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

## **SENATE PASSES LEGISLATION INCREASING PROTECTIONS AGAINST GUN VIOLENCE**

### ***SB 940 Requires Illinois to Participate in Federal Gun Background Check Database, Closes Loopholes in Reporting System***

Springfield — Senate Bill 940 overwhelmingly passed the Illinois State Senate today with a vote of 48-4-1 and is on its way to the Governor. The legislation, initiated by Attorney General Lisa Madigan in response to the Virginia Tech tragedy, requires Illinois to participate in the federal government's National Instant Criminal Background Check System (NICS) and closes loopholes in existing Illinois law to keep guns out of the hands of prohibited purchasers.

"This is an important victory for all Illinoisans," said Attorney General Madigan. "Our communities will be safer because of the increased protections in this legislation, preventing those who pose a clear and present danger to others from purchasing firearms."

Senate Bill 940, sponsored by Senator Dan Kotowski (D - 33rd) and Representative Harry Osterman (D -14th), contains 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 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.

Once signed into law by the Governor, Illinois will join over 20 other states in sharing information with NICS regarding individuals prohibited from purchasing firearms under state and federal law. Information shared between states through NICS is critical to preventing the sale of guns to those who attempt to circumvent prevention measures by crossing state lines.

When signed into law, SB 940 also will 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 himself or herself, 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 an imminent danger to himself or herself, 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 receive the information needed to enforce the FOID card prohibitions and to make sure a person who is precluded under the law from holding a FOID card cannot own a firearm.

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

The Illinois State Police acts as the point of contact for NICS 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.

"People who are dangerous to themselves and others shouldn't fall through the cracks in the system," said Senator Dan Kotowski. "This bill will ensure that the Illinois State Police receive information that they need to enforce the gun safety laws. As a result, it will help to ensure the safety of our citizens."

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 bill is an important step forward in protecting our communities from gun violence," said Representative Harry Osterman. "With this measure, we are working with law enforcement to make sure that guns don't get into the hands of people who are a clear danger to others. We are strengthening the laws and protecting our communities."

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