
12 the custody or control of the person whose Firearm Owner's  
13 Identification Card has been revoked.

14 (d) A violation of subsection (a) of this Section is a  
15 Class A misdemeanor.

16 (e) The observation of a Firearm Owner's Identification  
17 Card in the possession of a person whose Firearm Owner's  
18 Identification Card has been revoked constitutes a sufficient  
19 basis for the arrest of that person for violation of this  
20 Section.

21 (f) Within 30 days after July 9, 2013 (the effective date  
22 of Public Act 98-63), the Illinois State Police shall provide  
23 written notice of the requirements of this Section to persons  
24 whose Firearm Owner's Identification Cards have been revoked,  
25 suspended, or expired and who have failed to surrender their  
26 cards to the Illinois State Police.

1 (g) A person whose Firearm Owner's Identification Card has  
2 been revoked and who received notice under subsection (f)  
3 shall comply with the requirements of this Section within 48  
4 hours of receiving notice.

5 (h) Pursuant to Section 6-103 of the Illinois Vehicle  
6 Code, a person who fails to surrender a revoked Firearm  
7 Owner's Identification Card under this Section may not be  
8 issued a driver's license, renew a driver's license, retain a  
9 driver's license, or be issued a permit under the Illinois  
10 Vehicle Code. Within 180 days after the date of revocation of  
11 an individual's Firearm Owner's Identification Card, the  
12 Illinois State Police shall provide the Secretary of State  
13 with a notice that the individual has failed to comply with  
14 this Section.

15 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
16 102-813, eff. 5-13-22; 103-154, eff. 6-30-23.)

17 Section 10. The Illinois Vehicle Code is amended by  
18 changing Section 6-103 as follows:

19 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

20 Sec. 6-103. What persons shall not be licensed as drivers  
21 or granted permits. The Secretary of State shall not issue,  
22 renew, or allow the retention of any driver's license nor  
23 issue any permit under this Code:

24 1. To any person, as a driver, who is under the age of

1 18 years except as provided in Section 6-107, and except  
2 that an instruction permit may be issued under Section  
3 6-107.1 to a child who is not less than 15 years of age if  
4 the child is enrolled in an approved driver education  
5 course as defined in Section 1-103 of this Code and  
6 requires an instruction permit to participate therein,  
7 except that an instruction permit may be issued under the  
8 provisions of Section 6-107.1 to a child who is 17 years  
9 and 3 months of age without the child having enrolled in an  
10 approved driver education course and except that an  
11 instruction permit may be issued to a child who is at least  
12 15 years and 3 months of age, is enrolled in school, meets  
13 the educational requirements of the Driver Education Act,  
14 and has passed examinations the Secretary of State in his  
15 or her discretion may prescribe;

16 1.5. To any person at least 18 years of age but less  
17 than 21 years of age unless the person has, in addition to  
18 any other requirements of this Code, successfully  
19 completed an adult driver education course as provided in  
20 Section 6-107.5 of this Code;

21 2. To any person who is under the age of 18 as an  
22 operator of a motorcycle other than a motor driven cycle  
23 unless the person has, in addition to meeting the  
24 provisions of Section 6-107 of this Code, successfully  
25 completed a motorcycle training course approved by the  
26 Illinois Department of Transportation;

1           3. To any person, as a driver, whose driver's license  
2 or permit has been suspended, during the suspension, nor  
3 to any person whose driver's license or permit has been  
4 revoked, except as provided in Sections 6-205, 6-206, and  
5 6-208;

6           4. To any person, as a driver, who is a user of alcohol  
7 or any other drug to a degree that renders the person  
8 incapable of safely driving a motor vehicle;

9           5. To any person, as a driver, who has previously been  
10 adjudged to be afflicted with or suffering from any mental  
11 or physical disability or disease and who has not at the  
12 time of application been restored to competency by the  
13 methods provided by law;

14           6. To any person, as a driver, who is required by the  
15 Secretary of State to submit an alcohol and drug  
16 evaluation or take an examination provided for in this  
17 Code unless the person has successfully passed the  
18 examination and submitted any required evaluation;

19           7. To any person who is required under the provisions  
20 of the laws of this State to deposit security or proof of  
21 financial responsibility and who has not deposited the  
22 security or proof;

23           8. To any person when the Secretary of State has good  
24 cause to believe that the person by reason of physical or  
25 mental disability would not be able to safely operate a  
26 motor vehicle upon the highways, unless the person shall

1 furnish to the Secretary of State a verified written  
2 statement, acceptable to the Secretary of State, from a  
3 competent medical specialist, a licensed physician  
4 assistant, or a licensed advanced practice registered  
5 nurse, to the effect that the operation of a motor vehicle  
6 by the person would not be inimical to the public safety;

7 9. To any person, as a driver, who is 69 years of age  
8 or older, unless the person has successfully complied with  
9 the provisions of Section 6-109;

10 10. To any person convicted, within 12 months of  
11 application for a license, of any of the sexual offenses  
12 enumerated in paragraph 2 of subsection (b) of Section  
13 6-205;

14 11. To any person who is under the age of 21 years with  
15 a classification prohibited in paragraph (b) of Section  
16 6-104 and to any person who is under the age of 18 years  
17 with a classification prohibited in paragraph (c) of  
18 Section 6-104;

19 12. To any person who has been either convicted of or  
20 adjudicated under the Juvenile Court Act of 1987 based  
21 upon a violation of the Cannabis Control Act, the Illinois  
22 Controlled Substances Act, or the Methamphetamine Control  
23 and Community Protection Act while that person was in  
24 actual physical control of a motor vehicle. For purposes  
25 of this Section, any person placed on probation under  
26 Section 10 of the Cannabis Control Act, Section 410 of the

1 Illinois Controlled Substances Act, or Section 70 of the  
2 Methamphetamine Control and Community Protection Act shall  
3 not be considered convicted. Any person found guilty of  
4 this offense, while in actual physical control of a motor  
5 vehicle, shall have an entry made in the court record by  
6 the judge that this offense did occur while the person was  
7 in actual physical control of a motor vehicle and order  
8 the clerk of the court to report the violation to the  
9 Secretary of State as such. The Secretary of State shall  
10 not issue a new license or permit for a period of one year;

11 13. To any person who is under the age of 18 years and  
12 who has committed the offense of operating a motor vehicle  
13 without a valid license or permit in violation of Section  
14 6-101 or a similar out-of-state ~~out-of-state~~ offense;

15 14. To any person who is 90 days or more delinquent in  
16 court ordered child support payments or has been  
17 adjudicated in arrears in an amount equal to 90 days'  
18 obligation or more and who has been found in contempt of  
19 court for failure to pay the support, subject to the  
20 requirements and procedures of Article VII of Chapter 7 of  
21 the Illinois Vehicle Code;

22 14.5. To any person certified by the Illinois  
23 Department of Healthcare and Family Services as being 90  
24 days or more delinquent in payment of support under an  
25 order of support entered by a court or administrative body  
26 of this or any other State, subject to the requirements

1 and procedures of Article VII of Chapter 7 of this Code  
2 regarding those certifications;

3 15. To any person released from a term of imprisonment  
4 for violating Section 9-3 of the Criminal Code of 1961 or  
5 the Criminal Code of 2012, or a similar provision of a law  
6 of another state relating to reckless homicide or for  
7 violating subparagraph (F) of paragraph (1) of subsection  
8 (d) of Section 11-501 of this Code relating to aggravated  
9 driving under the influence of alcohol, other drug or  
10 drugs, intoxicating compound or compounds, or any  
11 combination thereof, if the violation was the proximate  
12 cause of a death, within 24 months of release from a term  
13 of imprisonment;

14 16. To any person who, with intent to influence any  
15 act related to the issuance of any driver's license or  
16 permit, by an employee of the Secretary of State's Office,  
17 or the owner or employee of any commercial driver training  
18 school licensed by the Secretary of State, or any other  
19 individual authorized by the laws of this State to give  
20 driving instructions or administer all or part of a  
21 driver's license examination, promises or tenders to that  
22 person any property or personal advantage which that  
23 person is not authorized by law to accept. Any persons  
24 promising or tendering such property or personal advantage  
25 shall be disqualified from holding any class of driver's  
26 license or permit for 120 consecutive days. The Secretary

1 of State shall establish by rule the procedures for  
2 implementing this period of disqualification and the  
3 procedures by which persons so disqualified may obtain  
4 administrative review of the decision to disqualify;

5 17. To any person for whom the Secretary of State  
6 cannot verify the accuracy of any information or  
7 documentation submitted in application for a driver's  
8 license;

9 18. To any person who has been adjudicated under the  
10 Juvenile Court Act of 1987 based upon an offense that is  
11 determined by the court to have been committed in  
12 furtherance of the criminal activities of an organized  
13 gang, as provided in Section 5-710 of that Act, and that  
14 involved the operation or use of a motor vehicle or the use  
15 of a driver's license or permit. The person shall be  
16 denied a license or permit for the period determined by  
17 the court; or

18 19. To any person who holds a REAL ID compliant  
19 identification card or REAL ID compliant Person with a  
20 Disability Identification Card issued under the Illinois  
21 Identification Card Act. Any such person may, at his or  
22 her discretion, surrender the REAL ID compliant  
23 identification card or REAL ID compliant Person with a  
24 Disability Identification Card in order to become eligible  
25 to obtain a REAL ID compliant driver's license.

26 20. To any person who possesses a revoked Firearm

1           Owner's Identification Card unless: (i) the  
2           applicant's Firearm Owner's Identification Card is  
3           successfully reinstated; or (ii) the applicant  
4           surrenders possession of the Firearm Owner's  
5           Identification Card to the Illinois State Police or to  
6           the local law enforcement agency where the applicant  
7           resides.

8           The Secretary of State shall retain all conviction  
9           information, if the information is required to be held  
10          confidential under the Juvenile Court Act of 1987.

11          (Source: P.A. 103-162, eff. 1-1-24; revised 1-2-24.)