

# HB5380



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5380

Introduced 1/31/2022, by Rep. La Shawn K. Ford

#### SYNOPSIS AS INTRODUCED:

430 ILCS 65/3  
430 ILCS 65/3.1

from Ch. 38, par. 83-3  
from Ch. 38, par. 83-3.1

Amends the Firearm Owners Identification Card Act. Provides that the sale or transfer of firearm ammunition is subject to the Firearm Transfer Inquiry Program requiring a criminal background check by the Illinois State Police of the person before the person may acquire firearm ammunition.

LRB102 25515 RLC 34804 b

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 Sections 3 and 3.1 as follows:

6 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

7 (Text of Section before amendment by P.A. 102-237)

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

21 (a-5) Any person who is not a federally licensed firearm  
22 dealer and who desires to transfer or sell a firearm while that  
23 person is on the grounds of a gun show must, before selling or

1 transferring the firearm, request the Illinois State Police to  
2 conduct a background check on the prospective recipient of the  
3 firearm in accordance with Section 3.1.

4 (a-10) Notwithstanding item (2) of subsection (a) of this  
5 Section, any person who is not a federally licensed firearm  
6 dealer and who desires to transfer or sell any a firearm or  
7 sell firearm ammunition ~~or firearms~~ to any person who is not a  
8 federally licensed firearm dealer shall, before selling or  
9 transferring the firearms or selling firearm ammunition,  
10 contact the Illinois State Police with the transferee's or  
11 purchaser's Firearm Owner's Identification Card number to  
12 determine the validity of the transferee's or purchaser's  
13 Firearm Owner's Identification Card. This subsection shall not  
14 be effective until January 1, 2014. The Illinois State Police  
15 may adopt rules concerning the implementation of this  
16 subsection. The Illinois State Police shall provide the seller  
17 or transferor an approval number if the purchaser's Firearm  
18 Owner's Identification Card is valid. Approvals issued by the  
19 Illinois State Police Department ~~Department~~ for the purchase of a firearm  
20 or firearm ammunition pursuant to this subsection are valid  
21 for 30 days from the date of issue.

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

24 (1) transfers that occur at the place of business of a  
25 federally licensed firearm dealer, if the federally  
26 licensed firearm dealer conducts a background check on the

1 prospective recipient of the firearm or firearm ammunition  
2 in accordance with Section 3.1 of this Act and follows all  
3 other applicable federal, State, and local laws as if he  
4 or she were the seller or transferor of the firearm or  
5 firearm ammunition, although the dealer is not required to  
6 accept the firearm or firearm ammunition into his or her  
7 inventory. The purchaser or transferee may be required by  
8 the federally licensed firearm dealer to pay a fee not to  
9 exceed \$10 per firearm or \$10 per firearm ammunition sales  
10 transaction, which the dealer may retain as compensation  
11 for performing the functions required under this  
12 paragraph, plus the applicable fees authorized by Section  
13 3.1;

14 (2) transfers as a bona fide gift to the transferor's  
15 husband, wife, son, daughter, stepson, stepdaughter,  
16 father, mother, stepfather, stepmother, brother, sister,  
17 nephew, niece, uncle, aunt, grandfather, grandmother,  
18 grandson, granddaughter, father-in-law, mother-in-law,  
19 son-in-law, or daughter-in-law;

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

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

24 (5) the delivery of a firearm by its owner to a  
25 gunsmith for service or repair, the return of the firearm  
26 to its owner by the gunsmith, or the delivery of a firearm

1 by a gunsmith to a federally licensed firearms dealer for  
2 service or repair and the return of the firearm to the  
3 gunsmith;

4 (6) temporary transfers that occur while in the home  
5 of the unlicensed transferee, if the unlicensed transferee  
6 is not otherwise prohibited from possessing firearms and  
7 the unlicensed transferee reasonably believes that  
8 possession of the firearm is necessary to prevent imminent  
9 death or great bodily harm to the unlicensed transferee;

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

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

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

19 (a-20) The Illinois State Police shall develop an  
20 Internet-based system for individuals to determine the  
21 validity of a Firearm Owner's Identification Card prior to the  
22 sale or transfer of a firearm or firearm ammunition. The  
23 Illinois State Police Department shall have the Internet-based  
24 system completed and available for use by July 1, 2015. The  
25 Illinois State Police Department shall adopt rules not  
26 inconsistent with this Section to implement this system.

1 (b) Any person within this State who transfers or causes  
2 to be transferred any firearm, stun gun, or taser shall keep a  
3 record of such transfer for a period of 10 years from the date  
4 of transfer. Such record shall contain the date of the  
5 transfer; the description, serial number or other information  
6 identifying the firearm, stun gun, or taser if no serial  
7 number is available; quantity and type of firearm ammunition  
8 transferred; and, if the transfer was completed within this  
9 State, the transferee's Firearm Owner's Identification Card  
10 number and any approval number or documentation provided by  
11 the Illinois State Police pursuant to subsection (a-10) of  
12 this Section; if the transfer was not completed within this  
13 State, the record shall contain the name and address of the  
14 transferee. On or after January 1, 2006, the record shall  
15 contain the date of application for transfer of the firearm or  
16 firearm ammunition. On demand of a peace officer such  
17 transferor shall produce for inspection such record of  
18 transfer. If the transfer or sale took place at a gun show, the  
19 record shall include the unique identification number. Failure  
20 to record the unique identification number or approval number  
21 is a petty offense. For transfers of a firearm, stun gun, or  
22 taser made on or after January 18, 2019 (the effective date of  
23 Public Act 100-1178) ~~this amendatory Act of the 100th General~~  
24 ~~Assembly~~, failure by the private seller to maintain the  
25 transfer records in accordance with this Section is a Class A  
26 misdemeanor for the first offense and a Class 4 felony for a

1 second or subsequent offense. For transfers of firearm  
2 ammunition made on or after the effective date of this  
3 amendatory Act of the 102nd General Assembly, failure by the  
4 private seller to maintain the transfer records in accordance  
5 with this Section is a Class A misdemeanor for the first  
6 offense and a Class 4 felony for a second or subsequent  
7 offense. A transferee shall not be criminally liable under  
8 this Section provided that he or she provides the Illinois  
9 State Police with the transfer records in accordance with  
10 procedures established by the Illinois State Police  
11 ~~Department~~. The Illinois State Police ~~Department~~ shall  
12 establish, by rule, a standard form on its website.

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

26 (c) The provisions of this Section regarding the transfer

1 of firearm ammunition shall not apply to those persons  
2 specified in paragraph (b) of Section 2 of this Act while  
3 engaging in activities listed in that subsection.

4 (Source: P.A. 102-538, eff. 8-20-21; revised 10-13-21.)

5 (Text of Section after amendment by P.A. 102-237)

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

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

25 (a-10) Notwithstanding item (2) of subsection (a) of this



1 Section, any person who is not a federally licensed firearm  
2 dealer and who desires to transfer or sell any ~~a~~ firearm or  
3 sell firearm ammunition ~~firearms~~ to any person who is not a  
4 federally licensed firearm dealer shall, before selling or  
5 transferring the firearms or selling firearm ammunition,  
6 contact a federal firearm license dealer under paragraph (1)  
7 of subsection (a-15) of this Section to conduct the transfer  
8 or the Illinois State Police with the transferee's or  
9 purchaser's Firearm Owner's Identification Card number to  
10 determine the validity of the transferee's or purchaser's  
11 Firearm Owner's Identification Card under State and federal  
12 law, including the National Instant Criminal Background Check  
13 System. This subsection shall not be effective until January  
14 1, 2024. Until that date the transferor shall contact the  
15 Illinois State Police with the transferee's or purchaser's  
16 Firearm Owner's Identification Card number to determine the  
17 validity of the card. The Illinois State Police may adopt  
18 rules concerning the implementation of this subsection. The  
19 Illinois State Police shall provide the seller or transferor  
20 an approval number if the purchaser's Firearm Owner's  
21 Identification Card is valid. Approvals issued by the Illinois  
22 State Police Department ~~Department~~ for the purchase of a firearm or  
23 firearm ammunition pursuant to this subsection are valid for  
24 30 days from the date of issue.

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

1           (1) transfers that occur at the place of business of a  
2           federally licensed firearm dealer, if the federally  
3           licensed firearm dealer conducts a background check on the  
4           prospective recipient of the firearm or firearm ammunition  
5           in accordance with Section 3.1 of this Act and follows all  
6           other applicable federal, State, and local laws as if he  
7           or she were the seller or transferor of the firearm or  
8           firearm ammunition, although the dealer is not required to  
9           accept the firearm or firearm ammunition into his or her  
10          inventory. The purchaser or transferee may be required by  
11          the federally licensed firearm dealer to pay a fee not to  
12          exceed \$25 per firearm or \$25 per firearm ammunition sales  
13          transaction, which the dealer may retain as compensation  
14          for performing the functions required under this  
15          paragraph, plus the applicable fees authorized by Section  
16          3.1;

17          (2) transfers as a bona fide gift to the transferor's  
18          husband, wife, son, daughter, stepson, stepdaughter,  
19          father, mother, stepfather, stepmother, brother, sister,  
20          nephew, niece, uncle, aunt, grandfather, grandmother,  
21          grandson, granddaughter, father-in-law, mother-in-law,  
22          son-in-law, or daughter-in-law;

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

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

1           (5) the delivery of a firearm by its owner to a  
2           gunsmith for service or repair, the return of the firearm  
3           to its owner by the gunsmith, or the delivery of a firearm  
4           by a gunsmith to a federally licensed firearms dealer for  
5           service or repair and the return of the firearm to the  
6           gunsmith;

7           (6) temporary transfers that occur while in the home  
8           of the unlicensed transferee, if the unlicensed transferee  
9           is not otherwise prohibited from possessing firearms and  
10          the unlicensed transferee reasonably believes that  
11          possession of the firearm is necessary to prevent imminent  
12          death or great bodily harm to the unlicensed transferee;

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

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

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

22          (a-20) The Illinois State Police shall develop an  
23          Internet-based system for individuals to determine the  
24          validity of a Firearm Owner's Identification Card prior to the  
25          sale or transfer of a firearm or firearm ammunition. The  
26          Illinois State Police ~~Department~~ shall have the Internet-based

1 system updated and available for use by January 1, 2024. The  
2 Illinois State Police shall adopt rules not inconsistent with  
3 this Section to implement this system; but no rule shall allow  
4 the Illinois State Police to retain records in contravention  
5 of State and federal law.

6 (a-25) On or before January 1, 2022, the Illinois State  
7 Police shall develop an Internet-based system upon which the  
8 serial numbers of firearms that have been reported stolen are  
9 available for public access for individuals to ensure any  
10 firearms are not reported stolen prior to the sale or transfer  
11 of a firearm under this Section. The Illinois State Police  
12 shall have the Internet-based system completed and available  
13 for use by July 1, 2022. The Illinois State Police ~~Department~~  
14 shall adopt rules not inconsistent with this Section to  
15 implement this system.

16 (b) Any person within this State who transfers or causes  
17 to 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. Any person within this State who receives any  
20 firearm, stun gun, or taser pursuant to subsection (a-10)  
21 shall provide a record of the transfer within 10 days of the  
22 transfer to a federally licensed firearm dealer and shall not  
23 be required to maintain a transfer record. The federally  
24 licensed firearm dealer shall maintain the transfer record for  
25 20 years from the date of receipt. A federally licensed  
26 firearm dealer may charge a fee not to exceed \$25 to retain the

1 record. The record shall be provided and maintained in either  
2 an electronic or paper format. The federally licensed firearm  
3 dealer shall not be liable for the accuracy of any information  
4 in the transfer record submitted pursuant to this Section.  
5 Such records shall contain the date of the transfer; the  
6 description, serial number or other information identifying  
7 the firearm, stun gun, or taser if no serial number is  
8 available; quantity and type of firearm ammunition  
9 transferred; and, if the transfer was completed within this  
10 State, the transferee's Firearm Owner's Identification Card  
11 number and any approval number or documentation provided by  
12 the Illinois State Police pursuant to subsection (a-10) of  
13 this Section; if the transfer was not completed within this  
14 State, the record shall contain the name and address of the  
15 transferee. On or after January 1, 2006, the record shall  
16 contain the date of application for transfer of the firearm or  
17 firearm ammunition. On demand of a peace officer such  
18 transferor shall produce for inspection such record of  
19 transfer. For any transfer pursuant to subsection (a-10) of  
20 this Section, on the demand of a peace officer, such  
21 transferee shall identify the federally licensed firearm  
22 dealer maintaining the transfer record. If the transfer or  
23 sale took place at a gun show, the record shall include the  
24 unique identification number. Failure to record the unique  
25 identification number or approval number is a petty offense.  
26 For transfers of a firearm, stun gun, or taser made on or after

1 January 18, 2019 (the effective date of Public Act 100-1178)  
2 ~~this amendatory Act of the 100th General Assembly~~, failure by  
3 the private seller to maintain the transfer records in  
4 accordance with this Section, or failure by a transferee  
5 pursuant to subsection a-10 of this Section to identify the  
6 federally licensed firearm dealer maintaining the transfer  
7 record, is a Class A misdemeanor for the first offense and a  
8 Class 4 felony for a second or subsequent offense occurring  
9 within 10 years of the first offense and the second offense was  
10 committed after conviction of the first offense. For transfers  
11 of firearm ammunition made on or after the effective date of  
12 this amendatory Act of the 102nd General Assembly, failure by  
13 the private seller to maintain the transfer records in  
14 accordance with this Section is a Class A misdemeanor for the  
15 first offense and a Class 4 felony for a second or subsequent  
16 offense occurring within 10 years of the first offense and the  
17 second offense was committed after conviction of the first  
18 offense. Whenever any person who has not previously been  
19 convicted of any violation of subsection (a-5), the court may  
20 grant supervision pursuant to and consistent with the  
21 limitations of Section 5-6-1 of the Unified Code of  
22 Corrections. A transferee or transferor shall not be  
23 criminally liable under this Section provided that he or she  
24 provides the Illinois State Police with the transfer records  
25 in accordance with procedures established by the Illinois  
26 State Police Department. The Illinois State Police Department

1 shall establish, by rule, a standard form on its website.

2 (b-5) Any resident may purchase ammunition from a person  
3 within or outside of Illinois if shipment is by United States  
4 mail or by a private express carrier authorized by federal law  
5 to ship ammunition. Any resident purchasing ammunition within  
6 or outside the State of Illinois must provide the seller with a  
7 copy of his or her valid Firearm Owner's Identification Card  
8 or valid concealed carry license and either his or her  
9 Illinois driver's license or Illinois State Identification  
10 Card prior to the shipment of the ammunition. Prior to the  
11 shipment of the ammunition, Illinois sellers shall contact the  
12 Illinois State Police consistent with the requirements set  
13 forth in this Section. The ammunition may be shipped only to an  
14 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 while  
18 engaging in activities listed in that subsection.

19 (Source: P.A. 102-237, eff. 1-1-24; 102-538, eff. 8-20-21;  
20 revised 10-13-21.)

21 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

22 Sec. 3.1. Firearm Transfer Inquiry Program.

23 (a) The Illinois State Police shall provide a dial up  
24 telephone system or utilize other existing technology which  
25 shall be used by any federally licensed firearm dealer, gun

1 show promoter, or gun show vendor who is to transfer a firearm,  
2 firearm ammunition, stun gun, or taser under the provisions of  
3 this Act. The Illinois State Police may utilize existing  
4 technology which allows the caller to be charged a fee not to  
5 exceed \$2. Fees collected by the Illinois State Police shall  
6 be deposited in the State Police Firearm Services Fund and  
7 used to provide the service.

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



1 (b-5) By January 1, 2023, the Illinois State Police shall  
2 by rule provide a process for the automatic renewal of the  
3 Firearm Owner's Identification Card of a person at the time of  
4 an inquiry in subsection (b). Persons eligible for this  
5 process must have a set of fingerprints on file with their  
6 applications ~~application~~ under either subsection (a-25) of  
7 Section 4 or the Firearm Concealed Carry Act.

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

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

13 (2) provide the licensee, gun show promoter, or gun  
14 show vendor with the number.

15 (d) Approvals issued by the Illinois State Police for the  
16 purchase of a firearm or firearm ammunition are valid for 30  
17 days from the date of issue.

18 (e) (1) The Illinois State Police must act as the Illinois  
19 Point of Contact for the National Instant Criminal Background  
20 Check System.

21 (2) The Illinois State Police and the Department of Human  
22 Services shall, in accordance with State and federal law  
23 regarding confidentiality, enter into a memorandum of  
24 understanding with the Federal Bureau of Investigation for the  
25 purpose of implementing the National Instant Criminal  
26 Background Check System in the State. The Illinois State

1 Police shall report the name, date of birth, and physical  
2 description of any person prohibited from possessing a firearm  
3 pursuant to the Firearm Owners Identification Card Act or 18  
4 U.S.C. 922(g) and (n) to the National Instant Criminal  
5 Background Check System Index, Denied Persons Files.

6 (3) The Illinois State Police shall provide notice of the  
7 disqualification of a person under subsection (b) of this  
8 Section or the revocation of a person's Firearm Owner's  
9 Identification Card under Section 8 or Section 8.2 of this  
10 Act, and the reason for the disqualification or revocation, to  
11 all law enforcement agencies with jurisdiction to assist with  
12 the seizure of the person's Firearm Owner's Identification  
13 Card.

14 (f) The Illinois State Police shall adopt rules not  
15 inconsistent with this Section to implement this system.

16 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;  
17 revised 10-13-21.)

18 Section 95. No acceleration or delay. Where this Act makes  
19 changes in a statute that is represented in this Act by text  
20 that is not yet or no longer in effect (for example, a Section  
21 represented by multiple versions), the use of that text does  
22 not accelerate or delay the taking effect of (i) the changes  
23 made by this Act or (ii) provisions derived from any other  
24 Public Act.