



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5534

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 under 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 persons 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, 2019.

LRB100 16778 SLF 31918 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. Transfers of firearms.

8 (a) Except as provided in Section 3a, no person may  
9 knowingly transfer, or cause to be transferred, any firearm,  
10 firearm ammunition, stun gun, or taser to any person within  
11 this State unless the transferee with whom he deals displays  
12 either: (1) a currently valid Firearm Owner's Identification  
13 Card which has previously been issued in his or her name by the  
14 Department of State Police under the provisions of this Act; or  
15 (2) a currently valid license to carry a concealed firearm  
16 which has previously been issued in his or her name by the  
17 Department of State Police under the Firearm Concealed Carry  
18 Act. In addition, all firearm, stun gun, and taser transfers by  
19 federally licensed firearm dealers are subject to Section 3.1.

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

1 Police to conduct a background check on the prospective  
2 recipient of the firearm in accordance with Section 3.1.

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

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

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

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

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

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

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

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

25 (6) temporary transfers that occur while in the home of  
26 the unlicensed transferee, if the unlicensed transferee is

1 not otherwise prohibited from possessing firearms and the  
2 unlicensed transferee reasonably believes that possession  
3 of the firearm is necessary to prevent imminent death or  
4 great bodily harm to the unlicensed transferee;

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

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

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

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

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

1 licensed firearm dealer shall conduct a background check on the  
2 prospective recipient of the firearm in accordance with Section  
3 3.1 of this Act and follow all other applicable federal, State,  
4 and local laws as if he or she were the seller of the firearm.  
5 The purchaser or transferee may be required by the federally  
6 licensed firearm dealer to pay a fee not to exceed \$10 per  
7 firearm, which the dealer may retain as compensation for  
8 performing the functions required under this subsection  
9 (a-25), plus the applicable fees authorized by Section 3.1.

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

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

17 (2) transfers by persons acting under operation of law  
18 or a court order; or

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

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

25 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

1           Sec. 3.1. Dial up system.

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

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



1 patient hospitalization information which would disqualify a  
2 person from obtaining or require revocation of a currently  
3 valid Firearm Owner's Identification Card.

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

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

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

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

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

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

1 Background Check System Index, Denied Persons Files.

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

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

11 (g) The Department of State Police shall develop an  
12 Internet-based system for persons to request the Department of  
13 State Police to conduct an instant criminal background check  
14 prior to the sale or transfer of a handgun. The Department of  
15 State Police shall have the system completed and available for  
16 use by July 1, 2019. The Department 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.)