

1 AN ACT in relation to firearms.

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
5 is amended by changing Sections 2 and 4 and by adding Section
6 15b as follows:

7 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

8 Sec. 2. Firearm Owner's Identification Card required;
9 exceptions.

10 (a) (1) No person may acquire or possess any firearm
11 within this State without having in his or her possession a
12 Firearm Owner's Identification Card previously issued in his
13 or her name by the Department of State Police under the
14 provisions of this Act.

15 (2) No person may acquire or possess firearm ammunition
16 within this State without having in his or her possession a
17 Firearm Owner's Identification Card previously issued in his
18 or her name by the Department of State Police under the
19 provisions of this Act.

20 (b) The provisions of this Section regarding the
21 possession of firearms and firearm ammunition do not apply
22 to:

23 (1) United States Marshals, while engaged in the
24 operation of their official duties;

25 (2) Members of the Armed Forces of the United
26 States or the National Guard, while engaged in the
27 operation of their official duties;

28 (3) Federal officials required to carry firearms,
29 while engaged in the operation of their official duties;

30 (4) Members of bona fide veterans organizations
31 which receive firearms directly from the armed forces of

1 the United States, while using the firearms for
2 ceremonial purposes with blank ammunition;

3 (5) Nonresident hunters during hunting season, with
4 valid nonresident hunting licenses and while in an area
5 where hunting is permitted; however, at all other times
6 and in all other places these persons must have their
7 firearms unloaded and enclosed in a case;

8 (6) Those hunters exempt from obtaining a hunting
9 license who are required to submit their Firearm Owner's
10 Identification Card when hunting on Department of Natural
11 Resources owned or managed sites;

12 (7) Nonresidents while on a firing or shooting
13 range recognized by the Department of State Police;
14 however, these persons must at all other times and in all
15 other places have their firearms unloaded and enclosed in
16 a case;

17 (8) Nonresidents while at a firearm showing or
18 display recognized by the Department of State Police;
19 however, at all other times and in all other places these
20 persons must have their firearms unloaded and enclosed in
21 a case;

22 (9) Nonresidents whose firearms are unloaded and
23 enclosed in a case;

24 (10) Nonresidents who are currently licensed or
25 registered to possess a firearm in their resident state;

26 (11) Unemancipated minors while in the custody and
27 immediate control of their parent or legal guardian or
28 other person in loco parentis to the minor if the parent
29 or legal guardian or other person in loco parentis to the
30 minor has a currently valid Firearm Owner's
31 Identification Card;

32 (12) Color guards of bona fide veterans
33 organizations or members of bona fide American Legion
34 bands while using firearms for ceremonial purposes with

1 blank ammunition;

2 (13) Nonresident hunters whose state of residence
3 does not require them to be licensed or registered to
4 possess a firearm and only during hunting season, with
5 valid hunting licenses, while accompanied by, and using a
6 firearm owned by, a person who possesses a valid Firearm
7 Owner's Identification Card and while in an area within a
8 commercial club licensed under the Wildlife Code where
9 hunting is permitted and controlled, but in no instance
10 upon sites owned or managed by the Department of Natural
11 Resources; and

12 (14) Resident hunters who are properly authorized
13 to hunt and, while accompanied by a person who possesses
14 a valid Firearm Owner's Identification Card, hunt in an
15 area within a commercial club licensed under the Wildlife
16 Code where hunting is permitted and controlled; and-

17 (15) A person who is otherwise eligible to obtain a
18 Firearm Owner's Identification Card under this Act and is
19 under the direct supervision of a holder of a Firearm
20 Owner's Identification Card who is 21 years of age or
21 older while the person is on a firing or shooting range
22 or is a participant in a firearms safety and training
23 course recognized by a law enforcement agency or a
24 national, statewide shooting sports organization.

25 (c) The provisions of this Section regarding the
26 acquisition and possession of firearms and firearm ammunition
27 do not apply to law enforcement officials of this or any
28 other jurisdiction, while engaged in the operation of their
29 official duties.

30 (Source: P.A. 91-694, eff. 4-13-00.)

31 (430 ILCS 65/4) (from Ch. 38, par. 83-4)

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

1 (1) Make application on blank forms prepared and
2 furnished at convenient locations throughout the State by
3 the Department of State Police, or by electronic means,
4 if and when made available by the Department of State
5 Police; and

6 (2) Submit evidence to the Department of State
7 Police that:

8 (i) He or she is 21 years of age or over, or
9 if he or she is under 21 years of age that he or she
10 has the written consent of his or her parent or
11 legal guardian to possess and acquire firearms and
12 firearm ammunition and that he or she has never been
13 convicted of a misdemeanor other than a traffic
14 offense or adjudged delinquent, provided, however,
15 that such parent or legal guardian is not an
16 individual prohibited from having a Firearm Owner's
17 Identification Card and files an affidavit with the
18 Department as prescribed by the Department stating
19 that he or she is not an individual prohibited from
20 having a Card;

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

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

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

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

28 (vi) He or she is not an alien who is
29 unlawfully present in the United States under the
30 laws of the United States;

31 (vii) He or she is not subject to an existing
32 order of protection prohibiting him or her from
33 possessing a firearm;

34 (viii) He or she has not been convicted within

1 the past 5 years of battery, assault, aggravated
2 assault, violation of an order of protection, or a
3 substantially similar offense in another
4 jurisdiction, in which a firearm was used or
5 possessed;

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

10 (x) He or she has not been convicted within
11 the past 5 years of domestic battery or a
12 substantially similar offense in another
13 jurisdiction committed before the effective date of
14 this amendatory Act of 1997; and

15 (3) Upon request by the Department of State Police,
16 sign a release on a form prescribed by the Department of
17 State Police waiving any right to confidentiality and
18 requesting the disclosure to the Department of State
19 Police of limited mental health institution admission
20 information from another state, the District of Columbia,
21 any other territory of the United States, or a foreign
22 nation concerning the applicant for the sole purpose of
23 determining whether the applicant is or was a patient in
24 a mental health institution and disqualified because of
25 that status from receiving a Firearm Owner's
26 Identification Card. No mental health care or treatment
27 records may be requested. The information received shall
28 be destroyed within one year of receipt.

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

33 (a-10) Each applicant for a Firearm Owner's
34 Identification Card, who is employed as an armed security

1 officer at a nuclear energy, storage, weapons, or development
2 facility regulated by the Nuclear Regulatory Commission and
3 who is not an Illinois resident, shall furnish to the
4 Department of State Police his or her driver's license number
5 or state identification card number from his or her state of
6 residence. The Department of State Police may promulgate
7 rules to enforce the provisions of this subsection (a-10).

8 (b) Each application form shall include the following
9 statement printed in bold type: "Warning: Entering false
10 information on an application for a Firearm Owner's
11 Identification Card is punishable as a Class 2 felony in
12 accordance with subsection (d-5) of Section 14 of the Firearm
13 Owners Identification Card Act."

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

18 (Source: P.A. 91-514, eff. 1-1-00; 91-694, eff. 4-13-00;
19 92-442, eff. 8-17-01.)

20 (430 ILCS 65/15b new)

21 Sec. 15b. Certified abstracts. Any certified abstract
22 issued by the Director of State Police or transmitted
23 electronically by the Director of State Police under this
24 Section to a court or on request of a law enforcement agency
25 for the record of a named person as to the status of the
26 person's Firearm Owner's Identification Card is prima facie
27 evidence of the facts stated in the certified abstract and if
28 the name appearing in the abstract is the same as that of a
29 person named in an information or warrant, the abstract is
30 prima facie evidence that the person named in the information
31 or warrant is the same person as the person named in the
32 abstract and is admissible for any prosecution under this Act
33 or any other applicable violation of law and may be admitted

1 as proof of any prior conviction or proof of records,
 2 notices, or orders recorded on individual Firearm Owner's
 3 Identification Card records maintained by the Department of
 4 State Police.

5 Section 10. The Criminal Code of 1961 is amended by
 6 changing Section 24-3.1 as follows:

7 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

8 Sec. 24-3.1. Unlawful possession of firearms and firearm
 9 ammunition.

10 (a) A person commits the offense of unlawful possession
 11 of firearms or firearm ammunition when:

12 (1) He is under 18 years of age and has in his
 13 possession any firearm of a size which may be concealed
 14 upon the person; or

15 (2) He is under 21 years of age, has been convicted
 16 of a misdemeanor other than a traffic offense or adjudged
 17 delinquent and has any firearms or firearm ammunition in
 18 his possession; or

19 (3) He is a narcotic addict and has any firearms or
 20 firearm ammunition in his possession; or

21 (4) He has been a patient in a mental hospital
 22 within the past 5 years and has any firearms or firearm
 23 ammunition in his possession; or

24 (5) He is mentally retarded and has any firearms or
 25 firearm ammunition in his possession; or

26 (6) He has in his possession any explosive bullet.

27 For purposes of this paragraph "explosive bullet" means
 28 the projectile portion of an ammunition cartridge which
 29 contains or carries an explosive charge which will explode
 30 upon contact with the flesh of a human or an animal.
 31 "Cartridge" means a tubular metal case having a projectile
 32 affixed at the front thereof and a cap or primer at the rear

1 end thereof, with the propellant contained in such tube
2 between the projectile and the cap; or

3 (b) Sentence.

4 Unlawful possession of firearms, other than handguns, and
5 firearm ammunition is a Class A misdemeanor. Unlawful
6 possession of handguns is a Class 4 felony.

7 (c) Nothing in paragraph (1) of subsection (a) of this
8 Section prohibits a person under 18 years of age from
9 participating in any lawful recreational activity with a
10 firearm such as, but not limited to, practice shooting at
11 targets upon established public or private target ranges or
12 hunting, trapping, or fishing in accordance with the Wildlife
13 Code or the Fish and Aquatic Life Code.

14 (Source: P.A. 91-696, eff. 4-13-00.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.