



Sen. Julie A. Morrison

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1 AMENDMENT TO SENATE BILL 315

2 AMENDMENT NO. _____. Amend Senate Bill 315 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Sections 1, 1.1, 2, 3, and 3.1 as follows:

6 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

7 Sec. 1. It is hereby declared as a matter of legislative
8 determination that in order to promote and protect the health,
9 safety, and welfare of the public, it is necessary and in the
10 public interest to provide a system of identifying persons who
11 are not qualified to acquire or possess firearms, pre-packaged
12 explosive components, firearm ammunition, stun guns, and
13 tasers within the State of Illinois by the establishment of a
14 system of Firearm Owner's Identification Cards, thereby
15 establishing a practical and workable system by which law
16 enforcement authorities will be afforded an opportunity to

1 identify those persons who are prohibited by Section 24-3.1 of
2 the Criminal Code of 2012, from acquiring or possessing
3 firearms and firearm ammunition and who are prohibited by this
4 Act from acquiring stun guns and tasers.

5 (Source: P.A. 97-1150, eff. 1-25-13.)

6 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

7 Sec. 1.1. For purposes of this Act:

8 "Addicted to narcotics" means a person who has been:

9 (1) convicted of an offense involving the use or
10 possession of cannabis, a controlled substance, or
11 methamphetamine within the past year; or

12 (2) determined by the Department of State Police to be
13 addicted to narcotics based upon federal law or federal
14 guidelines.

15 "Addicted to narcotics" does not include possession or use
16 of a prescribed controlled substance under the direction and
17 authority of a physician or other person authorized to
18 prescribe the controlled substance when the controlled
19 substance is used in the prescribed manner.

20 "Adjudicated as a person with a mental disability" means
21 the person is the subject of a determination by a court, board,
22 commission or other lawful authority that the person, as a
23 result of marked subnormal intelligence, or mental illness,
24 mental impairment, incompetency, condition, or disease:

25 (1) presents a clear and present danger to himself,

1 herself, or to others;

2 (2) lacks the mental capacity to manage his or her own
3 affairs or is adjudicated a person with a disability as
4 defined in Section 11a-2 of the Probate Act of 1975;

5 (3) is not guilty in a criminal case by reason of
6 insanity, mental disease or defect;

7 (3.5) is guilty but mentally ill, as provided in
8 Section 5-2-6 of the Unified Code of Corrections;

9 (4) is incompetent to stand trial in a criminal case;

10 (5) is not guilty by reason of lack of mental
11 responsibility under Articles 50a and 72b of the Uniform
12 Code of Military Justice, 10 U.S.C. 850a, 876b;

13 (6) is a sexually violent person under subsection (f)
14 of Section 5 of the Sexually Violent Persons Commitment
15 Act;

16 (7) is a sexually dangerous person under the Sexually
17 Dangerous Persons Act;

18 (8) is unfit to stand trial under the Juvenile Court
19 Act of 1987;

20 (9) is not guilty by reason of insanity under the
21 Juvenile Court Act of 1987;

22 (10) is subject to involuntary admission as an
23 inpatient as defined in Section 1-119 of the Mental Health
24 and Developmental Disabilities Code;

25 (11) is subject to involuntary admission as an
26 outpatient as defined in Section 1-119.1 of the Mental

1 Health and Developmental Disabilities Code;

2 (12) is subject to judicial admission as set forth in
3 Section 4-500 of the Mental Health and Developmental
4 Disabilities Code; or

5 (13) is subject to the provisions of the Interstate
6 Agreements on Sexually Dangerous Persons Act.

7 "Clear and present danger" means a person who:

8 (1) communicates a serious threat of physical violence
9 against a reasonably identifiable victim or poses a clear
10 and imminent risk of serious physical injury to himself,
11 herself, or another person as determined by a physician,
12 clinical psychologist, or qualified examiner; or

13 (2) demonstrates threatening physical or verbal
14 behavior, such as violent, suicidal, or assaultive
15 threats, actions, or other behavior, as determined by a
16 physician, clinical psychologist, qualified examiner,
17 school administrator, or law enforcement official.

18 "Clinical psychologist" has the meaning provided in
19 Section 1-103 of the Mental Health and Developmental
20 Disabilities Code.

21 "Controlled substance" means a controlled substance or
22 controlled substance analog as defined in the Illinois
23 Controlled Substances Act.

24 "Counterfeit" means to copy or imitate, without legal
25 authority, with intent to deceive.

26 "Federally licensed firearm dealer" means a person who is

1 licensed as a federal firearms dealer under Section 923 of the
2 federal Gun Control Act of 1968 (18 U.S.C. 923).

3 "Firearm" means any device, by whatever name known, which
4 is designed to expel a projectile or projectiles by the action
5 of an explosion, expansion of gas or escape of gas; excluding,
6 however:

7 (1) any pneumatic gun, spring gun, paint ball gun, or
8 B-B gun which expels a single globular projectile not
9 exceeding .18 inch in diameter or which has a maximum
10 muzzle velocity of less than 700 feet per second;

11 (1.1) any pneumatic gun, spring gun, paint ball gun, or
12 B-B gun which expels breakable paint balls containing
13 washable marking colors;

14 (2) any device used exclusively for signalling or
15 safety and required or recommended by the United States
16 Coast Guard or the Interstate Commerce Commission;

17 (3) any device used exclusively for the firing of stud
18 cartridges, explosive rivets or similar industrial
19 ammunition; and

20 (4) an antique firearm (other than a machine-gun)
21 which, although designed as a weapon, the Department of
22 State Police finds by reason of the date of its
23 manufacture, value, design, and other characteristics is
24 primarily a collector's item and is not likely to be used
25 as a weapon.

26 "Firearm ammunition" means any self-contained cartridge or

1 shotgun shell, by whatever name known, which is designed to be
2 used or adaptable to use in a firearm; excluding, however:

3 (1) any ammunition exclusively designed for use with a
4 device used exclusively for signalling or safety and
5 required or recommended by the United States Coast Guard or
6 the Interstate Commerce Commission; and

7 (2) any ammunition designed exclusively for use with a
8 stud or rivet driver or other similar industrial
9 ammunition.

10 "Gun show" means an event or function:

11 (1) at which the sale and transfer of firearms is the
12 regular and normal course of business and where 50 or more
13 firearms are displayed, offered, or exhibited for sale,
14 transfer, or exchange; or

15 (2) at which not less than 10 gun show vendors display,
16 offer, or exhibit for sale, sell, transfer, or exchange
17 firearms.

18 "Gun show" includes the entire premises provided for an
19 event or function, including parking areas for the event or
20 function, that is sponsored to facilitate the purchase, sale,
21 transfer, or exchange of firearms as described in this Section.
22 Nothing in this definition shall be construed to exclude a gun
23 show held in conjunction with competitive shooting events at
24 the World Shooting Complex sanctioned by a national governing
25 body in which the sale or transfer of firearms is authorized
26 under subparagraph (5) of paragraph (g) of subsection (A) of

1 Section 24-3 of the Criminal Code of 2012.

2 Unless otherwise expressly stated, "gun show" does not
3 include training or safety classes, competitive shooting
4 events, such as rifle, shotgun, or handgun matches, trap,
5 skeet, or sporting clays shoots, dinners, banquets, raffles, or
6 any other event where the sale or transfer of firearms is not
7 the primary course of business.

8 "Gun show promoter" means a person who organizes or
9 operates a gun show.

10 "Gun show vendor" means a person who exhibits, sells,
11 offers for sale, transfers, or exchanges any firearms at a gun
12 show, regardless of whether the person arranges with a gun show
13 promoter for a fixed location from which to exhibit, sell,
14 offer for sale, transfer, or exchange any firearm.

15 "Involuntarily admitted" has the meaning as prescribed in
16 Sections 1-119 and 1-119.1 of the Mental Health and
17 Developmental Disabilities Code.

18 "Mental health facility" means any licensed private
19 hospital or hospital affiliate, institution, or facility, or
20 part thereof, and any facility, or part thereof, operated by
21 the State or a political subdivision thereof which provide
22 treatment of persons with mental illness and includes all
23 hospitals, institutions, clinics, evaluation facilities,
24 mental health centers, colleges, universities, long-term care
25 facilities, and nursing homes, or parts thereof, which provide
26 treatment of persons with mental illness whether or not the

1 primary purpose is to provide treatment of persons with mental
2 illness.

3 "National governing body" means a group of persons who
4 adopt rules and formulate policy on behalf of a national
5 firearm sporting organization.

6 "Patient" means:

7 (1) a person who voluntarily receives mental health
8 treatment as an in-patient or resident of any public or
9 private mental health facility, unless the treatment was
10 solely for an alcohol abuse disorder and no other secondary
11 substance abuse disorder or mental illness; or

12 (2) a person who voluntarily receives mental health
13 treatment as an out-patient or is provided services by a
14 public or private mental health facility, and who poses a
15 clear and present danger to himself, herself, or to others.

16 "Person with a developmental disability" means a person
17 with a disability which is attributable to any other condition
18 which results in impairment similar to that caused by an
19 intellectual disability and which requires services similar to
20 those required by persons with intellectual disabilities. The
21 disability must originate before the age of 18 years, be
22 expected to continue indefinitely, and constitute a
23 substantial disability. This disability results, in the
24 professional opinion of a physician, clinical psychologist, or
25 qualified examiner, in significant functional limitations in 3
26 or more of the following areas of major life activity:

- 1 (i) self-care;
- 2 (ii) receptive and expressive language;
- 3 (iii) learning;
- 4 (iv) mobility; or
- 5 (v) self-direction.

6 "Person with an intellectual disability" means a person
7 with a significantly subaverage general intellectual
8 functioning which exists concurrently with impairment in
9 adaptive behavior and which originates before the age of 18
10 years.

11 "Physician" has the meaning as defined in Section 1-120 of
12 the Mental Health and Developmental Disabilities Code.

13 "Pre-packaged explosive components" has the same meaning
14 ascribed to the term in Section 24-4.3 of the Criminal Code of
15 2012.

16 "Qualified examiner" has the meaning provided in Section
17 1-122 of the Mental Health and Developmental Disabilities Code.

18 "Sanctioned competitive shooting event" means a shooting
19 contest officially recognized by a national or state shooting
20 sport association, and includes any sight-in or practice
21 conducted in conjunction with the event.

22 "School administrator" means the person required to report
23 under the School Administrator Reporting of Mental Health Clear
24 and Present Danger Determinations Law.

25 "Stun gun or taser" has the meaning ascribed to it in
26 Section 24-1 of the Criminal Code of 2012.

1 (Source: P.A. 98-63, eff. 7-9-13; 99-29, eff. 7-10-15; 99-143,
2 eff. 7-27-15; 99-642, eff. 7-28-16.)

3 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

4 Sec. 2. Firearm Owner's Identification Card required;
5 exceptions.

6 (a) (1) No person may acquire or possess any firearm,
7 pre-packaged explosive components, stun gun, or taser within
8 this State without having in his or her possession a Firearm
9 Owner's Identification Card previously issued in his or her
10 name by the Department of State Police under the provisions of
11 this Act.

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

17 (b) The provisions of this Section regarding the possession
18 of firearms, firearm ammunition, stun guns, and tasers do not
19 apply to:

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

22 (2) Members of the Armed Forces of the United States or
23 the National Guard, while engaged in the operation of their
24 official duties;

25 (3) Federal officials required to carry firearms,

1 while engaged in the operation of their official duties;

2 (4) Members of bona fide veterans organizations which
3 receive firearms directly from the armed forces of the
4 United States, while using the firearms for ceremonial
5 purposes with blank ammunition;

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

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

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

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

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

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

1 (11) Unemancipated minors while in the custody and
2 immediate control of their parent or legal guardian or
3 other person in loco parentis to the minor if the parent or
4 legal guardian or other person in loco parentis to the
5 minor has a currently valid Firearm Owner's Identification
6 Card;

7 (12) Color guards of bona fide veterans organizations
8 or members of bona fide American Legion bands while using
9 firearms for ceremonial purposes with blank ammunition;

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

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

25 (15) A person who is otherwise eligible to obtain a
26 Firearm Owner's Identification Card under this Act and is

1 under the direct supervision of a holder of a Firearm
2 Owner's Identification Card who is 21 years of age or older
3 while the person is on a firing or shooting range or is a
4 participant in a firearms safety and training course
5 recognized by a law enforcement agency or a national,
6 statewide shooting sports organization; and

7 (16) Competitive shooting athletes whose competition
8 firearms are sanctioned by the International Olympic
9 Committee, the International Paralympic Committee, the
10 International Shooting Sport Federation, or USA Shooting
11 in connection with such athletes' training for and
12 participation in shooting competitions at the 2016 Olympic
13 and Paralympic Games and sanctioned test events leading up
14 to the 2016 Olympic and Paralympic Games.

15 (c) The provisions of this Section regarding the
16 acquisition and possession of firearms, pre-packaged explosive
17 components, firearm ammunition, stun guns, and tasers do not
18 apply to law enforcement officials of this or any other
19 jurisdiction, while engaged in the performance ~~operation~~ of
20 their official duties.

21 (c-5) The provisions of paragraphs (1) and (2) of
22 subsection (a) of this Section regarding the possession of
23 firearms and firearm ammunition do not apply to the holder of a
24 valid concealed carry license issued under the Firearm
25 Concealed Carry Act who is in physical possession of the
26 concealed carry license.

1 (c-10) The provisions of paragraph (1) of subsection (a) of
2 this Section regarding the acquisition and possession of
3 pre-packaged explosive components do not apply to:

4 (1) Members of the Armed Services or Reserves
5 Forces of the United States or the Illinois National Guard
6 while in the performance of their official duty.

7 (2) Persons licensed under State and federal law to
8 manufacture, import, or sell pre-packaged explosive
9 components, and actually engaged in that business, but only
10 with respect to activities which are within the lawful
11 scope of the business, including the manufacture,
12 transportation, or testing of pre-packaged explosive
13 components.

14 (3) Contractors or subcontractors engaged in the
15 manufacture, transport, testing, delivery, transfer or
16 sale, and lawful experimental activities under a contract
17 or subcontract for the development and supply of the
18 product to the United States government or any branch of
19 the Armed Forces of the United States, when those
20 activities are necessary and incident to fulfilling the
21 terms of the contract. The exemption granted under this
22 paragraph (3) shall also apply to any authorized agent of
23 any contractor or subcontractor described in this
24 paragraph (3) who is operating within the scope of his or
25 her employment, when the activities involving the
26 pre-packaged explosive components are necessary and

1 incident to fulfilling the terms of the contract.

2 (4) Sales clerks or retail merchants selling or
3 transferring pre-packaged explosive components.

4 (d) Any person who becomes a resident of this State, who is
5 not otherwise prohibited from obtaining, possessing, or using a
6 firearm or firearm ammunition, shall not be required to have a
7 Firearm Owner's Identification Card to possess firearms or
8 firearms ammunition until 60 calendar days after he or she
9 obtains an Illinois driver's license or Illinois
10 Identification Card.

11 (Source: P.A. 99-29, eff. 7-10-15.)

12 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

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

1 subject to Section 3.1.

2 (a-5) Any person who is not a federally licensed firearm
3 dealer and who desires to transfer or sell a firearm while that
4 person is on the grounds of a gun show must, before selling or
5 transferring the firearm, request the Department of State
6 Police to conduct a background check on the prospective
7 recipient of the firearm in accordance with Section 3.1.

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

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

26 (1) transfers that occur at the place of business of a

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

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

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

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

24 (5) the delivery of a firearm by its owner to a
25 gunsmith for service or repair, the return of the firearm
26 to its owner by the gunsmith, or the delivery of a firearm

1 by a gunsmith to a federally licensed firearms dealer for
2 service or repair and the return of the firearm to the
3 gunsmith;

4 (6) temporary transfers that occur while in the home of
5 the unlicensed transferee, if the unlicensed transferee is
6 not otherwise prohibited from possessing firearms and the
7 unlicensed transferee reasonably believes that possession
8 of the firearm is necessary to prevent imminent death or
9 great bodily harm to the unlicensed transferee;

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

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

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

19 (a-20) The Department of State Police shall develop an
20 Internet-based system for individuals to determine the
21 validity of a Firearm Owner's Identification Card prior to the
22 sale or transfer of a firearm. The Department shall have the
23 Internet-based system completed and available for use by July
24 1, 2015. The Department shall adopt rules not inconsistent with
25 this Section to implement this system.

26 (b) Any person within this State who transfers or causes to

1 be transferred any firearm, pre-packaged explosive components,
2 stun gun, or taser shall keep a record of the ~~such~~ transfer for
3 a period of 10 years from the date of transfer. The ~~Such~~ record
4 shall contain the date of the transfer; the description, serial
5 number or other information identifying the firearm,
6 pre-packaged explosive components, stun gun, or taser if no
7 serial number is available; and, if the transfer was completed
8 within this State, the transferee's Firearm Owner's
9 Identification Card number and any approval number or
10 documentation provided by the Department of State Police under
11 ~~pursuant to~~ subsection (a-10) of this Section. On or after
12 January 1, 2006, the record shall contain the date of
13 application for transfer of the firearm. On demand of a peace
14 officer the ~~such~~ transferor shall produce for inspection the
15 ~~such~~ record of transfer. If the transfer or sale took place at
16 a gun show, the record shall include the unique identification
17 number. Failure to record the unique identification number or
18 approval number is a petty offense.

19 (b-5) Any resident may purchase ammunition from a person
20 within or outside of Illinois if shipment is by United States
21 mail or by a private express carrier authorized by federal law
22 to ship ammunition. Any resident purchasing ammunition within
23 or outside the State of Illinois must provide the seller with a
24 copy of his or her valid Firearm Owner's Identification Card or
25 valid concealed carry license and either his or her Illinois
26 driver's license or Illinois State Identification Card prior to

1 the shipment of the ammunition. The ammunition may be shipped
2 only to an address on either of those 2 documents.

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

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

7 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

8 Sec. 3.1. Dial up system.

9 (a) The Department of State Police shall provide a dial up
10 telephone system or utilize other existing technology which
11 shall be used by any federally licensed firearm dealer, gun
12 show promoter, or gun show vendor who is to transfer a firearm,
13 stun gun, or taser under the provisions of this Act. The
14 Department of State Police may utilize existing technology
15 which allows the caller to be charged a fee not to exceed \$2.
16 Fees collected by the Department of State Police shall be
17 deposited in the State Police Services Fund and used to provide
18 the service.

19 (b) Upon receiving a request from a federally licensed
20 firearm dealer, gun show promoter, or gun show vendor, the
21 Department of State Police shall immediately approve, or within
22 the time period established by Section 24-3 of the Criminal
23 Code of 2012 regarding the delivery of firearms, stun guns, and
24 tasers notify the inquiring dealer, gun show promoter, or gun
25 show vendor of any objection that would disqualify the

1 transferee from acquiring or possessing a firearm, stun gun, or
2 taser. In conducting the inquiry, the Department of State
3 Police shall initiate and complete an automated search of its
4 criminal history record information files and those of the
5 Federal Bureau of Investigation, including the National
6 Instant Criminal Background Check System, and of the files of
7 the Department of Human Services relating to mental health and
8 developmental disabilities to obtain any felony conviction or
9 patient hospitalization information which would disqualify a
10 person from obtaining or require revocation of a currently
11 valid Firearm Owner's Identification Card.

12 (c) If receipt of a firearm would not violate Section 24-3
13 of the Criminal Code of 2012, federal law, or this Act the
14 Department of State Police shall:

15 (1) assign a unique identification number to the
16 transfer; and

17 (2) provide the licensee, gun show promoter, or gun
18 show vendor with the number.

19 (d) Approvals issued by the Department of State Police for
20 the purchase of a firearm are valid for 30 days from the date
21 of issue.

22 (d-5) Upon receiving a request from a federally licensed
23 firearm dealer, the Department of State Police shall
24 immediately approve or disprove the delivery of pre-packaged
25 explosive components and notify the inquiring dealer of any
26 objection that would disqualify the transferee from acquiring

1 or possessing pre-packaged explosive components. In conducting
2 the inquiry, the Department of State Police shall initiate and
3 complete an automated search of its criminal history record
4 information files and those of the Federal Bureau of
5 Investigation, including the National Instant Criminal
6 Background Check System, and of the files of the Department of
7 Human Services relating to mental health and developmental
8 disabilities to obtain any felony conviction or patient
9 hospitalization information which would disqualify a person
10 from obtaining or require revocation of a currently valid
11 Firearm Owner's Identification Card.

12 (d-10) If the receipt of pre-packaged explosive components
13 would not violate this Act, the Department of State Police
14 shall:

15 (1) assign a unique identification number to the
16 transfer; and

17 (2) provide the licensee with the number.

18 (d-15) Approvals issued by the Department of State Police
19 for the purchase of a pre-packaged explosive components are
20 valid for 30 days from the date of issue.

21 (e) (1) The Department of State Police must act as the
22 Illinois Point of Contact for the National Instant Criminal
23 Background Check System.

24 (2) The Department of State Police and the Department of
25 Human Services shall, in accordance with State and federal law
26 regarding confidentiality, enter into a memorandum of

1 understanding with the Federal Bureau of Investigation for the
2 purpose of implementing the National Instant Criminal
3 Background Check System in the State. The Department of State
4 Police shall report the name, date of birth, and physical
5 description of any person prohibited from possessing a firearm
6 pursuant to the Firearm Owners Identification Card Act or 18
7 U.S.C. 922(g) and (n) to the National Instant Criminal
8 Background Check System Index, Denied Persons Files.

9 (3) The Department of State Police shall provide notice of
10 the disqualification of a person under subsection (b) of this
11 Section or the revocation of a person's Firearm Owner's
12 Identification Card under Section 8 or Section 8.2 of this Act,
13 and the reason for the disqualification or revocation, to all
14 law enforcement agencies with jurisdiction to assist with the
15 seizure of the person's Firearm Owner's Identification Card.

16 (f) The Department of State Police shall adopt rules not
17 inconsistent with this Section to implement this system.

18 (Source: P.A. 98-63, eff. 7-9-13; 99-787, eff. 1-1-17.)

19 Section 10. The Criminal Code of 2012 is amended by adding
20 24-4.3 as follows:

21 (720 ILCS 5/24-4.3 new)

22 Sec. 24-4.3. Unlawful sale or delivery of pre-packaged
23 explosive components.

24 (a) A person commits unlawful sale or delivery of

1 pre-packaged explosive components when he or she knowingly does
2 any of the following:

3 (1) Sells or gives pre-packaged explosive components
4 to a person who is disqualified under the Firearm Owners
5 Identification Card Act.

6 (2) Sells or transfers pre-packaged explosive
7 components to a person who does not display to the seller
8 or transferor of the pre-packaged explosive components a
9 currently valid Firearm Owner's Identification Card that
10 has previously been issued in the transferee's name by the
11 Department of State Police under the Firearm Owners
12 Identification Card Act. This paragraph (2) does not apply
13 to the transfer of pre-packaged explosive components to a
14 person who is exempt from the requirement of possessing a
15 Firearm Owner's Identification Card under Section 2 of the
16 Firearm Owners Identification Card Act. For the purposes of
17 this Section, a currently valid Firearm Owner's
18 Identification Card means a Firearm Owner's Identification
19 Card that has not expired. An approval number issued under
20 Section 3.1 of the Firearm Owners Identification Card Act
21 shall be proof that the Firearm Owner's Identification Card
22 was valid.

23 (3) Sells or gives pre-packaged explosive components
24 while engaged in the business of selling pre-packaged
25 explosive components at wholesale or retail without being
26 licensed as a federal firearms dealer under Section 923 of

1 the federal Gun Control Act of 1968 (18 U.S.C. 923). In
2 this paragraph (3), a person "engaged in the business"
3 means a person who devotes time, attention, and labor to
4 engaging in the activity as a regular course of trade or
5 business with the principal objective of livelihood and
6 profit.

7 (b) For the purposes of this Section, "pre-packaged
8 explosive components" means a pre-packaged product containing
9 2 or more unmixed, commercially manufactured chemical
10 substances that are not independently classified as explosives
11 but which when mixed or combined, results in an explosive
12 material subject to regulation by the federal Bureau of
13 Alcohol, Tobacco, Firearms, and Explosives under Title 27 CFR
14 Part 555.

15 (c) All sellers or transferors who have complied with the
16 requirements of this Section shall not be liable for damages in
17 any civil action arising from the use or misuse by the
18 transferee of the pre-packaged explosive components
19 transferred, except for willful or wanton misconduct on the
20 part of the seller or transferor.

21 (d) Sentence. Any person who is convicted of unlawful sale
22 or delivery of pre-packaged explosive components commits a
23 Class 4 felony.

24 Section 99. Effective date. This Act takes effect July 1,
25 2018."