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Contact: Robyn Ziegler
312-814-3118
877-844-5461 (TTY)
rziegler@atg.state.il.us

**MADIGAN ANNOUNCES NEW LEGISLATION IN RESPONSE TO
THE VIRGINIA TECH TRAGEDY REQUIRING ILLINOIS TO
PARTICIPATE IN FEDERAL GUN BACKGROUND CHECK
DATABASE**

*New Legislation Closes Loopholes in Law Increasing Protections
Against Gun Violence*

Springfield – Attorney General Lisa Madigan today announced new legislation in response to the Virginia Tech tragedy to require Illinois to participate in the federal government’s National Instant Criminal Background Check System and to close loopholes in existing Illinois law to keep guns out of the hands of prohibited purchasers. Senate Bill 940, sponsored by Senator Dan Kotowski (D – 33rd) and Representative Harry Osterman (D – 14th), proposes two key changes to make sure that Illinois law effectively prevents access to firearms by those who are prohibited from purchasing or owning guns.

First, the bill requires Illinois to share information about persons who are prohibited gun purchasers under federal or state law with the federal government’s National Instant Criminal Background Check System (NICS). NICS was established under the 1993 Brady Handgun Violence Prevention Act and is designed to allow any federal firearm licensee to be immediately supplied with information concerning whether a prospective gun purchaser is prohibited under state or federal law from owning a firearm.

Currently, 22 states share information with NICS regarding individuals prohibited from purchasing firearms under state and federal law. Illinois does not share information with NICS. It is critical that Illinois begin sharing information regarding prohibited gun buyers and owners with the NICS database so that persons who are prohibited gun purchasers cannot circumvent state or federal law by crossing state lines. Illinois’ participation in NICS will give other states the information they need to prevent individuals prohibited under state or federal law from purchasing firearms.

“The background check databases exist to make sure that we can enforce the gun laws and protect people throughout the country,” Madigan said. “The Illinois and federal background check databases should work together seamlessly to prevent prohibited purchases of firearms. Every state needs to do this.”

Second, SB 940 would close a significant gap in the laws governing gun purchases. Illinois law currently mandates that the Illinois State Police deny an

application for or revoke a current Firearm Owner's Identification Card (FOID card) for a person whose mental condition poses a clear and present danger to themselves, to others or to the community. However, under the present law, the Illinois State Police only receive notice of people who have received inpatient mental health treatment. Information concerning a person whose mental condition poses a clear and present danger to themselves, to others or to the community, but who has received outpatient, and not inpatient, mental health treatment is not submitted to the Illinois State Police. Consequently, the Illinois State Police background check system does not capture the information needed to ensure that a person who is precluded under the law from holding a FOID card cannot purchase a firearm.

"SB 940 would close the current loophole in Illinois law by mandating that the Illinois State Police receive sufficient information to effectively enforce the FOID Act," said Senator Dan Kotowski. "It is a loophole that needs to be closed in order to protect Illinoisans from gun violence."

"The Virginia Tech tragedy revealed the need to ensure that all people who pose a clear and present danger to others be shared with law enforcement and entered into NICS, preventing them from purchasing a firearm," Madigan said.

SB 940 would close that loophole by mandating that the Illinois State Police receive sufficient information to effectively enforce the FOID Act. Specifically, SB 940 requires that hospitals and mental health facilities report information to the Illinois State Police concerning individuals who because of their mental condition are prohibited from purchasing a gun, regardless of whether the individuals received inpatient or outpatient mental health treatment.

Illinois State Police acts as the Point of Contact for the National Instant Background Check System and all federally licensed firearm dealers in Illinois are required to contact the Illinois State Police to determine whether the prospective gun purchaser is prohibited under federal or state law from purchasing a firearm.

Additionally, SB 940 is designed to make sure that Illinois State Police records are up-to-date by requiring that hospitals and mental health facilities report this information to the Illinois State Police within seven days of admission or provision of mental health services. The current law requires reporting within 30 days of admission to a hospital for inpatient treatment.

"This legislation strengthens existing laws," said State Representative Harry Osterman. "More thorough and timelier reporting requirements will better protect the public."

"Our laws make it clear that people who pose a danger to themselves or others should not be able to purchase or own a firearm. But those laws are only as effective as the information available to prevent unlawful purchases," said Madigan. "By closing this loophole in Illinois law, we can make it significantly harder for people who cannot legally own a gun to obtain one."