



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5913

by Rep. Kathleen Willis

SYNOPSIS AS INTRODUCED:

430 ILCS 65/3

from Ch. 38, par. 83-3

Amends the Firearm Owners Identification Card Act if and only if Senate Bill 337 of the 100th General Assembly becomes law. Deletes provision that a transferee shall not be criminally liable under the Act provided that he or she provides the Department of State Police with the transfer records in accordance with procedures established by the Department and deletes provision that the Department shall establish, by rule, a standard form on its website. Effective upon becoming law or on the date Senate Bill 337 of the 100th General Assembly takes effect, whichever is later.

LRB100 22324 RLC 41146 b

1 AN ACT concerning criminal law.

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

4 Section 5. If and only if Senate Bill 337 of the 100th
5 General Assembly becomes law, then the Firearm Owners
6 Identification Card Act is amended by changing Section 3 as
7 follows:

8 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

9 Sec. 3. (a) Except as provided in Section 3a, no person may
10 knowingly transfer, or cause to be transferred, any firearm,
11 firearm ammunition, stun gun, or taser to any person within
12 this State unless the transferee with whom he deals displays
13 either: (1) a currently valid Firearm Owner's Identification
14 Card which has previously been issued in his or her name by the
15 Department of State Police under the provisions of this Act; or
16 (2) a currently valid license to carry a concealed firearm
17 which has previously been issued in his or her name by the
18 Department of State Police under the Firearm Concealed Carry
19 Act. In addition, all firearm, stun gun, and taser transfers by
20 federally licensed firearm dealers are subject to Section 3.1.

21 (a-5) Any person who is not a federally licensed firearm
22 dealer and who desires to transfer or sell a firearm while that
23 person is on the grounds of a gun show must, before selling or

1 transferring the firearm, request the Department of State
2 Police to conduct a background check on the prospective
3 recipient of the firearm in accordance with Section 3.1.

4 (a-10) Notwithstanding item (2) of subsection (a) of this
5 Section, any person who is not a federally licensed firearm
6 dealer and who desires to transfer or sell a firearm or
7 firearms to any person who is not a federally licensed firearm
8 dealer shall, before selling or transferring the firearms,
9 contact the Department of State Police with the transferee's or
10 purchaser's Firearm Owner's Identification Card number to
11 determine the validity of the transferee's or purchaser's
12 Firearm Owner's Identification Card. This subsection shall not
13 be effective until January 1, 2014. The Department of State
14 Police may adopt rules concerning the implementation of this
15 subsection. The Department of State Police shall provide the
16 seller or transferor an approval number if the purchaser's
17 Firearm Owner's Identification Card is valid. Approvals issued
18 by the Department for the purchase of a firearm pursuant to
19 this subsection are valid for 30 days from the date of issue.

20 (a-15) The provisions of subsection (a-10) of this Section
21 do not apply to:

22 (1) transfers that occur at the place of business of a
23 federally licensed firearm dealer, if the federally
24 licensed firearm dealer conducts a background check on the
25 prospective recipient of the firearm in accordance with
26 Section 3.1 of this Act and follows all other applicable

1 federal, State, and local laws as if he or she were the
2 seller or transferor of the firearm, although the dealer is
3 not required to accept the firearm into his or her
4 inventory. The purchaser or transferee may be required by
5 the federally licensed firearm dealer to pay a fee not to
6 exceed \$10 per firearm, which the dealer may retain as
7 compensation for performing the functions required under
8 this paragraph, plus the applicable fees authorized by
9 Section 3.1;

10 (2) transfers as a bona fide gift to the transferor's
11 husband, wife, son, daughter, stepson, stepdaughter,
12 father, mother, stepfather, stepmother, brother, sister,
13 nephew, niece, uncle, aunt, grandfather, grandmother,
14 grandson, granddaughter, father-in-law, mother-in-law,
15 son-in-law, or daughter-in-law;

16 (3) transfers by persons acting pursuant to operation
17 of law or a court order;

18 (4) transfers on the grounds of a gun show under
19 subsection (a-5) of this Section;

20 (5) the delivery of a firearm by its owner to a
21 gunsmith for service or repair, the return of the firearm
22 to its owner by the gunsmith, or the delivery of a firearm
23 by a gunsmith to a federally licensed firearms dealer for
24 service or repair and the return of the firearm to the
25 gunsmith;

26 (6) temporary transfers that occur while in the home of

1 the unlicensed transferee, if the unlicensed transferee is
2 not otherwise prohibited from possessing firearms and the
3 unlicensed transferee reasonably believes that possession
4 of the firearm is necessary to prevent imminent death or
5 great bodily harm to the unlicensed transferee;

6 (7) transfers to a law enforcement or corrections
7 agency or a law enforcement or corrections officer acting
8 within the course and scope of his or her official duties;

9 (8) transfers of firearms that have been rendered
10 permanently inoperable to a nonprofit historical society,
11 museum, or institutional collection; and

12 (9) transfers to a person who is exempt from the
13 requirement of possessing a Firearm Owner's Identification
14 Card under Section 2 of this Act.

15 (a-20) The Department of State Police shall develop an
16 Internet-based system for individuals to determine the
17 validity of a Firearm Owner's Identification Card prior to the
18 sale or transfer of a firearm. The Department shall have the
19 Internet-based system completed and available for use by July
20 1, 2015. The Department shall adopt rules not inconsistent with
21 this Section to implement this system.

22 (b) Any person within this State who transfers or causes to
23 be transferred any firearm, stun gun, or taser shall keep a
24 record of such transfer for a period of 10 years from the date
25 of transfer. Such record shall contain the date of the
26 transfer; the description, serial number or other information

1 identifying the firearm, stun gun, or taser if no serial number
2 is available; and, if the transfer was completed within this
3 State, the transferee's Firearm Owner's Identification Card
4 number and any approval number or documentation provided by the
5 Department of State Police pursuant to subsection (a-10) of
6 this Section; if the transfer was not completed within this
7 State, the record shall contain the name and address of the
8 transferee. On or after January 1, 2006, the record shall
9 contain the date of application for transfer of the firearm. On
10 demand of a peace officer such transferor shall produce for
11 inspection such record of transfer. If the transfer or sale
12 took place at a gun show, the record shall include the unique
13 identification number. Failure to record the unique
14 identification number or approval number is a petty offense.
15 For transfers of a firearm, stun gun, or taser made on or after
16 the effective date of this amendatory Act of the 100th General
17 Assembly, failure by the private seller to maintain the
18 transfer records in accordance with this Section is a Class A
19 misdemeanor for the first offense and a Class 4 felony for a
20 second or subsequent offense. ~~A transferee shall not be
21 criminally liable under this Section provided that he or she
22 provides the Department of State Police with the transfer
23 records in accordance with procedures established by the
24 Department. The Department shall establish, by rule, a standard
25 form on its website.~~

26 (b-5) Any resident may purchase ammunition from a person

1 within or outside of Illinois if shipment is by United States
2 mail or by a private express carrier authorized by federal law
3 to ship ammunition. Any resident purchasing ammunition within
4 or outside the State of Illinois must provide the seller with a
5 copy of his or her valid Firearm Owner's Identification Card or
6 valid concealed carry license and either his or her Illinois
7 driver's license or Illinois State Identification Card prior to
8 the shipment of the ammunition. The ammunition may be shipped
9 only to an address on either of those 2 documents.

10 (c) The provisions of this Section regarding the transfer
11 of firearm ammunition shall not apply to those persons
12 specified in paragraph (b) of Section 2 of this Act.

13 (Source: P.A. 98-508, eff. 8-19-13; 99-29, eff. 7-10-15;
14 10000SB0337enr.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law or on the date Senate Bill 337 of the 100th
17 General Assembly takes effect, whichever is later.