



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB0781

Introduced 2/10/2021, by Rep. Patrick Windhorst

#### 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, or other assessment other than a retailers' occupation tax rate for goods on a firearm, firearm attachment, or firearm ammunition. Provides that the provisions of any ordinance or resolution, in effect or adopted, on or after the effective date of the amendatory Act by any unit of local government, including a home rule unit, that imposes a tax, fee, or other assessment other than a retailers' occupation tax rate for goods on a firearm, firearm attachment, or firearm ammunition are invalid and void. Effective immediately.

LRB102 04204 RLC 14221 b

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

1 by either make or model or by a test or list of cosmetic  
2 features that cumulatively would place the firearm into a  
3 definition of "assault weapon" under the ordinance.

4 (c-5) A unit of local government, including a home rule  
5 unit, may not impose a tax, fee, or other assessment other than  
6 a retailers' occupation tax rate for goods on a firearm,  
7 firearm attachment, or firearm ammunition. The provisions of  
8 any ordinance or resolution, in effect or adopted, on or after  
9 the effective date of this amendatory Act of the 102nd General  
10 Assembly by any unit of local government, including a home  
11 rule unit, that imposes a tax, fee, or other assessment other  
12 than a retailers' occupation tax rate for goods on a firearm,  
13 firearm attachment, or firearm ammunition are invalid and  
14 void.

15 (d) For the purposes of this Section, "handgun" has the  
16 meaning ascribed to it in Section 5 of the Firearm Concealed  
17 Carry Act.

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

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

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.