



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1296

Introduced 02/09/11, by Rep. Harry Osterman

SYNOPSIS AS INTRODUCED:

430 ILCS 65/3
430 ILCS 65/3.1

from Ch. 38, par. 83-3
from Ch. 38, par. 83-3.1

Amends the Firearm Owners Identification Card Act. Provides that a person who is not a federally licensed importer, manufacturer, or dealer and who desires to sell or transfer a firearm of a size that may be concealed upon the person to another person, who is not a federally licensed importer, manufacturer, or dealer, shall do so only at the place of business of a federally licensed firearm dealer. Provides that the federally licensed firearm dealer shall conduct a background check on the prospective recipient of the firearm and follow all other applicable federal, State, and local laws as if he or she were the seller of the firearm. Provides that the purchaser or transferee may be required by the federally licensed firearm dealer to pay a fee not to exceed \$10 per firearm, plus other authorized fees. Makes exceptions for (i) the transfer of a firearm between spouses, a parent and child, or other family members, (ii) transfers by persons acting pursuant to operation of law or a court order, or (iii) transfers on the grounds of a gun show. Provides that the Department of State Police shall develop an Internet based system for individuals to request the Department of State Police to conduct an instant criminal background check prior to the sale or transfer of a handgun. Provides that the Department of State Police shall have the system completed and available for use by July 1, 2012.

LRB097 06154 RLC 46228 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public safety.

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 Sections 3 and 3.1 as follows:

6 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

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

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

22 (a-10) Any person who is not a federally licensed importer,
23 manufacturer, or dealer and who desires to sell or transfer a

1 firearm of a size that may be concealed upon the person to
2 another person, who is not a federally licensed importer,
3 manufacturer, or dealer, shall do so only at the place of
4 business of a federally licensed firearm dealer. The federally
5 licensed firearm dealer shall conduct a background check on the
6 prospective recipient of the firearm in accordance with Section
7 3.1 of this Act and follow all other applicable federal, State,
8 and local laws as if he or she were the seller of the firearm.
9 The purchaser or transferee may be required by the federally
10 licensed firearm dealer to pay a fee not to exceed \$10 per
11 firearm, which the dealer may retain as compensation for
12 performing the functions required under this subsection, plus
13 the applicable fees authorized by Section 3.1.

14 The provisions of this subsection (a-10) do not apply to:

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

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

23 (3) transfers on the grounds of a gun show.

24 (b) Any person within this State who transfers or causes to
25 be transferred any firearm, stun gun, or taser shall keep a
26 record of such transfer for a period of 10 years from the date

1 of transfer. Such record shall contain the date of the
2 transfer; the description, serial number or other information
3 identifying the firearm, stun gun, or taser if no serial number
4 is available; and, if the transfer was completed within this
5 State, the transferee's Firearm Owner's Identification Card
6 number. On or after January 1, 2006, the record shall contain
7 the date of application for transfer of the firearm. On demand
8 of a peace officer such transferor shall produce for inspection
9 such record of transfer. If the transfer or sale took place at
10 a gun show, the record shall include the unique identification
11 number. Failure to record the unique identification number is a
12 petty offense.

13 (b-5) Any resident may purchase ammunition from a person
14 outside of Illinois. Any resident purchasing ammunition
15 outside the State of Illinois must provide the seller with a
16 copy of his or her valid Firearm Owner's Identification Card
17 and either his or her Illinois driver's license or Illinois
18 State Identification Card prior to the shipment of the
19 ammunition. The ammunition may be shipped only to an address on
20 either of those 2 documents.

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

24 (Source: P.A. 94-6, eff. 1-1-06; 94-284, eff. 7-21-05; 94-353,
25 eff. 7-29-05; 94-571, eff. 8-12-05; 95-331, eff. 8-21-07.)

1 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

2 Sec. 3.1. Dial up system.

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

13 (b) Upon receiving a request from a federally licensed
14 firearm dealer, gun show promoter, or gun show vendor, the
15 Department of State Police shall immediately approve, or within
16 the time period established by Section 24-3 of the Criminal
17 Code of 1961 regarding the delivery of firearms, stun guns, and
18 tasers notify the inquiring dealer, gun show promoter, or gun
19 show vendor of any objection that would disqualify the
20 transferee from acquiring or possessing a firearm, stun gun, or
21 taser. In conducting the inquiry, the Department of State
22 Police shall initiate and complete an automated search of its
23 criminal history record information files and those of the
24 Federal Bureau of Investigation, including the National
25 Instant Criminal Background Check System, and of the files of
26 the Department of Human Services relating to mental health and

1 developmental disabilities to obtain any felony conviction or
2 patient hospitalization information which would disqualify a
3 person from obtaining or require revocation of a currently
4 valid Firearm Owner's Identification Card.

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

8 (1) assign a unique identification number to the
9 transfer; and

10 (2) provide the licensee, gun show promoter, or gun
11 show vendor with the number.

12 (d) Approvals issued by the Department of State Police for
13 the purchase of a firearm are valid for 30 days from the date
14 of issue.

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

18 (2) The Department of State Police and the Department of
19 Human Services shall, in accordance with State and federal law
20 regarding confidentiality, enter into a memorandum of
21 understanding with the Federal Bureau of Investigation for the
22 purpose of implementing the National Instant Criminal
23 Background Check System in the State. The Department of State
24 Police shall report the name, date of birth, and physical
25 description of any person prohibited from possessing a firearm
26 pursuant to the Firearm Owners Identification Card Act or 18

1 U.S.C. 922(g) and (n) to the National Instant Criminal
2 Background Check System Index, Denied Persons Files.

3 (f) The Department of State Police shall promulgate rules
4 not inconsistent with this Section to implement this system.

5 (g) The Department of State Police shall develop an
6 Internet based system for individuals to request the Department
7 of State Police to conduct an instant criminal background check
8 prior to the sale or transfer of a handgun. The Department of
9 State Police shall have the system completed and available for
10 use by July 1, 2012. The Department shall promulgate rules not
11 inconsistent with this Section to implement this system.

12 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; 95-331,
13 eff. 8-21-07; 95-564, eff. 6-1-08.)