



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3460

Introduced 2/14/2020, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

New Act

Creates the Personalized Firearms Act. Establishes within the Illinois State Police the Personalized Firearm Authorization Commission. Provides that the Commission shall be responsible for establishing performance standards for personalized firearms and maintaining a roster of personalized firearms authorized for sale to the public. Provides that the Personalized Firearm Authorization Commission shall maintain a roster of all personalized firearms for retail sales to the public by the Commission as meeting the personalized firearm performance standards and qualifying criteria established under the Act. Provides that within 12 months of the first personalized firearm being included on the roster established under the Act, each licensed firearms retail dealer shall: (1) only make available for purchase personalized firearms approved by the Commission and listed on the roster as eligible for sale; (2) post in one or more locations in the dealer's place or places of business in a conspicuous manner that makes them easily visible and accessible to customers: (A) copies of the personalized firearm roster; and (B) a sign that includes a clear and conspicuous statement disclosing the features of personalized firearms that are not offered by traditional firearms and advising customers that those firearms may be purchased through the licensed retail dealer; and (3) accept and process orders to enable customers to purchase through the licensed retail dealer any of the personalized firearms included in the roster.

LRB101 19842 RLC 69362 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 1. Short title. This Act may be cited as the
5 Personalized Firearms Act.

6 Section 5. Definitions. In this Act:

7 "Authorized user" means the lawful owner of a personalized
8 firearm or person to whom the owner has given consent to use
9 the personalized firearm.

10 "Personalized firearm" means a firearm that incorporates
11 within its design a permanent programmable feature as part of
12 its manufacture that cannot be deactivated and renders the
13 personalized firearm reasonably resistant to being fired
14 except when activated by the lawful owner or other user
15 authorized by the lawful owner. No make or model of a firearm
16 shall be deemed to be a personalized firearm unless the
17 Personalized Firearm Authorization Commission has determined
18 the personalized firearm meets the standards established in
19 Section 20.

20 Section 10. Personalized Firearm Authorization Commission.

21 (a) There is established within the Illinois State Police,
22 a Commission which shall be known as the Personalized Firearm

1 Authorization Commission. The Commission shall be responsible
2 for establishing performance standards for personalized
3 firearms and maintaining a roster of personalized firearms
4 authorized for sale to the public under this Act. The
5 Personalized Firearm Authorization Commission shall maintain a
6 roster of all personalized firearms for retail sales to the
7 public by the Commission as meeting the personalized firearm
8 performance standards and qualifying criteria established
9 under this Section. The roster of approved personalized
10 firearms shall be published on a website maintained by the
11 Illinois State Police and shall be updated as necessary. A copy
12 of the roster shall be made available every 6 months to
13 registered and licensed firearms dealers in this State.

14 (b) The Commission shall consist of 7 members as follows:

15 (1) Three ex officio members:

16 (A) the Attorney General, or the Attorney
17 General's designee;

18 (B) the Director of the Illinois State Police, or
19 the Director's designee; and

20 (C) the Secretary of Human Services, or the
21 Secretary's designee.

22 (2) The following public members appointed by the
23 Governor:

24 (A) one member of the American Academy of
25 Pediatrics;

26 (B) one member who shall be a resident of this

1 State who is a licensed firearms wholesaler,
2 manufacturer, or retail dealer;

3 (C) one member who shall be a representative of an
4 organization that advocates against firearm violence;
5 and

6 (D) one member with substantial experience in
7 radio frequency identification or biometric reading
8 technology.

9 (c) All appointments to the Commission shall be made within
10 6 months after the effective date of this Act. The chair of the
11 Commission shall be selected from among its members by the
12 Governor. Members of the Commission shall serve a term of 4
13 years from the date of their appointment and until their
14 successors are appointed. Vacancies in the membership of the
15 Commission shall be filled in the same manner as the original
16 appointments were made.

17 (d) Members of the Commission shall serve without
18 compensation, but shall be reimbursed for necessary expenses
19 incurred in the performance of their duties as members of the
20 Commission, and within the limits of funds appropriated or
21 otherwise made available to the Commission for its purpose.

22 (e) The Commission shall be entitled to call to its
23 assistance and avail itself of the services of any employees of
24 any State department, board, bureau, Commission, or agency or
25 unit of local government as it may require and as may be
26 available to it for its purposes.

1 (f) During the first year following the establishment of
2 the Commission, it shall meet once every 6 months or at the
3 call of the chair of the Commission or the majority of its
4 members.

5 Section 15. Roster of all personalized firearms.

6 (a) The Personalized Firearm Authorization Commission
7 shall maintain a roster of all personalized firearms for retail
8 sales to the public by the Commission as meeting the
9 personalized firearm performance standards and qualifying
10 criteria established under this Section. The roster of approved
11 personalized firearms shall be published on a website
12 maintained by the Illinois State Police and shall be updated as
13 necessary. A copy of the roster shall be made available every 6
14 months to registered and licensed firearms dealers in this
15 State.

16 (b) Within one year of organizing, the Commission shall
17 develop personalized firearm performance standards and
18 qualifying criteria that a personalized firearm shall meet in
19 order to be placed on the personalized firearm roster. The
20 personalized firearm performance standards and qualifying
21 criteria shall include, but are not limited to, the following:

22 (1) the firearm shall be reasonably resistant to being
23 fired by anyone other than the firearm's authorized user;

24 (2) the personalized technology shall be incorporated
25 into the design of the personalized firearm and shall be a

1 permanent, irremovable part of the firearm and any device
2 or object necessary for the authorized user to fire the
3 firearm;

4 (3) the personalized firearm shall not be manufactured
5 so as to permit the personalized characteristics of the
6 firearm to be readily deactivated; and

7 (4) the personalized firearm shall meet any other
8 reliability standards generally used in the industry for
9 other commercially available firearms.

10 (c) The Commission shall recommend to the Attorney General
11 any rule, guideline, or revision thereto, or legislation which
12 it deems necessary to establish a process by which firearm
13 manufacturers may request that their firearms be added to the
14 roster established under this Section.

15 Section 20. Approved personalized firearm roster.

16 (a) A manufacturer or other entity seeking to include a
17 firearm on the approved personalized firearm roster
18 established under this Act, may apply to the Commission for a
19 determination of whether the make and model of a firearm
20 proposed by the applicant would meet the personalized firearm
21 performance standards established under this Act. The
22 Commission's determination shall be based upon testing
23 conducted by an independent laboratory proposed by the
24 applicant which has been accredited for the testing of firearms
25 by the National Voluntary Laboratory Accreditation Program or

1 other national certifying body approved by the Commission or,
2 if the applicant does not propose an independent laboratory or
3 if one is not approved or available, by the Illinois State
4 Police.

5 (b) The Commission shall approve an independent laboratory
6 proposed by an applicant to perform the determination under
7 subsection (a) if the Commission is clearly convinced that the
8 laboratory is capable of performing the determination and will
9 be sufficiently objective making the determination; provided
10 that the laboratory shall not be owned or operated by a firearm
11 manufacturer or any other organization that seeks to promote or
12 restrict firearm ownership.

13 (c) The application for approval of an independent
14 laboratory to perform the determination under subsection (a)
15 shall be in a form prescribed by the Attorney General, in
16 consultation with the Commission, and shall provide
17 information regarding the laboratory's capabilities and
18 objectivity.

19 If the Commission approves the application, the laboratory
20 shall utilize testing methods formulated by the Commission to
21 determine whether a firearm meets the personalized firearm
22 performance standards and qualifying criteria established
23 under this Act.

24 (d) The independent laboratory or Division of the Illinois
25 State Police, as the case may be, shall issue a final test
26 report to the Commission at the conclusion of the test. The

1 report shall state whether the firearm meets the performance
2 standards and qualifying criteria established by the
3 Commission.

4 (e) The Commission shall review the final test report and
5 based on the report's findings shall issue, within 45 days of
6 receiving the report, a final decision by majority vote as to
7 whether the firearm should be included on the roster.

8 (f) Upon making a final determination under subsection (d),
9 the Commission shall notify, in writing, the applicant as to
10 whether the firearm has been approved or denied for inclusion
11 on the roster. A notification informing the applicant that a
12 firearm has been denied shall be provided along with a written
13 description of the reasons for which a firearm failed to meet
14 the performance standards and qualifying criteria established
15 by the Commission as documented in the independent laboratory's
16 report. Any alteration to the design of a make and model of
17 firearm that has been approved for addition on the roster shall
18 require a determination that the firearm continues to meet the
19 performance standards and qualifying criteria established by
20 the Commission in accordance with the requirements of this
21 Section in order to include the altered design model of the
22 firearm on the roster.

23 Section 25. Retail sale of firearms.

24 (a) Within 12 months of the first personalized firearm
25 being included on the roster established under this Act, each

1 licensed firearms retail dealer shall:

2 (1) only make available for purchase personalized
3 firearms approved by the Commission and listed on the
4 roster as eligible for sale;

5 (2) post in one or more locations in the dealer's place
6 or places of business in a conspicuous manner that makes
7 them easily visible and accessible to customers:

8 (A) copies of the personalized firearm roster; and

9 (B) a sign that includes a clear and conspicuous
10 statement disclosing the features of personalized
11 firearms that are not offered by traditional firearms
12 and advising customers that those firearms may be
13 purchased through the licensed retail dealer; and

14 (3) accept and process orders to enable customers to
15 purchase through the licensed retail dealer any of the
16 personalized firearms included in the roster.

17 (b) A personalized firearm offered for sale by a licensed
18 retail dealer under paragraph (1) of subsection (a) shall be
19 displayed in conspicuous manner that makes it easily
20 distinguishable from other traditional firearms.

21 (c) A licensed retail dealer shall post a sign in
22 accordance paragraph (2) of subsection (a) in close proximity
23 to each personalized firearm.

24 If a licensed retail dealer's inventory of personalized
25 firearms is depleted and there are no personalized firearms
26 available for purchase on the premises, the licensed retail

1 dealer shall:

2 (1) place an order for at least one personalized
3 firearm within 21 days of the sale of the last personalized
4 firearm;

5 (2) maintain written records of the retail dealer's
6 efforts to place an order and maintain those records on the
7 premises and allow them to be open for inspection at all
8 times; and

9 (3) post a sign on the premises indicating that
10 personalized firearms are routinely sold on the retail
11 dealer's premises and will soon be available for purchase.

12 (d) A licensed firearms retail dealer shall not make any
13 claim that a firearm has been approved by the Commission as
14 meeting the performance standards or qualifying criteria for
15 personalized firearms if that firearm is not included on the
16 roster established under this Act.

17 (e) The Director of the Illinois State Police shall
18 designate officers to inspect the personalized firearm
19 inventory and records of all licensed firearms retailers. The
20 inspections shall be conducted at least once every 2 years at
21 any time during normal business hours of the firearm retailer's
22 business.

23 Section 30. Exemption certificate. Upon application by a
24 licensed firearms retail dealer demonstrating that offering a
25 personalized firearm for sale, the Illinois State Police may

1 issue a certificate exempting the licensed retail dealer from
2 the requirement to offer a personalized firearm for sale
3 established under this Act. In determining whether an exemption
4 shall be granted, the Director of the Illinois State Police may
5 consider factors including, but not limited to, the retail
6 dealer's inventory size and annual sales revenue or income
7 generated from customer purchases.

8 Section 35. Penalties. A licensed retail dealer who
9 violates this Act shall be guilty of a petty offense and shall
10 be subject to the following penalties:

- 11 (1) for a first offense, a fine not to exceed \$500;
12 (2) for a second offense, a fine not to exceed \$1,000; and
13 (3) for a third or subsequent offense, a fine not to exceed
14 \$2,000 and a 6 month license suspension following notice to the
15 licensed retail dealer and an opportunity to be heard.

16 Each firearm sold in violation of this Act shall be deemed
17 a distinct and separate offense.