

1 AN ACT in relation to Firearm Owner's Identification  
2 Cards.

3 Be it enacted by the People of the State of Illinois,  
4 represented in the General Assembly:

5 Section 5. The Firearm Owners Identification Card Act is  
6 amended by changing Sections 4, 5, and 13.2 as follows:

7 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

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

10 (1) Make application on blank forms prepared and  
11 furnished at ~~convenient locations throughout the State~~ by  
12 the Department of State Police and appear in person at a  
13 local police station, county sheriff's office, or the  
14 Department of State Police and before receiving an  
15 application, present positive evidence of identification  
16 to a law enforcement officer, including but not limited  
17 to, an Illinois driver's license or Illinois  
18 Identification Card; which application shall be signed by  
19 the law enforcement officer; and

20 (2) Submit evidence under penalty of perjury to the  
21 Department of State Police that:

22 (i) He or she is 21 years of age or over, or  
23 if he or she is under 21 years of age that he or she  
24 has the written consent of his or her parent or  
25 legal guardian to possess and acquire firearms and  
26 firearm ammunition and that he or she has never been  
27 convicted of a misdemeanor other than a traffic  
28 offense or adjudged delinquent, provided, however,  
29 that such parent or legal guardian is not an  
30 individual prohibited from having a Firearm Owner's  
31 Identification Card and files an affidavit with the

1 Department as prescribed by the Department stating  
2 that he or she is not an individual prohibited from  
3 having a Card;

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

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

8 (iv) He or she has not been a patient in a  
9 mental institution within the past 5 years;

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

11 (vi) He or she is not an alien who is  
12 unlawfully present in the United States under the  
13 laws of the United States;

14 (vii) He or she is not subject to an existing  
15 order of protection prohibiting him or her from  
16 possessing a firearm;

17 (viii) He or she has not been convicted within  
18 the past 5 years of battery, assault, aggravated  
19 assault, violation of an order of protection, or a  
20 substantially similar offense in another  
21 jurisdiction, in which a firearm was used or  
22 possessed;

23 (ix) He or she has not been convicted of  
24 domestic battery or a substantially similar offense  
25 in another jurisdiction committed on or after the  
26 effective date of this amendatory Act of 1997; and

27 (x) He or she has not been convicted within  
28 the past 5 years of domestic battery or a  
29 substantially similar offense in another  
30 jurisdiction committed before the effective date of  
31 this amendatory Act of 1997; and

32 (3) Upon request by the Department of State Police,  
33 sign a release on a form prescribed by the Department of  
34 State Police waiving any right to confidentiality and

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

12 (b) Each application form shall include the following  
13 statement printed in bold type: "Warning: False statements  
14 of the applicant shall result in prosecution for perjury in  
15 accordance with Section 32-2 of the Criminal Code of 1961."

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

20 (Source: P.A. 90-493, eff. 1-1-98; 91-514, eff. 1-1-00;  
21 91-694, eff. 4-13-00.)

22 (430 ILCS 65/5) (from Ch. 38, par. 83-5)

23 Sec. 5. The Department of State Police shall either  
24 approve or deny all applications within 30 days from the date  
25 they are received, and every applicant found qualified  
26 pursuant to Section 8 of this Act by the Department shall be  
27 entitled to a Firearm Owner's Identification Card upon the  
28 payment of a \$10 \$5 fee. \$3 of each fee derived from the  
29 issuance of Firearm Owner's Identification Cards, or renewals  
30 thereof, shall be deposited in the Wildlife and Fish Fund in  
31 the State Treasury; \$1 of such fee shall be deposited in the  
32 General Revenue Fund in the State Treasury and \$6 \$1 of such  
33 fee shall be deposited in the Firearm Owner's Notification

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

8 (Source: P.A. 84-1426.)

9 (430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)

10 Sec. 13.2. The Department of State Police shall, 60 days  
11 prior to the expiration of a Firearm Owner's Identification  
12 Card, forward by first class mail to each person whose card  
13 is to expire a notification of the expiration of the card and  
14 ~~an--application-which-may-be-used-to-apply-for-renewal-of-the~~  
15 ~~card.~~ It is the obligation of the holder of a Firearm Owner's  
16 Identification Card to notify the Department of State Police  
17 of any address change since the issuance of the Firearm  
18 Owner's Identification Card.

19 (Source: P.A. 91-690, eff. 4-13-00.)

20 Section 10. The Illinois Vehicle Code is amended by  
21 changing Section 6-204 as follows:

22 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

23 Sec. 6-204. When Court to forward License and Reports.

24 (a) For the purpose of providing to the Secretary of  
25 State the records essential to the performance of the  
26 Secretary's duties under this Code to cancel, revoke or  
27 suspend the driver's license and privilege to drive motor  
28 vehicles of certain minors adjudicated truant minors in need  
29 of supervision, addicted, or delinquent and of persons found  
30 guilty of the criminal offenses or traffic violations which  
31 this Code recognizes as evidence relating to unfitness to

1 safely operate motor vehicles, the following duties are  
2 imposed upon public officials:

3 (1) Whenever any person is convicted of any offense  
4 for which this Code makes mandatory the cancellation or  
5 revocation of the driver's license or permit of such  
6 person by the Secretary of State, the judge of the court  
7 in which such conviction is had shall require the  
8 surrender to the clerk of the court of all driver's  
9 licenses or permits then held by the person so convicted,  
10 and the clerk of the court shall, within 10 days  
11 thereafter, forward the same, together with a report of  
12 such conviction, to the Secretary.

13 (2) Whenever any person is convicted of any offense  
14 under this Code or similar offenses under a municipal  
15 ordinance, other than regulations governing standing,  
16 parking or weights of vehicles, and excepting the  
17 following enumerated Sections of this Code: Sections  
18 11-1406 (obstruction to driver's view or control),  
19 11-1407 (improper opening of door into traffic), 11-1410  
20 (coasting on downgrade), 11-1411 (following fire  
21 apparatus), 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101  
22 (driving vehicle which is in unsafe condition or  
23 improperly equipped), 12-201(a) (daytime lights on  
24 motorcycles), 12-202 (clearance, identification and side  
25 marker lamps), 12-204 (lamp or flag on projecting load),  
26 12-205 (failure to display the safety lights required),  
27 12-401 (restrictions as to tire equipment), 12-502  
28 (mirrors), 12-503 (windshields must be unobstructed and  
29 equipped with wipers), 12-601 (horns and warning  
30 devices), 12-602 (mufflers, prevention of noise or  
31 smoke), 12-603 (seat safety belts), 12-702 (certain  
32 vehicles to carry flares or other warning devices),  
33 12-703 (vehicles for oiling roads operated on highways),  
34 12-710 (splash guards and replacements), 13-101 (safety

1 tests), 15-101 (size, weight and load), 15-102 (width),  
2 15-103 (height), 15-104 (name and address on second  
3 division vehicles), 15-107 (length of vehicle), 15-109.1  
4 (cover or tarpaulin), 15-111 (weights), 15-112 (weights),  
5 15-301 (weights), 15-316 (weights), 15-318 (weights), and  
6 also excepting the following enumerated Sections of the  
7 Chicago Municipal Code: Sections 27-245 (following fire  
8 apparatus), 27-254 (obstruction of traffic), 27-258  
9 (driving vehicle which is in unsafe condition), 27-259  
10 (coasting on downgrade), 27-264 (use of horns and signal  
11 devices), 27-265 (obstruction to driver's view or driver  
12 mechanism), 27-267 (dimming of headlights), 27-268  
13 (unattended motor vehicle), 27-272 (illegal funeral  
14 procession), 27-273 (funeral procession on boulevard),  
15 27-275 (driving freighthauling vehicles on boulevard),  
16 27-276 (stopping and standing of buses or taxicabs),  
17 27-277 (cruising of public passenger vehicles), 27-305  
18 (parallel parking), 27-306 (diagonal parking), 27-307  
19 (parking not to obstruct traffic), 27-308 (stopping,  
20 standing or parking regulated), 27-311 (parking  
21 regulations), 27-312 (parking regulations), 27-313  
22 (parking regulations), 27-314 (parking regulations),  
23 27-315 (parking regulations), 27-316 (parking  
24 regulations), 27-317 (parking regulations), 27-318  
25 (parking regulations), 27-319 (parking regulations),  
26 27-320 (parking regulations), 27-321 (parking  
27 regulations), 27-322 (parking regulations), 27-324  
28 (loading and unloading at an angle), 27-333 (wheel and  
29 axle loads), 27-334 (load restrictions in the downtown  
30 district), 27-335 (load restrictions in residential  
31 areas), 27-338 (width of vehicles), 27-339 (height of  
32 vehicles), 27-340 (length of vehicles), 27-352  
33 (reflectors on trailers), 27-353 (mufflers), 27-354  
34 (display of plates), 27-355 (display of city vehicle tax

1 sticker), 27-357 (identification of vehicles), 27-358  
2 (projecting of loads), and also excepting the following  
3 enumerated paragraphs of Section 2-201 of the Rules and  
4 Regulations of the Illinois State Toll Highway Authority:  
5 (l) (driving unsafe vehicle on tollway), (m) (vehicles  
6 transporting dangerous cargo not properly indicated), it  
7 shall be the duty of the clerk of the court in which such  
8 conviction is had within 10 days thereafter to forward to  
9 the Secretary of State a report of the conviction and the  
10 court may recommend the suspension of the driver's  
11 license or permit of the person so convicted.

12 The reporting requirements of this subsection shall apply  
13 to all violations stated in paragraphs (1) and (2) of this  
14 subsection when the individual has been adjudicated under the  
15 Juvenile Court Act or the Juvenile Court Act of 1987. Such  
16 reporting requirements shall also apply to individuals  
17 adjudicated under the Juvenile Court Act or the Juvenile  
18 Court Act of 1987 who have committed a violation of Section  
19 11-501 of this Code, or similar provision of a local  
20 ordinance, or Section 9-3 of the Criminal Code of 1961, as  
21 amended, relating to the offense of reckless homicide. The  
22 reporting requirements of this subsection shall also apply to  
23 a truant minor in need of supervision, an addicted minor, or  
24 a delinquent minor and whose driver's license and privilege  
25 to drive a motor vehicle has been ordered suspended for such  
26 times as determined by the Court, but only until he or she  
27 attains 18 years of age. It shall be the duty of the clerk  
28 of the court in which adjudication is had within 10 days  
29 thereafter to forward to the Secretary of State a report of  
30 the adjudication and the court order requiring the Secretary  
31 of State to suspend the minor's driver's license and driving  
32 privilege for such time as determined by the Court, but only  
33 until he or she attains the age of 18 years. All juvenile  
34 court dispositions reported to the Secretary of State under

1 this provision shall be processed by the Secretary of State  
2 as if the cases had been adjudicated in traffic or criminal  
3 court. However, information reported relative to the offense  
4 of reckless homicide, or Section 11-501 of this Code, or a  
5 similar provision of a local ordinance, shall be privileged  
6 and available only to the Secretary of State, courts, and  
7 police officers.

8 (3) Whenever an order is entered vacating the  
9 forfeiture of any bail, security or bond given to secure  
10 appearance for any offense under this Code or similar  
11 offenses under municipal ordinance, it shall be the duty  
12 of the clerk of the court in which such vacation was had  
13 or the judge of such court if such court has no clerk,  
14 within 10 days thereafter to forward to the Secretary of  
15 State a report of the vacation.

16 (4) A report of any disposition of court  
17 supervision for a violation of Sections 6-303, 11-401,  
18 11-501 or a similar provision of a local ordinance,  
19 11-503 and 11-504 shall be forwarded to the Secretary of  
20 State. A report of any disposition of court supervision  
21 for a violation of an offense defined as a serious  
22 traffic violation in this Code or a similar provision of  
23 a local ordinance committed by a person under the age of  
24 21 years shall be forwarded to the Secretary of State.

25 (5) Reports of conviction and sentencing hearing  
26 under the Juvenile Court Act of 1987 in an electronic  
27 format shall be forwarded to the Secretary of State via  
28 the Supreme Court in the form and format required by the  
29 Illinois Supreme Court and established by a written  
30 agreement between the Supreme Court and the Secretary of  
31 State. In counties with a population over 300,000,  
32 instead of forwarding reports to the Supreme Court,  
33 reports of conviction and sentencing hearing under the  
34 Juvenile Court Act of 1987 in an electronic format may be

1 forwarded to the Secretary of State by the Circuit Court  
2 Clerk in a form and format required by the Secretary of  
3 State and established by written agreement between the  
4 Circuit Court Clerk and the Secretary of State. Failure  
5 to forward the reports of conviction or sentencing  
6 hearing under the Juvenile Court Act of 1987 as required  
7 by this Section shall be deemed an omission of duty and  
8 it shall be the duty of the several State's Attorneys to  
9 enforce the requirements of this Section.

10 (b) Whenever a restricted driving permit is forwarded to  
11 a court, as a result of confiscation by a police officer  
12 pursuant to the authority in Section 6-113(f), it shall be  
13 the duty of the clerk, or judge, if the court has no clerk,  
14 to forward such restricted driving permit and a facsimile of  
15 the officer's citation to the Secretary of State as  
16 expeditiously as practicable.

17 (c) For the purposes of this Code, a forfeiture of bail  
18 or collateral deposited to secure a defendant's appearance in  
19 court when forfeiture has not been vacated, or the failure of  
20 a defendant to appear for trial after depositing his driver's  
21 license in lieu of other bail, shall be equivalent to a  
22 conviction.

23 (d) For the purpose of providing the Secretary of State  
24 with records necessary to properly monitor and assess driver  
25 performance and assist the courts in the proper disposition  
26 of repeat traffic law offenders, the clerk of the court shall  
27 forward to the Secretary of State, either on paper or in an  
28 electronic format, in a form prescribed by the Secretary,  
29 records of any disposition of court supervision for any  
30 traffic violation, excluding those listed in paragraph (a)(2)  
31 of this Section, or records of a driver's participation in a  
32 driver remedial or rehabilitative program which was required,  
33 through a court order or court supervision, in relation to  
34 the driver's arrest for a violation of Section 11-501 of this

1 Code or a similar provision of a local ordinance. These  
2 reports shall be sent within 10 days after disposition, or,  
3 if the driver is referred to a driver remedial or  
4 rehabilitative program, within 10 days of the driver's  
5 referral to that program. These reports received by the  
6 Secretary of State, including those required to be forwarded  
7 under paragraph (a)(4), shall be privileged information,  
8 available only (i) to the affected driver and (ii) for use by  
9 the courts, police officers, prosecuting authorities, and the  
10 Secretary of State.

11 (e) For the purpose of protecting law enforcement  
12 officers who make stops or arrests for alleged violations of  
13 this Code or similar provisions of local ordinances, the  
14 Department of State Police, within 6 months after the  
15 effective date of this amendatory Act of the 92nd General  
16 Assembly, shall forward to the Secretary of State the name,  
17 address, and other identifying information of each person who  
18 is a valid holder of a Firearm Owner's Identification Card  
19 issued under the Firearm Owners Identification Card Act and,  
20 within 24 hours after issuance, the name, address, and other  
21 identifying information of each person subsequently issued a  
22 Firearm Owner's Identification Card. The information shall  
23 be compiled in the computerized database that the Secretary  
24 of State maintains concerning driving records of each such  
25 person who holds a driver's license or permit, restricted  
26 driving permit, or judicial driving permit. This information  
27 shall be included in the information accessible to law  
28 enforcement officers in the enforcement of traffic laws.

29 (Source: P.A. 90-369, eff. 1-1-98; 90-590, eff. 1-1-99;  
30 91-357, eff. 7-29-99; 91-716, eff. 10-1-00.)