



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3835

by Rep. Jerry Costello, II

SYNOPSIS AS INTRODUCED:

430 ILCS 65/3

from Ch. 38, par. 83-3

Amends the Firearm Owners Identification Card Act. Provides that the Department of State Police may not retain, copy, or distribute any information previously collected under this Act on a firearm transfer inquiry system check. Requires the Department to destroy all records of the Firearms Transfer Inquiry Program system with respect to the call or request, 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 45 days after the request, except: (1) if the transfer of a firearm is denied by the Department of State Police, the Department may keep the records of a denial in perpetuity, unless the denial is appealed and overturned then the records shall be destroyed; or (2) if the record is part of a criminal investigation initiated prior to the 45 day limit. Defines "transfer". Effective immediately.

LRB100 09854 RLC 20024 b

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 Section 3 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 (b) Any person within this State who transfers or causes to
21 be transferred any firearm, stun gun, or taser shall keep a
22 record of such transfer for a period of 10 years from the date
23 of transfer. Such record shall contain the date of the
24 transfer; the description, serial number or other information
25 identifying the firearm, stun gun, or taser if no serial number
26 is available; and, if the transfer was completed within this

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

11 (b-5) Any resident may purchase ammunition from a person
12 within or outside of Illinois if shipment is by United States
13 mail or by a private express carrier authorized by federal law
14 to ship ammunition. Any resident purchasing ammunition within
15 or outside the State of Illinois must provide the seller with a
16 copy of his or her valid Firearm Owner's Identification Card or
17 valid concealed carry license and either his or her Illinois
18 driver's license or Illinois State Identification Card prior to
19 the shipment of the ammunition. The ammunition may be shipped
20 only to an address on 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 (d) The Department of State Police may not retain, copy, or
25 distribute any information previously collected under this
26 Section. Except as otherwise provided in this subsection (d),

1 the Department shall destroy all records of the Firearms
2 Transfer Inquiry Program system with respect to the call or
3 request, other than the identifying number and the date the
4 number was assigned, and all records of the system relating to
5 the person or the transfer, within 45 days after the request,
6 except:

7 (1) if the transfer of a firearm is denied by the
8 Department of State Police, the Department may keep the
9 records of a denial in perpetuity, unless the denial is
10 appealed and overturned then the records shall be
11 destroyed;

12 (2) if the record is part of a criminal investigation
13 initiated prior to the 45 day limit.

14 (e) For the purposes of this Act, "transfer" means the
15 permanent transfer of possession, ownership, or title to a
16 firearm. "Transfer" does not include any other condition of
17 possession or use of a firearm, except as provided in
18 subsection (d) of this Section.

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.