



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2720

by Rep. Kelly M. Cassidy

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, 2018.

LRB100 09611 SLF 19779 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning 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
11 either: (1) a currently valid Firearm Owner's Identification
12 Card which has previously been issued in his or her name by the
13 Department of State Police under the provisions of this Act; or
14 (2) a currently valid license to carry a concealed firearm
15 which has previously been issued in his or her name by the
16 Department of State Police under the Firearm Concealed Carry
17 Act. In addition, all firearm, stun gun, and taser transfers by
18 federally licensed firearm dealers are subject to Section 3.1.

19 (a-5) Any person who is not a federally licensed firearm
20 dealer and who desires to transfer or sell a firearm while that
21 person is on the grounds of a gun show must, before selling or
22 transferring the firearm, request the Department of State
23 Police to conduct a background check on the prospective

1 recipient of the firearm in accordance with Section 3.1.

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

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

20 (1) transfers that occur at the place of business of a
21 federally licensed firearm dealer, if the federally
22 licensed firearm dealer conducts a background check on the
23 prospective recipient of the firearm in accordance with
24 Section 3.1 of this Act and follows all other applicable
25 federal, State, and local laws as if he or she were the
26 seller or transferor of the firearm, although the dealer is

1 not required to accept the firearm into his or her
2 inventory. The purchaser or transferee may be required by
3 the federally licensed firearm dealer to pay a fee not to
4 exceed \$10 per firearm, which the dealer may retain as
5 compensation for performing the functions required under
6 this paragraph, plus the applicable fees authorized by
7 Section 3.1;

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

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

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

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

24 (6) temporary transfers that occur while in the home of
25 the unlicensed transferee, if the unlicensed transferee is
26 not otherwise prohibited from possessing firearms and the

1 unlicensed transferee reasonably believes that possession
2 of the firearm is necessary to prevent imminent death or
3 great bodily harm to the unlicensed transferee;

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

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

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

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

20 (a-25) Any person who is not a federally licensed importer,
21 manufacturer, or dealer and who desires to sell or transfer a
22 firearm of a size that may be concealed upon the person to
23 another person, who is not a federally licensed importer,
24 manufacturer, or dealer, shall do so only at the place of
25 business of a federally licensed firearm dealer. The federally
26 licensed firearm dealer shall conduct a background check on the

1 prospective recipient of the firearm in accordance with Section
2 3.1 of this Act and follow all other applicable federal, State,
3 and local laws as if he or she were the seller of the firearm.
4 The purchaser or transferee may be required by the federally
5 licensed firearm dealer to pay a fee not to exceed \$10 per
6 firearm, which the dealer may retain as compensation for
7 performing the functions required under this subsection, plus
8 the applicable fees authorized by Section 3.1.

9 The provisions of this subsection (a-25) do not apply to:

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

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

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

19 (b) Any person within this State who transfers or causes to
20 be transferred any firearm, stun gun, or taser shall keep a
21 record of such transfer for a period of 10 years from the date
22 of transfer. Such record shall contain the date of the
23 transfer; the description, serial number or other information
24 identifying the firearm, stun gun, or taser if no serial number
25 is available; and, if the transfer was completed within this
26 State, the transferee's Firearm Owner's Identification Card

1 number and any approval number or documentation provided by the
2 Department of State Police pursuant to subsection (a-10) of
3 this Section. On or after January 1, 2006, the record shall
4 contain the date of application for transfer of the firearm. On
5 demand of a peace officer such transferor shall produce for
6 inspection such record of transfer. If the transfer or sale
7 took place at a gun show, the record shall include the unique
8 identification number. Failure to record the unique
9 identification number or approval number is a petty offense.

10 (b-5) Any resident may purchase ammunition from a person
11 within or outside of Illinois if shipment is by United States
12 mail or by a private express carrier authorized by federal law
13 to ship ammunition. Any resident purchasing ammunition within
14 or outside the State of Illinois must provide the seller with a
15 copy of his or her valid Firearm Owner's Identification Card or
16 valid concealed carry license and either his or her Illinois
17 driver's license or Illinois State Identification Card prior to
18 the shipment of the ammunition. The ammunition may be shipped
19 only to an address on either of those 2 documents.

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

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

24 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

25 Sec. 3.1. Dial up system.

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

11 (b) Upon receiving a request from a federally licensed
12 firearm dealer, gun show promoter, or gun show vendor, the
13 Department of State Police shall immediately approve, or within
14 the time period established by Section 24-3 of the Criminal
15 Code of 2012 regarding the delivery of firearms, stun guns, and
16 tasers notify the inquiring dealer, gun show promoter, or gun
17 show vendor of any objection that would disqualify the
18 transferee from acquiring or possessing a firearm, stun gun, or
19 taser. In conducting the inquiry, the Department of State
20 Police shall initiate and complete an automated search of its
21 criminal history record information files and those of the
22 Federal Bureau of Investigation, including the National
23 Instant Criminal Background Check System, and of the files of
24 the Department of Human Services relating to mental health and
25 developmental disabilities to obtain any felony conviction or
26 patient hospitalization information which would disqualify a

1 person from obtaining or require revocation of a currently
2 valid Firearm Owner's Identification Card.

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

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

8 (2) provide the licensee, gun show promoter, or gun
9 show vendor with the number.

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

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

16 (2) The Department of State Police and the Department of
17 Human Services shall, in accordance with State and federal law
18 regarding confidentiality, enter into a memorandum of
19 understanding with the Federal Bureau of Investigation for the
20 purpose of implementing the National Instant Criminal
21 Background Check System in the State. The Department of State
22 Police shall report the name, date of birth, and physical
23 description of any person prohibited from possessing a firearm
24 pursuant to the Firearm Owners Identification Card Act or 18
25 U.S.C. 922(g) and (n) to the National Instant Criminal
26 Background Check System Index, Denied Persons Files.

1 (3) The Department of State Police shall provide notice of
2 the disqualification of a person under subsection (b) of this
3 Section or the revocation of a person's Firearm Owner's
4 Identification Card under Section 8 or Section 8.2 of this Act,
5 and the reason for the disqualification or revocation, to all
6 law enforcement agencies with jurisdiction to assist with the
7 seizure of the person's Firearm Owner's Identification Card.

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

10 (g) The Department of State Police shall develop an
11 Internet based system for individuals to request the Department
12 of State Police to conduct an instant criminal background check
13 prior to the sale or transfer of a handgun. The Department of
14 State Police shall have the system completed and available for
15 use by July 1, 2018. The Department shall adopt rules not
16 inconsistent with this Section to implement this system.

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