



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB1632

by Rep. Allen Skillicorn

SYNOPSIS AS INTRODUCED:

430 ILCS 65/1	from Ch. 38, par. 83-1
430 ILCS 65/2	from Ch. 38, par. 83-2
430 ILCS 65/3	from Ch. 38, par. 83-3
430 ILCS 65/3.1	from Ch. 38, par. 83-3.1

Amends the Firearm Owners Identification Card Act. Removes provisions that a person may not acquire or possess a stun gun or taser within the State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police under the provisions of the Act.

LRB101 06284 SLF 51310 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 Sections 1, 2, 3, and 3.1 as follows:

6 (430 ILCS 65/1) (from Ch. 38, par. 83-1)

7 Sec. 1. It is hereby declared as a matter of legislative
8 determination that in order to promote and protect the health,
9 safety and welfare of the public, it is necessary and in the
10 public interest to provide a system of identifying persons who
11 are not qualified to acquire or possess firearms, and firearm
12 ammunition, ~~stun guns, and tasers~~ within the State of Illinois
13 by the establishment of a system of Firearm Owner's
14 Identification Cards, thereby establishing a practical and
15 workable system by which law enforcement authorities will be
16 afforded an opportunity to identify those persons who are
17 prohibited by Section 24-3.1 of the Criminal Code of 2012, from
18 acquiring or possessing firearms and firearm ammunition and who
19 are prohibited by this Act from acquiring stun guns and tasers.
20 (Source: P.A. 97-1150, eff. 1-25-13.)

21 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

22 Sec. 2. Firearm Owner's Identification Card required;

1 exceptions.

2 (a) (1) No person may acquire or possess any firearm, ~~stun~~
3 ~~gun, or taser~~ within this State without having in his or her
4 possession a Firearm Owner's Identification Card previously
5 issued in his or her name by the Department of State Police
6 under the provisions of this Act.

7 (2) No person may acquire or possess firearm ammunition
8 within this State without having in his or her possession a
9 Firearm Owner's Identification Card previously issued in his or
10 her name by the Department of State Police under the provisions
11 of this Act.

12 (b) The provisions of this Section regarding the possession
13 of firearms or ~~7~~ firearm ammunition, ~~stun guns, and tasers~~ do
14 not apply to:

15 (1) United States Marshals, while engaged in the
16 operation of their official duties;

17 (2) Members of the Armed Forces of the United States or
18 the National Guard, while engaged in the operation of their
19 official duties;

20 (3) Federal officials required to carry firearms,
21 while engaged in the operation of their official duties;

22 (4) Members of bona fide veterans organizations which
23 receive firearms directly from the armed forces of the
24 United States, while using the firearms for ceremonial
25 purposes with blank ammunition;

26 (5) Nonresident hunters during hunting season, with

1 valid nonresident hunting licenses and while in an area
2 where hunting is permitted; however, at all other times and
3 in all other places these persons must have their firearms
4 unloaded and enclosed in a case;

5 (6) Those hunters exempt from obtaining a hunting
6 license who are required to submit their Firearm Owner's
7 Identification Card when hunting on Department of Natural
8 Resources owned or managed sites;

9 (7) Nonresidents while on a firing or shooting range
10 recognized by the Department of State Police; however,
11 these persons must at all other times and in all other
12 places have their firearms unloaded and enclosed in a case;

13 (8) Nonresidents while at a firearm showing or display
14 recognized by the Department of State Police; however, at
15 all other times and in all other places these persons must
16 have their firearms unloaded and enclosed in a case;

17 (9) Nonresidents whose firearms are unloaded and
18 enclosed in a case;

19 (10) Nonresidents who are currently licensed or
20 registered to possess a firearm in their resident state;

21 (11) Unemancipated minors while in the custody and
22 immediate control of their parent or legal guardian or
23 other person in loco parentis to the minor if the parent or
24 legal guardian or other person in loco parentis to the
25 minor has a currently valid Firearm Owner's Identification
26 Card;

1 (12) Color guards of bona fide veterans organizations
2 or members of bona fide American Legion bands while using
3 firearms for ceremonial purposes with blank ammunition;

4 (13) Nonresident hunters whose state of residence does
5 not require them to be licensed or registered to possess a
6 firearm and only during hunting season, with valid hunting
7 licenses, while accompanied by, and using a firearm owned
8 by, a person who possesses a valid Firearm Owner's
9 Identification Card and while in an area within a
10 commercial club licensed under the Wildlife Code where
11 hunting is permitted and controlled, but in no instance
12 upon sites owned or managed by the Department of Natural
13 Resources;

14 (14) Resident hunters who are properly authorized to
15 hunt and, while accompanied by a person who possesses a
16 valid Firearm Owner's Identification Card, hunt in an area
17 within a commercial club licensed under the Wildlife Code
18 where hunting is permitted and controlled;

19 (15) A person who is otherwise eligible to obtain a
20 Firearm Owner's Identification Card under this Act and is
21 under the direct supervision of a holder of a Firearm
22 Owner's Identification Card who is 21 years of age or older
23 while the person is on a firing or shooting range or is a
24 participant in a firearms safety and training course
25 recognized by a law enforcement agency or a national,
26 statewide shooting sports organization; and

1 (16) Competitive shooting athletes whose competition
2 firearms are sanctioned by the International Olympic
3 Committee, the International Paralympic Committee, the
4 International Shooting Sport Federation, or USA Shooting
5 in connection with such athletes' training for and
6 participation in shooting competitions at the 2016 Olympic
7 and Paralympic Games and sanctioned test events leading up
8 to the 2016 Olympic and Paralympic Games.

9 (c) The provisions of this Section regarding the
10 acquisition and possession of firearms or ~~7~~ firearm ammunition,
11 ~~stun guns, and tasers~~ do not apply to law enforcement officials
12 of this or any other jurisdiction, while engaged in the
13 operation of their official duties.

14 (c-5) The provisions of paragraphs (1) and (2) of
15 subsection (a) of this Section regarding the possession of
16 firearms and firearm ammunition do not apply to the holder of a
17 valid concealed carry license issued under the Firearm
18 Concealed Carry Act who is in physical possession of the
19 concealed carry license.

20 (d) Any person who becomes a resident of this State, who is
21 not otherwise prohibited from obtaining, possessing, or using a
22 firearm or firearm ammunition, shall not be required to have a
23 Firearm Owner's Identification Card to possess firearms or
24 firearms ammunition until 60 calendar days after he or she
25 obtains an Illinois driver's license or Illinois
26 Identification Card.

1 (Source: P.A. 99-29, eff. 7-10-15.)

2 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

3 Sec. 3. (a) Except as provided in Section 3a, no person may
4 knowingly transfer, or cause to be transferred, any firearm or
5 ~~7~~ firearm ammunition, ~~stun gun, or taser~~ to any person within
6 this State unless the transferee with whom he deals displays
7 either: (1) a currently valid Firearm Owner's Identification
8 Card which has previously been issued in his or her name by the
9 Department of State Police under the provisions of this Act; or
10 (2) a currently valid license to carry a concealed firearm
11 which has previously been issued in his or her name by the
12 Department of State Police under the Firearm Concealed Carry
13 Act. In addition, all firearm, ~~stun gun, and taser~~ transfers by
14 federally licensed firearm dealers are subject to Section 3.1.

15 (a-5) Any person who is not a federally licensed firearm
16 dealer and who desires to transfer or sell a firearm while that
17 person is on the grounds of a gun show must, before selling or
18 transferring the firearm, request the Department of State
19 Police to conduct a background check on the prospective
20 recipient of the firearm in accordance with Section 3.1.

21 (a-10) Notwithstanding item (2) of subsection (a) of this
22 Section, any person who is not a federally licensed firearm
23 dealer and who desires to transfer or sell a firearm or
24 firearms to any person who is not a federally licensed firearm
25 dealer shall, before selling or transferring the firearms,

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

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

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

1 Section 3.1;

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

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

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

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

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

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

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

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

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

14 (b) Any person within this State who transfers or causes to
15 be transferred any firearm, ~~stun gun, or taser~~ shall keep a
16 record of such transfer for a period of 10 years from the date
17 of transfer. Such record shall contain the date of the
18 transfer; the description, serial number or other information
19 identifying the firearm, ~~stun gun, or taser~~ if no serial number
20 is available; and, if the transfer was completed within this
21 State, the transferee's Firearm Owner's Identification Card
22 number and any approval number or documentation provided by the
23 Department of State Police pursuant to subsection (a-10) of
24 this Section. On or after January 1, 2006, the record shall
25 contain the date of application for transfer of the firearm. On
26 demand of a peace officer such transferor shall produce for

1 inspection such record of transfer. If the transfer or sale
2 took place at a gun show, the record shall include the unique
3 identification number. Failure to record the unique
4 identification number or approval number is a petty offense.

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

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

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

19 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

20 Sec. 3.1. Dial up system.

21 (a) The Department of State Police shall provide a dial up
22 telephone system or utilize other existing technology which
23 shall be used by any federally licensed firearm dealer, gun
24 show promoter, or gun show vendor who is to transfer a firearm,
25 ~~stun gun, or taser~~ under the provisions of this Act. The

1 Department of State Police may utilize existing technology
2 which allows the caller to be charged a fee not to exceed \$2.
3 Fees collected by the Department of State Police shall be
4 deposited in the State Police Services Fund and used to provide
5 the service.

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

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

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

3 (2) provide the licensee, gun show promoter, or gun
4 show vendor with the number.

5 (d) Approvals issued by the Department of State Police for
6 the purchase of a firearm are valid for 30 days from the date
7 of issue.

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

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

22 (3) The Department of State Police shall provide notice of
23 the disqualification of a person under subsection (b) of this
24 Section or the revocation of a person's Firearm Owner's
25 Identification Card under Section 8 or Section 8.2 of this Act,
26 and the reason for the disqualification or revocation, to all

1 law enforcement agencies with jurisdiction to assist with the
2 seizure of the person's Firearm Owner's Identification Card.

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

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