



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0341

Introduced 1/21/2005, by Rep. David Reis

SYNOPSIS AS INTRODUCED:

430 ILCS 65/3.1

Amends the Firearm Owners Identification Card Act. Provides that if the receipt of a firearm does not violate federal or State law, the Department of State Police shall: (1) assign a unique identification number to the transfer; (2) provide the licensee with the number; and (3) destroy all records of the system with respect to the call, other than the identifying number and the date the number was assigned, and all records of the system relating to the person or the transfer within 24 hours. Provides that if the transfer of a firearm is denied by the Department of State Police, the Department of State Police may keep the records of a denial until the denial is appealed and overturned, or as long as necessary for a criminal prosecution. Provides that approvals issued by the Department of State Police for the purchase of a firearm are valid for 30 days from the date of issue. Provides that the Department of State Police may not retain, copy, or distribute any information previously collected under the dial up system. Effective immediately.

LRB094 04179 RLC 34203 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning 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 is
5 amended by changing Section 3.1 as follows:

6 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

7 Sec. 3.1. Dial up system.

8 (a) The Department of State Police shall provide a dial up
9 telephone system which shall be used by any federally licensed
10 firearm dealer who is to transfer a firearm under the
11 provisions of this Act. The Department of State Police shall
12 utilize existing technology which allows the caller to be
13 charged a fee equivalent to the cost of providing this service
14 but not to exceed \$2. Fees collected by the Department of State
15 Police shall be deposited in the State Police Services Fund and
16 used to provide the service.

17 (b) Upon receiving a request from a federally licensed
18 firearm dealer, the Department of State Police shall
19 immediately approve, or within the time period established by
20 Section 24-3 of the Criminal Code of 1961 regarding the
21 delivery of firearms, notify the inquiring dealer of any
22 objection that would disqualify the transferee from acquiring
23 or possessing a firearm. In conducting the inquiry, the
24 Department of State Police shall initiate and complete an
25 automated search of its criminal history record information
26 files and those of the Federal Bureau of Investigation,
27 including the National Instant Criminal Background Check
28 System, and of the files of the Department of Human Services
29 relating to mental health and developmental disabilities to
30 obtain any felony conviction or patient hospitalization
31 information which would disqualify a person from obtaining or
32 require revocation of a currently valid Firearm Owner's

1 Identification Card.

2 (c) If receipt of a firearm would not violate Section 24-3
3 of the Criminal Code of 1961, federal law, or this Act, the
4 Department of State Police shall:

5 (1) assign a unique identification number to the
6 transfer;

7 (2) provide the licensee with the number; and

8 (3) destroy all records of the system with respect to
9 the call, other than the identifying number and the date
10 the number was assigned, and all records of the system
11 relating to the person or the transfer within 24 hours.

12 (d) If the transfer of a firearm is denied by the
13 Department of State Police, the Department of State Police may
14 keep the records of a denial until the denial is appealed and
15 overturned, or as long as necessary for a criminal prosecution.

16 (e) Approvals issued by the Department of State Police for
17 the purchase of a firearm are valid for 30 days from the date
18 of issue.

19 (f) The Department of State Police may not retain, copy, or
20 distribute any information previously collected under this
21 Section. Any records generated by this Section shall comply
22 with subsection (c).

23 (g) The Department of State Police must act as the Illinois
24 Point of Contact for the National Instant Criminal Background
25 Check System.

26 (h) The Department of State Police shall promulgate rules
27 that are not inconsistent with this Section to implement this
28 system.

29 (Source: P.A. 91-399, eff. 7-30-99.)

30 Section 99. Effective date. This Act takes effect upon
31 becoming law.