

# SB1423



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1423

Introduced 2/9/2017, by Sen. Jim Oberweis

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/13.1

from Ch. 38, par. 83-13.1

Amends the Firearm Owners Identification Card Act. Provides that a unit of local government, including a home rule unit, may not impose a tax, fee, on a firearm, firearm attachment, or firearm ammunition or other assessment other than the normal sales tax rate for goods. Provides that the provisions of any ordinance or resolution enacted before, on, or after the effective date of the bill by any municipal or county government that imposes a tax, fee, or other assessment other than the normal sales tax rate for goods on a firearm, firearm attachment, or firearm ammunition are invalid and all those existing ordinances and resolutions are void. Defines "sales tax". Effective immediately.

LRB100 09803 SLF 19973 b

FISCAL NOTE ACT  
MAY APPLY

HOME RULE 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 Section 13.1 as follows:

6 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

7 Sec. 13.1. Preemption.

8 (a) Except as otherwise provided in the Firearm Concealed  
9 Carry Act and subsections (b) and (c) of this Section, the  
10 provisions of any ordinance enacted by any municipality which  
11 requires registration or imposes greater restrictions or  
12 limitations on the acquisition, possession and transfer of  
13 firearms than are imposed by this Act, are not invalidated or  
14 affected by this Act.

15 (b) Notwithstanding subsection (a) of this Section, the  
16 regulation, licensing, possession, and registration of  
17 handguns and ammunition for a handgun, and the transportation  
18 of any firearm and ammunition by a holder of a valid Firearm  
19 Owner's Identification Card issued by the Department of State  
20 Police under this Act are exclusive powers and functions of  
21 this State. Any ordinance or regulation, or portion of that  
22 ordinance or regulation, enacted on or before the effective  
23 date of this amendatory Act of the 98th General Assembly that

1 purports to impose regulations or restrictions on a holder of a  
2 valid Firearm Owner's Identification Card issued by the  
3 Department of State Police under this Act in a manner that is  
4 inconsistent with this Act, on the effective date of this  
5 amendatory Act of the 98th General Assembly, shall be invalid  
6 in its application to a holder of a valid Firearm Owner's  
7 Identification Card issued by the Department of State Police  
8 under this Act.

9 (c) Notwithstanding subsection (a) of this Section, the  
10 regulation of the possession or ownership of assault weapons  
11 are exclusive powers and functions of this State. Any ordinance  
12 or regulation, or portion of that ordinance or regulation, that  
13 purports to regulate the possession or ownership of assault  
14 weapons in a manner that is inconsistent with this Act, shall  
15 be invalid unless the ordinance or regulation is enacted on,  
16 before, or within 10 days after the effective date of this  
17 amendatory Act of the 98th General Assembly. Any ordinance or  
18 regulation described in this subsection (c) enacted more than  
19 10 days after the effective date of this amendatory Act of the  
20 98th General Assembly is invalid. An ordinance enacted on,  
21 before, or within 10 days after the effective date of this  
22 amendatory Act of the 98th General Assembly may be amended. The  
23 enactment or amendment of ordinances under this subsection (c)  
24 are subject to the submission requirements of Section 13.3. For  
25 the purposes of this subsection, "assault weapons" means  
26 firearms designated by either make or model or by a test or

1 list of cosmetic features that cumulatively would place the  
2 firearm into a definition of "assault weapon" under the  
3 ordinance.

4 (c-5) A unit of local government, including a home rule  
5 unit, may not impose a tax, fee, or other assessment on a  
6 firearm, firearm attachment, or firearm ammunition, other than  
7 the normal sales tax rate for those goods. The provisions of  
8 any ordinance or resolution enacted before, on, or after the  
9 effective date of this amendatory Act of the 100th General  
10 Assembly by a municipal or county government that imposes a  
11 tax, fee, or other assessment other than the normal sales tax  
12 rate for goods on a firearm, firearm attachment, or firearm  
13 ammunition prohibited by this subsection (c-5) are invalid and  
14 all those existing ordinances and resolutions are void.

15 (d) For the purposes of this Section:

16 "Handgun" , ~~"handgun"~~ has the meaning ascribed to it in  
17 Section 5 of the Firearm Concealed Carry Act.

18 "Sales tax" means the tax levied under the Service  
19 Occupation Tax Act or the Retailers' Occupation Tax Act.

20 "Sales tax" also means any local sales tax levied under the  
21 Home Rule Municipal Retailers' Occupation Tax Act, the  
22 Non-Home Rule Municipal Retailers' Occupation Tax Act, the  
23 Non-Home Rule Municipal Service Occupation Tax Act, the  
24 Home Rule Municipal Service Occupation Tax Act, or the Home  
25 Rule County Retailers' Occupation Tax Law or any use tax  
26 levied under the Use Tax Act or the Service Use Tax Act or

1           any local use tax levied under the Home Rule Municipal Use  
2           Tax Act.

3           (e) This Section is a denial and limitation of home rule  
4 powers and functions under subsection (h) of Section 6 of  
5 Article VII of the Illinois Constitution.

6           (Source: P.A. 98-63, eff. 7-9-13.)

7           Section 99. Effective date. This Act takes effect upon  
8 becoming law.