

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 ARTICLE 1. COMBATING ILLEGAL GUN TRAFFICKING ACT

5 Section 1-1. References to Act. This Act may be referred
6 to as the Combating Illegal Gun Trafficking Act.

7 ARTICLE 5. FIREARM DEALER LICENSE CERTIFICATION ACT

8 Section 5-1. Short title. This Article 1 may be cited as
9 the Firearm Dealer License Certification Act. References in
10 this Article to "this Act" mean this Article.

11 Section 5-5. Definitions. In this Act:

12 "Certified licensee" means a licensee that has previously
13 certified its license with the Department under this Act.

14 "Department" means the Department of State Police.

15 "Director" means the Director of State Police.

16 "Entity" means any person, firm, corporation, group of
17 individuals, or other legal entity.

18 "Inventory" means firearms in the possession of an
19 individual or entity for the purpose of sale or transfer.

20 "License" means a Federal Firearms License authorizing a

1 person or entity to engage in the business of dealing firearms.

2 "Licensee" means a person, firm, corporation, or other
3 entity who has been given, and is currently in possession of, a
4 valid Federal Firearms License.

5 "Retail location" means a store or similar location open to
6 the public from which a certified licensee engages in the
7 business of selling, transferring, or facilitating a sale or
8 transfer of a firearm. For purposes of this Act, a gun show at
9 which a certified licensee engages in business from time to
10 time is not a retail location.

11 Section 5-10. Copy of Federal Firearms License filed with
12 the Department. Each licensee shall file with the Department a
13 copy of its license, together with a sworn affidavit indicating
14 that the license presented is in fact its license and that the
15 license is valid. Upon receipt and review by the Department,
16 the Department shall issue a certificate of license to the
17 licensee, allowing the licensee to conduct business within this
18 State. The Department shall issue an initial certificate of
19 license within 30 days of receipt of the copy of license and
20 sworn affidavit.

21 Section 5-15. Certification requirement.

22 (a) Beginning 90 days after the effective date of this Act,
23 it is unlawful for a person or entity to engage in the business
24 of selling, leasing, or otherwise transferring firearms

1 without a valid certificate of license issued under this Act.
2 In the event that a person or entity maintains multiple
3 licenses to engage in different lines of business requiring
4 different licenses at one location, then the licenses shall be
5 deemed one license for purposes of certification. In the event
6 that a person or entity maintains multiple licenses to engage
7 in business at multiple locations, under the same business name
8 or a different business name, then each license and location
9 must receive its own certification.

10 (b) It is unlawful for a person or entity without first
11 being a certified licensee under this Act to act as if he or
12 she is certified under this Act, to advertise, to assume to act
13 as a certified licensee or to use a title implying that the
14 person or entity is engaged in business as a certified licensee
15 without a license certified under this Act.

16 (c) It is unlawful to obtain or attempt to obtain any
17 certificate of license under this Act by material misstatement
18 or fraudulent misrepresentation. Notwithstanding the
19 provisions of Section 5-85, in addition to any penalty imposed
20 under this Section, any certificate of license obtained under
21 this Act due to material misstatement or fraudulent
22 misrepresentation shall automatically be revoked.

23 (d) A person who violates any provision of this Section is
24 guilty of a Class A misdemeanor for a first violation, and a
25 Class 4 felony for a second or subsequent violation.

26 (e) In addition to any other penalty provided by law, any

1 person or entity who violates any provision of this Section
2 shall pay a civil penalty to the Department in an amount not to
3 exceed \$10,000 for each offense, as determined by the
4 Department. The civil penalty shall be assessed by the
5 Department after a hearing is held in accordance with Sections
6 5-95 and 5-100.

7 (f) The Department has the authority and power to
8 investigate any and all unlicensed activity requiring a license
9 certified under this Act.

10 (g) The civil penalty shall be paid within 60 days after
11 the effective date of the order imposing the civil penalty. The
12 order shall constitute a judgment and may be filed and
13 execution had thereon in the same manner as any judgment from
14 any court of record.

15 (h) In the event the certification of a certified licensee
16 is revoked, it shall be a violation of this Act for the revoked
17 licensee to seek certification of a license held under a
18 different name, or to re-open as a certified licensee under
19 another name using the same license or as the same person or
20 entity doing business under a different name.

21 (i) The Department shall require all of the following
22 information from each applicant for certification under this
23 Act:

24 (1) The name, full business address, and telephone
25 number of the entity. The business address for the entity
26 shall be the complete street address where firearms in the

1 inventory of the entity are regularly stored, shall be
2 located within the State, and may not be a Post Office Box.

3 (2) All trade, business, or assumed names used by the
4 certified licensee by and under which the certified
5 licensee sells, transfers, or facilitates transfers of
6 firearms.

7 (3) The type of ownership or operation, such as a
8 partnership, corporation, or sole proprietorship.

9 (4) The name of the owner or operator of the
10 dealership, including:

11 (A) if a person, then the name and address of
12 record of the person;

13 (B) if a partnership, then the name and address of
14 record of each partner and the name of the partnership;

15 (C) if a corporation, then the name, address of
16 record, and title of each corporate officer and
17 director, and each owner of more than 5% of the
18 corporation, the corporate names, and the name of the
19 state of incorporation; and

20 (D) if a sole proprietorship, then the full name
21 and address of record of the sole proprietor and the
22 name of the business entity.

23 Section 5-20. Additional licensee requirements.

24 (a) A certified licensee shall make a photo copy of a
25 buyer's or transferee's valid photo identification card

1 whenever a firearm sale transaction takes place. The photo copy
2 shall be attached to the documentation detailing the record of
3 sale.

4 (b) A certified licensee shall post in a conspicuous
5 position on the premises where the licensee conducts business a
6 sign that contains the following warning in block letters not
7 less than one inch in height:

8 "With few exceptions, it is unlawful for you to:

9 (A) store or leave an unsecured firearm in a place
10 where a child can obtain access to it;

11 (B) sell or transfer your firearm to someone else
12 without receiving approval for the transfer from the
13 Department of State Police, or

14 (C) fail to report the loss or theft of your
15 firearm to local law enforcement within 72 hours."

16 (c) No retail location established after the effective date
17 of this Act shall be located within 500 feet of any school,
18 pre-school, or day care facility in existence at its location
19 before the retail location is established.

20 Section 5-25. Exemptions.

21 The provisions of this Act related to the certification of
22 a license do not apply to a person or entity that engages in
23 the following activities:

24 (1) temporary transfers of firearms solely for use at
25 the location or on the premises where the transfer takes

1 place, such as transfers at a shooting range for use at
2 that location;

3 (2) temporary transfers of firearms solely for use
4 while in the presence of the transferor or transfers for
5 the purposes of firearm safety training by a firearms
6 safety training instructor;

7 (3) transfers of firearms among immediate family or
8 household members, as "immediate family or household
9 member" is defined in Section 3-2.7-10 of the Unified Code
10 of Corrections, provided that both the transferor and
11 transferee have a currently valid Firearm Owner's
12 Identification Card; however, this paragraph (3) does not
13 limit the familial gift exemption under paragraph (2) of
14 subsection (a-15) of Section 3 of the Firearm Owners
15 Identification Card Act;

16 (4) transfers by persons or entities acting under
17 operation of law or a court order;

18 (5) transfers by persons or entities liquidating all or
19 part of a collection. For purposes of this paragraph (5),
20 "collection" means 2 or more firearms which are of special
21 interest to collectors by reason of some quality other than
22 is associated with firearms intended for sporting use or as
23 offensive or defensive weapons;

24 (6) transfers of firearms that have been rendered
25 permanently inoperable to a nonprofit historical society,
26 museum, or institutional collection;

1 (7) transfers by a law enforcement or corrections
2 agency or a law enforcement or corrections officer acting
3 within the course and scope of his or her official duties;

4 (8) transfers to a State or local law enforcement
5 agency by a person who has his or her Firearm Owner's
6 Identification Card revoked;

7 (9) transfers of curios and relics, as defined under
8 federal law, between collectors licensed under subsection
9 (b) of Section 923 of the federal Gun Control Act of 1968;

10 (10) transfers by a person or entity licensed as an
11 auctioneer under the Auction License Act; or

12 (11) transfers between a pawnshop and a customer which
13 amount to a bailment. For purposes of this paragraph (11),
14 "bailment" means the act of placing property in the custody
15 and control of another, by agreement in which the holder is
16 responsible for the safekeeping and return of the property.

17 Section 5-30. Training of certified licensees. Any
18 certified licensee and any employee of a certified licensee who
19 sells or transfers firearms shall receive at least 2 hours of
20 training annually regarding legal requirements and responsible
21 business practices as applicable to the sale or transfer of
22 firearms. The Department may adopt rules regarding continuing
23 education for certified licensees.

24 Section 5-35. Inspection of licensees' places of business.

1 Licensees shall have their places of business open for
2 inspection by the Department and law enforcement during all
3 hours of operation, provided that the Department or law
4 enforcement may conduct no more than one unannounced inspection
5 per business per year without good cause. Licensees shall make
6 all records, documents, and firearms accessible for inspection
7 upon the request of the Department or law enforcement agency.

8 Section 5-40. Qualifications for operation.

9 (a) Each certified licensee shall submit with each
10 application for certification or renewal an affidavit to the
11 Department stating that each owner, employee, or other agent of
12 the certified licensee who sells or conducts transfers of
13 firearms for the certified licensee is at least 21 years of
14 age, has a currently valid Firearm Owner's Identification Card
15 and, for a renewal, has completed the training required under
16 Section 5-30. The affidavit must also contain the name and
17 Firearm Owner's Identification Card number of each owner,
18 employee, or other agent who sells or conducts transfers of
19 firearms for the certified licensee.

20 (b) In addition to the affidavit required under subsection
21 (a), within 30 days of a new owner, employee, or other agent
22 beginning selling or conducting transfers of firearms for the
23 certified licensee, the certified licensee shall submit an
24 affidavit to the Department stating the date that the new
25 owner, employee, or other agent began selling or conducting

1 transfers of firearms for the certified licensee, and providing
2 the information required in subsection (a) for that new owner,
3 employee, or other agent.

4 (c) Each certified licensee must not have had a license or
5 permit to sell, lease, transfer, purchase, or possess firearms
6 from the federal government or the government of any state or
7 subdivision of any state revoked or suspended for good cause
8 within the preceding 3 years. The Department may consider the
9 revocation or suspension within the context of the conduct of
10 the certified licensee within this State, the number of retail
11 locations the certified licensee or any related person or
12 entity operates in this State or in other states, under the
13 same or different business names, and the severity of the
14 infraction leading to revocation or suspension.

15 (d) Applications and affidavits required under this
16 Section are not subject to disclosure by the Department under
17 the Freedom of Information Act.

18 Section 5-45. Issuance of subpoenas. The Department may
19 subpoena and bring before it any person or entity to take oral
20 or written testimony or may compel the production of any books,
21 papers, records, or any other documents that the Department
22 deems relevant or material to an investigation or hearing
23 conducted by the Department in the enforcement of this Act,
24 with the same fees and in the same manner prescribed in civil
25 cases in the courts of this State.

1 Section 5-50. Security system.

2 (a) On or before January 2, 2021, each certified licensee
3 operating a retail location in this State must maintain a video
4 security system and shall maintain video surveillance of
5 critical areas of the business premises, including, but not
6 limited to, all places where firearms are stored, handled,
7 sold, transferred, or carried, and each entrance and exit. A
8 video surveillance system of the certified licensee's retail
9 location may not be installed in a bathroom and may not monitor
10 inside the bathrooms located in the retail location.

11 (b) Each certified licensee operating a retail
12 establishment in this State must post a sign in a conspicuous
13 place at each entrance to the retail location that states in
14 block letters not less than one inch in height: "THESE PREMISES
15 ARE UNDER VIDEO SURVEILLANCE. YOUR IMAGE MAY BE RECORDED."

16 (c) On or before January 2, 2020, each certified licensee
17 maintaining an inventory of firearms for sale or transfer must
18 be connected to an alarm monitoring system or service that will
19 notify its local law enforcement agency of an unauthorized
20 intrusion into the premises of the licensee where the firearm
21 inventory is maintained.

22 Section 5-55. Safe storage by certified licensees. In
23 addition to adequate locks, exterior lighting, surveillance
24 cameras, alarm systems, and other anti-theft measures and

1 practices, a certified licensee maintaining a retail location
2 shall develop a plan that addresses the safe storage of
3 firearms and ammunition during retail hours and after closing.
4 The certified licensee shall submit its safe storage plan to
5 the Department and the plan shall be deemed approved unless it
6 is rejected by the Department. The Department may reject the
7 plan if it is inadequate, along with a written statement
8 describing the inadequacy. The certified licensee shall submit
9 a corrected plan to the Department within 60 days of notice of
10 an inadequate plan. In the event there are still problems with
11 the corrected plan, the certified licensee shall have 60 days
12 from each notice of an inadequate plan to submit a corrected
13 plan. The Department may reject the corrected plan if it is
14 inadequate. A certified licensee may operate at all times that
15 a plan is on file with the Department, and during times
16 permitted by this Section to prepare and submit corrected
17 plans. That any certified licensee has operated without an
18 approved safe storage plan for more than 60 days shall be
19 grounds for revocation of a certificate of license. The
20 Department may adopt rules regarding the adequacy of a safe
21 storage plan. Safe storage plans required under this Section
22 are not subject to disclosure by the Department under the
23 Freedom of Information Act.

24 Section 5-60. Statewide compliance standards. The
25 Department shall develop and implement by rule a statewide

1 standard for assisting certified licensees in recognizing
2 indicators that would lead a reasonable dealer to refuse sale
3 of a firearm.

4 Section 5-65. Electronic-based recordkeeping. On or before
5 January 2, 2020, each certified licensee shall implement an
6 electronic-based record system to keep track of its changing
7 inventory by updating the make, model, caliber or gauge, and
8 serial number of each firearm that is received or sold by the
9 certified licensee. Retail sales and purchases shall be
10 recorded within 24 hours of the transaction. Shipments of
11 firearms from manufacturers or wholesalers shall be recorded
12 upon the earlier of five business days or with 24 hours of the
13 shipment being unpacked and the firearm placed in inventory.
14 Each certified licensee shall maintain these records for a
15 period of no less than the time period under 27 CFR 478.129 or
16 any subsequent law that regulates the retention of records.

17 Section 5-70. Fees and fines deposited in the Firearm
18 Dealer License Certification Fund. The Department shall set
19 and collect a fee for each licensee certifying under this Act.
20 The fee may not exceed \$300 for a certified licensee operating
21 without a retail location. The fee may not exceed \$1,500 for
22 any certified licensee operating with a retail location. The
23 Department shall consider the number of retail locations
24 operated by the certified licensee in this State, under the

1 same or different business names, and shall set fees
2 appropriate for certifying multiple licenses operated by the
3 certified licensee. All fees and fines collected under this Act
4 shall be deposited in the Firearm Dealer License Certification
5 Fund which is created in the State treasury. Moneys in the Fund
6 shall be used for implementation and administration of this
7 Act.

8 Section 5-75. Term of license. Each certification shall be
9 valid for the term of the license being certified. A licensee
10 shall certify each new or renewed license. However, the
11 Department is not required to renew a certification if a prior
12 certification has been revoked or suspended.

13 Section 5-80. Retention of records. Each certified
14 licensee shall keep, either in electronic form or hard copy,
15 all inventory records for a period of time no less than the
16 time required under 27 CFR 478.129 or any subsequent law that
17 regulates the retention of records. All video surveillance
18 records, along with any sound recordings obtained from them,
19 shall be kept for a period of not less than 90 days.

20 Section 5-85. Disciplinary sanctions.

21 (a) For violations of this Act not penalized under Section
22 5-15, the Department may refuse to renew or restore, or may
23 reprimand, place on probation, suspend, revoke, or take other

1 disciplinary or non-disciplinary action against any licensee,
2 and may impose a fine commensurate with the severity of the
3 violation not to exceed \$10,000 for each violation for any of
4 the following, consistent with the Protection of Lawful
5 Commerce in Arms Act, 15 U.S.C. 7901 through 7903:

6 (1) Violations of this Act, or any law applicable to
7 the sale or transfer of firearms.

8 (2) A pattern of practice or other behavior which
9 demonstrates incapacity or incompetency to practice under
10 this Act.

11 (3) Aiding or assisting another person in violating any
12 provision of this Act or rules adopted under this Act.

13 (4) Failing, within 60 days, to provide information in
14 response to a written request made by the Department.

15 (5) Conviction of, plea of guilty to, or plea of nolo
16 contendere to any crime that disqualifies the person from
17 obtaining a valid Firearm Owner's Identification Card.

18 (6) Continued practice, although the person has become
19 unfit to practice due to any of the following:

20 (A) Any circumstance that disqualifies the person
21 from obtaining a valid Firearm Owner's Identification
22 Card or concealed carry license.

23 (B) Habitual or excessive use or abuse of drugs
24 defined in law as controlled substances, alcohol, or
25 any other substance that results in the inability to
26 practice with reasonable judgment, skill, or safety.

1 (7) Receiving, directly or indirectly, compensation
2 for any firearms sold or transferred illegally.

3 (8) Discipline by another United States jurisdiction,
4 foreign nation, or governmental agency, if at least one of
5 the grounds for the discipline is the same or substantially
6 equivalent to those set forth in this Act.

7 (9) Violation of any disciplinary order imposed on a
8 licensee by the Department.

9 (10) A finding by the Department that the licensee,
10 after having his or her certified license placed on
11 probationary status, has violated the terms of probation.

12 (11) A fraudulent or material misstatement in the
13 completion of an affirmative obligation or inquiry by law
14 enforcement.

15 (b) All fines imposed under this Section shall be paid
16 within 60 days after the effective date of the final order
17 imposing the fine.

18 Section 5-90. Statute of limitations. No action may be
19 taken under this Act against a person or entity certified under
20 this Act unless the action is commenced within 5 years after
21 the occurrence of the alleged violations. A continuing
22 violation shall be deemed to have occurred on the date when the
23 circumstances last existed that give rise to the alleged
24 violation.

1 Section 5-95. Complaints; investigations; hearings.

2 (a) The Department may investigate the actions of any
3 applicant or of any person or persons holding or claiming to
4 hold a license or registration under this Act.

5 (b) The Department shall, before disciplining a licensee
6 under Section 5-85 or refusing to issue a certificate of
7 license, at least 30 days before the date set for the hearing,
8 (i) notify the accused in writing of the charges made and the
9 time and place for the hearing on the charges, (ii) direct him
10 or her to file a written answer to the charges under oath
11 within 20 days after service, and (iii) inform the licensee
12 that failure to answer will result in a default being entered
13 against the licensee.

14 (c) At the time and place fixed in the notice, the Director
15 or the hearing officer appointed by the Director shall proceed
16 to hear the charges, and the parties or their counsel shall be
17 accorded ample opportunity to present any pertinent
18 statements, testimony, evidence, and arguments. The Director
19 or hearing officer may continue the hearing from time to time.
20 In case the person, after receiving the notice, fails to file
21 an answer, his, her, or its license may, in the discretion of
22 the Director, having first received the recommendation of the
23 Director, be suspended, revoked, or placed on probationary
24 status, or be subject to whatever disciplinary action the
25 Director considers proper, including limiting the scope,
26 nature, or extent of the person's business, or the imposition

1 of a fine, without hearing, if the act or acts charged
2 constitute sufficient grounds for that action under this Act.

3 (d) The written notice and any notice in the subsequent
4 proceeding may be served by certified mail to the licensee's
5 address of record.

6 (e) The Director has the authority to appoint any attorney
7 licensed to practice law in this State to serve as the hearing
8 officer in any action for refusal to issue, restore, or renew a
9 license, or to discipline a licensee. The hearing officer has
10 full authority to conduct the hearing.

11 Section 5-100. Hearing; rehearing.

12 (a) The Director or the hearing officer authorized by the
13 Department shall hear evidence in support of the formal charges
14 and evidence produced by the licensee. At the conclusion of the
15 hearing, the Director shall prepare a written report of his or
16 her findings of fact, conclusions of law, and recommendations.
17 The report shall contain a finding of whether the accused
18 person violated this Act or failed to comply with the
19 conditions required in this Act.

20 (b) At the conclusion of the hearing, a copy of the
21 Director's or hearing officer's report shall be served upon the
22 licensee by the Department, either personally or as provided in
23 this Act, for the service of a notice of hearing. Within 20
24 calendar days after service, the licensee may present to the
25 Department a motion in writing for a rehearing, which shall

1 specify the particular grounds for rehearing. The Department
2 may respond to the motion for rehearing within 20 calendar days
3 after its service on the Department. If no motion for rehearing
4 is filed, then upon the expiration of the time specified for
5 filing such a motion, or upon denial of a motion for rehearing,
6 the Director may enter an order in accordance with his or her
7 recommendations or the recommendations of the hearing officer.
8 If the licensee orders from the reporting service and pays for
9 a transcript of the record within the time for filing a motion
10 for rehearing, the 20-day period within which a motion may be
11 filed shall commence upon the delivery of the transcript to the
12 licensee.

13 (c) All proceedings under this Section are matters of
14 public record and shall be preserved.

15 (d) The licensee may continue to operate during the course
16 of an investigation or hearing, unless the Director finds that
17 the public interest, safety, or welfare requires an emergency
18 action.

19 (e) Upon the suspension or revocation of a certificate of
20 license, the licensee shall surrender the certificate to the
21 Department and, upon failure to do so, the Department shall
22 seize the same. However, when the certification of a certified
23 licensee is suspended, the certified licensee shall not operate
24 as a certified licensee during the period in which the
25 certificate is suspended and, if operating during that period,
26 shall be operating in violation of subsection (a) of Section

1 5-15 of this Act. A person who violates this Section is guilty
2 of a Class A misdemeanor for a first violation, and a Class 4
3 felony for a second or subsequent violation. In addition to any
4 other penalty provided by law, any person or entity who
5 violates this Section shall pay a civil penalty to the
6 Department in an amount not to exceed \$2,500 for the first
7 violation, and a fine not to exceed \$5,000 for a second or
8 subsequent violation.

9 Section 5-105. Restoration of certificate of license after
10 disciplinary proceedings. At any time after the successful
11 completion of a term of indefinite probation, indefinite
12 suspension, or revocation of a certificate of license, the
13 Department may restore it to the licensee, unless, after an
14 investigation and a hearing, the Director determines that
15 restoration is not in the public interest. No person or entity
16 whose certificate of license, card, or authority has been
17 revoked as authorized in this Act may apply for restoration of
18 that certificate of license, card, or authority until such time
19 as provided for in the Civil Administrative Code of Illinois.

20 Section 5-110. Administrative review. All final
21 administrative decisions of the Department are subject to
22 judicial review under Article III of the Code of Civil
23 Procedure. The term "administrative decision" is defined as in
24 Section 3-101 of the Code of Civil Procedure. The proceedings

1 for judicial review shall be commenced in the circuit court of
2 the county in which the party applying for review resides, but
3 if the party is not a resident of this State, the venue shall
4 be in Sangamon County. The Department shall not be required to
5 certify any record to the court, or file any answer in court,
6 or otherwise appear in any court in a judicial review
7 proceeding, unless, and until, the Department has received from
8 the plaintiff payment of the costs of furnishing and certifying
9 the record, which costs shall be determined by the Department.
10 Exhibits shall be certified without cost. Failure on the part
11 of the applicant or licensee to file a receipt in court is
12 grounds for dismissal of the action.

13 Section 5-115. Prima facie proof.

14 (a) An order or a certified copy thereof, over the seal of
15 the Department and purporting to be signed by the Director, is
16 prima facie proof that the signature is that of the Director,
17 and the Director is qualified to act.

18 (b) A certified copy of a record of the Department shall,
19 without further proof, be admitted into evidence in any legal
20 proceeding, and shall be prima facie correct and prima facie
21 evidence of the information contained therein.

22 ARTICLE 10. GUN TRAFFICKING INFORMATION ACT

23 Section 10-1. Short title. This Article 5 may be cited as

1 the Gun Trafficking Information Act. References in this Article
2 to "this Act" mean this Article.

3 Section 10-5. Gun trafficking information.

4 (a) The Department of State Police shall use all reasonable
5 efforts in making publicly available, on a regular and ongoing
6 basis, key information related to firearms used in the
7 commission of crimes in this State, including, but not limited
8 to: reports on crimes committed with firearms, locations where
9 the crimes occurred, the number of persons killed or injured in
10 the commission of the crimes, the state where the firearms used
11 originated, the Federal Firearms Licensee that sold the
12 firearm, and the type of firearms used. The Department shall
13 make the information available on its website, in addition to
14 electronically filing a report with the Governor and the
15 General Assembly. The report to the General Assembly shall be
16 filed with the Clerk of the House of Representatives and the
17 Secretary of the Senate in electronic form only, in the manner
18 that the Clerk and the Secretary shall direct.

19 (b) The Department shall study, on a regular and ongoing
20 basis, and compile reports on the number of Firearm Owner's
21 Identification Card checks to determine firearms trafficking
22 or straw purchase patterns. The Department shall, to the extent
23 not inconsistent with law, share such reports and underlying
24 data with academic centers, foundations, and law enforcement
25 agencies studying firearms trafficking, provided that

1 personally identifying information is protected. For purposes
2 of this subsection (b), a Firearm Owner's Identification Card
3 number is not personally identifying information, provided
4 that no other personal information of the card holder is
5 attached to the record. The Department may create and attach an
6 alternate unique identifying number to each Firearm Owner's
7 Identification Card number, instead of releasing the Firearm
8 Owner's Identification Card number itself.

9 (c) Each department, office, division, and agency of this
10 State shall, to the extent not inconsistent with law, cooperate
11 fully with the Department and furnish the Department with all
12 relevant information and assistance on a timely basis as is
13 necessary to accomplish the purpose of this Act. The Illinois
14 Criminal Justice Information Authority shall submit the
15 information required in subsection (a) of this Section to the
16 Department of State Police, and any other information as the
17 Department may request, to assist the Department in carrying
18 out its duties under this Act.

19 ARTICLE 15. AMENDATORY PROVISIONS

20 Section 15-3. The State Finance Act is amended by adding
21 Section 5.886 as follows:

22 (30 ILCS 105/5.886 new)

23 Sec. 5.886. The Firearm Dealer License Certification Fund.

1 Section 15-5. The Firearm Owners Identification Card Act is
2 amended by changing Section 3 as follows:

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

4 Sec. 3. (a) Except as provided in Section 3a, no person may
5 knowingly transfer, or cause to be transferred, any firearm,
6 firearm ammunition, stun gun, or taser to any person within
7 this State unless the transferee with whom he deals displays
8 either: (1) a currently valid Firearm Owner's Identification
9 Card which has previously been issued in his or her name by the
10 Department of State Police under the provisions of this Act; or
11 (2) a currently valid license to carry a concealed firearm
12 which has previously been issued in his or her name by the
13 Department of State Police under the Firearm Concealed Carry
14 Act. In addition, all firearm, stun gun, and taser transfers by
15 federally licensed 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) Notwithstanding item (2) of subsection (a) of this
23 Section, any person who is not a federally licensed firearm
24 dealer and who desires to transfer or sell a firearm or

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

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

16 (1) transfers that occur at the place of business of a
17 federally licensed firearm dealer, if the federally
18 licensed firearm dealer conducts a background check on the
19 prospective recipient of the firearm in accordance with
20 Section 3.1 of this Act and follows all other applicable
21 federal, State, and local laws as if he or she were the
22 seller or transferor of the firearm, although the dealer is
23 not required to accept the firearm into his or her
24 inventory. The purchaser or transferee may be required by
25 the federally licensed firearm dealer to pay a fee not to
26 exceed \$10 per firearm, which the dealer may retain as

1 compensation for performing the functions required under
2 this paragraph, plus the applicable fees authorized by
3 Section 3.1;

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

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

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

14 (5) the delivery of a firearm by its owner to a
15 gunsmith for service or repair, the return of the firearm
16 to its owner by the gunsmith, or the delivery of a firearm
17 by a gunsmith to a federally licensed firearms dealer for
18 service or repair and the return of the firearm to the
19 gunsmith;

20 (6) temporary transfers that occur while in the home of
21 the unlicensed transferee, if the unlicensed transferee is
22 not otherwise prohibited from possessing firearms and the
23 unlicensed transferee reasonably believes that possession
24 of the firearm is necessary to prevent imminent death or
25 great bodily harm to the unlicensed transferee;

26 (7) transfers to a law enforcement or corrections

1 agency or a law enforcement or corrections officer acting
2 within the course and scope of his or her official duties;

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

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

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

16 (b) Any person within this State who transfers or causes to
17 be transferred any firearm, stun gun, or taser shall keep a
18 record of such transfer for a period of 10 years from the date
19 of transfer. Such record shall contain the date of the
20 transfer; the description, serial number or other information
21 identifying the firearm, stun gun, or taser if no serial number
22 is available; and, if the transfer was completed within this
23 State, the transferee's Firearm Owner's Identification Card
24 number and any approval number or documentation provided by the
25 Department of State Police pursuant to subsection (a-10) of
26 this Section; if the transfer was not completed within this

1 State, the record shall contain the name and address of the
2 transferee. On or after January 1, 2006, the record shall
3 contain the date of application for transfer of the firearm. On
4 demand of a peace officer such transferor shall produce for
5 inspection such record of transfer. If the transfer or sale
6 took place at a gun show, the record shall include the unique
7 identification number. Failure to record the unique
8 identification number or approval number is a petty offense.
9 For transfers of a firearm, stun gun, or taser made on or after
10 the effective date of this amendatory Act of the 100th General
11 Assembly, failure by the private seller to maintain the
12 transfer records in accordance with this Section is a Class A
13 misdemeanor for the first offense and a Class 4 felony for a
14 second or subsequent offense.

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

25 (c) The provisions of this Section regarding the transfer
26 of firearm ammunition shall not apply to those persons

1 specified in paragraph (b) of Section 2 of this Act.

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

3 ARTICLE 20. SEVERABILITY

4 Section 20-97. Severability. The provisions of this Act are
5 severable under Section 1.31 of the Statute on Statutes.